SA 1805. Mr. LEVIN (for Mr. DURBIN) proposed an amendment to the bill S. 1438, supra.

SA 1806. Mr. WARNER (for Mr. BOND (for himself and Mr. BYRD)) proposed an amendment to the bill S. 1438, supra.

SA 1807. Mr. LEVIN (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1438, supra.

SA 1808. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1438, supra.

SA 1809. Mr. LEVIN (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill S. 1438, supra.

SA 1810. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, supra.

SA 1811. Mr. LEVIN (for Mr. CLELAND (for himself and Mr. MILLER)) proposed an amendment to the bill S. 1438, supra.

SA 1812. Mr. WARNER proposed an amendment to the bill S. 1438, supra.

SA 1813. Mr. LEVIN (for Mr. CONRAD (for himself, Mr. DORGAN, Mr. ENZI, Mr. BAUCUS, Mr. BURNS, and Mr. THOMAS)) proposed an amendment to the bill S. 1438, supra.

SA 1814. Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1438, supra.

SA 1815. Mr. LEVIN (for Mr. JOHNSON) proposed an amendment to the bill S. 1438, supra.

SA 1816. Mr. WARNER proposed an amendment to the bill S. 1438, supra.

SA 1817. Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill S. 1438, supra.

SA 1818. Mr. WARNER proposed an amendment to the bill S. 1438, supra.

SA 1819. Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill S. 1438, supra.

SA 1820. Mr. WARNER (for Ms. COLLINS) proposed an amendment to the bill S. 1438, supra.

TEXT OF AMENDMENTS

SA 1726. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

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

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

SA 1727. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, between lines 12 and 13, insert the following:

SEC. 652. REPEAL OF REDUCTION IN SBP ANNUITIES AT AGE 62.

(a) COMPUTATION OF ANNUITY FOR A SPOUSE, FORMER SPOUSE, OR CHILD.—Subsection (a) of section 1451 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''shall be determined as follows:'' and all that follows and inserting the following: ''shall be the amount equal to 55 percent of the base amount.''; and

(2) in paragraph (2), by striking ''shall be determined as follows:'' and all that follows and inserting the following: ''shall be the amount equal to a percentage of the base amount that is less than 55 percent and is determined under subsection (f).''.

(b) ANNUITIES FOR SURVIVORS OF CERTAIN PERSONS DYING DURING A PERIOD OF SPECIAL ELIGIBILITY FOR SBP.—Subsection (c)(1) of such section is amended by striking ''shall be determined as follows:'' and all that follows and inserting the following: ''shall be the amount equal to 55 percent of the retired pay to which the member or former member would have been entitled if the member or former member had been entitled to that pay based upon his years of active service when he died.''.

(c) REPEAL OF REQUIREMENT FOR REDUCTION.—Such section is further amended by striking subsection (d).

(d) REPEAL OF UNNECESSARY SUPPLEMENTAL SBP.—(1) Subchapter III of chapter 73 of title 10, United States Code, is repealed.

(2) The table of contents at the beginning of such chapter is amended by striking the item relating to subchapter III.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month that begins after the date of the enactment of this Act, and shall apply with respect to months beginning on or after that date.

SA 1728. Mrs. HUTCHISON (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 306. CLARA BARTON CENTER FOR DOMESTIC PREPAREDNESS, ARKANSAS.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $1,799,999 shall be available for the Clara Barton Center for Domestic Preparedness.

SA 1729. Mrs. HUTCHISON (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed insert the following:

SEC. 306. CLARA BARTON CENTER FOR DOMESTIC PREPAREDNESS, ARKANSAS.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $1,800,000 shall be available for the Clara Barton center for Domestic Preparedness.

SA 1730. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

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

SECTION. TREATMENT OF AMOUNTS RECEIVED.

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

SA 1731. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1217. INCREASED MILITARY-TO-MILITARY CONTACTS.

(a) FINDINGS.—Congress makes the following findings:

(1) American foreign policy and the national military strategy of the United States require that members of the Armed Forces have extensive knowledge and expertise regarding a variety of areas of the world.

(2) Military operations are increasingly undertaken as operations of international coalitions.

(3) As an element of United States defense policy, and fundamental to the United States' ability to protect the national security, engagement between members of the United States Armed Forces and members of the armed forces of other nations is critical.

(4) To sustain such engagement, it is likewise critical that the United States cultivate and sustain in members of the Armed Forces the foreign geographic, cultural, social, and language skills that help to ensure the interoperability of the United States Armed Forces with the armed forces of American allies as well as to ensure more effective coalition operations.

(5) Through interactions with foreign military personnel, United States military personnel become familiar with the policies and capabilities of their counterparts and, likewise, enhance the familiarity of their counterparts with United States capabilities, policies, and principles so that the United States Armed Forces are better able to operate with coalition and other partner nations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) to enhance international security partnerships and the attainment of the security goals shared by the United States and its allies, the Secretary of Defense should increase the military-to-military contacts undertaken by the Armed Forces, including contacts through the foreign area officer program, language education programs, senior officer visits, counterpart visits, ship port visits, bilateral and multilateral consultations between and among military staffs, joint military exercises with foreign armed forces, personnel exchange programs, professional military education exchange programs, unit exchange programs, formal military contacts programs, and Partnership for Peace program activities; and

(2) Congress urges the Secretary to do so.

(c) REPORT.—Not later than March 1, 2002, the Secretary of Defense shall submit to Congress a report containing a discussion of the actions taken to improve and expand the military-to-military contacts programs of the Armed Forces.

SA 1732. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 46, strike line 21 and all that follows through page 47, line 2, and insert the following:

(c) SENSE OF SENATE ON COMPREHENSIVE NATIONAL ENERGY SECURITY.—It is the sense of the Senate that the Senate should take action on comprehensive legislation to revise the Energy Policy Act of 1992, to include energy production and energy conservation measures, not later than December 31, 2001.

SA 1733. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriation for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 363, after line 25, insert the following:

SEC. 1066. SENSE OF THE SENATE REGARDING THE INSPIRATIONAL HEROISM OF AIRLINE PASSENGERS ON SEPTEMBER 11, 2001.

It is the sense of the Senate that the heroic actions of the passengers aboard United Airlines Flight 93 on September 11, 2001, should serve as an inspiration for all Americans.

SA 1734. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 903 and insert the following:

SEC. 903. SENSE OF SENATE ON COMPREHENSIVE NATIONAL ENERGY SECURITY.

It is the sense of the Senate that the Senate should take action on comprehensive national energy security legislation not later than December 31, 2001.

SA 1735. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, between lines 12 and 13, insert the following:

(e) SENSE OF SENATE ON AVAILABILITY OF ENERGY-RELATED SUPPLIES FOR THE ARMED FORCES.—It is the sense of the Senate that the Senate should, before the adjournment of the first session of the 107th Congress, take action on comprehensive national energy security legislation, including energy production and energy conservation measures, to ensure that there is an adequate supply of energy for the Armed Forces.

SA 1736. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 300, after line 23, insert the following:

SEC. 908. UNDER SECRETARY OF DEFENSE FOR HOMELAND DEFENSE.

(a) ESTABLISHMENT OF POSITION.—Chapter 4 of title 10, United States Code, is amended—

(1) by redesignating section 137 as section 139a and by transferring such section (as so redesignated) within such chapter so as to appear after section 139; and

(2) by inserting after section 136 the following new section 137:

"§ 137. Under Secretary of Defense for Homeland Defense

''(a) There is an Under Secretary of Defense for Homeland Defense.

''(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Homeland Defense shall perform such duties and exercise such powers relating to homeland defense as the Secretary of Defense may prescribe. The duties and powers prescribed for the Under Secretary shall include the overall supervision of (including oversight of policy and resources) of defense of the territory of the United States.

''(c) The Under Secretary is the principal civilian adviser to the Secretary of Defense on matters relating to the defense of the territory of the United States.''.

(c) EXECUTIVE LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting after ''Under Secretary of Defense for Personnel and Readiness'' the following:

''Under Secretary of Defense for Homeland Defense.''

(d) CONFORMING AMENDMENTS.—Section 131(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (6) through (11) as paragraphs (7) through (12), respectively; and

(2) by inserting after paragraph (5) the following new paragraph (6):

''(6) Under Secretary of Defense for Homeland Defense.''.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(1) by striking the item relating to section 137 and inserting the following new item:

''137. Under Secretary of Defense for Homeland Defense.''; and

(2) by inserting after the item relating to section 139 the following new item:

''139a. Director of Defense Research and Engineering.''.

SA 1737. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 903 and insert the following:

SEC. 903. SENSE OF SENATE ON COMPREHENSIVE NATIONAL ENERGY SECURITY.

It is the sense of the Senate that the Senate should take action on comprehensive national energy security legislation, including energy production and energy conservation measures, not later than December 31, 2001.

SA 1738. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 42, strike line 21 and all that follows through page 47, line 2, and insert the following:

(c) SENSE OF SENATE ON COMPREHENSIVE NATIONAL ENERGY SECURITY.—It is the sense of the Senate that the Senate should take action on comprehensive legislation to revise the Energy Policy Act of 1992 not later than December 31, 2001.

SA 1739. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 363, after line 25, add the following:

SEC. 1066. WAIVER OF VEHICLE WEIGHT LIMITS DURING PERIODS OF NATIONAL EMERGENCY.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

''(h) WAIVER FOR A ROUTE IN STATE OF MAINE DURING PERIODS OF NATIONAL EMERGENCY.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary, in consultation with the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section with respect to the portion of Interstate Route 95 in the State of Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the Air National Guard Base at Bangor International Airport during a period of national emergency in order to respond to the effects of the national emergency.

''(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.''.

SA 1740. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1124. AMENDMENTS TO THE DEFENSE DEPARTMENT OVERSEAS TEACHERS PAY AND PERSONNEL PRACTICES ACT.

The Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901 et seq.) is amended—

(1) in section 4—

(A) by striking paragraph (2) of subsection (a) and inserting the following:

''(2) the fixing of basic compensation for teachers and teaching positions at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in the Washington, D.C. metropolitan area, which is defined as the—

''(A) District of Columbia public schools;

''(B) Arlington County, Virginia public schools;

''(C) Alexandria City, Virginia public schools;

''(D) Fairfax County, Virginia public schools;

''(E) Montgomery County, Maryland public schools; and

''(F) Prince George's County, Maryland public schools;''; and

(B) by adding at the end the following:

''(c) ACADEMIC PAY LANES.—In the administration of basic compensation for teachers and teaching positions, there shall be a minimum of 7 academic pay lanes.

''(d) PHASE-IN OF INCREASE IN TEACHER COMPENSATION.—The increase in the basic compensation for teachers and teaching positions provided in the amendments made by section 1124 of the National Defense Authorization Act for Fiscal Year 2002 for this section shall be phased in over a period of 4 years, with teachers and teaching positions receiving a cumulative increase of 25 percent of the total increase each year.''; and

(2) in section 5, by striking subsection (c) and inserting the following:

''(c) RATES OF BASIC COMPENSATION.—

''(1) IN GENERAL.—The Secretary of Defense shall fix the basic compensation for teachers and teaching positions in the Department of Defense at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in the Washington, D.C. metropolitan area, which is defined as the—

''(A) District of Columbia public schools;

''(B) Arlington County, Virginia public schools;

''(C) Alexandria City, Virginia public schools;

''(D) Fairfax County, Virginia public schools;

''(E) Montgomery County, Maryland public schools; and

''(F) Prince George's County, Maryland public schools.

''(2) ACADEMIC PAY LANES.—In the administration of basic compensation for teachers and teaching positions, there shall be a minimum of 7 academic pay lanes.

''(3) PHASE-IN OF INCREASE IN TEACHER COMPENSATION.—The increase in the basic compensation for teachers and teaching positions provided in the amendments made by section 1124 of the National Defense Authorization Act for Fiscal Year 2002 for this section shall be phased in over a period of 4 years, with teachers and teaching positions receiving a cumulative increase of 25 percent of the total increase each year.''.

SA 1741. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

SA 1742. Mrs. CARNAHAN submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

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

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

''(B) A member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operation if the active duty is active duty for a period of more than 30 days.

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

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

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

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

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

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

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

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

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

SA 1743. Mrs. CARNAHAN submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

(2) by redesignating paragraph (2) as paragraph (4);

(3) by inserting after paragraph (1) the following paragraphs:

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

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

''(B) A member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operation if—

''(i) the active duty is active duty for a period of more than 30 days; and

''(ii) the member is qualified under paragraph (3).

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

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

''(3) To qualify under paragraph (2)(B), a member—

''(i) shall be unemployed; or

''(ii) shall be employed and shall apply for coverage by a health plan sponsored by the employer as soon as the member is eligible to apply for the coverage.''; and

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

(b) PERIOD OF COVERAGE.—Paragraph (4) of such subsection, as redesignated by subsection (a)(2), is amended—

(1) in subparagraph (A), by striking ''60 days'' and inserting ''90 days''; and

(2) in subparagraph (B), by striking ''120 days'' and inserting ''180 days''.

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

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

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

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

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

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

SA 1744. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 718. RESTORATION OF PREVIOUS POLICY ON RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

(1) in subsection (a), by striking ''RESTRICTION ON USE OF FUNDS.—''; and

(2) by striking subsection (b).

SA 1745. Mr. KENNEDY (for himself, Ms. COLLINS, Mrs. CARNAHAN, Mrs. FEINSTEIN, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2905. ENHANCEMENT OF ENVIRONMENTAL REMEDIATION.

Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

''(9)(A) In the case of an installation whose date of approval of closure or realignment under this part is after December 31, 2001, the Secretary of Defense shall commence and undertake continuous remedial action of the hazardous substances on all portions of the installation requiring remedial action to be transferred to a non-Federal person or entity under this part as expeditiously as practicable, but not later than three years after the date on which the Secretary receives notice under subparagraph (H)(iv), (J)(ii), or (L)(iii) of paragraph (7) with respect to the use of property at the installation for the homeless.

''(B) If after the transfer of property pursuant to this part additional hazardous substances are discovered by any person on such property that are attributable to actions before the transfer of such property pursuant to this part, the Secretary shall commence and undertake continuous remedial action of the hazardous substances as expeditiously as practicable, but not later than three years after the date on which the Secretary receives notice of such hazardous substances.

''(C)(i) The Secretary may waive the deadline in subparagraph (A) or (B) in the case of a remedial action only if the Secretary determines that it is technically impracticable from an engineering perspective to commence the remedial action within the deadline.

''(ii) The Secretary shall commence any remedial action covered by clause (i) as soon as it is possible to commence such remedial action.

''(D) The Secretary shall complete any remedial action commenced under this paragraph as expeditiously as practicable after commencement.

''(E) This paragraph shall not be construed to alter or otherwise affect any environmental laws or the obligations of the Secretary under those laws with respect to an installation covered by this paragraph.''.

SA 1746. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 217, strike line 18 and all that follows through page 226, line 17, and insert the following:

Subtitle A—TRICARE Benefits Modernization

SEC. 701. REQUIREMENT FOR INTEGRATION OF BENEFITS.

(a) IN GENERAL.—The Secretary of Defense shall—

(1) terminate the Individual Case Management Program carried out under section 1079(a)(17) of title 10, United States Code (as in effect on September 30, 2001); and

(2) integrate the beneficiaries under that program, and the furnishing of care to those beneficiaries, into the TRICARE program as modified pursuant to the amendments made by this subtitle.

(b) REPEAL OF SEPARATE AUTHORITY.—Section 1079 of title 10, United States Code, is amended by striking paragraph (17).

(c) SAVINGS PROVISION.—Nothing in this subtitle or the amendments made by this subtitle shall be construed—

(1) to modify any eligibility requirement for any person receiving benefits under the Individual Case Management Program before October 1, 2001; or

(2) to terminate any benefits available under that program before that date.

(d) CONSULTATION REQUIREMENT.—The Secretary of Defense shall consult with the other administering Secretaries referred to in section 1072(3) of title 10, United States Code, in carrying out this section.

SEC. 702. DOMICILIARY AND CUSTODIAL CARE.

(a) AUTHORITY.—Section 1077 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by inserting before the period end the following: '', except as provided in subsection (e)''; and

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

''(e) The prohibition in subsection (b)(1) does not apply to domiciliary care or custodial care that is provided to a patient by a physician, nurse, paramedic, or other health care provider incident to other health care authorized under subsection (a), whether or not—

''(1) the potential for the patient's condition of illness, injury, or bodily malfunction to improve might be nonexistent or minimal; or

''(2) the care is provided for the purposes of maintaining function and preventing deterioration.''.

(b) DOMICILIARY AND CUSTODIAL CARE DEFINED.—Section 1072 of such title is amended by adding at the end the following new paragraphs:

''(8) The term 'domiciliary care' means treatment or services involving assistance with the performance of activities of daily living that is provided to a patient in a home-like setting because—

''(A) the treatment or services are not available, or are not suitable to be provided, to the patient in the patient's home; or

''(B) no member of the patient's family is willing to provide the treatment or services.

''(9) The term 'custodial care'—

''(A) means treatment or services that—

''(i) could be provided safely and reasonably by a person not trained as a physician, nurse, paramedic, or other health care provider; or

''(ii) are provided principally to assist the recipient of the treatment or services with the performance of activities of daily living; and

''(B) includes any treatment or service described in subparagraph (A) without regard to—

''(i) the source of any recommendation to provide the treatment or service; and

''(ii) the setting in which the treatment or service is provided.''.

SEC. 703. LONG TERM CARE.

(a) LIMITATION.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074i the following new section:

''§ 1074j. Long term care benefits program

''(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall provide long term health care benefits under the TRICARE program in an effective and efficient manner that integrates those benefits with the benefits provided on a less than a long term basis under the TRICARE program.

''(b) AUTHORIZED CARE.—The types of health care authorized to be provided under this section shall include the following:

''(1) The types of health care authorized to be acquired by contract under section 1079 of this title.

''(2) Extended care services.

''(3) Post-hospital extended care services.

''(4) Comprehensive intermittent home health services.

''(5) Subject to subsection (d), community based services, as follows:.

''(A) Nursing services provided by or under the supervision of a nurse.

''(B) Therapy services.

''(C) Medical equipment and supplies.

''(D) In the case of a patient with concurrent skilled care needs, the following:

''(i) Home health aide services.

''(ii) Performance of chores.

''(iii) Adult day care services.

''(iv) Respite care.

''(v) Any other medical or social service that contributes to the health and well-being of the patient and the ability of the patient to reside in a community based care setting instead of an institution.

''(c) DURATION OF POST-HOSPITAL EXTENDED CARE SERVICES.—The post-hospital extended care services provided in a skilled nursing facility to a patient during a spell of illness under subsection (b)(3) shall continue for as long as is medically necessary and appropriate. The limitation on the number of days of coverage under subsections (a)(2) and (b)(2)(A) of section 1812 of the Social Security Act (42 U.S.C. 1395d) shall not apply with respect to the care provided that patient.

''(d) COMMUNITY BASED SERVICES.—(1) To qualify for community based services under this section, a patient shall require a level of care that—

''(A) is available to the patient in a nursing facility or hospital; and

''(B) if such level of care were provided to the patient in such a nursing facility or hospital, would be paid for (in whole or in part) under this chapter at a cost to the United States that is equal to or greater than the cost that would be incurred by the United States to provide the community based services to the patient under this section.

''(2) Community based services may only be provided to a patient under this section in accordance with a plan of care established by the patient's physician.

''(e) REGULATIONS.—The Secretary of Defense shall, after consultation with the other administering Secretaries, prescribe regulations to carry out this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'extended care services' has the meaning given the term in subsection (h) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

''(2) The term 'post-hospital extended services' has the meaning given the term in subsection (i) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

''(3) The term 'home health services' has the meaning given the term in subsection (m) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

''(4) The term 'skilled nursing facility' has the meaning given the term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)).

''(5) The term 'spell of illness' has the meaning given the term in subsection (a) of section 1861 of the Social Security Act (42 U.S.C. 1395x).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074i the following new item:

''1074j. Long term care benefits program.''.

SEC. 704. EXTENDED BENEFITS FOR DISABLED BENEFICIARIES.

Section 1079 of title 10, United States Code, is amended by striking subsections (d), (e), and (f) and inserting the following:

''(d)(1) The health care benefits contracted for under this section shall include extended benefits for dependents referred to in the first sentence of subsection (a) who have any of the following qualifying conditions:

''(A) Moderate or severe mental retardation.

''(B) A serious physical disability.

''(C) Any extraordinary physical or psychological condition.

''(2) The extended benefits under paragraph (1) may include comprehensive health care and case management services, to the extent not otherwise provided under this chapter with respect to a qualifying condition, as follows:

''(A) Diagnosis.

''(B) Inpatient, outpatient, and comprehensive home health supplies and services.

''(C) Training and rehabilitation, including special education and assistive technology devices.

''(D) Institutional care in private nonprofit, public, and State institutions and facilities and, when appropriate, transportation to and from such institutions and facilities.

''(E) Any other services and supplies determined appropriate under regulations prescribed under paragraph (9).

''(3) The extended benefits under paragraph (1) may also include respite care for the primary caregiver of a dependent eligible for extended benefits under this subsection.

''(4) Home health supplies and services may be provided to a dependent under paragraph (2)(B) as other than part-time or intermittent services (as determined in accordance with the second sentence of section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) only if—

''(A) the provision of such supplies and services in the home of the dependent is medically appropriate; and

''(B) the cost of the provision of such supplies and services to the dependent is equal to or less than the cost of the provision of similar supplies and services to the dependent in a skilled nursing facility.

