

SA 4697. Mr. BYRD (for Mr. BIDEN) proposed an amendment to the bill H.R. 2121, An Act to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society and independent media in that country.

TEXT OF AMENDMENTS

SA 4695. Mrs. FEINSTEIN (for herself, Mr. FITZGERALD, Mr. HARKIN, Mr. LUGAR, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 347, after line 5, add the following:

DIVISION D—EXEMPT COMMODITIES TRANSACTIONS

SEC. 3101. SHORT TITLE.

This division may be cited as the “Exempt Commodities Transactions Act”.

SEC. 3102. OFF-EXCHANGE TRANSACTIONS IN EXEMPT COMMODITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by striking subsections (g) and (h) and inserting the following:

“(g) OFF-EXCHANGE TRANSACTIONS IN EXEMPT COMMODITIES.—

“(1) DEFINITIONS.—In this subsection:

“(A) COVERED ENTITY.—The term ‘covered entity’ means—

“(i) an electronic trading facility; and

“(ii) a dealer market.

“(B) DEALER MARKET.—

“(i) IN GENERAL.—The term ‘dealer market’ has the meaning given the term by the Commission.

“(ii) INCLUSIONS.—The term ‘dealer market’ includes each bilateral or multilateral agreement, contract, or transaction determined by the Commission, regardless of the means of execution of the agreement, contract, or transaction.

“(2) EXEMPTION FOR TRANSACTIONS NOT ON TRADING FACILITIES.—Except as provided in paragraph (4), nothing in this Act shall apply to an agreement, contract, or transaction in an exempt commodity that—

“(A) is entered into solely between persons that are eligible contract participants at the time the persons enter into the agreement, contract, or transaction; and

“(B) is not entered into on a trading facility.

“(3) EXEMPTION FOR TRANSACTIONS ON COVERED ENTITIES.—Except as provided in paragraphs (4), (5), and (6), nothing in this Act shall apply to an agreement, contract, or transaction in an exempt commodity that is—

“(A) entered into on a principal-to-principal basis solely between persons that are eligible contract participants at the time at which the persons enter into the agreement, contract, or transaction; and

“(B) executed or traded on a covered entity.

“(4) REGULATORY AND OVERSIGHT REQUIREMENTS.—

“(A) IN GENERAL.—An agreement, contract, or transaction described in paragraph (2) or (3) and the covered entity on which the agreement, contract, or transaction is executed shall be subject to—

“(i) sections 5b, 12(e)(2)(B), and 22(a)(4);

“(ii) the provisions relating to manipulation and misleading transactions under sec-

tions 4b, 4c(a), 4c(b), 4o, 6(c), 6(d), 6c, 6d, 8a, and 9(a)(2);

“(iii) the provisions relating to fraud and misleading transactions under sections 4b, 4c(a), 4c(b), 4o, and 8a; and

“(iv) in the case of a transaction or covered entity performing a significant pricing or price discovery function for transactions in the cash market for the underlying commodity, the requirements (to the extent the Commission determines appropriate by regulation) that—

“(I) notice be provided to the Commission in such form as the Commission may require;

“(II)(aa) reports be filed with the Commission (including large trader position reports); and

“(bb) timely dissemination of price, trading volume, and other trading data be provided; and

“(III) consistent with section 4i, books and records be maintained relating to each transaction in such form as the Commission may require for a period of at least 5 years after the date of the transaction.

“(B) TRANSACTIONS EXEMPTED BY COMMISSION ACTION.—Notwithstanding any exemption by the Commission under section 4(c), an agreement, contract, or transaction described in paragraph (2) or (3) shall be subject to the authorities in clauses (i), (ii), and (iii) of subparagraph (A).

“(5) COVERED ENTITIES.—An agreement, contract, or transaction described in paragraph (3) and the covered entity on which the agreement, contract, or transaction is executed, shall be subject to (to the extent the Commission determines appropriate)—

“(A) section 5a, to the extent provided in section 5a(g) and 5d;

“(B) consistent with section 4i, a requirement that books and records relating to the business of the covered entity on which the agreement, contract, or transaction is executed be made available to representatives of the Commission and the Department of Justice for inspection for a period of at least 5 years after the date of each transaction, including—

“(i) information relating to data entry and transaction details sufficient to enable the Commission to reconstruct trading activity on the covered entity; and

“(ii) the name and address of each participant on the covered entity authorized to enter into transactions; and

“(C) a requirement that information on volume, settlement price, open interest, opening and closing ranges, and any other information that the Commission determines to be appropriate for public disclosure be made available to the public on a daily basis, except that the Commission shall not—

“(i) require the real-time publication of proprietary information; or

“(ii) prohibit the commercial sale of real-time proprietary information.