''(5) Subsection (a)(13) shall not apply to the provision of care and services determined appropriate to be provided as extended benefits under this subsection.

''(6) Subject to paragraph (7), a member of the uniformed services shall pay a share of the cost of any care and services provided as extended benefits to any of the dependents of the member under this subsection as follows:

''(A) In the case of a member in the lowest enlisted pay grade, the first $25 of the cumulative costs of all care furnished to one or more dependents of the member in a month.

''(B) In the case of a member in the highest commissioned pay grade, the first $250 of the cumulative costs of all care furnished to one or more dependents of the member in a month.

''(C) In the case of a member in any other pay grade, a fixed amount of the cumulative costs of all care furnished to one or more dependents of the member in a month, as prescribed for that pay grade in regulations prescribed under paragraph (9).

''(7)(A) In the case of extended benefits provided under subparagraph (C) or (D) of paragraph (2) to a dependent of a member of the uniformed services—

''(i) the Government's share of the total cost of providing such benefits in any month shall not exceed $2,500, except for costs that a member is exempt from paying under subparagraph (B); and

''(ii) the member shall pay (in addition to any amount payable under paragraph (6)) the amount, if any, by which the amount of such total cost for the month exceeds the Government's maximum share under clause (i).

''(B) A member of the uniformed services who incurs expenses under subparagraph (A) for a month for more than one dependent shall not be required to pay for the month under clause (ii) of that subparagraph an amount greater than the amount the member would otherwise be required to pay under that clause for the month if the member were incurring expenses under that subparagraph for only one dependent.

''(8) To qualify for extended benefits under subparagraph (C) or (D) of paragraph (2), a dependent of a member of the uniformed

services shall be required to use public facilities to the extent such facilities are available and adequate, as determined under joint regulations of the administering Secretaries.

''(9) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to carry out this subsection.''.

SEC. 705. CONFORMING REPEALS.

The following provisions of law are repealed:

(1) Section 703 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 682; 10 U.S.C. 1077 note).

(2) Section 8118 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1260).

(3) Section 8100 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 696).

SEC. 706. SERVICES OR SUPPLIES DETERMINED NECESSARY.

(a) DETERMINATIONS OF NECESSITY.—Subsection (a)(13) of section 1079 of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(13)'';

(2) by designating the second sentence as subparagraph (C), realigning that subparagraph flush to the left margin, and striking ''this paragraph'' in the text of such subparagraph (as so redesignated) and inserting ''subparagraph (A)''; and

(3) by inserting after subparagraph (A), as designated by subparagraph (A), the following new subparagraph:

''(B) For the purposes of subparagraph (A), the determination that a service or supply is medically or psychologically necessary to prevent, diagnose, or treat a mental or physical illness, injury, or bodily malfunction of a patient, or to prevent deterioration of a patient, when made by the physician treating the patient, shall be conclusive unless the physician's determination is clearly erroneous, as determined by a higher authority or under the CHAMPUS Peer Review Organization program.''.

(b) DETERMINATIONS NOT SUBJECT TO PEER REVIEW.—Subsection (o)(1) of such section is amended by inserting ''(subject to subsection (a)(13)(B))'' after ''determined''.

SEC. 707. PROSTHETICS, ORTHOTICS, AND HEARING AIDS.

Section 1077 of title 10 United States Code, as amended by section 702, is further amended—

(1) in subsection (a), by striking paragraph (15) and inserting the following:

''(15) A prosthetic or orthotic device, together with related items and services as provided in subsection (e).

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

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

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

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

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

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

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

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

''(E) Replacement of an orthotic device when appropriate to accommodate the patient's growth or change of condition.

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

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

SEC. 708. DURABLE MEDICAL EQUIPMENT.

(a) ITEMS AUTHORIZED.—Section 1077 of title 10, United States Code, as amended by section 707, is further amended—

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

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

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

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

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

''(C) Wheelchairs.

''(D) Iron lungs,

''(E) Hospital beds.

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

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

''(B) making the equipment serviceable; or

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

''(3) The eligibility of a patient to receive durable medical equipment and related services under this section or section 1079(a)(5) of this title may not be limited on the basis that a primary purpose of the use of the equipment by the patient is transportation, comfort, or convenience of the patient.''.

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

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

SEC. 709. REHABILITATIVE THERAPY.

Section 1077(a) of title 10, United States Code, as amended by section 707(1), is further amended by inserting after paragraph (16) the following new paragraph:

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

''(A) Physical or occupational therapy to maintain range of motion in a paralyzed extremity of the patient, without regard to whether a purpose for providing the therapy is to restore a specific loss of function or is related to the restoration of a specific loss of function.

''(B) Occupational therapy for an amputee or a patient with an orthopedic impairment, including gait analysis.

''(C) Respiratory or recreation therapy that is included as part of a treatment plan established for the patient by the physician.''.

SEC. 710. MENTAL HEALTH BENEFITS.

Section 1079(i) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(4)(A) To receive outpatient mental health services under a contract entered into under this section or section 1086 of this title for periods in excess of a limitation on the availability of outpatient mental health benefit for a year under the contract, a person may convert any unused period of inpatient mental health benefit available to the person for that year under the contract to one or more additional periods of availability of outpatient mental health benefit.

''(B) The total amount of inpatient mental health benefit remaining available to a person for a year under a contract referred to in subparagraph (A) shall be reduced to the extent of any conversion of the benefit for the person for the year under that subparagraph.

''(C) For the purposes of this paragraph, one day of inpatient mental health benefit converts to eight hours of outpatient mental health benefit.

''(5) Mental health services, including substance abuse services, available to a patient under a contract entered into under this section or section 1086 of this title shall be furnished to the patient in the least restrictive environment that is effective and appropriate for meeting the treatment and rehabilitative needs of the patient.''.

SEC. 710A. REPORT TO CONGRESS ON RELATIONSHIP AMONG FEDERAL LONG-TERM CARE INITIATIVES.

Not later than April 1, 2002, the Secretary of Defense shall submit to Congress a report on the relationship and compatibility of the long term care insurance program under chapter 90 of title 5, United States Code (as added by the Federal Long-Term Care Security Act), and other initiatives of the Federal Government to provide long term care benefits for which members of the uniformed services and their dependents are or would be eligible.

SEC. 710B. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on October 1, 2001.

SA 1747. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In section 702, strike the first line under the section heading and insert the following:

(a) AUTHORITY.—Section 1077 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by inserting before the period end the following: '', except as provided in subsection (e)''; and

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

''(e) The prohibition in subsection (b)(1) does not apply to domiciliary care or custodial care that is provided to a patient by a physician, nurse, paramedic, or other health care provider incident to other health care authorized under subsection (a), whether or not—

''(1) the potential for the patient's condition of illness, injury, or bodily malfunction

to improve might be nonexistent or minimal; or

''(2) the care is provided for the purposes of maintaining function and preventing deterioration.''.

(b) DOMICILIARY AND CUSTODIAL CARE DEFINED.—Section 1072 of such title is * * *

In section 703, after '' '(4) Comprehensive intermittent home health services.' '', insert the following:

''(5) Subject to subsection (d), community based services, as follows:.

''(A) Nursing services provided by or under the supervision of a nurse.

''(B) Therapy services.

''(C) Medical equipment and supplies.

''(D) In the case of a patient with concurrent skilled care needs, the following:

''(i) Home health aide services.

''(ii) Performance of chores.

''(iii) Adult day care services.

''(iv) Respite care.

''(v) Any other medical or social service that contributes to the health and well-being of the patient and the ability of the patient to reside in a community based care setting instead of an institution.

In section 703, strike '' '(d) REGULATIONS.— '' and all that follows through '' '(e) DEFINITIONS.—'' and insert the following:

''(d) COMMUNITY BASED SERVICES.—(1) To qualify for community based services under this section, a patient shall require a level of care that—

''(A) is available to the patient in a nursing facility or hospital; and

''(B) if such level of care were provided to the patient in such a nursing facility or hospital, would be paid for (in whole or in part) under this chapter at a cost to the United States that is equal to or greater than the cost that would be incurred by the United States to provide the community based services to the patient under this section.

''(2) Community based services may only be provided to a patient under this section in accordance with a plan of care established by the patient's physician.

''(e) REGULATIONS.—The Secretary of Defense shall, after consultation with the other administering Secretaries, prescribe regulations to carry out this section.

''(f) DEFINITIONS.—

In section 706, strike the section heading and insert the following:

SEC. 706. SERVICES OR SUPPLIES DETERMINED NECESSARY.

(a) DETERMINATIONS OF NECESSITY.—Subsection (a)(13) of section 1079 of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(13)'';

(2) by designating the second sentence as subparagraph (C), realigning that subparagraph flush to the left margin, and striking ''this paragraph'' in the text of such subparagraph (as so redesignated) and inserting ''subparagraph (A)''; and

(3) by inserting after subparagraph (A), as designated by subparagraph (A), the following new subparagraph:

''(B) For the purposes of subparagraph (A), the determination that a service or supply is medically or psychologically necessary to prevent, diagnose, or treat a mental or physical illness, injury, or bodily malfunction of a patient, or to prevent deterioration of a patient, when made by the physician treating the patient, shall be conclusive unless the physician's determination is clearly erroneous, as determined by a higher authority or under the CHAMPUS Peer Review Organization program.''.

(b) DETERMINATIONS NOT SUBJECT TO PEER REVIEW.—Subsection (o)(1) of such section is amended by inserting ''(subject to subsection (a)(13)(B))'' after ''determined''.

SEC. 707. PROSTHETICS, ORTHOTICS, AND HEARING AIDS.

Section 1077 of title 10 United States Code, as amended by section 702, is further amended—

(1) in subsection (a), by striking paragraph (15) and inserting the following:

''(15) A prosthetic or orthotic device, together with related items and services as provided in subsection (e).

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

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

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

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

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

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

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

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

''(E) Replacement of an orthotic device when appropriate to accommodate the patient's growth or change of condition.

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

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

SEC. 708. DURABLE MEDICAL EQUIPMENT.

(a) ITEMS AUTHORIZED.—Section 1077 of title 10, United States Code, as amended by section 707, is further amended—

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

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

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

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

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

''(C) Wheelchairs.

''(D) Iron lungs,

''(E) Hospital beds.

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

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

''(B) making the equipment serviceable; or

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

''(3) The eligibility of a patient to receive durable medical equipment and related services under this section or section 1079(a)(5) of this title may not be limited on the basis that a primary purpose of the use of the equipment by the patient is transportation, comfort, or convenience of the patient.''.

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

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

SEC. 709. REHABILITATIVE THERAPY.

Section 1077(a) of title 10, United States Code, as amended by section 707(1), is further amended by inserting after paragraph (16) the following new paragraph:

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

''(A) Physical or occupational therapy to maintain range of motion in a paralyzed extremity of the patient, without regard to whether a purpose for providing the therapy is to restore a specific loss of function or is related to the restoration of a specific loss of function.

''(B) Occupational therapy for an amputee or a patient with an orthopedic impairment, including gait analysis.

''(C) Respiratory or recreation therapy that is included as part of a treatment plan established for the patient by the physician.''.

SEC. 710. MENTAL HEALTH BENEFITS.

Section 1079(i) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(4)(A) To receive outpatient mental health services under a contract entered into under this section or section 1086 of this title for periods in excess of a limitation on the availability of outpatient mental health benefit for a year under the contract, a person may convert any unused period of inpatient mental health benefit available to the person for that year under the contract to one or more additional periods of availability of outpatient mental health benefit.

''(B) The total amount of inpatient mental health benefit remaining available to a person for a year under a contract referred to in subparagraph (A) shall be reduced to the extent of any conversion of the benefit for the person for the year under that subparagraph.

''(C) For the purposes of this paragraph, one day of inpatient mental health benefit converts to eight hours of outpatient mental health benefit.

''(5) Mental health services, including substance abuse services, available to a patient under a contract entered into under this section or section 1086 of this title shall be furnished to the patient in the least restrictive environment that is effective and appropriate for meeting the treatment and rehabilitative needs of the patient.''.

SEC. 710A. REPORT TO CONGRESS ON RELATIONSHIP AMONG FEDERAL LONG-TERM CARE INITIATIVES.

Not later than April 1, 2002, the Secretary of Defense shall submit to Congress a report on the relationship and compatibility of the long term care insurance program under chapter 90 of title 5, United States Code (as added by the Federal Long-Term Care Security Act), and other initiatives of the Federal Government to provide long term care benefits for which members of the uniformed services and their dependents are or would be eligible.

SEC. 710B. EFFECTIVE DATE.

SA 1748. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

Subtitle F—National Emergency Family Support

SEC. 681. CHILD CARE AND YOUTH ASSISTANCE.

(a) IN GENERAL.—The Secretary of Defense may provide assistance for families of members of the Armed Forces serving on active duty during the period of the national emergency declared by the President on September 14, 2001, in order to ensure that the children of such families obtain needed child care and youth services. The assistance authorized by this section should be directed primarily toward providing needed family support, including child care and youth services for children of such personnel who are deployed, assigned, or ordered to active duty in connection with operations of the Armed Forces under the national emergency.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense for fiscal year 2002, out of current and future balances in the Defense Cooperation Account, such sums as are necessary to carry out the provisions of this section.

(c) SUPPLEMENTATION OF OTHER PUBLIC FUNDS.—Funds referred to in subsection (b) that are made available to carry out this section may be used only to supplement, and not to supplant, the amount of any other Federal, State, or local government funds otherwise expended or authorized for the support of family programs, including child care and youth programs for members of the Armed Forces.

SEC. 682. CHILD CARE FOR DEPENDENTS OF MOBILIZED RESERVES.

(a) AUTHORITY.—(1) The Secretary of Defense is authorized to enter into a cooperative agreement with a public, not-for-profit organization that provides child care resource and referral services on a nationwide basis to carry out a program of assistance for families of eligible members of reserve components of the Armed Forces.

(2) The program under a cooperative agreement entered into under this section shall be similar to the program known as AmeriCorps Cares that is established by the Corporation for National Service under the National and Community Service Act of 1990.

(b) ELIGIBLE MEMBERS.—For the purposes of this section, an eligible member is a member of reserve components of the Armed Forces serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

(c) FORMS OF ASSISTANCE.—Assistance under a cooperative agreement entered into under this section shall include the following:

(1) Referral for child care services.

(2) Financial assistance for the payment of costs of child care.

(d) FINANCIAL ASSISTANCE.—The Secretary of Defense shall provide financial assistance for the payment of costs of families for child care under any cooperative agreement entered into under this section. The amounts of financial assistance shall be consistent with subsidies paid for child care under subchapter II of chapter 88 of title 10, United States Code. The amount paid a family for child care may not exceed the total subsidy amount that would be provided to the family for attendance of children of the family at military child development centers under section 1793 of such title.

(e) FUNDING.—Amounts available for carrying out subchapter II of chapter 88 of title 10, United States Code, shall be available for paying the costs incurred by the Department of Defense under a cooperative agreement entered into under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense for fiscal year 2002, out of current and future balances in the Defense Cooperation Account, such sums as are necessary to carry out the provisions of this section.

SEC. 683. FAMILY EDUCATION AND SUPPORT SERVICES.

(a) IN GENERAL.—The Secretary of Defense may provide assistance in accordance with this section to families of members of the Armed Forces serving on active duty in order to ensure that those families receive educational assistance and family support services necessary to meet needs arising out of the national emergency referred to in section 681(a).

(b) TYPES OF ASSISTANCE.—The assistance authorized by this section may be provided to families directly or through the awarding of grants, contracts, cooperative agreements, or other forms of financial assistance to appropriate private or public entities. The assistance may include grants for after-school programs that are carried out by the Boys & Girls Clubs of America for children of members of reserve components deployed, assigned, or ordered to active duty as described in section 681(a).

(c) GEOGRAPHIC AREAS ASSISTED.—(1) Such assistance shall be provided primarily in geographic areas—

(A) in which a substantial number of members of the active components of the Armed Forces of the United States are permanently assigned and from which a significant number of such members are being deployed or have been deployed; or

(B) from which a significant number of members of the reserve components of the Armed Forces ordered to, or retained on, active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, are being deployed or have been deployed.

(2) The Secretary of Defense shall determine which areas meet the criteria set out in paragraph (1).

(d) EDUCATIONAL ASSISTANCE.—Educational assistance authorized by this section may be used for the furnishing of one or more of the following forms of assistance:

(1) Protection of children, child and youth care facilities, and Department of Defense schools that are not on military installations and might be targets of terrorist activity.

(2) Individual or group counseling for children and other members of the families of members of the Armed Forces of the United States who have been deployed or are casualties.

(3) Training and technical assistance to better prepare teachers and other school employees to address questions and concerns of children of such members of the Armed Forces.

(4) Other appropriate programs, services, and information designed to address the special needs of children and other members of the families of members of the Armed Forces referred to in paragraph (2) resulting from the deployment, the return from deployment, or the medical or rehabilitation needs of such members.

(e) FAMILY SUPPORT ASSISTANCE.—Family support assistance authorized by this section may be used for the following purposes:

(1) Protection against terrorist activity.
(2) Family crisis intervention.
(3) Family counseling.
(4) Parent education programs.
(5) Family support groups.
(6) Expenses for volunteer activities.
(7) Respite care.
(8) Housing protection and advocacy.
(9) Food assistance.
(10) Employment assistance.
(11) Child care.
(12) Benefits eligibility determination services.
(13) Transportation assistance.
(14) Adult day care for dependent elderly and disabled adults.
(15) Temporary housing assistance for immediate family members visiting wounded members of the Armed Forces or receiving medical treatment at military hospitals and facilities in the United States.
(16) Reimbursement of telephone and other communication expenses incurred in mission-related activities.
(17) The Reserve Family Support Program.
(18) The expansion of Department of Defense family support centers to the extent adequate to provide support for families of members of reserve components referred to in section 682(b) and the establishment of Department of Defense family support centers in major metropolitan areas, and other communities, that are far from military installations and have large populations of families of such members.
(19) Computer and other equipment for communication between members of the Armed Forces and members of their families.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense for fiscal year 2002, out of current and future balances in the Defense Cooperation Account, such sums as are necessary to carry out the provisions of this section.

SEC. 684. DEFENSE COOPERATION ACCOUNT DEFINED.

In this subtitle, the term ''Defense Cooperation Account'' means the Defense Cooperation Account established under section 2608 of title 10, United States Code.

SA 1749. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In section 2301(a), in the table, strike the item relating to MacDill Air Force Base, Florida.

In section 2301(a), in the table, strike the amount specified as the total in the amount column and insert ''$801,370,000.

In section 2304(a), in the matter preceding paragraph (1), strike ''$2,579,791,000'' and insert ''$2,569,791,000''.

In section 2304(a), strike ''$816,070,000'' and insert ''$806,070,000''.

In section 2601(2), strike ''$33,641,000'' and insert ''$42,241,000''.

SA 1750. Mr. DODD (for himself, Mr. HOLLINGS, Mr. CORZINE, Mr. BIDEN, Mr.

BINGAMAN, Mr. SARBANES, Ms. SNOWE, Mr. SPECTER, Ms. COLLINS, Mr. WARNER, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1066, ASSISTANCE FOR FIREFIGHTERS.

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

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

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

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

SA 1751. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

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

SA 1752. Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

STUDY AND PLAN.—

(a) With the submission of the fiscal year 2003 budget request, the Secretary of Defense shall provide to the congressional defense committees a report and the Secretary's recommendations on options for enhancing the capabilities and cost effectiveness of the helicopter support missions at the ICBM wings at Minot AFB, North Dakota; Malmstrom AFB, Montana; and F.E. Warren AFB, Wyoming.

(b) Options to be reviewed include:

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

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

(3) replacement of UH–1N helicopters with UH–60 helicopters and transition of the mission to the Army National Guard, as detailed in the November 21, 2000, Air Force Space Command plan, ''The Business Case for ARNG Helicopter Support to AFSPC ICBM Operations;''

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

(5) other options as the Secretary deems appropriate.

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

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

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

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

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

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

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

SA 1753. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 335. CONSEQUENCE MANAGEMENT TRAINING.

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

SA 1754. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, beginning with line 13 strike through page 154, line 16 and insert the following:

Subtitle F—Uniformed Services Overseas Voting

SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting; and

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

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ''uniformed services voter'' means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by striking ''Each State'' and inserting ''(a) IN GENERAL.—Each State''; and

(2) by adding at the end the following:

''(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

''(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter solely—

''(A) on the grounds that the ballot—

''(i) lacked a witness signature, an address, or a postmark; or

''(ii) did not display the proper postmark; or

''(B) on the basis of a comparison of signatures on ballots, envelopes, or registration forms.

''(2) NO EFFECT ON FILING DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

SEC. 574. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by

section 572(a)(1), is further amended by inserting after subsection (a) the following new subsection:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.''.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking **''FOR FEDERAL OFFICE''**.

SEC. 575. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section 572(a)(1), is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and''.

SEC. 576. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 575, is further amended by inserting after paragraph (4) the following new paragraph (5):

''(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.''.

SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) ESTABLISHMENT OF DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(2) AUTHORITY TO DELAY IMPLEMENTATION.—If the Secretary of Defense determines that the implementation of the demonstration project under paragraph (1) with respect to the regularly scheduled general election for Federal office for November 2002 may adversely affect the national security of the United States, the Secretary may delay the implementation of such demonstration project until the regularly scheduled general election for Federal office for November 2004

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the ''Program'') or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

SEC. 579. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended—

(1) by striking ''Under'' and inserting ''(a) USE BY RED CROSS.—Under'';

(2) by striking ''this section'' and inserting ''this subsection''; and

(3) by adding at the end the following:

''(b) USE AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use by individuals who reside on that military installation as a polling place in any Federal, State, or local election for public office.

''(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office, the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

''(3) In this section, the term 'military installation' has the meaning given the term in section 2687(e) of this title.''.

(b) USE OF RESERVE COMPONENT FACILITIES.—(1) Section 18235 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) Pursuant to a lease or other agreement under subsection (a)(2), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title). Once a facility is made available as the site of a polling place with respect to an election for public office, the Secretary shall continue to make the facility available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the facility will no longer be made available as a polling place.''.

(2) Section 18236 of such title is amended by adding at the end the following:

''(e) Pursuant to a lease or other agreement under subsection (c)(1), a State may make a facility covered by subsection (c) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title).''.

(c) CONFORMING AMENDMENTS TO TITLE 18.—(1) Section 592 of title 18, United States Code, is amended by adding at the end the following:

''This section shall not prohibit the use of buildings located on military installations, or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10.''.

(2) Section 593 of such title is amended by adding at the end the following:

''This section shall not prohibit the use of buildings located on military installations, or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10.''.

(d) CONFORMING AMENDMENT TO VOTING RIGHTS LAW.—Section 2003 of the Revised Statutes (42 U.S.C. 1972) is amended by adding at the end the following: ''Making a military installation or reserve component facility available as a polling place in a Federal, State, or local election for public office in accordance with section 2670(b), 18235, or 18236 of title 10, United States Code, shall be deemed to be consistent with this section.''.

(e) CLERICAL AMENDMENTS.—(1) The heading of section 2670 of title 10, United States Code, is amended to read as follows:

''§ 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections''.

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

''2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.''.

SEC. 580. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) IN GENERAL.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any recently separated uniformed services voter requesting to vote in the State—

(1) deem the voter to be a resident of the State;

(2) waive any requirement relating to any period of residence or domicile in the State for purposes of registering to vote or voting in that State;

(3) accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application from the voter on the day of the election; and

(4) permit the voter to vote in that election.

(b) DEFINITIONS.—In this section:

(1) The term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term ''recently separated uniformed services voter'' means any individual that was a uniformed services voter (as defined in section 571(b)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status;

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

SEC. 580A. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term ''legislative recommendation'' means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3).

(2) The term ''Presidential designee'' means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

SA 1755. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, beginning with line 13 strike through page 154, line 16 and insert the following:

Subtitle F—Uniformed Services Overseas Voting

SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting; and

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

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ''uniformed services voter'' means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by striking ''Each State'' and inserting ''(a) IN GENERAL.—Each State''; and

(2) by adding at the end the following:

''(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

''(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter solely—

''(A) on the grounds that the ballot—

''(i) lacked a witness signature, an address, or a postmark; or

''(ii) did not display the proper postmark; or

''(B) on the basis of a comparison of signatures on ballots, envelopes, or registration forms.

''(2) NO EFFECT ON FILING DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

''SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

SEC. 574. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 572(a)(1), is further amended by inserting after subsection (a) the following new subsection:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.''.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking ''**FOR FEDERAL OFFICE**''.

SEC. 575. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section 572(a)(1), is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and''.

SEC. 576. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 575, is further amended by inserting after paragraph (4) the following new paragraph (5):

''(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter if a single application for any such election is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.''.

SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) ESTABLISHMENT OF DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(2) AUTHORITY TO DELAY IMPLEMENTATION.—If the Secretary of Defense determines that the implementation of the demonstration project under paragraph (1) with respect to the regularly scheduled general election for Federal office for November 2002 may adversely affect the national security of the United States, the Secretary may delay the implementation of such demonstration project until the regularly scheduled general election for Federal office for November 2004

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense

considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the ''Program'') or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

SEC. 579. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) IN GENERAL.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any recently separated uniformed services voter requesting to vote in the State—

(1) deem the voter to be a resident of the State;

(2) waive any requirement relating to any period of residence or domicile in the State for purposes of registering to vote or voting in that State;

(3) accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application from the voter on the day of the election; and

(4) permit the voter to vote in that election.

(b) DEFINITIONS.—In this section:

(1) The term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term ''recently separated uniformed services voter'' means any individual that was a uniformed services voter (as defined in section 571(b)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status;

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

SEC. 580. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term ''legislative recommendation'' means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3).

(2) The term ''Presidential designee'' means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

SA 1756. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1217. DEVELOPMENT AND IMPLEMENTATION OF KEY LIST OF TECHNOLOGY TO STRENGTHEN EXPORT CONTROLS.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall complete the assessment described in subsection (b) which shall be the basis for the development of a Key List of technology and for implementing an export control program that is aimed at preventing attempts by the People's Republic of China to acquire certain technology.

(b) ASSESSMENT DESCRIBED.—

(1) IN GENERAL.—The Assessment performed by the Secretary of Defense shall include an assessment of—

(A) efforts by the People's Republic of China to acquire certain technology;

(B) how the military strategy of the People's Republic of China relates to its technology requirements; and

(C) the impact the technology requirements and military strategy of the People's Republic of China have on the ability of the United States to protect the Pacific area and the national interest of the United States and its allies.

(2) DEVELOPMENT OF KEY LIST OF TECHNOLOGY.—After performing the assessment described in paragraph (1), the Secretary of Defense, in consultation with the Secretary, shall develop a Key List of technology aimed at safeguarding against attempts by the People's Republic of China to acquire items on the Key List and at protecting the national security interest of the United States and its allies.

(c) STRENGTHENING EXPORT CONTROLS.—The Secretary shall strengthen export control processes and peer review to prevent the transfer of Key List technologies and shall coordinate all of the Department of Commerce's export control measures with the Department of Defense, Department of State, Department of Energy, and the Central Intelligence Agency.

(d) INTERNATIONAL COOPERATION.—The Secretary of State shall implement an international program to gain cooperation from other countries to prevent the export or transfer of Key List technologies to the People's Republic of China.

SA 1757. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 2901, 2902, and 2903 and insert the following:

SEC. 2901. AUTHORITY TO CARRY OUT BASE CLOSURE ROUND IN 2005.

(a) COMMISSION MATTERS.—

(1) APPOINTMENT.—Section 2902(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (B)—

(i) by striking ''and'' at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting ''; and''; and

(iii) by adding at the end the following new clause:

''(iv) by no later than January 24, 2005, in the case of members of the Commission whose terms will expire at the end of the first session of the 109th Congress.''; and

(B) in subparagraph (C), by striking ''or for 1995 in clause (iii) of such subparagraph'' and inserting '', for 1995 in clause (iii) of that subparagraph, or for 2005 in clause (iv) of that subparagraph''.

(2) MEETINGS.—Section 2902(e) of that Act is amended by striking ''and 1995'' and inserting ''1995, and 2005''.

(3) FUNDING.—Section 2902(k) of that Act is amended by adding at the end the following new paragraph (4):

''(4) If no funds are appropriated to the Commission by the end of the second session of the 108th Congress for the activities of the Commission in 2005, the Secretary may transfer to the Commission for purposes of its activities under this part in that year such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.''.

(4) TERMINATION.—Section 2902(l) of that Act is amended by striking ''December 31, 1995'' and inserting ''December 31, 2005''.

(b) PROCEDURES.—

(1) FORCE-STRUCTURE PLAN.—Section 2903(a) of that Act is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

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

''(2)(A) As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2005, the Secretary shall include a force-structure plan for the Armed Forces based on the probable threats to the national security during the twenty-year period beginning with fiscal year 2005.

''(B) The Secretary may revise the force-structure plan submitted under subparagraph (A). If the Secretary revises the force-structure plan, the Secretary shall submit the revised force-structure plan to Congress as part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2006.''; and

(C) in paragraph (3), as redesignated by subparagraph (A) of this paragraph—

(i) in the matter preceding subparagraph (A), by striking ''Such plan'' and inserting ''Each force-structure plan under this subsection''; and

(ii) in subparagraph (A), by striking ''referred to in paragraph (1)'' and inserting ''on which such force-structure plan is based''.

(2) SELECTION CRITERIA.—Section 2903(b) of that Act is amended—

(A) in paragraph (1), by inserting ''and by no later than December 31, 2003, for purposes of activities of the Commission under this part in 2005,'' after ''December 31, 1990,''; and

(B) in paragraph (2)(A)—

(i) in the first sentence, by inserting ''and by no later than February 15, 2004, for purposes of activities of the Commission under this part in 2005,'' after ''February 15, 1991,''; and

(ii) in the second sentence, by inserting '', or enacted on or before March 31, 2004, in the case of criteria published and transmitted under the preceding sentence in 2004'' after ''March 15, 1991''.

(3) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Section 2903(c)(1) of that Act is amended by striking ''and March 1, 1995'' and inserting ''March 1, 1995, and March 14, 2005''.

(4) COMMISSION REVIEW AND RECOMMENDATIONS.—Section 2903(d) of that Act is amended—

(A) in paragraph (2)(A), by inserting ''or by no later than July 7 in the case of recommendations in 2005,'' after ''pursuant to subsection (c),'';

(B) in paragraph (4), by inserting ''or after July 7 in the case of recommendations in 2005,'' after ''under this subsection,''; and

(C) in paragraph (5)(B), by inserting ''or by no later than May 1 in the case of such recommendations in 2005,'' after ''such recommendations,''.

(5) REVIEW BY PRESIDENT.—Section 2903(e) of that Act is amended—

(A) in paragraph (1), by inserting ''or by no later than July 22 in the case of recommendations in 2005,'' after ''under subsection (d),'';

(B) in the second sentence of paragraph (3), by inserting ''or by no later than August 18 in the case of 2005,'' after ''the year concerned,''; and

(C) in paragraph (5), by inserting ''or by September 3 in the case of recommendations in 2005,'' after ''under this part,''.

(c) RELATIONSHIP TO OTHER BASE CLOSURE AUTHORITY.—Section 2909(a) of that Act is amended by striking ''December 31, 1995,'' and inserting ''December 31, 2005, or a later date specified by the President under section 2903A(b)(2) if a deadline under section 2902 or 2903 is postponed by the President under section 2903A(a),''.

SEC. 2902. BASE CLOSURE ACCOUNT 2005.

(a) ESTABLISHMENT.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by inserting after section 2906 the following new section:

''SEC. 2906A. BASE CLOSURE ACCOUNT 2005.

''(a) IN GENERAL.—(1) There is hereby established on the books of the Treasury an account to be known as the 'Department of Defense Base Closure Account 2005' (in this section referred to as the 'Account'). The Account shall be administered by the Secretary as a single account.

''(2) There shall be deposited into the Account—

''(A) funds authorized for and appropriated to the Account;

''(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees; and

''(C) except as provided in subsection (d), proceeds received from the lease, transfer, or disposal of any property at a military installation that is closed or realigned under this part pursuant to a closure or realignment the date of approval of which is after September 30, 2005.

''(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the final report transmitted under subsection (c)(2).

''(b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the purposes described in section 2905 with respect to military installations the date of approval of closure or realignment of which is after September 30, 2005.

''(2) When a decision is made to use funds in the Account to carry out a construction project under section 2905(a) and the cost of the project will exceed the maximum amount authorized by law for a minor military construction project, the Secretary shall notify in writing the congressional defense committees of the nature of, and justification for, the project and the amount of expenditures for such project. Any such construction project may be carried out without regard to section 2802(a) of title 10, United States Code.

''(c) REPORTS.—(1)(A) No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this part using amounts in the Account, the Secretary shall transmit a report to the congressional defense committees of the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of other expenditures made pursuant to section 2905(a) during such fiscal year.

''(B) The report for a fiscal year shall include the following:

''(i) The obligations and expenditures from the Account during the fiscal year, identified by subaccount, for each military department and Defense Agency.

''(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

''(iii) Each military construction project for which such obligations and expenditures were made, identified by installation and project title.

''(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year differed from proposals for projects and funding levels that were included in the justification transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—

''(I) any failure to carry out military construction projects that were so proposed; and

''(II) any expenditures for military construction projects that were not so proposed.

''(2) No later than 60 days after the termination of the authority of the Secretary to carry out a closure or realignment under this part with respect to military installations the date of approval of closure or realignment of which is after September 30, 2005, and no later than 60 days after the closure of the Account under subsection (a)(3), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

''(A) all the funds deposited into and expended from the Account or otherwise expended under this part with respect to such installations; and

''(B) any amount remaining in the Account.

''(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this part the date of approval of closure or realignment of which is after September 30, 2005, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).

''(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense.

''(3) The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, and improving—

''(A) commissary stores; and

''(B) real property and facilities for nonappropriated fund instrumentalities.

''(4) In this subsection, the terms 'commissary store funds', 'nonappropriated funds', and 'nonappropriated fund instrumentality' shall have the meaning given those terms in section 2906(d)(4).

''(e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—Except as provided in section 2906(e) with respect to funds in the Department of Defense Base Closure Account 1990 under section 2906 and except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2905(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).''.

(b) CONFORMING AMENDMENTS.—Section 2906 of that Act is amended—

(1) in subsection (a)(2)(C), by inserting ''the date of approval of closure or realignment of which is before September 30, 2005'' after ''under this part'';

(2) in subsection (b)(1), by inserting ''with respect to military installations the date of approval of closure or realignment of which is before September 30, 2005,'' after ''section 2905'';

(3) in subsection (c)(2)—

(A) in the matter preceding subparagraph (A), by inserting ''with respect to military installations the date of approval of closure or realignment of which is before September 30, 2005,'' after ''under this part''; and

(B) in subparagraph (A), by inserting ''with respect to such installations'' after ''under this part'';

(4) in subsection (d)(1), by inserting ''the date of approval of closure or realignment of which is before September 30, 2005'' after ''under this part''; and

(5) in subsection (e), by striking ''Except for'' and inserting ''Except as provided in section 2906A(e) with respect to funds in the Department of Defense Base Closure Account 2001 under section 2906A and except for''.

(c) CLERICAL AMENDMENT.—The section heading of section 2906 of that Act is amended to read as follows:

''SEC. 2906. BASE CLOSURE ACCOUNT 1990.''.

SEC. 2903. ADDITIONAL MODIFICATIONS OF BASE CLOSURE AUTHORITIES.

(a) INCREASE IN MEMBERS OF COMMISSION.—Section 2902(c)(1)(A) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended by striking ''eight members'' and inserting ''nine members''.

(b) SELECTION CRITERIA.—Section 2903(b) of that Act is amended by adding at the end the following new paragraphs:

''(3) The selection criteria shall ensure that military value is the primary consideration in the making of recommendations for the closure or realignment of military installations under this part.

''(4) Any selection criteria proposed by the Secretary relating to the cost savings or return on investment from the proposed closure or realignment of a military installation shall take into account the effect of the proposed closure or realignment on the costs of any other Federal agency that may be required to assume responsibility for activities at the military installation.''.

(c) DEPARTMENT OF DEFENSE RECOMMENDATIONS TO COMMISSION.—Section 2903(c) of that Act is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), and (6) as paragraphs (2), (3), (4), (6), (7), and (8), respectively;

(2) by inserting before paragraph (2), as so redesignated, by the following new paragraph (1):

''(1) The Secretary shall carry out a comprehensive review of the military installations of the Department of Defense inside the United States based on the force-structure plan submitted under subsection (a)(2), and the final criteria transmitted under subsection (b)(2), in 2004. The review shall cover every type of facility or other infrastructure operated by the Department of Defense.'';

(3) in paragraph (4), as so redesignated—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(B) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) In considering military installations for closure or realignment under this part in any year after 2001, the Secretary shall consider the anticipated continuing need for and availability of military installations worldwide. In evaluating the need for military installations inside the United States, the Secretary shall take into account current restrictions on the use of military installations outside the United States and the potential for future prohibitions or restrictions on the use of such military installations.''; and

(C) in subparagraph (D), as so redesignated, by striking ''subparagraph (B)'' and inserting ''subparagraph (C)'';

(4) by inserting after paragraph (4), as so redesignated, the following new paragraph (5):

''(5)(A) In making recommendations to the Commission under this subsection in any year after 2001, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

''(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan and final criteria otherwise applicable to such recommendations under this section.

''(C) The recommendations made by the Secretary under this subsection in any year after 2001 shall include a statement of the result of the consideration of any notice described in subparagraph (A) that is received with respect to an installation covered by such recommendations. The statement shall set forth the reasons for the result.''; and

(5) in paragraph (8), as so redesignated—

(A) in the first sentence, by striking ''paragraph (5)(B)'' and inserting ''paragraph (7)(B)''; and

(B) in the second sentence, by striking ''24 hours'' and inserting ''48 hours''.

(d) COMMISSION CHANGES IN RECOMMENDATIONS OF SECRETARY.—Section 2903(d)(2) of that Act is amended—

(1) in subparagraph (B), by striking ''if'' and inserting ''only if'';

(2) in subparagraph (C)—

(A) in clause (iii), by striking ''and'' at the end;

(B) in clause (iv), by striking the period at the end and inserting ''; and''; and

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

''(v) invites the Secretary to testify at a public hearing, or a closed hearing if classified information is involved, on the proposed change.'';

(3) by redesignating subparagraph (E) as subparagraph (F); and

(4) by inserting after subparagraph (D) the following new subparagraph (E):

''(E) In the case of a change not described in subparagraph (D) in the recommendations made by the Secretary, the Commission may make the change only if the Commission—

''(i) makes the determination required by subparagraph (B);

''(ii) determines that the change is consistent with the force-structure plan and final criteria referred to in subsection (c)(1); and

''(iii) invites the Secretary to testify at a public hearing, or a closed hearing if classified information is involved, on the proposed change.''.

(e) PRIVATIZATION IN PLACE.—Section 2904(a) of that Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in each such report after 2001 only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in such report and is determined by the Commission to be the most-cost effective method of implementation of the recommendation;''.

(f) IMPLEMENTATION.—

(1) PAYMENT FOR CERTAIN SERVICES FOR PROPERTY LEASED BACK BY THE UNITED STATES.—Section 2905(b)(4)(E) of that Act is amended—

(1) in clause (iii), by striking ''A lease'' and inserting ''Except as provided in clause (v), a lease''; and

(2) by adding at the end the following new clause (v):

''(v)(I) Notwithstanding clause (iii), a lease under clause (i) may require the United States to pay the redevelopment authority concerned, or the assignee of the redevelopment authority, for facility services and common area maintenance provided for the leased property by the redevelopment authority or assignee, as the case may be.

''(II) The rate charged the United States for services and maintenance provided by a redevelopment authority or assignee under subclause (I) may not exceed the rate charged non-Federal tenants leasing property at the installation for such services and maintenance.

''(III) For purposes of this clause, facility services and common area maintenance shall not include municipal services that the State or local government concerned is required by law to provide without direct charge to landowners, or firefighting or security-guard functions.''.

(2) TRANSFERS IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION.—Section 2905(e) of that Act is amended—

(A) in paragraph (1)(B), by adding at the end the following new sentence: ''The real property and facilities referred to in subparagraph (A) are also the real property and facilities located at an installation approved for closure or realignment under this part after 2001 that are available for purposes other than to assist the homeless.'';

(B) in paragraph (2)(A), by striking ''to be paid by the recipient of the property or facilities'' and inserting ''otherwise to be paid by the Secretary with respect to the property or facilities'';

(C) by striking paragraph (6);

(D) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), (6), respectively; and

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

''(3) In the case of property or facilities covered by a certification under paragraph (2)(A), the Secretary may pay the recipient of such property or facilities an amount equal to the lesser of—

''(A) the amount by which the costs incurred by the recipient of such property or facilities for all environmental restoration, waste, management, and environmental compliance activities with respect to such property or facilities exceed the fair market value of such property or facilities as specified in such certification; or

''(B) the amount by which the costs (as determined by the Secretary) that would otherwise have been incurred by the Secretary for such restoration, management, and activities with respect to such property or facilities exceed the fair market value of such property or facilities as so specified.''.

(3) SCOPE OF INDEMNIFICATION OF TRANSFEREES IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION.—Paragraph (6) of section 2905(e) of that Act, as redesignated by paragraph (1) of this subsection, is further amended by inserting before the period the following: '', except in the case of releases or threatened releases not disclosed pursuant to paragraph (4)''.

SA 1758. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 4, strike ''$190,255,000'' and insert ''$230,255,000''.

SA 1759. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Insert at the appropriate place in the bill the following new item:

The Secretary of the Navy may sell to a person outside the Department of Defense articles and services provided by the Naval Magazine, Indian Island facility that are not available from any United States commercial source; *Provided,* That a sale pursuant to this section shall conform to the requirements of 10 U.S.C. section 2563 (c) and (d); and *Provided further,* That the proceeds from the sales of articles and services under this section shall be credited to operation and maintenance funds of the Navy, that are current when the proceeds are received.

SA 1760. Mr. REID (for himself, Mr. HUTCHINSON, Mr. DASCHLE, Mr. BIDEN, Mr. BREAUX, Mr. HATCH, Mr. JOHNSON, Mr. EDWARDS, Mr. SPECTER, Mr. INOUYE, Mr. ROCKEFELLER, Ms. CANTWELL, Mrs. HUTCHISON, Mr. DURBIN, Ms. COLLINS, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 207, strike line 18 and all that follows through page 209, line 12, and insert the following:

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 2002.