“(6) NOTIFICATION, DISCLOSURES, AND OTHER REQUIREMENTS FOR COVERED ENTITIES.—A covered entity subject to the exemption under paragraph (3) shall (to the extent the Commission determines appropriate)—

“(A) notify the Commission of the intention of the covered entity to operate as a covered entity subject to the exemption under paragraph (3), which notice shall include—

“(i) the name and address of the covered entity and a person designated to receive communications from the Commission;

“(ii) the commodity categories that the covered entity intends to list or otherwise make available for trading on the covered entity in reliance on the exemption under paragraph (3);

“(iii) certifications that—

“(I) no executive officer or member of the governing board of, or any holder of a 10 percent or greater equity interest in, the covered entity is a person described in any of subparagraphs (A) through (H) of section 8a(2);

“(II) the covered entity will comply with the conditions for exemption under this subsection; and

“(III) the covered entity will notify the Commission of any material change in the information previously provided by the covered entity to the Commission under this paragraph; and

“(iv) the identity of any derivatives clearing organization to which the covered entity transmits or intends to transmit transaction data for the purpose of facilitating the clearance and settlement of transactions conducted on the covered entity subject to the exemption under paragraph (3);

“(B)(i) provide the Commission with access to the trading protocols of the covered entity and electronic access to the covered entity with respect to transactions conducted in reliance on the exemption under paragraph (3); and

“(ii) on special call by the Commission, provide to the Commission, in a form and manner and within the period specified in the special call, such information relating to the business of the covered entity as a covered entity exempt under paragraph (3), including information relating to data entry and transaction details with respect to transactions entered into in reliance on the exemption under paragraph (3), as the Commission may determine appropriate—

“(I) to enforce the provisions specified in paragraph (4);

“(II) to evaluate a systemic market event; or

“(III) to obtain information requested by a Federal financial regulatory authority to enable the authority to fulfill the regulatory or supervisory responsibilities of the authority;

“(C)(i) on receipt of any subpoena issued by or on behalf of the Commission to any foreign person that the Commission believes is conducting or has conducted transactions in reliance on the exemption under paragraph (3) on or through the covered entity relating to the transactions, promptly notify the foreign person of, and transmit to the foreign person, the subpoena in a manner that is reasonable under the circumstances, or as specified by the Commission; and

“(ii) if the Commission has reason to believe that a person has not timely complied with a subpoena issued by or on behalf of the Commission under clause (i), and the Commission in writing directs that a covered entity relying on the exemption under paragraph (3) deny or limit further transactions by the person, deny that person further trading access to the covered entity or, as applicable, limit that access of the person to the covered entity for liquidation trading only;

“(D) comply with the requirements of this subsection applicable to the covered entity and require that each participant, as a condition of trading on the covered entity in reliance on the exemption under paragraph (3), agree to comply with all applicable law;

“(E) certify to the Commission that the covered entity has a reasonable basis for believing that participants authorized to conduct transactions on the covered entity in reliance on the exemption under paragraph (3) are eligible contract participants;

“(F) maintain sufficient capital, commensurate with the risk associated with the transaction; and

“(G) not represent to any person that the covered entity is registered with, or designated, recognized, licensed, or approved by the Commission.

“(7) HEARING.—A person named in a subpoena referred to in paragraph (6)(C) that believes the person is or may be adversely affected or aggrieved by action taken by the Commission under this subsection, shall have the opportunity for a prompt hearing after the Commission acts under procedures that the Commission shall establish by rule, regulation, or order.

“(8) PRIVATE REGULATORY ORGANIZATIONS.—

“(A) DELEGATION OF FUNCTIONS UNDER CORE PRINCIPLES.—A covered entity may comply with any core principle under subparagraph (B) that is applicable to the covered entity through delegation of any relevant function to—

“(i) a registered futures association under section 17; or

“(ii) another registered entity.

“(B) CORE PRINCIPLES.—The Commission may establish core principles requiring a covered entity to monitor trading to—

“(i) prevent fraud and manipulation;

“(ii) prevent price distortion and disruptions of the delivery or cash settlement process;

“(iii) ensure that the covered entity has adequate financial, operational, and managerial resources to discharge the responsibilities of the covered entity; and

“(iv) ensure that all reporting, record-keeping, notice, and registration requirements under this subsection are discharged in a timely manner.