(2) No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as added by the amendment made by subsection (a), for any period before the effective date under paragraph (1).

SA 1761. Ms. LANDRIEU (for herself and Mr. DOMENICI) submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of section XXXI, add the following:

SEC. 3135. BIOFUSION RESEARCH.

Of the amounts authorized to be appropriated by section 3103(a) for the Department of Energy for other defense activities, $2,500,000 shall be available for the Office of Security and Emergency Operations of the Department of Energy for biofusion research.

SA 1762. Mr. TORRICELLI (for himself, Mr. CARPER, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1027. DEPARTMENT OF DEFENSE REPORT TO FEDERAL TRADE COMMISSION ON ANTITRUST IMPLICATIONS OF MERGER INVOLVING NATIONAL SMOKELESS NITROCELLULOSE INDUSTRY.

Not later than 30 days after the date of the enactment of this Act, the Department of Defense shall submit to the Federal Trade Commission the views of the Department on the antitrust implications for the national smokeless nitrocellulose industry of a joint-venture involving a national smokeless nitrocellulose producer.

SA 1763. Mr. TORRICELLI (for himself, Mr. CARPER, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1066. SENSE OF SENATE ON DEPARTMENT OF DEFENSE REGARDING ANTITRUST IMPLICATIONS OF JOINT VENTURE TO PRODUCE PROPELLANT AND PROPELLANT PRODUCTS.

(a) FINDING.—The Senate finds that the Federal Trade Commission has met with Department of Defense personnel regarding the potential antitrust implications of a joint venture to produce propellant and propellant products.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Defense should express its views on the antitrust implications of the joint venture described in subsection 9a) to the Federal Trade Commission not later than 30 days after enactment of this Act.

SA 1764. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 664. EXPANDED SCOPE OF AUTHORITY TO WAIVE TIME LIMITATIONS ON CLAIMS FOR MILITARY PERSONNEL BENEFITS.

(a) AUTHORITY.—Subsection (e)(1) of section 3702 of title 31, United States Code, is amended by striking ''a claim for pay, allowances, or payment for unused accrued leave under title 37 or a claim for retired pay under title 10'' and inserting ''a claim referred to in subsection (a)(1)(A)''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to claims presented to the Secretary of Defense under section 3702 of title 31, United States Code, on or after the date of the enactment of this Act.

SA 1765. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was ordered to lie on the table, as follows:

At the end of subtitle C of title 10, add the following:

SEC. 1027. QUADRENNIAL QUALITY OF LIFE REVIEW.

(a) REQUIREMENT FOR REVIEW.—Chapter 2 of title 10, United States Code, is amended by inserting after section 118 the following new section:

''§ 118a. Quadrennial quality of life review

''(a) POLICY.—The quality of life needs of members of the armed forces shall be a primary concern of the Secretary of Defense.

''(b) REQUIREMENT FOR REVIEW.—(1) To determine the quality of life needs of members and to express the primacy of those needs as a concern of the Department of Defense, the Secretary of Defense shall every four years conduct a comprehensive examination of morale, welfare, and recreation activities of the Department of Defense that affect the lives of members of the armed forces. The review shall be known as the 'quadrennial quality of life review'.

''(2) The review shall be conducted two years after the quadrennial defense review is conducted under section 118 of this title.

''(3) The Secretary shall conduct the review in consultation with the Chairman of the Joint Chiefs of Staff.

''(c) CONSIDERATIONS.—In conducting the review, the Secretary shall consider the quality of life priorities and issues relating to the following matters:

''(1) Infrastructure.

''(2) Military construction.

''(3) Physical conditions at bases and facilities.

''(4) Budgetary plans.

''(5) Adequacy of medical care for members of the armed forces and their dependents.

''(6) Adequacy of housing.

''(7) Housing related costs such as utility costs, together with the adequacy of the basic allowance for housing for meeting the housing needs of members of the armed forces.

''(8) The adequacy of the basic allowance for subsistence.

''(9) Educational opportunities and costs for members and dependents.

''(10) Duration of deployments.

''(11) Rates of pay, including the relationship between the rates of pay for members and the rates of pay for civilians.

''(12) Recruitment and retention.

''(13) Workplace safety.

''(14) Family support services.

''(15) The relationship between the other elements of the defense program and policies of the United States and quality of life needs of members.

''(16) Any other priorities and issues that relate to the quality of life of members.

''(17) The relationship of the quality of life priorities, issues, and actions with the national security strategy set forth in the latest national security strategy report under section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

''(c) CONTENT.—The quadrennial quality of life review shall include the following matters:

''(1) The measures necessary to provide members of the armed forces with a quality of life reasonably necessary to maximize support and minimize distractions that affect the will and capabilities of members of

the armed forces to execute successfully the full range of missions called for in the national defense strategy.

''(2) A full accounting of any backlog of maintenance and repair projects for housing and facilities at military installations, together with an assessment of how conditions of disrepair affect the performance and quality of life of members and their families.

''(3) A budgetary plan setting forth the resources and schedules of actions necessary to improve the quality of life for military personnel called on to carry out the national security strategy, including resources and schedules for reducing and eliminating any backlog of maintenance and repair projects identified under paragraph (2).

''(d) REPORT TO CONGRESS.—The Secretary shall submit a report on each quadrennial quality of life review to the Committees on Armed Services of the Senate and House of Representatives. The report shall be submitted not later than September 30 of the year in which the review is conducted. The report shall include the following:

''(1) The results of the review, including a comprehensive discussion of how the quality of life of members of the armed forces affects military preparedness and readiness and the execution of the national security strategy of the United States.

''(2) The long term quality of life problems to be addressed by the armed forces, together with proposed remedies.

''(3) The short term quality of life problems to be addressed by the armed forces, together with proposed remedies.

''(4) The assumptions used in the review.

''(5) The effects of quality of life issues on the morale of the members of the armed forces.

''(6) The quality of life issues that affect members of the reserve components, together with proposed remedies.

''(7) The percentage of defense spending that it is appropriate to allocate to the quality of life of members of the armed forces.

''(e) CJCS REVIEW.—Upon the completion of the quadrennial quality of life review, the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman's assessment of the review, including the Chairman's assessment of the quality of life of the members of the armed forces. The assessment shall be included in its entirety in the report on the review required under subsection (d).

''(f) INDEPENDENT REVIEW.—Before submitting the report on the quadrennial quality of life review to Congress, the Secretary shall make the report available to persons independent of the Federal Government whose interests and expertise the Secretary determines relevant to issues of the quality of life of members of the armed forces and shall invite those persons to review the report and to submit comments on the report to the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such chapter is amended by inserting after the item relating to section 118 the following new item:

''118a. Quadrennial quality of life review.''.

SA 1766. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. . TEMPORARY AUTHORITY TO ASSIST FEDERAL AIR MARSHALS.

(a) IN GENERAL.—Notwithstanding 10 U.S.C. 375, the Secretary of Defense, shall, in accordance with other applicable law, make Department of Defense personnel available to support the Department of Transportation in providing no less than one federal air marshal on each United States domestic commercial passenger flight.

(b) LIMITATION.—The authority provided in subsection (a) shall expire:

(1) when the President certifies to Congress that there is a sufficient number of civilian air marshals trained and available to provide security for all United States domestic commercial passenger flights; or

(2) on September 30, 2002.

SA 1767. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. TEMPORARY AUTHORITY TO ASSIST FEDERAL AIR MARSHALS.

(a) IN GENERAL.—Notwithstanding 10 U.S.C. 375, the Secretary of Defense, may, in accordance with other applicable law, make Department of Defense personnel available to support the Department of Transportation in providing no less than one federal air marshal on each United States domestic commercial passenger flight.

(b) LIMITATION.—The authority provided in subsection (a) shall expire:

(1) when the President certifies to Congress that there is a sufficient number of civilian air marshals trained and available to provide security for all United States domestic commercial passenger flights; or

(2) on September 30, 2002.

SA 1768. Mr. CRAIG (for himself, Mr. LOTT, Mr. ALLEN, Mr. NICKLES, Mr. SMITH of New Hampshire, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A of the bill, add the following new title:

TITLE XIV—AMERICAN ARMED FORCES PROTECTION ACT OF 2001

SEC. 1401. SHORT TITLE.

This title may be cited as the ''American Armed Forces Protection Act 2001''.

SEC. 1402. FINDINGS AND POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the ''Rome Statute of the International Criminal Court''. The vote on whether to proceed with the Statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of September 15, 2001, 139 countries had signed the Rome Statute and 38 had ratified it. Pursuant to Article 126 of the Rome Statute, the Statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the Statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: ''We are left with consequences that do not serve the cause of international justice.''.

(5) Ambassador Scheffer went on to tell the Congress that: ''Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.''

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, ''I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied''.

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States deserve the full protection of the United States Constitution wherever they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by United Nations officials under procedures that deny them their constitutional rights.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the

Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government deserve the full protection of the United States Constitution with respect to official actions taken by them to protect the national interests of the United States.

(10) The claimed jurisdiction of the International Criminal Court over citizens of a country that is not a state party to the Rome Statute is a direct contravention of the sovereign equality of all member states under Article 2 of the Charter of the United Nations, and is a threat to the sovereignty of the United States under the Constitution of the United States.

(b) POLICY OF THE UNITED STATES REGARDING THE ROME STATUTE.—

(1) POLICY.—

(A) INTENTION TO REMAIN OUTSIDE THE STATUTE.—It is the policy of the United States that the United States will not become a state party to the Rome Statute.

(B) FINDING REGARDING THE LEGAL STATUS OF THE INTERNATIONAL CRIMINAL COURT AND THE PREPARATORY COMMISSION.—Because the United States has not ratified the Rome Statute as a treaty under Article II, Section 2, Clause 2, of the Constitution of the United States, Congress finds the International Criminal Court and the Preparatory Commission are not judicial bodies or instruments of international law with respect to the United States or to citizens of the United States.

(2) DIPLOMATIC COMMUNICATION OF POLICY.—

(A) TRANSMITTAL OF INTENT TO THE UNITED NATIONS.—It is the sense of Congress that the President should provide written notification to the Secretary-General of the United Nations of the policy contained in paragraph (1).

(B) INSTRUCTIONS TO UNITED STATES REPRESENTATIVES.—It is the sense of Congress that the President should instruct all representatives of the United States in any international forum or setting, including any forum regarding the availability of funds, to put forward, as United States policy regarding the International Criminal Court and the Preparatory Commission, the policy contained in paragraph (1).

SEC. 1403. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS ACT.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for a single period of one year. Such a waiver may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. Such a waiver may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) AUTHORITY TO WAIVE SECTIONS 1405 AND 1407 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.—The President is authorized to waive the prohibitions and requirements of sections 1404 and 1406 to the degree they would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. Such a waiver may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) TERMINATION OF WAIVER PURSUANT TO SUBSECTION (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 1404 and 1406 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 expires and is not extended pursuant to subsection (b).

SEC. 1404. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) CONSTRUCTION.—The provisions of this section—

(1) apply only to the International Criminal Court established by the Rome Statute; and

(2) shall not be construed to prohibit—

(A) any action permitted under section 1408;

(B) any other action taken by members of the Armed Forces of the United States outside the territory of the United States while engaged in military operations involving the threat or use of force when necessary to protect such personnel from harm or to ensure the success of such operations; or

(C) communication by the United States to the International Criminal Court of its policy with respect to a particular matter.

(b) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—No funds available to any United States agency, entity, or court may be used to provide any assistance under any treaty or executive agreement for mutual legal assistance in any criminal matter, any multilateral convention with legal assistance provisions, or any extradition treaty, to which the United States is a party, or in connection with the execution or issuance of any letter rogatory, to the International Criminal Court.

(c) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. 1405. CONDITIONS FOR THE PROTECTION OF UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—No funds available to any United States agency or entity may be used for the participation of any member of the Armed Forces of the United States in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) CERTIFICATION.—The certification referred to in subsection (b) is a certification by the President that members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution by the International Criminal Court because—

(1) in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution by the International Criminal Court for actions undertaken by them in connection with the operation; or

(2) the United States has taken other appropriate steps to guarantee that members of the Armed Forces of the United States participating in the operation will not be prosecuted by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

SEC. 1406. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CERTAIN CLASSIFIED NATIONAL SECURITY INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) DIRECT TRANSFER.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information to the International Criminal Court.

(b) INDIRECT TRANSFER.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information relevant to matters under consideration by the International Criminal Court to the United Nations and to the government of any country that is a party to the International Criminal Court unless the United Nations or that government, as the case may be, has provided written assurances that such information will not be made available to the International Criminal Court.

(c) CONSTRUCTION.—The provisions of this section shall not be construed to prohibit any action permitted under section 1408.

SEC. 1407. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b) and (c), no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) WAIVER.—The President may waive the prohibition of subsection (a) with respect to a particular country—

(1) for one or more periods not exceeding one year each, if the President determines and reports to the appropriate congressional committees that it is vital to the national interest of the United States to waive such prohibition; and

(2) permanently, if the President determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(c) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including, inter alia, Israel, Australia, Egypt, Japan, the Republic of Korea, and New Zealand); or

(3) Taiwan.

SEC. 1408. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS HELD CAPTIVE BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release from captivity of any person described in subsection (b) who is being detained or imprisoned against that person's will by or on behalf of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court, the authority under subsection (a) may be used—

(1) for the provision of legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section); and

(2) for the provision of exculpatory evidence on behalf of that person.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—Subsection (a) does not authorize the payment of bribes or the provision of other incentives to induce the release from captivity of a person described in subsection (b).

SEC. 1409. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than one year after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 1410. NONDELEGATION.

The authorities vested in the President by sections 1403, 1405(c), and 1407(b) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law.

SEC. 1411. DEFINITIONS.

As used in this Act and in sections 705 and 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term ''classified national security information'' means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term ''covered allied persons'' means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including, inter alia, Israel, Australia, Egypt, Japan, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term ''covered United States persons'' means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, other United States citizens, and any other person employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms ''extradition'' and ''extradite'' include both ''extradition'' and ''surrender'' as those terms are defined in article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term ''International Criminal Court'' means the court established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term ''major non-NATO ally'' means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term ''party to the International Criminal Court'' means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(9) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term ''peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations'' means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(10) ROME STATUTE.—The term ''Rome Statute'' means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(11) SUPPORT.—The term ''support'' means assistance of any kind, including financial support, material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(12) UNITED STATES MILITARY ASSISTANCE.—The term ''United States military assistance'' means—

(A) assistance provided under chapters 2 through 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees; or

(C) military training or education activities provided by any agency or entity of the United States Government.

Such term does not include activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

SA 1769. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE ___EQUAL PROTECTION OF VOTING RIGHTS

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Equal Protection of Voting Rights Act of 2001''.

SEC. ___02. FINDINGS.

Congress makes the following findings:

(1) The right to vote is a fundamental and incontrovertible right under the Constitution.

(2) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the right to vote is a fundamental right under the Constitution.

(3) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the United States is a democratic Government ''of the people, by the people, and for the people'' where every vote counts.

(4) There is a need for Congress to encourage and enable every eligible American to vote by eliminating procedural, physical, and technological obstacles to voting.

(5) There is a need to counter discrimination in voting by removing barriers to the exercise of the constitutionally protected right to vote.

(6) There is a concern that persons with disabilities and impairments face difficulties in voting.

(7) There are practices designed to purge illegal voters from voter rolls which result in the elimination of legal voters as well.

(8) State governments have already begun to examine ways to improve the administration of elections and to modernize mechanisms and machinery for voting.

(9) Congress has authority under section 4 of article I of the Constitution of the United States, section 5 of the 14th amendment to the Constitution of the United States, and section 2 of the 15th amendment to the Constitution of the United States to enact legislation to address the equal protection violations that may be caused by outdated voting systems.

(10) Congress has an obligation to ensure that the necessary resources are available to States and localities to improve election technology and election administration and to ensure the integrity of and full participation of all Americans in the democratic elections process.

Subtitle A—Commission on Voting Rights and Procedures

SEC. ___11. ESTABLISHMENT OF THE COMMISSION ON VOTING RIGHTS AND PROCEDURES.

There is established the Commission on Voting Rights and Procedures (in this subtitle referred to as the ''Commission'').

SEC. ___12. MEMBERSHIP OF THE COMMISSION.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 12 members of whom:

(1) 6 members shall be appointed by the President;

(2) 3 members shall be appointed by the Minority Leader of the Senate (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the Senate); and

(3) 3 members shall be appointed by the Minority Leader of the House of Representatives (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the House of Representatives).

(b) QUALIFICATIONS.—Each member appointed under subsection (a) shall be chosen on the basis of—

(1) experience with, and knowledge of—

(A) election law;

(B) election technology;

(C) Federal, State, or local election administration;

(D) the Constitution; or

(E) the history of the United States; and

(2) integrity, impartiality, and good judgment.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Each member shall be appointed for the life of the Commission.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy in the Commission shall not affect its powers.

(B) MANNER OF REPLACEMENT.—Not later than 60 days after the date of the vacancy, a vacancy on the Commission shall be filled in same manner as the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(d) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Commission shall elect a chairperson and vice chairperson from among its members.

(2) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

(e) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than the date that is 45 days after the date of enactment of this title.

(f) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the chairperson.

(2) INITIAL MEETING.—Not later than 20 days after the date on which all the members of the Commission have been appointed, the Commission shall hold its first meeting.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) VOTING.—Each action of the Commission shall be approved by a majority vote of the entire Commission. Each member shall have 1 vote.

SEC. ___13. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of—

(A) election technology and systems;

(B) designs of ballots and the uniformity of ballots;

(C) access to ballots and polling places, including timely notice of voting locations and matters relating to access for—

(i) voters with disabilities;

(ii) voters with visual impairments;

(iii) voters with limited English language proficiency;

(iv) voters who need assistance in order to understand the voting process or how to cast a ballot; and

(v) other voters with special needs;

(D) the effect of the capacity of voting systems on the efficiency of election administration, including how the number of ballots which may be processed by a single machine over a period of time affects the number of machines needed to carry out an election at a particular polling place and the number of polling places and other facilities necessary to serve the voters;

(E) voter registration and maintenance of voter rolls, including the use of provisional voting and standards for reenfranchisement of voters;

(F) alternative voting methods;

(G) voter intimidation, both real and perceived;

(H) accuracy of voting, election procedures, and election technology;

(I) voter education;

(J) election personnel and volunteer training;

(K)(i) the implementation of title I of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and the amendments made by title II of that Act by—

(I) the Secretary of Defense, acting as the Presidential designee under section 101 of that Act (42 U.S.C. 1973ff);

(II) each other Federal Government official having responsibilities under that Act; and

(III) each State; and

(ii) whether any legislative or administrative action is necessary to provide a meaningful opportunity for each absent uniformed services voter (as defined in section 107(1) of that Act (42 U.S.C. 1973ff–6(1))) and each overseas voter (as defined in section 107(5) of that Act (42 U.S.C. 1973ff–6(5))) to register to vote and vote in elections for Federal office;

(L) the feasibility and advisability of establishing the date on which elections for Federal office are held as a Federal or State holiday;

(M) the feasibility and advisability of establishing modified polling place hours, and the effects thereof; and

(N)(i) how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office;

(ii) how the requirements for voting systems, provisional voting, and sample ballots described in section ___31 can, on a permanent basis, best be administered; and

(iii) whether an existing or a new Federal agency should provide such assistance.

(2) WEBSITE.—In addition to any other publication activities the Commission may be required to carry out, for purposes of conducting the study under this subsection the Commission shall establish an Internet website to facilitate public comment and participation.

(b) RECOMMENDATIONS.—

(1) RECOMMENDATIONS OF BEST PRACTICES IN VOTING AND ELECTION ADMINISTRATION.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) that identify those methods of voting and administering elections studied by the Commission that would—

(A) be convenient, accessible, nondiscriminatory, and easy to use for voters in elections for Federal office, including voters with disabilities, voters with visual impairments, absent uniformed services voters,

overseas voters, and other voters with special needs, including voters with limited English proficiency or who otherwise need assistance in order to understand the voting process or to cast a ballot;

(B) yield the broadest participation; and

(C) produce accurate results.

(2) RECOMMENDATIONS FOR PROVIDING ASSISTANCE IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a)(1)(N) on how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office, and identify whether an existing or a new Federal agency should provide such assistance.

(3) RECOMMENDATIONS FOR VOTER PARTICIPATION IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) on methods—

(A) to increase voter registration;

(B) to increase the accuracy of voter rolls and participation and inclusion of legal voters;

(C) to improve voter education; and

(D) to improve the training of election personnel and volunteers.

(4) CONSISTENCY WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—The Commission shall ensure that the specific recommendations developed under this subsection are consistent with the uniform and nondiscriminatory election technology and administration requirements under section ___31.

(c) REPORTS.—

(1) INTERIM REPORTS.—Not later than the date on which the Commission submits the final report under paragraph (2), the Commission may submit to the President and Congress such interim reports as a majority of the members of the Commission determine appropriate.

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Commission shall submit to the President and Congress a final report that has received the approval of a majority of the members of the Commission.

(B) CONTENT.—The final report shall contain—

(i) a detailed statement of the findings and conclusions of the Commission on the matters studied under subsection (a);

(ii) a detailed statement of the recommendations developed under subsection (b) which received a majority vote of the members of the Commission; and

(iii) any dissenting or minority opinions of the members of the Commission.