“(C) RESPONSIBILITY.—A covered entity that delegates a function under subparagraph (A) shall remain responsible for carrying out the function.

“(D) NONCOMPLIANCE.—If a covered entity that delegates a function under subparagraph (A) becomes aware that a delegated function is not being performed as required under this Act, the covered entity shall promptly take action to address the non-compliance.

“(E) VIOLATION OF CORE PRINCIPLES.—

“(i) IN GENERAL.—If the Commission determines, on the basis of substantial evidence, that a covered entity is violating any applicable core principle specified in subparagraph (B), the Commission shall—

“(I) notify the covered entity in writing of the determination; and

“(II) afford the covered entity an opportunity to make appropriate changes to bring the covered entity into compliance with the core principles.

“(ii) FAILURE TO MAKE CHANGES.—If, not later than 30 days after receiving a notification under clause (i)(I), a covered entity fails to make changes that, as determined by the Commission, are necessary to comply with the core principles, the Commission may take further action in accordance with this Act.

“(F) RESERVATION OF EMERGENCY AUTHORITY.—Nothing in this paragraph limits or affects the emergency powers of the Commission provided under section 8a(9).

“(9) NO EFFECT ON OTHER AUTHORITY.—This subsection shall not affect the authority of the Federal Energy Regulatory Commission to regulate an agreement, contract, or transaction under the Federal Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C. 717 et seq.).”

SEC. 3103. FRAUDULENT TRANSACTIONS PROHIBITED.

Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended by striking subsection (a) and inserting the following:

“(a) PROHIBITION.—It shall be unlawful for any person, directly or indirectly, in or in connection with any account, or any offer to enter into, the entry into, or the confirmation of the execution of, any agreement, contract, or transaction subject to this Act—

“(1) to cheat or defraud or attempt to cheat or defraud any person;

“(2) willfully to make or cause to be made to any person any false report or statement, or willfully to enter or cause to be entered for any person any false record;

“(3) willfully to deceive or attempt to deceive any person by any means whatsoever; or

“(4) except as permitted in written rules of a registered entity—

“(A) to bucket an order;

“(B) to fill an order by offset against the 1 or more orders of another person; or

“(C) willfully and knowingly, for or on behalf of any other person and without the prior consent of the person, to become—

“(i) the buyer with respect to any selling order of the person; or

“(ii) the seller with respect to any buying order of the person.”

SEC. 3104. FERC LIAISON.

Section 2(a)(9) of the Commodity Exchange Act (7 U.S.C. 2(a)(9)) is amended by adding at the end the following:

“(C) LIAISON WITH FEDERAL ENERGY REGULATORY COMMISSION.—The Commission shall, in cooperation with the Federal Energy Regulatory Commission, maintain a liaison between the Commission and the Federal Energy Regulatory Commission.”

SEC. 3105. CRIMINAL AND CIVIL PENALTIES.

(a) ENFORCEMENT POWERS OF COMMISSION.—Section 6(c) of the Commodity Exchange Act (7 U.S.C. 9, 15) is amended in paragraph (3) of the tenth sentence—

(1) by inserting “(A)” after “assess such person”; and

(2) by inserting after “each such violation” the following: “, or (B) in any case of manipulation of, or attempt to manipulate, the price of any commodity, a civil penalty of not more than the greater of \$1,000,000 or triple the monetary gain to such person for each such violation.”

(b) MANIPULATIONS OR OTHER VIOLATIONS.—Section 6(d) of the Commodity Exchange Act (7 U.S.C. 13b) is amended in the first sentence—

(1) by striking “paragraph (a) or (b) of section 9 of this Act” and inserting “subsection (a), (b), or (f) of section 9”; and

(2) by striking “said paragraph 9(a) or 9(b)” and inserting “subsection (a), (b), or (f) of section 9”.

(c) NONENFORCEMENT OF RULES OF GOVERNMENT OR OTHER VIOLATIONS.—Section 6b of the Commodity Exchange Act (7 U.S.C. 13a) is amended—

(1) in the first sentence—

(A) by inserting “section 2(g)(8),” after “sections 5 through 5c.”; and

(B) by inserting before the period at the end the following: “, or, in any case of manipulation of, or an attempt to manipulate, the price of any commodity, a civil penalty of not more than \$1,000,000 for each such violation”; and

(2) in the second sentence, by inserting before the period at the end the following: “, except that if the failure or refusal to obey or comply with the order involved any offense under section 9(f), the registered entity, director, officer, agent, or employee shall be guilty of a felony and, on conviction, shall be subject to penalties under section 9(f)”.

(d) ACTION TO ENJOIN OR RESTRAIN VIOLATIONS.—Section 6c(d) of the Commodity Exchange Act (7 U.S.C. 13a-1(d)) is amended by striking “(d)” and all that follows through the end of paragraph (1) and inserting the following:

“(d) CIVIL PENALTIES.—

“(1) IN GENERAL.—In any action brought under this section, the Commission may seek and the court shall have jurisdiction to impose, on a proper showing, on any person

found in the action to have committed any violation—

“(A) a civil penalty in the amount of not more than the greater of \$100,000 or triple the monetary gain to the person for each violation; or

“(B) in any case of manipulation of, or an attempt to manipulate, the price of any commodity, a civil penalty in the amount of not more than the greater of \$1,000,000 or triple the monetary gain to the person for each violation.”

(e) VIOLATIONS GENERALLY.—Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended—

(1) by redesignating subsection (f) as subsection (e); and

(2) by adding at the end the following:

“(f) PRICE MANIPULATION.—It shall be a felony punishable by a fine of not more than \$1,000,000 for each violation or imprisonment for not more than 10 years, or both, together with the costs of prosecution, for any person—

“(1) to manipulate or attempt to manipulate the price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity;

“(2) to corner or attempt to corner any such commodity;

“(3) knowingly to deliver or cause to be delivered (for transmission through the mails or interstate commerce by telegraph, telephone, wireless, or other means of communication) false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of any commodity in interstate commerce; or

“(4) knowingly to violate section 4 or 4b, any of subsections (a) through (e) of subsection 4c, or section 4h, 4o(1), or 19.”

SEC. 3106. FEDERAL ENERGY REGULATORY COMMISSION REVIEW OF ENERGY TRADING MARKETS.

Section 402 of the Department of Energy Organization Act (42 U.S.C. 7172) is amended by adding at the end the following:

“(i) REVIEW OF DERIVATIVES TRANSACTIONS.—

“(1) IN GENERAL.—To the extent that the Commission determines that any contract that comes before the Commission is not under the jurisdiction of the Commission, the Commission shall refer the contract to the appropriate Federal agency.

“(2) MEETINGS.—A designee of the Commission shall meet quarterly with a designee of the Commodity Futures Trading Commission, the Securities Exchange Commission, the Department of the Treasury, and the Federal Reserve Board to discuss—

“(A) conditions and events in energy trading markets; and

“(B) any changes in Federal law (including regulations) that may be appropriate to regulate energy trading markets.

“(3) LIAISON.—The Commission shall, in cooperation with the Commodity Futures Trading Commission, maintain a liaison between the Commission and the Commodity Futures Trading Commission.”

SEC. 3107. CONFORMING AMENDMENTS.

(a) Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) in subsection (d)(1), by striking “section 5b” and inserting “section 5a(g), 5b,”;

(2) in subsection (e)—

(A) in paragraph (1), by striking “, 2(g), or 2(h)(3)”;

(B) in paragraph (3), by striking “2(h)(5)” and inserting “2(g)(6)”;

(3) by redesignating subsection (i) as subsection (h); and

(4) in subsection (h) (as redesignated by paragraph (3)); and

(A) in paragraph (1)—

(i) by striking "No provision" and inserting "IN GENERAL.—Subject to subsection (g), no provision"; and

(ii) in subparagraph (A)—

(I) by striking "section 2(c), 2(d), 2(e), 2(f), or 2(g) of this Act" and inserting "subsection (c), (d), (e), or (f)"; and

(II) by striking "section 2(h)" and inserting "subsection (g)"; and

(B) in paragraph (2), by striking "No provision" and inserting "IN GENERAL.—Subject to subsection (g), no provision".

(b) Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended in the first sentence by inserting ", or pursuant to an exemption under section 4(c)" after "transaction execution facility".

(c) Section 8a(9) of the Commodity Exchange Act (7 U.S.C. 12a(9)) is amended—

(1) by inserting "or covered entity under section 2(g)" after "direct the contract market";

(2) by striking "on any futures contract"; and

(3) by inserting "or covered entity under section 2(g)" after "given by a contract market".