SEC. ___14. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission (or such subcommittee or member) considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Any subpoena issued under subsection (a) shall be issued by the chairperson and vice chairperson of the Commission acting jointly. Each subpoena shall bear the signature of the chairperson of the Commission and shall be served by any person or class of persons designated by the chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the chairperson and vice chairperson of the Commission, acting jointly, the head of such department or agency shall furnish such information to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the chairperson and vice chairperson of the Commission, acting jointly, the Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this subtitle.

(g) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this subtitle.

(h) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided in this subtitle, the Commission shall be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. ___15. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The chairperson and vice chairperson of the Commission, acting jointly, may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The chairperson and vice chairperson of the Commission, acting jointly, may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson and vice chairperson of the Commission, acting jointly, may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. ___16. TERMINATION OF THE COMMISSION.

The Commission shall terminate 45 days after the date on which the Commission submits its final report and recommendations under section ___13(c)(2).

SEC. ___17. AUTHORIZATION OF APPROPRIATIONS FOR THE COMMISSION.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subtitle.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

Subtitle B—Election Technology and Administration Improvement Grant Program

SEC. ___21. ESTABLISHMENT OF GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General, subject to the general policies and criteria for the approval of applications established under section ___23 and in consultation with the Federal Election Commission, is authorized to make grants to States and localities to pay the Federal share of the costs of the activities described in section ___22.

(b) ACTION THROUGH OFFICE OF JUSTICE PROGRAMS AND ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS.—In carrying out this subtitle, the Attorney General shall act through the Assistant Attorney General for the Office of Justice Programs and the Assistant Attorney General for the Civil Rights Division.

SEC. ___22. AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—A State or locality may use grant payments received under this subtitle—

(1) to improve, acquire, or replace voting equipment or technology and improve the accessibility of polling places, including providing physical access for persons with disabilities and to other individuals with special needs, and nonvisual access for voters with visual impairments, and assistance to voters with limited proficiency in the English language;

(2) to implement new election administration procedures to increase voter participation and reduce disenfranchisement, such as ''same-day'' voter registration procedures;

(3) to educate voters concerning voting procedures, voting rights or voting technology, and to train election personnel; or

(4) upon completion of the final report under section ___13(c)(2), to implement recommendations contained in such report under section ___13(c)(2)(B)(ii).

(b) REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.—A State or locality may use grant payments received under this subtitle—

(1) on or after the date on which the voting system requirements specifications are issued under section ___32(a), to implement the requirements under section ___31(a);

(2) on or after the date on which the provisional voting requirements guidelines are issued under section ___32(b), to implement the requirements under section ___31(b); and

(3) on or after the date on which the sample ballot requirements guidelines are issued under section ___32(c), to implement the requirements under section ___31(c).

SEC. ___23. GENERAL POLICIES AND CRITERIA FOR THE APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES; REQUIREMENTS OF STATE PLANS.

(a) GENERAL POLICIES.—The Attorney General shall establish general policies with respect to the approval of applications of States and localities, the awarding of grants, and the use of assistance made available under this subtitle.

(b) CRITERIA.—

(1) IN GENERAL.—The Attorney General shall establish criteria with respect to the approval of applications of States and localities submitted under section ___24, including the requirements for State plans under paragraph (2).

(2) REQUIREMENTS OF STATE PLANS.—The Attorney General shall not approve an application of a State unless the State plan of that State provides for each of the following:

(A) Uniform nondiscriminatory voting standards within the State for election administration and technology that—

(i) meet the requirements for voting systems, provisional voting, and sample ballots described in section ___31;

(ii) provide for ease and convenience of voting for all voters, including accuracy, nonintimidation, and nondiscrimination;

(iii) ensure conditions for voters with disabilities, including nonvisual access for voters with visual impairments, provide the same opportunity for access and participation by such voters, including privacy and independence;

(iv) ensure access for voters with limited English language proficiency, voters who need assistance in order to understand the voting process or how to cast a ballot, and other voters with special needs;

(v) ensure compliance with the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.);

(vi) ensure compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), including sections 4(f)(4) and 203 of such Act (42 U.S.C. 1973b(f)(4) and 1973aa–1a);

(vii) ensure compliance with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

(viii) ensure that overseas voters and absent uniformed service voters (as such terms are defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)) have a meaningful opportunity to exercise their voting rights as citizens of the United States.

(B) Accuracy of the records of eligible voters in the States to ensure that legally registered voters appear in such records and prevent any purging of such records to remove illegal voters that result in the elimination of legal voters as well.

(C) Voter education programs regarding the right to vote and methodology and procedures for participating in elections and training programs for election personnel and volunteers, including procedures to carry out subparagraph (D).

(D) An effective method of notifying voters at polling places on the day of election of basic voting procedures to effectuate their vote as provided for in State and Federal law.

(E) A timetable for meeting the elements of the plan.

(3) CONSISTENCY WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—The criteria established by the Attorney General under this subsection and the State plans required under this subsection shall be consistent with the uniform and nondiscriminatory election technology and administration requirements under section ___31.

(c) CONSULTATION.—In establishing the general policies and criteria under this section, the Attorney General shall consult with the Federal Election Commission.

SEC. ___24. SUBMISSION OF APPLICATIONS OF STATES AND LOCALITIES.

(a) SUBMISSION OF APPLICATIONS BY STATES.—

(1) IN GENERAL.—Subject to paragraph (3), the chief executive officer of each State desiring to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) CONTENTS OF APPLICATIONS.—Each application submitted under paragraph (1) shall include the following:

(A) STATE PLAN.—A State plan that—

(i) is developed in consultation with State and local election officials;

(ii) describes the activities authorized under section ___22 for which assistance under this subtitle is sought; and

(iii) contains a detailed explanation of how the State will comply with the requirements described in section ___23(b).

(B) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—An assurance that the State will pay the non-Federal share of the costs of the activities for which assistance is sought from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section ___26(b)(2).

(C) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

(3) AVAILABILITY OF STATE PLANS FOR REVIEW AND COMMENT.—A State submitting an application under this section shall make the State plan proposed to be included in that application available to the public for review and comment prior to the submission of the application.

(b) SUBMISSION OF APPLICATIONS BY LOCALITIES.—

(1) IN GENERAL.—If a State has submitted an application under subsection (a), a locality of that State may submit an application for assistance to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) CONTENTS OF APPLICATIONS.—Each application submitted by a locality under paragraph (1) shall include the following:

(A) CONSISTENCY WITH STATE PLAN.—Information similar to the information required to be submitted under the State plan under subsection (a)(2)(A) that is not inconsistent with that plan.

(B) NONDUPLICATION OF EFFORT.—Assurances that any assistance directly provided to the locality under this subtitle is not available to that locality through the State.

(C) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—A description of how the locality will pay the non-Federal share from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section ___26(b)(2).

(D) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

SEC. ___25. APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES.

(a) APPROVAL OF STATE APPLICATIONS.—

(1) IN GENERAL.—The Attorney General, in consultation with the Federal Election Commission, shall approve applications in accordance with the general policies and criteria for the approval of applications established under section ___23.

(2) PUBLICATION OF STATE PLANS AND SOLICITATION OF COMMENTS.—After receiving an application of a State submitted under section ___24(a)(1), the Attorney General shall publish the State plan contained in that application in the Federal Register and solicit comments on the plan from the public. The publication of and the solicitation of comments on such a plan pursuant to this subsection shall not be treated as an exercise of rulemaking authority by the Attorney General for purposes of subchapter II of chapter 5 of title 5, United States Code.

(3) APPROVAL.—At any time after the expiration of the 30-day period which begins on the date the State plan is published in the Federal Register under subsection (a), and taking into consideration any comments received under such subsection, the Attorney General, in consultation with the Federal Election Commission, shall approve or disapprove the application that contains the State plan published under paragraph (2) in accordance with the general policies and criteria established under section ___23.

(b) APPROVAL OF APPLICATIONS OF LOCALITIES.—If the Attorney General has approved the application of a State under subsection (a), the Attorney General, in consultation with the Federal Election Commission, may approve an application submitted by a locality of that State under section ___24(b) in accordance with the general policies and criteria established under section ___23.

SEC. ___26. FEDERAL MATCHING FUNDS.

(a) PAYMENTS.—The Attorney General shall pay to each State or locality having an application approved under section ___25 the Federal share of the cost of the activities described in that application.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), for purposes of subsection (a), the Federal share shall be 80 percent.

(2) WAIVER.—The Attorney General may specify a Federal share greater than 80 percent under terms and conditions consistent with this subtitle.

(3) INCENTIVE FOR EARLY ACTION.—For any recipient of a grant whose application was received prior to March 1, 2002, the Federal share shall be 90 percent.

(4) REIMBURSEMENT FOR COST OF MEETING REQUIREMENTS.—With respect to the authorized activities described in section ___22(b) insofar as a State or locality incurs expenses to meet the requirements of section ___31, the Federal share shall be 100 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of payments under this subtitle may be in cash or in kind fairly evaluated, including planned equipment or services.

SEC. ___27. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, shall prescribe.

(b) AUDIT AND EXAMINATION.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, shall audit any recipient of a grant under this subtitle and shall have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to a grant received under this subtitle for the purpose of conducting an audit or examination.

SEC. ___28. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.

(a) REPORTS TO CONGRESS.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the program under this subtitle for the preceding year. Each report shall contain the following:

(1) A description and analysis of any activities funded by a grant awarded under this subtitle.

(2) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General, at such time, in such manner, and containing such information as the Attorney General considers appropriate.

SEC. ___29. DEFINITIONS OF STATE AND LOCALITY.

In this subtitle:

(1) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(2) LOCALITY.—The term ''locality'' means a political subdivision of a State.

SEC. ___30. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary for each of fiscal years 2002, 2003, 2004, 2005, and 2006.

(2) USE OF AMOUNTS.—Amounts appropriated under paragraph (1) shall be for the purpose of—

(A) awarding grants under this title; and

(B) paying for the costs of administering the program to award such grants.

(3) FEDERAL ELECTION COMMISSION.—There are authorized to be appropriated to the Federal Election Commission for each of fiscal years 2002, 2003, 2004, 2005, and 2006 such sums as may be necessary for the purpose of carrying out the provisions of this title.

(b) LIMITATION.—Not more than 1 percent of any sums appropriated under paragraph (1) of subsection (a) may be used to pay for the administrative costs described in paragraph (2)(B) of such subsection.

Subtitle C—Requirements for Election Technology and Administration

SEC. ___31. UNIFORM AND NONDISCRIMINATORY REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.

(a) VOTING SYSTEMS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) The voting system shall permit the voter to verify the votes selected by the voter on a ballot before the ballot is cast and tabulated, and shall provide the voter with the opportunity to correct any error before the ballot is cast and tabulated.

(2) If the voter selects votes for more than one candidate for a single office, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of casting multiple votes for the office, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(3) If the voter selects votes for fewer than the number of candidates for which votes may be cast, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of such selection, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(4) The voting system shall produce a record with an audit capacity for each ballot cast.

(5) The voting system shall be accessible for individuals with disabilities and other individuals with special needs, including providing nonvisual accessibility for the blind and visually impaired, which provides the same opportunity for access and participation (including privacy and independence) as for other voters, and shall provide alternative language accessibility for individuals with limited proficiency in the English language.

(6) The error rate of a voting system in counting and tabulating ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to the act of the voter) shall not exceed the error rate standards as established in the national Voting Systems Standards issued and maintained by the Office of Election Administration of the Federal Election Commission in effect on the date of enactment of this title and shall not be inconsistent with respect to the requirements under this section.

(b) PROVISIONAL VOTING.—If the name of an individual who declares to be a registrant eligible to vote at a polling place in an election for Federal office does not appear on the official list of registrants eligible to vote at the polling place, or it is otherwise asserted by an election official that the individual is not eligible to vote at the polling place—

(1) an election official at the polling place shall notify the individual that the individual may cast a provisional ballot in the election;

(2) the individual shall be permitted to cast a vote at that polling place upon written affirmation by the individual before an election official at that polling place that the individual is so eligible;

(3) an election official at the polling place shall transfer the ballot cast by the individual to an appropriate State or local election official for prompt verification of the declaration made by the individual in the affirmation required under paragraph (2);

(4) if the appropriate State or local election official verifies the declaration made by the individual in the affirmation, the individual's vote shall be tabulated; and

(5) the appropriate State or local election official shall notify the individual in writing of the final disposition of the individual's affirmation and the treatment of the individual's vote.

(c) SAMPLE BALLOT.—

(1) MAILINGS TO VOTERS.—Not later than 10 days prior to the date of an election for Federal office, the appropriate election official shall mail to each individual who is registered to vote in such election a sample version of the ballot which will be used for the election together with—

(A) information regarding the date of the election and the hours during which polling places will be open;

(B) instructions on how to cast a vote on the ballot; and

(C) general information on voting rights under Federal and applicable State laws and instructions on how to contact the appropriate officials if these rights are alleged to be violated.

(2) PUBLICATION AND POSTING.—The sample version of the ballot which will be used for an election for Federal office and which is mailed under paragraph (1) shall be published in a newspaper of general circulation in the applicable geographic area not later than 10 days prior to the date of the election, and shall be posted publicly at each polling place on the date of the election.

SEC. ___32. GUIDELINES AND TECHNICAL SPECIFICATIONS.

(a) VOTING SYSTEMS REQUIREMENT SPECIFICATIONS.—In accordance with the requirements of this subtitle regarding technical specifications, the Office of Election Administration of the Federal Election Commission shall develop national Voting Systems Specifications with respect to the voting systems requirement provided under section ___31(a).

(b) PROVISIONAL VOTING GUIDELINES.—In accordance with the requirements of this subtitle regarding provisional voting, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the provisional voting requirement provided for under section ___31(b).

(c) SAMPLE BALLOT GUIDELINES.—In accordance with the requirements of this subtitle regarding sample ballots, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the sample ballot requirement provided for under section ___31(c).

SEC. ___33. REQUIRING STATES TO MEET REQUIREMENTS.

(a) IN GENERAL.—Subject to subsection (b), a State or locality shall meet the requirements of section ___31 with respect to the regularly scheduled election for Federal office held in the State in 2004 and each subsequent election for Federal office held in the State, except that a State is not required to meet the guidelines and technical specifications under section ___32 prior to the publication of such guidelines and specifications.

(b) TREATMENT OF ACTIVITIES RELATING TO VOTING SYSTEMS UNDER GRANT PROGRAM.—To the extent that a State has used funds provided under the Election Technology and Administration Improvement grant program under section ___22(a) to purchase or modify voting systems in accordance with the State plan contained in its approved application under such program, the State shall be deemed to meet the requirements of section ___31(a).

SEC. ___34. ENFORCEMENT BY ATTORNEY GENERAL.

(a) IN GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such relief (including declaratory or injunctive relief) as may be necessary to carry out this subtitle.

(b) ACTION THROUGH OFFICE OF CIVIL RIGHTS.—The Attorney General shall carry out this section through the Office of Civil Rights of the Department of Justice.

(c) RELATION TO OTHER LAWS.—The remedies established by this section are in addition to all other rights and remedies provided by law.

Subtitle D—Miscellaneous

SEC. ___41. RELATIONSHIP TO OTHER LAWS.

(a) IN GENERAL.—Nothing in this title may be construed to authorize or require conduct prohibited under the following laws, or supersede, restrict, or limit such laws:

(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(2) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(3) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(4) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 1994 et seq.).

(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Attorney General of a State's application for a grant under subtitle B, or any other action taken by the Attorney General or a State under such subtitle, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 or any other requirements of such Act.

SA 1770. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1066. PROTECTION OF WORKER HEALTH AT IOWA ARMY AMMUNITION PLANT, IOWA.

(a) FINDINGS.—Congress makes the following findings:

(1) Workers at the Atomic Energy Commission nuclear weapons production facility at the Iowa Army Ammunition Plant, Iowa (IAAP), from 1947 to 1975 were exposed to radioactive and other hazardous substances that could harm their health.

(2) Workers at the Army plant at the IAAP worked for the same contractor as workers in the nuclear weapons production facility, at the same site, and sometimes in buildings that had been used for nuclear weapons work. Workers at the Army plant were exposed to many of the radioactive and other hazardous substances to which workers at the Atomic Energy Commission facility were exposed. Some workers worked at both the Atomic Energy Commission facility and the Army plant.

(3) The policy of the Department of Defense to neither confirm nor deny the presence of nuclear weapons at any site has prevented the Department from acknowledging the reason for some exposures of workers to radioactive or other hazardous substances at Department facilities, and secrecy oaths have discouraged some workers from discussing possible exposure to such substances at such facilities with their health care providers and other officials.

(4) The Department of Energy has publicly acknowledged that nuclear weapons were manufactured and dismantled at the IAAP before the plant was closed more than 25 years ago.

(5) In the past, the Department of Defense has publicly acknowledged that the United States had nuclear weapons in Alaska, Hawaii, Puerto Rico, Guam, Johnston Island, Midway Islands, the United Kingdom, West Germany, and Cuba, but has denied having weapons in Iceland.

(6) The Department of the Army in 1999 requested permission to release the names of Army installations that were former nuclear weapons storage sites, and to release information about such sites, but such permission was not granted.

(7) Section 1078 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–282) requires the Secretary of Defense—

(A) to review Department of Defense classification and security policies;

(B) to identify and notify former employees of defense nuclear weapons facilities who may have been exposed to radioactive or hazardous substances associated with nuclear weapons at such facilities; and

(C) to submit to Congress a report on such actions by May 1, 2001.

(8) It is critical to maintain national secrets regarding nuclear weapons, but more openness on nuclear weapons activities now consigned to history is needed to protect the health of former workers at defense nuclear weapons production facilities and the public.

(b) MODIFICATION OF GENERAL REQUIREMENTS.—Section 1078(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–283) is amended—

(1) in paragraph (1), by inserting '', or its contractors or subcontractors,'' after ''Department of Defense''; and

(2) in paragraph (3), by striking ''stored, assembled, disassembled, or maintained'' and inserting ''manufactured, assembled, or disassembled''.

(c) DETERMINATION OF EXPOSURES AT IAAP.—The Secretary of Defense shall take appropriate actions to determine the nature and extent of the exposure of current and former employees at the Army facility at the Iowa Army Ammunition Plant, Iowa, including contractor and subcontractor employees at the facility, to radioactive or other hazardous substances at the facility, including possible pathways for the exposure of such employees to such substances.

(d) NOTIFICATION OF EMPLOYEES REGARDING EXPOSURE.—(1) The Secretary shall take appropriate actions to—

(A) identify current and former employees at the facility referred to in subsection (c), including contractor and subcontractor employees at the facility; and

(B) notify such employees of known or possible exposures to radioactive or other hazardous substances at the facility.

(2) Notice under paragraph (1)(B) shall include—

(A) information on the discussion of exposures covered by such notice with health care providers and other appropriate persons who do not hold a security clearance; and

(B) if necessary, appropriate guidance on contacting health care providers and officials involved with cleanup of the facility who hold an appropriate security clearance.

(3) Notice under paragraph (1)(B) shall be by mail or other appropriate means, as determined by the Secretary.

(e) DEADLINE FOR ACTIONS.—The Secretary shall complete the actions required by subsections (c) and (d) not later than 60 days after the date of the enactment of this Act.

(f) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the results of the actions undertaken by the Secretary under this section, including any determinations under subsection (c), the number of workers identified under subsection (d)(1)(A), the content of the notice to such workers under subsection (d)(1)(B), and the status of progress on the provision of the notice to such workers under subsection (d)(1)(B).

SA 1771. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

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

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $8,000,000, with the amount of the increase to be available for operational test and evaluation (PE605118D).

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

(1) $6,600,000 shall be available for the Big Crow program; and

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

(c) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by $8,000,000.

SA 1772. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 217, strike line 18 and all that follows through page 226, line 17, and insert the following:

Subtitle A—TRICARE Benefits Modernization

SEC. 701. REQUIREMENT FOR INTEGRATION OF BENEFITS.

(a) IN GENERAL.—The Secretary of Defense shall—

(1) terminate the Individual Case Management Program carried out under section 1079(a)(17) of title 10, United States Code (as in effect on September 30, 2001); and

(2) integrate the beneficiaries under that program, and the furnishing of care to those beneficiaries, into the TRICARE program as modified pursuant to the amendments made by this subtitle.

(b) REPEAL OF SEPARATE AUTHORITY.—Section 1079 of title 10, United States Code, is amended by striking paragraph (17).

(c) SAVINGS PROVISION.—Nothing in this subtitle or the amendments made by this subtitle shall be construed—

(1) to modify any eligibility requirement for any person receiving benefits under the Individual Case Management Program before October 1, 2001; or

(2) to terminate any benefits available under that program before that date.

(d) CONSULTATION REQUIREMENT.—The Secretary of Defense shall consult with the other administering Secretaries referred to in section 1072(3) of title 10, United States Code, in carrying out this section.

SEC. 702. DOMICILIARY AND CUSTODIAL CARE.

(a) AUTHORITY.—Section 1077 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by inserting before the period end the following: '', except as provided in subsection (e)''; and

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

''(e) The prohibition in subsection (b)(1) does not apply to domiciliary care or custodial care that is provided to a patient by a physician, nurse, paramedic, or other health care provider incident to other health care authorized under subsection (a), whether or not—

''(1) the potential for the patient's condition of illness, injury, or bodily malfunction to improve might be nonexistent or minimal; or

''(2) the care is provided for the purposes of maintaining function and preventing deterioration.''.

(b) DOMICILIARY AND CUSTODIAL CARE DEFINED.—Section 1072 of such title is amended by adding at the end the following new paragraphs:

''(8) The term 'domiciliary care' means treatment or services involving assistance with the performance of activities of daily living that is provided to a patient in a home-like setting because—

''(A) the treatment or services are not available, or are not suitable to be provided, to the patient in the patient's home; or

''(B) no member of the patient's family is willing to provide the treatment or services.

''(9) The term 'custodial care'—

''(A) means treatment or services that—

''(i) could be provided safely and reasonably by a person not trained as a physician, nurse, paramedic, or other health care provider; or

''(ii) are provided principally to assist the recipient of the treatment or services with the performance of activities of daily living; and

''(B) includes any treatment or service described in subparagraph (A) without regard to—

''(i) the source of any recommendation to provide the treatment or service; and

''(ii) the setting in which the treatment or service is provided.''.

SEC. 703. LONG TERM CARE.

(a) LIMITATION.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074i the following new section:

''§ 1074j. Long term care benefits program

''(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall provide long term health care benefits under the TRICARE program in an effective and efficient manner that integrates those benefits with the benefits provided on a less than a long term basis under the TRICARE program.

''(b) AUTHORIZED CARE.—The types of health care authorized to be provided under this section shall include the following:

''(1) The types of health care authorized to be acquired by contract under section 1079 of this title.

''(2) Extended care services.

''(3) Post-hospital extended care services.

''(4) Comprehensive intermittent home health services.

''(5) Subject to subsection (d), community based services, as follows:.

''(A) Nursing services provided by or under the supervision of a nurse.

''(B) Therapy services.

''(C) Medical equipment and supplies.

''(D) In the case of a patient with concurrent skilled care needs, the following:

''(i) Home health aide services.

''(ii) Performance of chores.

''(iii) Adult day care services.

''(iv) Respite care.

''(v) Any other medical or social service that contributes to the health and well-being of the patient and the ability of the patient to reside in a community based care setting instead of an institution.

''(c) DURATION OF POST-HOSPITAL EXTENDED CARE SERVICES.—The post-hospital extended care services provided in a skilled nursing facility to a patient during a spell of illness under subsection (b)(3) shall continue for as long as is medically necessary and appropriate. The limitation on the number of days of coverage under subsections (a)(2) and (b)(2)(A) of section 1812 of the Social Security Act (42 U.S.C. 1395d) shall not apply with respect to the care provided that patient.

''(d) COMMUNITY BASED SERVICES.—(1) To qualify for community based services under this section, a patient shall require a level of care that—

''(A) is available to the patient in a nursing facility or hospital; and

''(B) if such level of care were provided to the patient in such a nursing facility or hospital, would be paid for (in whole or in part) under this chapter at a cost to the United States that is equal to or greater than the cost that would be incurred by the United States to provide the community based services to the patient under this section.

''(2) Community based services may only be provided to a patient under this section in accordance with a plan of care established by the patient's physician.

''(e) REGULATIONS.—The Secretary of Defense shall, after consultation with the other administering Secretaries, prescribe regulations to carry out this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'extended care services' has the meaning given the term in subsection (h) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

''(2) The term 'post-hospital extended services' has the meaning given the term in subsection (i) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

''(3) The term 'home health services' has the meaning given the term in subsection (m) of section 1861 of the Social Security Act (42 U.S.C. 1395x).

''(4) The term 'skilled nursing facility' has the meaning given the term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)).

''(5) The term 'spell of illness' has the meaning given the term in subsection (a) of section 1861 of the Social Security Act (42 U.S.C. 1395x).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074i the following new item:

''1074j. Long term care benefits program.''.

SEC. 704. EXTENDED BENEFITS FOR DISABLED BENEFICIARIES.

Section 1079 of title 10, United States Code, is amended by striking subsections (d), (e), and (f) and inserting the following:

''(d)(1) The health care benefits contracted for under this section shall include extended benefits for dependents referred to in the first sentence of subsection (a) who have any of the following qualifying conditions:

''(A) Moderate or severe mental retardation.

''(B) A serious physical disability.

''(C) Any extraordinary physical or psychological condition.

''(2) The extended benefits under paragraph (1) may include comprehensive health care and case management services, to the extent not otherwise provided under this chapter with respect to a qualifying condition, as follows:

''(A) Diagnosis.

''(B) Inpatient, outpatient, and comprehensive home health supplies and services.

''(C) Training and rehabilitation, including special education and assistive technology devices.

''(D) Institutional care in private nonprofit, public, and State institutions and facilities and, when appropriate, transportation to and from such institutions and facilities.

''(E) Any other services and supplies determined appropriate under regulations prescribed under paragraph (9).

''(3) The extended benefits under paragraph (1) may also include respite care for the primary caregiver of a dependent eligible for extended benefits under this subsection.

''(4) Home health supplies and services may be provided to a dependent under paragraph (2)(B) as other than part-time or intermittent services (as determined in accordance with the second sentence of section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) only if—

''(A) the provision of such supplies and services in the home of the dependent is medically appropriate; and

''(B) the cost of the provision of such supplies and services to the dependent is equal to or less than the cost of the provision of similar supplies and services to the dependent in a skilled nursing facility.

''(5) Subsection (a)(13) shall not apply to the provision of care and services determined appropriate to be provided as extended benefits under this subsection.

''(6) Subject to paragraph (7), a member of the uniformed services shall pay a share of the cost of any care and services provided as extended benefits to any of the dependents of the member under this subsection as follows:

''(A) In the case of a member in the lowest enlisted pay grade, the first $25 of the cumulative costs of all care furnished to one or more dependents of the member in a month.

''(B) In the case of a member in the highest commissioned pay grade, the first $250 of the cumulative costs of all care furnished to one or more dependents of the member in a month.

''(C) In the case of a member in any other pay grade, a fixed amount of the cumulative costs of all care furnished to one or more dependents of the member in a month, as prescribed for that pay grade in regulations prescribed under paragraph (9).

''(7)(A) In the case of extended benefits provided under subparagraph (C) or (D) of paragraph (2) to a dependent of a member of the uniformed services—

''(i) the Government's share of the total cost of providing such benefits in any month shall not exceed $2,500, except for costs that a member is exempt from paying under subparagraph (B); and

''(ii) the member shall pay (in addition to any amount payable under paragraph (6)) the amount, if any, by which the amount of such total cost for the month exceeds the Government's maximum share under clause (i).

''(B) A member of the uniformed services who incurs expenses under subparagraph (A) for a month for more than one dependent shall not be required to pay for the month under clause (ii) of that subparagraph an amount greater than the amount the member would otherwise be required to pay under that clause for the month if the member were incurring expenses under that subparagraph for only one dependent.

''(8) To qualify for extended benefits under subparagraph (C) or (D) of paragraph (2), a dependent of a member of the uniformed services shall be required to use public facilities to the extent such facilities are available and adequate, as determined under joint regulations of the administering Secretaries.

''(9) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to carry out this subsection.''.

SEC. 705. CONFORMING REPEALS.

The following provisions of law are repealed:

(1) Section 703 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 682; 10 U.S.C. 1077 note).

(2) Section 8118 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1260).

(3) Section 8100 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 696).

SEC. 710A. REPORT TO CONGRESS ON RELATIONSHIP AMONG FEDERAL LONG-TERM CARE INITIATIVES.

Not later than April 1, 2002, the Secretary of Defense shall submit to Congress a report on the relationship and compatibility of the long term care insurance program under chapter 90 of title 5, United States Code (as added by the Federal Long-Term Care Security Act), and other initiatives of the Federal Government to provide long term care benefits for which members of the uniformed services and their dependents are or would be eligible.

SEC. 710B. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on October 1, 2001.

SA 1773. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE—PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Public Safety Employer-Employee Cooperation Act of 2001''.

SEC. ___02. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(3) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. ___03. DEFINITIONS.

In this title:

(1) AUTHORITY.—The term ''Authority'' means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term ''emergency medical services personnel'' means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms ''employer'' and ''public safety agency'' mean any State, political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(4) FIREFIGHTER.—The term ''firefighter'' has the meaning given the term ''employee engaged in fire protection activities'' in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term ''labor organization'' means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' has the meaning given such term in section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(5)).

(7) MANAGEMENT EMPLOYEE.—The term ''management employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PUBLIC SAFETY OFFICER.—The term ''public safety officer''—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(9) SUBSTANTIALLY PROVIDES.—The term ''substantially provides'' means compliance with the essential requirements of this title, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact finding.

(10) SUPERVISORY EMPLOYEE.—The term ''supervisory employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. ___04. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b).

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Director shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any State, political subdivision of a State, or person aggrieved by a determination of the Authority under this section may, during the 60 day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed, except that any final determination of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section ___05.

SEC. ___05. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section ___04(b) establishing collective bargaining procedures for public safety employers and officers in States which the Authority has determined, acting pursuant to its authority under section ___04(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this title and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators; and

(6) take such other actions as are necessary and appropriate to effectively administer this title, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code, except that any final order of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. ___06. STRIKES AND LOCKOUTS PROHIBITED.

A public safety employer, officer, or labor organization may not engage in a lockout, sickout, work slowdown, or strike or engage in any other action that is designed to compel an employer, officer, or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of emergency services, except that it shall not be a violation of this section for an employer, officer, or labor organization to refuse to provide services not required by the terms and conditions of an existing contract.

SEC. ___07. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. 08. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this title shall be construed—

(1) to invalidate or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this title; or

(2) to prevent a State from prohibiting bargaining over issues which are traditional and customary management functions, except as provided in section ___04(b)(3).

(b) COMPLIANCE.—No State shall preempt laws or ordinances of any of its political subdivisions if such laws provide collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this title.

SEC. 09. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE—ANTI-TERRORISM TRAINING GRANTS

As authorized by Sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996, $12,600,000 is designated to the Office for State and Local Domestic Preparedness Support in the Department of Justice for purposes of making grants to train fire fighters to respond to acts of terrorism.

Grants shall be made to national nonprofit employee organizations that have experience in providing terrorism response training using skilled instructors, who are both fire fighters and certified instructors, to train fire fighters to safely and effectively respond to terrorist attacks.

There are authorized to be appropriated $12,600,000 to carry out this provision.

SA 1774. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 264, strike all on line 11 through the period on page 266, line 6, and insert in lieu thereof the following:

(b) LIMITED COMPETITION REQUIREMENT.—If the Secretary determines that a Federal Prison Industries product is not comparable in price, quality, and time of delivery to products available from the private sector, the Secretary may use competitive procedures for the procurement of the product. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation. The Secretary may employ the same procedures in relation to Federal Prison Industries products purchased by private vendors contracted by the Department of Defense, if he determines that a Federal Prison Industries product is not comparable in price, quality, and time of delivery to products available from the private sector.

SA 1775. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 264, strike all on line 11 through the period on page 266, line 6, and insert in lieu thereof the following:

(b) LIMITED COMPETITION REQUIREMENT.—If the Secretary determines that a Federal Prison Industries product (including a product that is integral to, or embedded in, a product that is not available from Federal Prison industries) is not comparable in price, quality, and time of delivery to products available from the private sector, the Secretary may use competitive procedures for the procurement of the product. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation.

SA 1776. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was ordered to lie on the table; as follows:

On page 294, between lines 16 and 17, insert the following:

SEC. 833. INCREASED THRESHOLD AMOUNT FOR APPLICABILITY OF DAVIS-BACON ACT AND SERVICE CONTRACT ACT OF 1965.

(a) DAVIS-BACON ACT.—Section 1(a) of the Act of March 3, 1931 (popularly known as the ''Davis-Bacon Act''; 40 U.S.C. 276a(a)), is amended by striking '$2,000'' in the first sentence and inserting ''$1,000,000''.

(b) SERVICE CONTRACT ACT OF 1965.—Section 2(a) of the Service Contract Act of 1965 (41 U.S.C. 351) is amended by striking ''$2,500'' and inserting $1,000,000''.

SA 1777. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike Section 821 and insert in lieu therof the following:

SEC. 821. The General Accounting Office shall conduct a study of existing procurement procedures, regulations, and statutes

which govern procurement transactions between the Department of Defense and Federal Prison Industries, and any joint recommendation of the Department of Defense and Department of Justice. A report containing the findings of the study and recommendations on the means to improve the efficiency and reduce the cost of such transactions shall be submitted to the Senate Committee on Armed Services not later than April 30, 2002.

SA 1778. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 821, and insert in lieu thereof the following:

"SEC. 821. PURCHASES FROM FEDERAL PRISON INDUSTRIES.

''The Secretary of Defense, in consultation with the Attorney General and the Chief Executive Officer of Federal Prison Industries, shall conduct a thorough review of procurement procedures involving the purchase of good from Federal Prison Industries. Following such review, the Secretary of Defense may, in consultation with the Attorney General and the Chief Executive Officer of Federal Prison Industries, override the denial of any waiver sought by the Department of Defense from mandatory source requirements, if he concludes that such an override is in the public interest.''.

SA 1779. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 264, strike all on line 21 through the period on page 266, line 6.

SA 1780. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 363, after line 25, insert the following:

SEC. 1066. DEPARTMENT OF DEFENSE STRATEGIC LOAN AND LOAN GUARANTY PROGRAM.

(a) AUTHORITY.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2228. Department of Defense strategic loan and loan guaranty program

''(a) AUTHORITY.—The Secretary of Defense may carry out a program to make direct loans and guarantee loans for the purpose of supporting the attainment of the objectives set forth in subsection (b).

''(b) OBJECTIVES.—The Secretary may, under the program, make a direct loan to an applicant or guarantee the payment of the principal and interest of a loan made to an applicant upon the Secretary's determination that the applicant's use of the proceeds of the loan will support the attainment of any of the following objectives:

''(1) Sustain the readiness of the United States to carry out the national security objectives of the United States through the guarantee of steady domestic production of items necessary for low intensity conflicts to counter terrorism or other imminent threats to the national security of the United States.

''(2) Sustain the economic stability of strategically important domestic sectors of the defense industry that manufacture or construct products for low-intensity conflicts and counter terrorism to respond to attacks on United States national security and to protect potential United States civilian and military targets from attack.

''(3) Sustain the production and use of systems that are critical for the exploration and development of new domestic energy sources for the United States.

''(c) CONDITIONS.—A loan made or guaranteed under the program shall meet the following requirements:

''(1) The period for repayment of the loan may not exceed five years.

''(2) The loan shall be secured by primary collateral that is sufficient to pay the total amount of the unpaid principal and interest of the loan in the event of default.

''(d) EVALUATION OF COST.—As part of the consideration of each application for a loan or for a guarantee of the loan under the program, the Secretary shall evaluate the cost of the loan within the meaning of section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).''.

(2) The table of sections at the beginning of such section is amended by adding at the end the following new item:

''2228. Department of Defense strategic loan and loan guaranty program.''.

(b) FUNDING.—Of the amounts appropriated by Public Law 107–38, there shall be available such sums as may be necessary for the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of direct loans and loan guarantees made under section 2228 of title 10, United States Code, as added by subsection (a).

SA 1781. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, between lines 16 and 17, insert the following:

SEC. 664. BACK PAY FOR MEMBERS OF THE NAVY AND MARINE CORPS APPROVED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II.

(a) ENTITLEMENT OF FORMER PRISONERS OF WAR.—Upon receipt of a claim made in accordance with this section, the Secretary of the Navy shall pay back pay to a claimant who, by reason of being interned as a prisoner of war while serving as a member of the Navy or the Marine Corps during World War II, was not available to accept a promotion for which the claimant was approved.

(b) PROPER CLAIMANT FOR DECEASED FORMER MEMBER.—In the case of a person described in subsection (a) who is deceased, the back pay for that deceased person under this section shall be paid to a member or members of the family of the deceased person determined appropriate in the same manner as is provided in section 6(c) of the War Claims Act of 1948 (50 U.S.C. App. 2005(c)).

(c) AMOUNT OF BACK PAY.—(1) Subject to paragraph (2), the amount of back pay payable to or for a person described in subsection (a) is the amount equal to the excess of—

(A) the total amount of basic pay that would have been paid to that person for service in the Navy or the Marine Corps if the person had been promoted on the date on which the promotion was approved, over

(B) the total amount of basic pay that was paid to or for that person for such service on and after that date.

(2) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

(d) TIME LIMITATIONS.—(1) To be eligible for a payment under this section, a claimant must file a claim for such payment with the Secretary of Defense within two years after the effective date of the regulations implementing this section.

(2) Not later than 18 months after receiving a claim for payment under this section, the Secretary shall determine the eligibility of the claimant for payment of the claim. Subject to subsection (f), if the Secretary determines that the claimant is eligible for the payment, the Secretary shall promptly pay the claim.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall include procedures by which persons may submit claims for payment under this section. Such regulations shall be prescribed not later than six months after the date of the enactment of this Act.

(f) LIMITATION ON DISBURSEMENT.—(1) Notwithstanding any power of attorney, assignment of interest, contract, or other agreement, the actual disbursement of a payment under this section may be made only to each person who is eligible for the payment under subsection (a) or (b) and only—

(A) upon the appearance of that person, in person, at any designated disbursement office in the United States or its territories; or

(B) at such other location or in such other manner as that person may request in writing.

(2) In the case of a claim approved for payment but not disbursed as a result of operation of paragraph (1), the Secretary of Defense shall hold the funds in trust for the person in an interest bearing account until such time as the person makes an election under such paragraph.

(g) ATTORNEY FEES.—Notwithstanding any contract, the representative of a person may not receive, for services rendered in connection with the claim of, or with respect to, a person under this section, more than 10 percent of the amount of a payment made under this section on that claim.

(h) OUTREACH.—The Secretary of the Navy shall take such actions as are necessary to ensure that the benefits and eligibility for benefits under this section are widely publicized by means designed to provide actual notice of the availability of the benefits in a

timely manner to the maximum number of eligible persons practicable.

(i) DEFINITION.—In this section, the term ''World War II'' has the meaning given the term in section 101(8) of title 38, United States Code.

SA 1782. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, between lines 16 and 17, insert the following:

SEC. 664. BACK PAY FOR MEMBERS OF THE NAVY AND MARINE CORPS APPROVED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II.

(a) ENTITLEMENT OF FORMER PRISONERS OF WAR.—Upon receipt of a claim made in accordance with this section, the Secretary of the Navy shall pay back pay to a claimant who, by reason of being interned as a prisoner of war while serving as a member of the Navy or the Marine Corps during World War II, was not available to accept a promotion for which the claimant was approved.

(b) PROPER CLAIMANT FOR DECEASED FORMER MEMBER.—In the case of a person described in subsection (a) who is deceased, the back pay for that deceased person under this section shall be paid to a member or members of the family of the deceased person determined appropriate in the same manner as is provided in section 6(c) of the War Claims Act of 1948 (50 U.S.C. App. 2005(c)).

(c) AMOUNT OF BACK PAY.—(1) Subject to paragraph (2), the amount of back pay payable to or for a person described in subsection (a) is the amount equal to the excess of—

(A) the total amount of basic pay that would have been paid to that person for service in the Navy or the Marine Corps if the person had been promoted on the date on which the promotion was approved, over

(B) the total amount of basic pay that was paid to or for that person for such service on and after that date.

(2) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

(d) TIME LIMITATIONS.—(1) To be eligible for a payment under this section, a claimant must file a claim for such payment with the Secretary of Defense within two years after the effective date of the regulations implementing this section.

(2) Not later than 18 months after receiving a claim for payment under this section, the Secretary shall determine the eligibility of the claimant for payment of the claim. Subject to subsection (f), if the Secretary determines that the claimant is eligible for the payment, the Secretary shall promptly pay the claim.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall include procedures by which persons may submit claims for payment under this section. Such regulations shall be prescribed not later than six months after the date of the enactment of this Act.

(f) LIMITATION ON DISBURSEMENT.—(1) Notwithstanding any power of attorney, assignment of interest, contract, or other agreement, the actual disbursement of a payment under this section may be made only to each person who is eligible for the payment under subsection (a) or (b) and only—

(A) upon the appearance of that person, in person, at any designated disbursement office in the United States or its territories; or

(B) at such other location or in such other manner as that person may request in writing.

(2) In the case of a claim approved for payment but not disbursed as a result of operation of paragraph (1), the Secretary of Defense shall hold the funds in trust for the person in an interest bearing account until such time as the person makes an election under such paragraph.

(g) ATTORNEY FEES.—Notwithstanding any contract, the representative of a person may not receive, for services rendered in connection with the claim of, or with respect to, a person under this section, more than 10 percent of the amount of a payment made under this section on that claim.

(h) OUTREACH.—The Secretary of the Navy shall take such actions as are necessary to ensure that the benefits and eligibility for benefits under this section are widely publicized by means designed to provide actual notice of the availability of the benefits in a timely manner to the maximum number of eligible persons practicable.

(i) DEFINITION.—In this section, the term ''World War II'' has the meaning given the term in section 101(8) of title 38, United States Code.

(j) FUNDING.—(1) The amount authorized to be appropriated under section 421 is hereby increased by $99,000,000. Of the total amount authorized to be appropriated by section 421, as so increased, $99,000,000 shall be available for carrying out this section. Notwithstanding any other provision of this or any other Act, the amount set aside by the preceding sentence is authorized to be made available for fiscal years 2002, 2003, and 2004.

(2) The amount authorized to be appropriated by section 103(1) is hereby reduced by $99,000,000.

SA 1783. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

SA 1784. Mr. KENNEDY (for himself, Mr. WARNER, Mrs. CLINTON, Mr. WELLSTONE and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___MENTAL HEALTH AND TERRORISM

Subtitle A—Planning and Training Grants

SEC. ___01. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—The Secretary of Education (referred to in this section as the ''Secretary''), in consultation with the Secretary of Health and Human Services, shall award grants to eligible local educational agencies (as such term is defined in section 14101 of the Elementary and Secondary Education Act of 1965) to enable such agencies to develop programs to respond to mental health needs arising from a disaster.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a) a local educational agency, in consultation with the State educational agency, shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan for responding to the mental health needs of school children and school personnel that may arise as a result of a disaster that shall contain—

(A) the name of an individual designated by each school involved to serve as the lead coordinator responsible for responding to the mental health needs of students and school personnel affected by a disaster;

(B) an assurance that the applicant, and each school involved, will provide materials and training to all teachers, school counselors, and other appropriate school personnel concerning the appropriate ways in which to talk with students about disasters;

(C) an assurance that the applicant will participate in the establishment of community partnerships between local educational agencies and mental health professionals and service systems, and to the extent appropriate community-based organizations, to respond to the mental health needs that arise from a disaster;

(D) an assurance that the applicant will establish a program for communicating with parents concerning appropriate responses to the mental health needs of students that result from a disaster and the services offered by the school with respect to such needs;

(E) an assurance that the applicant will establish a program to educate teachers, parents, school counselors, and other key personnel concerning the recognition of students who are exhibiting behaviors that may require a referral to a qualified mental health provider and the appropriate notification of the parents or guardians of such students; and

(F) an assurance that the applicant will provide for the equitable participation of private schools, that are located in the area to be served by the applicant, in the same manner as such participation is provided for under sections 14503 through 14506 of the Elementary and Secondary Education Act of 1965.

(2) STATE COMMENTS.—A local educational agency submitting an application under this subsection shall provide notice of such application to the State educational agency and provide the State educational agency with

the opportunity to comment on such application.

(3) GRANTS TO STATES.—The Secretary may award a grant to a State under this section to enable the State—

(A) to provide assistance to local educational agencies that do not otherwise apply for or receive a grant under this section, to assist such agencies in submitting applications and developing plans under paragraph (1); or

(B) to coordinate State and local school educational agency efforts under this section.

(c) USE OF FUNDS.—A local educational agency that receives a grant under this section shall use amounts received under the grant to carry out the programs and activities described in the application submitted by the grantee under subsection (b).

(d) INFORMATION AND EDUCATION.—

(1) IN GENERAL.—The Secretary shall establish and disseminate to local educational agencies and public and private elementary and secondary schools, comprehensive information and education program information to assist such agencies and schools in evaluating and developing appropriate materials and programs for responding to the mental health needs associated with students and school personnel in disasters.

(2) COORDINATION.—Agencies and schools shall coordinate response programs developed under paragraph (1) with existing public and private programs, including the 2-1-1 hotline program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2002 through 2004.

SEC. ___02. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

(1) by redesignating the second part G (relating to services provided through religious organizations) as part J;

(2) by redesignating sections 581 through 584 of such part as sections 596 through 596C; and

(3) by adding at the end the following:

"PART K—MENTAL HEALTH AND DISASTERS

"Subpart I—Planning Grants

"SEC. 597. GRANTS TO STATE AND LOCAL PUBLIC ENTITIES.

''(a) IN GENERAL.—The Secretary shall award grants to eligible State and local public entities to enable such entities to develop programs to respond to mental health needs arising from a disaster.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible to receive a grant under subsection (a) a State or local public entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) an assurance that the applicant will coordinate activities under the grant, including the coordination and management of volunteer mental health providers, with—

''(i) other governmental agencies;

''(ii) private service providers; and

''(iii) local educational agencies;

''(B) the name of an individual designated by the applicant to serve as the lead coordinator responsible for coordinating services provided under the grant;

''(C) an assurance that the applicant will develop a program to provide crisis counseling services to individuals in the event of a disaster;

''(D) an assurance that the applicant will develop a program to provide information to the public in the event of a disaster;

''(E) an assurance that the applicant will ensure the availability of mental health professionals who are trained to meet the special mental health needs of disaster victims;

''(F) an assurance that the applicant will establish a program to meet the mental health needs of special populations, including the disabled, minority groups, children, and the elderly, and where appropriate, rural populations;

''(G) an assurance that the applicant will develop a program to locate and assess individuals after a disaster who are at risk of developing, or who have developed, a mental illness as a result of the disaster, and to provide referrals and treatment for such individuals;

''(H) an assurance that the applicant, in consultation with providers and organizations that serve public safety workers, will assist in developing a program to identify and meet the mental health needs of public safety workers and others involved in responding to the disaster; and

''(I) an assurance that the applicant will develop a program that coordinates with other systems or entities providing services to disaster victims, including hotline programs.

''(2) STATE COMMENTS.—A local educational agency submitting an application under this subsection shall provide notice of such application to the chief executive officer of the State and provide the State with the opportunity to comment on such application.

''(c) USE OF FUNDS.—A State or local government or other governmental agency that receives a grant under this section shall use amounts received under the grant to carry out the programs and activities described in the application submitted by the grantee under subsection (b).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2002 through 2004.

''(e) PROGRAM MANAGEMENT.—In carrying out this section, the Secretary may use amounts appropriated under subsection (d) for the administration of the program under this section.

"SEC. 597A. DISASTER RESPONSE CLEARINGHOUSE AND DISASTER HOTLINES.

''(a) IN GENERAL.—Not later than 60 days after the date of enactment of this part, the Secretary shall establish and maintain a Mental Health Disaster Response Clearinghouse to collect and make available information to assist local educational agencies, State and local governments, health care providers, and the public in responding to mental health needs associated with disasters.

''(b) PROVISION OF INFORMATION.—As part of the clearinghouse established under subsection (a), the Secretary shall establish a program for—

''(1) providing appropriate information to the media; and

''(2) disseminating training-related curricula and materials to mental health professionals.

''(c) DISASTER RESPONSE HOTLINES.—The Secretary shall award grants to State or local entities to enable such entities to develop, expand, or increase the capacity of 2-1-1 call centers or other universal hotlines, for the purpose of connecting the public to all available community information centers developed in response to a disaster and disaster recovery efforts, as well as connecting the public to existing social services that are available to support the public during the time of a disaster and recovery, including mental health services.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2002 through 2004.

"Subpart II—Training Grants

"SEC. 597E. TRAINING GRANTS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, shall award grants to eligible entities to enable such entities to provide for the training of mental health professionals with respect to the treatment of individuals who are victims of disasters.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) an entity shall—

''(1) be a—

''(A) regional center of excellence; or

''(B) a mental health professional society; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An entity that receives a grant under this section shall use amounts received under the grant to provide for the training of mental health professionals to enable such professionals to appropriately diagnose individuals who are the victims of disasters with respect to their mental health and to provide for the proper treatment of the mental health needs of such individuals.

''(d) TRAINING MATERIALS AND PROCEDURES.—The Director of the Center for Mental Health Services, in consultation with the Director of the National Institute of Mental Health, the National Center for Post-Traumatic Stress Disorder, the International Society for Traumatic Stress Studies, and the heads of other similar entities, shall develop training materials and procedures to assist grantees under this section.

''(e) DEFINITION.—In this section ,the term 'mental health professional' includes psychiatrists, psychologists, psychiatric nurses, mental health counselors, marriage and family therapists, social workers, pastoral counselors, school psychologists, licensed professional counselors, school guidance counselors, and any other individual practicing in a mental health profession that is licensed or regulated by a State agency.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2002 through 2004.

''(g) PROGRAM MANAGEMENT.—In carrying out this section, the Secretary may use amounts appropriated under subsection (d) for the administration of the program under this section.''.

Subtitle B—Addressing Long-Term Needs

SEC. ___11. GRANTS TO DIRECTLY AFFECTED AREAS.

Part K of title V of the Public Health Service Act, as added by section ___01, is amended by adding at the end the following:

"Subpart III—Addressing Long-Term Needs

"SEC. 597H. GRANTS TO DIRECTLY AFFECTED AREAS.

''(a) IN GENERAL.—The Secretary shall award grants to eligible State and local governments and other public entities to enable such entities to respond to the long-term mental health needs arising from the terrorist attack of September 11, 2001.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) an entity shall—

''(1) be a State or local government or other public entity that is located in an area that is directly affected (as determined by the Secretary) by the terrorist attack of September 11, 2001; and

''(2) prepare and submit to the Secretary an application at such time, in such manner,

and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—A grantee shall use amounts received under a grant under subsection (a)—

''(1) to carry out activities to locate individuals who may be affected by the terrorist attack of September 11, 2001 and in need of mental health services, including teachers and public safety officers with special responsibility for responding to the disaster;

''(2) to provide treatment for those individuals identified under paragraph (1) who are suffering from a serious psychiatric illness as a result of such terrorist attack (including paying the costs of necessary medications), including teachers and public safety officers with special responsibility for responding to the disaster;

''(4) to carry out other activities determined appropriate by the Secretary.

''(d) USE OF PRIVATE ENTITIES AND EXISTING PROVIDERS.—To the extent appropriate, a grantee under subsection (a) shall—

''(1) enter into contracts with private, nonprofit entities to carry out activities under the grant; and

''(2) to the extent feasible, utilize providers that are already serving the affected population, including providers used by public safety workers and teachers.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

''(1) with respect to grants to entities described in subsection (b)(1)(A), $175,000,000 for fiscal year 2002, and such sums as may be necessary in each of fiscal years 2003 and 2004; and

''SEC. 597I. RESEARCH.

''(a) LIFTING OF CAP ON SUPPLEMENTAL RESEARCH FUNDS.—Notwithstanding any other provision of law, the Secretary may waive any restriction on the amount of supplemental funding that may be provided to any disaster—related scientific research project that is funded by the Secretary.

''(b) ADDITIONAL FUNDING.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2002 to enable the Secretary to award additional grants for the conduct of peer-reviewed, mental health—related scientific research projects related to the assessment of the mental health impacts and the provision of appropriate interventions for individuals affected by the September 11, 2001 terrorist attacks.''.

Subtitle C—Addressing the Needs of Victims of Crime

SEC. ___21. CRIME VICTIMS FUND.

(a) DEPOSIT OF GIFTS IN THE FUND.—Section 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) any gifts, bequests, or donations to the Fund from private entities or individuals.''.

(b) FORMULA FOR FUND DISTRIBUTIONS.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended to read as follows:

''(c) FUND DISTRIBUTION; RETENTION OF SUMS IN FUND; AVAILABILITY FOR EXPENDITURE WITHOUT FISCAL YEAR LIMITATION.—

''(1) Subject to the availability of money in the Fund, in each fiscal year, beginning with fiscal year 2003, the Director shall distribute not less than 90 percent nor more than 110 percent of the amount distributed from the Fund in the previous fiscal year, except the Director may distribute up to 120 percent of the amount distributed in the previous fiscal year in any fiscal year that the total amount available in the Fund is more than 2 times the amount distributed in the previous fiscal year.

''(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.''.

(c) ALLOCATION OF FUNDS FOR COSTS AND GRANTS.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended—

(1) by striking ''deposited in'' and inserting ''to be distributed from'';

(2) in subparagraph (A), by striking ''48.5'' and inserting ''47.5'';

(3) in subparagraph (B), by striking ''48.5'' and inserting ''47.5''; and

(4) in subparagraph (C), by striking ''3'' and inserting ''5''.

(d) ANTITERRORISM EMERGENCY RESERVE.—Section 1402(d)(5) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)) is amended to read as follows:

''(5)(A) In addition to the amounts distributed under paragraphs (2), (3), and (4), the Director may set aside up to $50,000,000 from the amounts remaining in the Fund in fiscal year 2002 as an antiterrorism emergency reserve. The Director may replenish any amounts expended from such reserve in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year after distributing amounts under paragraphs (2), (3) and (4). Such reserve shall not exceed $50,000,000.

''(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 1404B and to provide compensation to victims of international terrorism under section 1404C.

''(C) Amounts set aside under subparagraph (A) from the amounts remaining in the Fund in fiscal year 2002 shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding—

''(i) section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, and any similar limitation on Fund obligations in such Act for fiscal year 2002; and

''(ii) subsections (c) and (d) of section 1402.''.

(e) VICTIMS OF SEPTEMBER 11, 2001.—Amounts transferred to the Crime Victims Fund for use in responding to the airplane hijackings and terrorist acts (including any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding—

(1) section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, and any similar limitation on Fund obligations in such Act for Fiscal Year 2002; and

(2) subsections (c) and (d) of section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

SEC. ___22. CRIME VICTIM COMPENSATION.

(a) ALLOCATION OF FUNDS FOR COMPENSATION AND ASSISTANCE.—Paragraphs (1) and (2) of section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) are amended by striking ''40'' each place it appears and inserting ''60''.

(b) LOCATION OF COMPENSABLE CRIME.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(6)(B)) is amended by striking ''are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or''.

(c) RELATIONSHIP OF CRIME VICTIM COMPENSATION TO MEANS-TESTED FEDERAL BENEFIT PROGRAMS.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking subsection (c) and inserting the following:

''(c) EXCLUSION FROM INCOME, RESOURCES, AND ASSETS FOR PURPOSES OF MEANS TESTS.—Notwithstanding any other law (other than title IV of Public Law 107–42), for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.''.

(d) DEFINITIONS OF ''COMPENSABLE CRIME'' AND ''STATE''.—Section 1403(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)) is amended—

(1) in paragraph (3), by striking ''crimes involving terrorism,''; and

(2) in paragraph (4), by inserting ''the United States Virgin Islands,'' after ''the Commonwealth of Puerto Rico,''.

(e) RELATIONSHIP OF ELIGIBLE CRIME VICTIM COMPENSATION PROGRAMS TO THE SEPTEMBER 11TH VICTIM COMPENSATION FUND.—

(1) IN GENERAL.—Section 1403(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(e)) is amended by inserting ''including the program established under title IV of Public Law 107–42,'' after ''Federal program,''.

(2) COMPENSATION.—With respect to any compensation payable under title IV of Public Law 107–42, the failure of a crime victim compensation program, after the effective date of final regulations issued pursuant to section 407 of Public Law 107–42, to provide compensation otherwise required pursuant to section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) shall not render that program ineligible for future grants under the Victims of Crime Act of 1984.

SEC. ___23. CRIME VICTIM ASSISTANCE.

(a) ASSISTANCE FOR VICTIMS IN THE DISTRICT OF COLUMBIA, PUERTO RICO, AND OTHER TERRITORIES AND POSSESSIONS.—Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

''(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).''.

(b) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN VICTIMS.—Section 1404(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) does not discriminate against victims because they disagree with the way the State is prosecuting the criminal case.''.

(c) GRANTS FOR PROGRAM EVALUATION AND COMPLIANCE EFFORTS.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting '', program evaluation, compliance efforts,'' after ''demonstration projects''.

(d) ALLOCATION OF DISCRETIONARY GRANTS.—Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is amended—

(1) in subparagraph (A), by striking ''not more than'' and inserting ''not less than''; and

(2) in subparagraph (B), by striking ''not less than'' and inserting ''not more than''.

(e) FELLOWSHIPS AND CLINICAL INTERNSHIPS.—Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(3)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) use funds made available to the Director under this subsection—

''(i) for fellowships and clinical internships; and

''(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.''.

SEC. ___24. VICTIMS OF TERRORISM.

(a) COMPENSATION AND ASSISTANCE TO VICTIMS OF DOMESTIC TERRORISM.—Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended to read as follows:

''(b) VICTIMS OF TERRORISM WITHIN THE UNITED STATES.—The Director may make supplemental grants as provided in section 1402(d)(5) to States for eligible crime victim compensation and assistance programs, and to victim service organizations, public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, compensation, training and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring within the United States.''.

(b) ASSISTANCE TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404B(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended by striking ''who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986''.

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404C(b) of the Victims of Crime of 1984 (42 U.S.C. 10603c(b)) is amended by adding at the end the following: ''The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.''.

Subtitle D—Grants to Children and Adults Who Experience Violence-Related Stress

SEC. ___31. CHILDREN AND ADULTS WHO EXPERIENCE VIOLENCE-RELATED STRESS.

(a) CHILDREN.—

(1) IN GENERAL.—Section 582(f) of the Public Health Service Act (42 U.S.C. 290hh-1(f)) is amended by striking ''2002 and 2003'' and inserting ''2002 through 2005''.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the program established under section 582 of the Public Health Service Act (42 U.S.C. 290hh-1) should be fully funded.

(b) ADULTS.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by inserting after section 582 the following:

''SEC. 583. GRANTS TO ADDRESS THE PROBLEMS OF PERSONS WHO EXPERIENCE VIOLENCE RELATED STRESS.

''(a) IN GENERAL.—The Secretary shall award grants, contracts or cooperative agreements to public and nonprofit private entities, as well as to Indian tribes and tribal organizations, for the purpose of developing programs focusing on the behavioral and biological aspects of psychological trauma response and for developing knowledge with regard to evidence-based practices for treating psychiatric disorders of adults resulting from witnessing or experiencing a traumatic event.

''(b) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the development of knowledge on evidence-based practices for treating disorders associated with psychological trauma, the Secretary shall give priority to mental health agencies and programs that have established clinical and basic research experience in the field of trauma-related mental disorders.

''(c) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

''(d) EVALUATION.—The Secretary, as part of the application process, shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

''(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years. Such grants, contracts or agreements may be renewed.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal year 2002 and 2003.''.

SA 1785. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Insert on page 346:

(d) INCENTIVES TO PRIVATE SECTOR.—(1) The Secretary of Defense shall prepare and submit to the congressional defense committees and committees on health not later than February 1, 2002, an evaluation of the incentives necessary to encourage the private sector to develop and produce vaccines described in subsection (b)(1), as well as therapeutic products for the purposes described in such subsection, for acquisition by the Department of Defense.

(2) The analysis under paragraph (1) shall include an analysis of the need for long-term contracts, security measures, and protection from potential losses due to product liability claims.

SA 1786. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment insert:

(D) ADVANCED BIOTECHNOLOGY APPLICATIONS.—(1) The Secretary of Defense may, subject to the availability of funds appropriated and authorized to be appropriated for such purposes, design and implement a program to integrate advanced biotechnology applications into biological weapons detection and defense activities and to develop advanced biomedical treatment regimes for members of the Armed Forces.

(2) The Secretary is authorized to use procurement procedures involving requests for proposals to contract for advanced research and development of defensive biotechnology application under the program.

(3) The research and development activities under the program may include research and development relating to the following, subject to the Secretary's prioritization of such research and development:

(A) Diagnostic systems.

(B) Vaccines and other therapeutic products.

(C) Anti-viral products.

(D) Antibiotics for treatment of persons exposed to biological agents.

(E) Vaccine delivery systems.

(F) Enzymatic bioagent and chemical agent degradation.

(G) Wound healing therapeutics.

(H) Gene therapy.

(I) Biowarfare detection systems.

(J) Radioprotective pharmaceuticals.

(K) Gene delivery systems.

(L) Stasis enhancement therapeutics.

(M) Physiological enhancement pharmacologics.

(N) Blood products.

(O) Nanodiagnostic methods.

SA 1787. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following new title:

TITLE XIV—AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2001

SEC. 1401. SHORT TITLE.

This title may be cited as the ''American Servicemembers' Protection Act of 2001''.

SEC. 1402. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy,

adopted the ''Rome Statute of the International Criminal Court''. The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: ''We are left with consequences that do not serve the cause of international justice.''

(5) Ambassador Scheffer went on to tell the Congress that: ''Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.''.

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, ''I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied''.

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by them to protect the national interests of the United States.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations to ''determine the existence of any .... act of aggression'' would contravene the charter of the United Nations and undermine deterrence.

(11) It is a fundamental principle of international law that a treaty is binding upon its parties only and that it does not create obligations for nonparties without their consent to be bound. The United States is not a party to the Rome Statute and will not be bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.

SEC. 1403. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for a single period of one year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) AUTHORITY TO WAIVE SECTIONS 1404 AND 1406 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.—The President is authorized to waive the prohibitions and requirements of sections 1404 and 1406 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) TERMINATION OF WAIVER PURSUANT TO SUBSECTION (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 1404 and 1406 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 expires and is not extended pursuant to subsection (b).

(e) TERMINATION OF PROHIBITIONS OF THIS TITLE.—The prohibitions and requirements of sections 1404, 1405, 1406, and 1407 shall cease to apply, and the authority of section 1408 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

SEC. 1404. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) APPLICATION.—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 1408; or

(B) communication by the United States of its policy with respect to a matter.

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—Notwithstanding

section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) PROHIBITION ON TRANSMITTAL OF LETTERS ROGATORY FROM THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) PROHIBITION ON PROVISION OF SUPPORT TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) PROHIBITION ON USE OF APPROPRIATED FUNDS TO ASSIST THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(h) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. 1405. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—Members of the Armed Forces of the United States may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) CERTIFICATION.—The certification referred to in subsection (b) is a certification by the President that—

(1) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which members of the Armed Forces of the United States participating in the operation will be present either is not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against members of the Armed Forces of the United States present in that country; or

(3) the national interests of the United States justify participation by members of the Armed Forces of the United States in the peacekeeping or peace enforcement operation.

SEC. 1406. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) IN GENERAL.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) INDIRECT TRANSFER.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) CONSTRUCTION.—The provisions of this section shall not be construed to prohibit any action permitted under section 1408.

SEC. 1407. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b) and (c), and effective one year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) NATIONAL INTEREST WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) ARTICLE 98 WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal court from proceeding against United States personnel present in such country.

(d) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or

(3) Taiwan.

SEC. 1408. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person; and

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

SEC. 1409. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than one year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 1410. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 1411. APPLICATION OF SECTIONS 1404 AND 1406 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.

(a) IN GENERAL.—Sections 1404 and 1406 shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 1404 or 1406, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) EXCEPTION.—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

(c) CONSTRUCTION.—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

SEC. 1412. NONDELEGATION.

The authorities vested in the President by sections 1403 and 1411(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 1405(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

SEC. 1413. DEFINITIONS.

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term ''classified national security information'' means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term ''covered allied persons'' means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term ''covered United States persons'' means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms ''extradition'' and ''extradite'' mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term ''International Criminal Court'' means the court established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term ''major non-NATO ally'' means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term ''participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations'' means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term ''party to the International Criminal Court'' means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term ''peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations'' means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(11) ROME STATUTE.—The term ''Rome Statute'' means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) SUPPORT.—The term ''support'' means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) UNITED STATES MILITARY ASSISTANCE.—The term ''United States military assistance'' means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

SEC. 1414. EFFECTIVE DATE.

This title shall take effect one day after its date of enactment.

SA 1788. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions,

and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Public Safety Employer-Employee Cooperation Act of 2001''.

SEC. ___02. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(3) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and wellbeing of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. ___03. DEFINITIONS.

In this title:

(1) AUTHORITY.—The term ''Authority'' means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term ''emergency medical services personnel'' means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms ''employer'' and ''public safety agency'' mean any State, political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(4) FIREFIGHTER.—The term ''firefighter'' has the meaning given the term ''employee engaged in fire protection activities'' in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term ''labor organization'' means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' has the meaning given such term in section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(5)).

(7) MANAGEMENT EMPLOYEE.—The term ''management employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PUBLIC SAFETY OFFICER.—The term ''public safety officer''—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(9) SUBSTANTIALLY PROVIDES.—The term ''substantially provides'' means compliance with the essential requirements of this title, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact finding.

(10) SUPERVISORY EMPLOYEE.—The term ''supervisory employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. ___04. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b).

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Director shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any State, political subdivision of a State, or person aggrieved by a determination of the Authority under this section may, during the 60 day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed, except that any final determination of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section ___05.

SEC. ___05. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section ___04(b) establishing collective bargaining procedures for public safety employers and officers in States which the Authority has determined, acting pursuant to its authority under section ___04(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this title and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators; and

(6) take such other actions as are necessary and appropriate to effectively administer this title, including issuing subpoenas requiring the attendance and testimony of

witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code, except that any final order of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. ___06. STRIKES AND LOCKOUTS PROHIBITED.

A public safety employer, officer, or labor organization may not engage in a lockout, sickout, work slowdown, or strike or engage in any other action that is designed to compel an employer, officer, or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of emergency services, except that it shall not be a violation of this section for an employer, officer, or labor organization to refuse to provide services not required by the terms and conditions of an existing contract.

SEC. ___07. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. ___08. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this title shall be construed—

(1) to invalidate or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this title; or

(2) to prevent a State from prohibiting bargaining over issues which are traditional and customary management functions, except as provided in section ___04(b)(3).

(b) COMPLIANCE.—No State shall preempt laws or ordinances of any of its political subdivisions if such laws provide collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this title.

SEC. ___09. OFFICE FOR STATE AND LOCAL DOMESTIC PREPAREDNESS SUPPORT.

There is authorized to be appropriate to the Office for State and Local Domestic Preparedness Support in the Department of Justice, $12,600,000 for each of fiscal years 2002 through 2006, to be used for the purposes of making grants to national nonprofit employee organizations that have experience in providing terrorism response training using skilled instructors who are both fire fighters and certified instructors, to train fire fighters to safely and effectively respond to acts of terrorism.

SEC. ___10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title, other than section ___09.

SA 1789. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 148, between lines 17 and 18, insert the following:

(c) SENSE OF THE SENATE.—It is the sense of the Senate that all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted.

SA 1790. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2827. LAND CONVEYANCES, WENDOVER AIR FORCE BASE AUXILIARY FIELD, NEVADA.

(a) CONVEYANCES REQUIRED TO WEST WENDOVER, NEVADA.—(1) Notwithstanding any other provision of law, the Secretary of the Air Force and the Secretary of the Interior shall convey, without consideration, to the City of West Wendover, Nevada, all right, title, and interest of the United States in and to the following:

(A) The lands declared excess at Wendover Air Force Base Auxiliary Field, Nevada, identified in Easement No. AFMC–HL–2–00–334.

(B) The lands declared excess at Wendover Air Force Base Auxiliary Field identified for disposition on the map entitled ''West Wendover, Nevada–Excess'' dated January 5, 2001.

(2) The purposes of the conveyances under this subsection are—

(A) to permit the establishment and maintenance of runway protection zones; and

(B) to provide for the development of an industrial park and related infrastructure.

(3) The map referred to in paragraph (1)(B) shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management and the Elko District Office of the Bureau of Land Management.

(b) CONVEYANCE REQUIRED TO TOOELE COUNTY, UTAH.—(1) Notwithstanding any other provision of law, the Secretary of the Air Force and the Secretary of the Interior shall convey, without consideration, to Tooele County, Utah, all right, title, and interest of the United States in and to the lands declared excess at Wendover Air Force Base Auxiliary Field identified in Easement No. AFMC–HL–2–00–318.

(2) The purpose of the conveyance under this subsection is to permit the establishment and maintenance of runway protection zones and an aircraft accident potential protection zone as necessitated by continued military aircraft operations at the Utah Test and Training Range.

(c) MANAGEMENT OF CONVEYED LANDS.—The lands conveyed under subsections (a) and (b) shall be managed by the City of West Wendover, Nevada, City of Wendover, Utah, Tooele County, Utah, and Elko County, Nevada—

(1) in accordance with the provisions of an Interlocal Memorandum of Agreement entered into between the Cities of West Wendover, Nevada, and Wendover, Utah, Tooele County, Utah, and Elko County, Nevada, providing for the coordinated management and development of the lands for the economic benefit of both communities; and

(2) in a manner that is consistent with such provisions of the easements referred to subsections (a) and (b) that remain applicable and relevant to the operation and management of the lands following conveyance and are consistent with the provisions of this section.

(d) RESPONSIBILITY FOR ENVIRONMENTAL CLEANUP.—The Secretary of Defense shall be responsible for compliance with all environmental laws and regulations relating to the cleanup of any military munitions or other environmental contaminants discovered on the lands conveyed under this section after their conveyance under this section that are attributable to activities of the Department of Defense or the Department of Energy before the conveyance of the lands under this section.

(e) COMPLIANCE WITH NEPA.—Compliance by the Secretary of the Air Force with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) the easements referred to in subsections (a) and (b) shall constitute compliance by the Secretary of the Air Force and the Secretary of the Interior with respect to the conveyances required by this section.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force and the Secretary of the Interior may jointly require such additional terms and conditions in connection with the conveyances required by subsections (a) and (b) as the Secretaries consider appropriate to protect the interests of the United States.

SA 1791. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

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

Of the amount authorized to be appropriated by section 301(1) for operation and

maintenance for the Army, $650,000 may be available for the Defense Language Institute Foreign Language Center (DLIFLC) for an expanded Arabic language program.

SA 1792. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1401, to authorize appropriations for the Department of State and for United States international broadcasting activities for fiscal years 2002 and 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 152, after line 4, add the following new subtitle:

Subtitle G—Justice for United States Prisoners of War Act of 2001

SEC. 791. SHORT TITLE.

This subtitle may be cited as the ''Justice for United States Prisoners of War Act of 2001''.

SEC. 792. FINDINGS.

The Congress finds the following:

(1) During World War II, members of the United States Armed Forces held as prisoners of war by Japan were forced to provide labor for Japanese privately owned corporations in functions unrelated to the prosecution of the war.

(2) International law, including international conventions relating to the protection of prisoners of war, was violated when these Japanese corporations—

(A) failed to pay wages to captured United States servicemembers for their labor;

(B) allowed and promoted torture and mistreatment of captured United States servicemembers; and

(C) withheld food and medical treatment from captured United States servicemembers.

(3) In the Treaty of Peace with Japan, signed at San Francisco September 8, 1951 (3 UST 3169), the Government of Japan admitted liability for illegal conduct toward the Allied Powers and, in particular, liability for illegal and inhumane conduct toward members of the armed forces of the Allied Powers held as prisoners of war.

(4) Despite this admission of liability, Article 14(b) of the Treaty has been construed to waive all private claims by nationals of the United States, including private claims by members of the United States Armed Forces held as prisoners of war by Japan during World War II.

(5) Under Article 26 of the Treaty, the government of Japan agreed that if Japan entered into a war claims settlement agreement with a country that is not a party to the Treaty that provides more favorable terms to that country than the terms Japan extended to the parties to the Treaty, then Japan would extend those more favorable terms to each of the parties to the Treaty, including to the United States.

(6) Since the entry into force of the Treaty in 1952, the Government of Japan has entered into war claims settlement agreements with countries that are not party to the Treaty that provide more favorable terms than those extended to the parties to the Treaty, such as terms that allow claims by nationals of those countries against Japanese nationals to be pursued without limitation, restriction, or waiver or any type.

(7) In accordance with Article 26 of the Treaty, Japan is obligated to extend those same favorable terms to the United States, including to nationals of the United States, who as members of the United States Armed Forces, were held as prisoners of war by Japan during World War II and who were forced to provide labor without compensation and under inhumane conditions.

(8) The people of the United States owe a deep and eternal debt to the heroic United States servicemembers held as prisoners of war by Japan for the sacrifices those servicemembers made on behalf of the United States in the days after the ignominious aggression of Japan against the United States at Pearl Harbor, Bataan, and Corregidor.

(9) The pursuit of justice by those servicemembers through lawsuits filed in the United States, where otherwise supported by Federal, State, or international law, is consistent with the interests of the United States and should not be preempted by any other provision of law or by the Treaty.

(10) Despite repeated requests for disclosure by United States servicemembers, the Department of Veterans Affairs, and Congress, the United States Government has withheld from those servicemembers and their physicians Japanese records that were turned over to the United States and that relate to chemical and biological experiments conducted on United States servicemembers held as prisoners of war by Japan during World War II.

SEC. 793. SUITS AGAINST JAPANESE NATIONALS.

(a) IN GENERAL.—In an action brought in a Federal court against a Japanese defendant by a member of the United States Armed Forces who was held as a prisoner of war by Japan during World War II that seeks compensation for mistreatment or failure to pay wages in connection with labor performed by such a member to the benefit of the Japanese defendant during World War II, the court—

(1) shall apply the applicable statute of limitations of the State in which the Federal court hearing the case is located;

(2) shall not construe Article 14(b) of the Treaty as constituting a waiver by the United States of claims by nationals of the United States, including claims by members of the United States Armed Forces, so as to preclude the pending action.

(b) SUNSET.—Paragraph (1) of subsection (a) shall cease to apply at the end of the 10-year period beginning on the date of enactment of this Act.

SEC. 794. APPLICABILITY OF RIGHTS UNDER ARTICLE 26 OF THE TREATY OF PEACE WITH JAPAN.

It is the policy of the United States Government to ensure that all terms under any war claims settlement agreement between Japan and any other country that are more favorable than those terms extended to the United States under the Treaty, will be extended to the United States in accordance with Article 26 of the Treaty with respect to claims by nationals of the United States who, as members of the United States Armed Forces, were held as prisoners of war by Japan during World War II and who were forced to provide labor without compensation and under inhumane conditions.

SEC. 795. AVAILABILITY OF INFORMATION RELATING TO CERTAIN CHEMICAL AND BIOLOGICAL TESTS CONDUCTED BY JAPAN DURING WORLD WAR II.

(a) AVAILABILITY OF INFORMATION TO THE SECRETARY OF VETERANS AFFAIRS.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs may request from, and the head of the department or agency so requested shall provide to the Secretary, information relating to chemical or biological tests conducted by Japan on members of the United States Armed Forces held as prisoners of war by Japan during World War II, including any information provided to the United States Government by Japan.

(b) AVAILABILITY OF INFORMATION TO INTERESTED MEMBERS OF THE ARMED FORCES.—Any information received by the Secretary of Veterans Affairs under subsection (a), with respect to an individual member of the United States Armed Forces held as a prisoner of war by Japan during World War II, may be made available to that individual to the extent otherwise provided by law.

SEC. 796. DEFINITIONS.

In this subtitle:

(1) JAPANESE DEFENDANT.—

(A) IN GENERAL.—The term ''Japanese defendant'' means a Japanese national, an entity organized or incorporated under Japanese law, an affiliate of an entity organized or incorporated under Japanese law that is organized or incorporated under the laws of any State, and any predecessor of that entity or affiliate.

(B) LIMITATION.—The term does not include the Government of Japan.

(2) STATE.—The term ''State'' means the several States, the District of Columbia, and any commonwealth, territory or possession of the United States.

(3) TREATY.—The term ''Treaty'' mean the Treaty of Peace with Japan, signed at San Francisco on September 8, 1951 (3 UST 3169).

SA 1793. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

Oman	Masirah Island	$8,000,000

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

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

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

SA 1794. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year

for the Armed Forces, and for other purposes; as follows:

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

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

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

SA 1795. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

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

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

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

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

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

SEC. . TREATMENT OF AMOUNTS RECEIVED.

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

SA 1796. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

SA 1797. Mr. LEVIN (for Mrs. CARNAHAN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

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

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

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

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

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

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

''(B) A member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operation if the active duty is active duty for a period of more than 30 days.

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

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

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

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

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

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

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

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

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

SA 1798. Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert:

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

SA 1799. Mr. LEVIN (for Mr. DORGAN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

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

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

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

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

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

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

SA 1800. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1217. ALLIED DEFENSE BURDENSHARING.

It is the sense of the Senate that——

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

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

that amount to 75 percent of the non-personnel costs incurred by the United States government for stationing military personnel in those nations.

SA 1801. Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

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

SA 1802. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

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

SA 1803. Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

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

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

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

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

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

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

SA 1804. Mr. WARNER proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

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

SA 1805. Mr. LEVIN (for Mr. DURBIN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

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

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

SA 1806. Mr. WARNER (for Mr. BOND (for himself and Mr. BYRD) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 335. CONSEQUENCE MANAGEMENT TRAINING.

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

SA 1807. Mr. LEVIN (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed forces, and for other purposes; as follows:

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

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

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

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

SA 1808. Mr. WARNER (for MCCAIN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

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

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

SA 1809. Mr. LEVIN (for Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH, DEVELOPMENT,

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

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

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

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

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

SA 1810. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

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

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

SA 1811. Mr. LEVIN (for Mr. CLELAND (for himself and Mr. MILLER) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

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

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

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

SA 1812. Mr. WARNER proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

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

SA 1813. Mr. LEVIN (for Mr. CONRAD (for himself, Mr. DORGAN, Mr. ENZI, Mr. BAUCUS, Mr. BURNS, and Mr. THOMAS)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert:

STUDY AND PLAN.—

(a). With the submission of the fiscal year 2003 budget request, the Secretary of Defense shall provide to the congrssional defense committees a report and the Secretary's recommendations on options for providing the helicopter support missions for the ICBM wings at Minot AFB, North Dakota; Malmstrom AFB, Montana; and F.E. Warren AFB, Wyoming, for as long as these missions are required.

(b) Options to be reviewed include:

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

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

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

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

(5) other options as the Secretary deems appropriate.

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

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

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

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

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

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

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

SA 1814. Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

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

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

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

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

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

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

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

SA 1815. Mr. LEVIN (for Mr. JOHNSON) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

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

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

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

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

(1) the Secretary of the Treasury should—

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

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

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

SA 1816. Mr. WARNER proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert:

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

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

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

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

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

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

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

SA 1817. Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

SEC. 706. PROSTHETICS AND HEARING AIDS.

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 707. DURABLE MEDICAL EQUIPMENT.

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

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

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

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

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

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

''(C) Wheelchairs.

''(D) Iron lungs,

''(E) Hospital beds.

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

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

''(B) making the equipment serviceable; or

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

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

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

SEC. 708. REHABILITATIVE THERAPY.

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

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

SEC. 709. MENTAL HEALTH BENEFITS.

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

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

SEC. 710. EFFECTIVE DATE.

SA 1818. Mr. WARNER proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert:

SEC. . HOSTILE FIRE OR IMMINENT DANGER PAY.

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

§ 5949 Hostile fire or imminent danger pay

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

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

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

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

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

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

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

''(d) An employee may be paid special pay under this section in addition to other pay and allowances to which entitled. Payments

under this section may not be considered to be part of basic pay of an employee.''.

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

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

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

SA 1819. Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title VI, add the following:

Subtitle F—National Emergency Family Support

SEC. 681. CHILD CARE AND YOUTH ASSISTANCE.

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

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

SEC. 682. FAMILY EDUCATION AND SUPPORT SERVICES.

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

SA 1820. Mr. WARNER (for Ms. COLLINS) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 363, after line 25, add the following:

SEC. 1066. WAIVER OF VEHICLE WEIGHT LIMITS DURING PERIODS OF NATIONAL EMERGENCY.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

''(h) WAIVER FOR A ROUTE IN STATE OF MAINE DURING PERIODS OF NATIONAL EMERGENCY.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary, in consultation with the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section with respect to the portion of Interstate Route 95 in the State of Maine between Augusta and Bangor for the purpose of making bulk shipments of jet fuel to the Air National Guard Base at Bangor International Airport during a period of national emergency in order to respond to the effects of the national emergency.

''(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.''.

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Ellen Gerrity and Cindy Connolly, two fellows in my office, be allowed to be on the floor during the consideration of S. 1438.

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

NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

On September 26, 2001, the Senate amended and passed S. Res. 147, as follows:

S. RES. 147

Whereas alcohol and drug addiction is a devastating disease that can destroy lives, families, and communities;

Whereas according to a 1992 National Institute on Drug Abuse study, the direct and indirect costs in the United States for alcohol and drug addiction was $246,000,000,000, in that year;

Whereas scientific evidence demonstrates the crucial role that treatment plays in restoring those suffering from alcohol and drug addiction to more productive lives;

Whereas in 1999, research at the National Institute on Drug Abuse at the National Institutes of Health showed that about 14,800,000 Americans were users of illicit drugs, and about 3,500,000 were dependent on illicit drugs; an additional 8,200,000 were dependent on alcohol;

Whereas the 1999 National Household Survey of Drug Abuse, a project of the Substance Abuse and Mental Health Services Administration, showed that drug use varies substantially among States, ranging from a low of 4.7 percent to a high of 10.7 percent for the overall population, and from 8.0 percent to 18.3 percent for youths age 12–17;

Whereas the Office of National Drug Control Policy's 2001 National Drug Control Strategy includes the reduction of the treatment gap for individuals who are addicted to drugs as one of the top 3 goals for reducing the health and social costs to the public;

Whereas the lives of children, families, and communities are severely affected by alcohol and drug addiction, through the effects of the disease, and through the neglect, broken relationships, and violence that are so often a part of the disease of addiction;

Whereas a National Institute on Drug Abuse 4-city study of 1,200 adolescents found that community-based treatment programs can reduce drug and alcohol use, improve school performance, and lower involvement with the criminal justice system;

Whereas a number of organizations and individuals dedicated to fighting addiction and promoting treatment and recovery will recognize the month of September of 2001 as National Alcohol and Drug Addiction Recovery Month;

Whereas the Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Treatment, in conjunction with its national planning partner organizations and treatment providers, have taken a Federal leadership role in promoting Recovery Month 2001;

Whereas National Alcohol and Drug Addiction Recovery Month aims to promote the societal benefits of substance abuse treatment, laud the contributions of treatment providers, and promote the message that recovery from substance abuse in all its forms is possible;

Whereas the 2001 national campaign embraces the theme of ''We Recover Together: Family, Friends and Community'', and highlights the societal benefits, importance, and effectiveness of drug and treatment as a public health service in our country; and

Whereas the countless numbers of those who have successfully recovered from addiction are living proof that people of all races, genders, and ages recover every day from the disease of alcohol and drug addiction, and make positive contributions to their families, workplaces, communities, States, and the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September of 2001 as ''National Alcohol and Drug Addiction Recovery Month''; and

(2) requests that the President issue a proclamation urging the people of the United States to carry out appropriate programs and activities to demonstrate support for those individuals recovering from alcohol and drug addition.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider calendar No. 413, the nomination of Marianne Lamont Horinko to be Assistant Administrator at the EPA; that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President of the United States be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nomination was considered and confirmed, as follows:

ENVIRONMENTAL PROTECTION AGENCY

Marianne Lamont Horinko, of Virginia, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR TUESDAY, OCTOBER 2, 2001

Mr. LEVIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. Tuesday, October 2; further, that on Tuesday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Department of Defense authorization bill with 30 minutes of debate equally divided between