SA 4696. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 3 and 4, insert the following:

(4) OPERATIONAL TEST AND EVALUATION.—

(A) PRINCIPAL OFFICIAL FOR OPERATIONAL TEST AND EVALUATION.—The Under Secretary is the official within the Department who, under the Secretary, is responsible for operational test and evaluation activities of the Department. As such, the Under Secretary is the principal adviser to the Secretary regarding such activities and shall carry out the duties set forth in the other provisions of this paragraph subject to the authority, direction, and control of the Secretary.

(B) POLICIES AND PROCEDURES.—The Under Secretary shall prescribe policies and procedures for the conduct of operational test and evaluation activities of the Department.

(C) MONITORING AND REVIEW.—The Under Secretary shall monitor and review the conduct of operational test and evaluation activities of the Department. The Under Secretary shall require prompt reports on the conduct of such activities.

(D) COORDINATION.—The Under Secretary shall coordinate operational test and evaluation that is carried out jointly by two or more Under Secretaries of Homeland Security.

(E) FINANCIAL MANAGEMENT.—The Under Secretary shall review all matters relating to the budget and financial management for operational test and evaluation by the Department and submit to the Secretary any recommendations that the Under Secretary determines appropriate regarding such matters.

(F) ACCESS TO INFORMATION.—The Under Secretary shall have access to any records and other information of the Department that the Under Secretary determines necessary to carry out the duties of the position under this paragraph.

(G) ANNUAL REPORT TO CONGRESS.—Not later than February 15 of each year, the Under Secretary shall submit to Congress a report on the conduct of operational test and evaluation activities of the Department during the fiscal year ending in the preceding year. The report shall include an assessment of the overall strength and effectiveness of

the operational test and evaluation infrastructure of the Department and, for each major system subjected to operational test and evaluation during the fiscal year covered by the report, the following information:

(i) SYSTEM MISSION.—The mission of the major system.

(ii) BACKGROUND SYSTEM INFORMATION.—Background technical and programmatic information on the major system.

(iii) TEST AND EVALUATION ACTIVITIES.—A discussion of the operational test and evaluation conducted on the major system during such fiscal year.

(iv) OPERATIONAL EFFECTIVENESS ASSESSMENT.—An assessment of the operational effectiveness of the major system, as determined on the basis of the results of the operational test and evaluation.

(H) DEFINITIONS.—In this paragraph:

(i) MAJOR SYSTEM.—The term "major system" has the meaning given such term in section 4(9) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(9)).

(ii) OPERATIONAL TEST AND EVALUATION.—The term "operational test and evaluation" means a test, under realistic combat conditions, of any item (or key component) of a technology, of a device, or of equipment for the purpose of determining the effectiveness and suitability of the technology, device, or equipment for use by typical users to meet homeland security needs or objectives, together with an evaluation of the results of such test.

(I) GAO REPORT.—Not later than two years after the effective date of this division, the Comptroller General shall submit to Congress a report on the administration of operational test and evaluation within the Department. The report shall include a discussion of the implementation of this paragraph, together with any recommendations for improvement of the implementation of this section that the Comptroller General considers appropriate. Effective 90 days after the date on which the report under this section is due, this subparagraph is repealed.

On page 91, beginning on line 9, strike "(h) OFFICE FOR TECHNOLOGY EVALUATION AND TRANSITION.—" and insert "(h) OFFICE FOR TESTING, EVALUATION, AND TRANSITION.—".

On page 91, beginning on line 14, strike "Office for Technology Evaluation and Transition" and insert "Office for Testing, Evaluation, and Transition".

On page 91, between lines 16 and 17, insert "(A) carry out the duties of the Under Secretary with respect to operational test and evaluation";

On page 92, line 11, insert "(except for the function described in paragraph (2)(A))" after "The functions described under this subsection".

SA 4697. Mr. BYRD (for Mr. BIDEN) proposed an amendment to the bill H.R. 2121, An Act to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society and independent media in that country; as follows:

At the appropriate place in the bill insert the following:

SEC. . PRESERVING THE ARCHIVES OF HUMAN RIGHTS ACTIVIST AND NOBEL PEACE PRIZE WINNER ANDREI SAKHAROV.

(a) AUTHORIZATION.—The President is authorized, on such terms and conditions as the President determines to be appropriate, to make a grant to Brandeis University for

an endowment for the Andrei Sakharov Archives and Human Rights Center for the purpose of collecting and preserving documents related to the life of Andrei Sakharov and the administration of such Center.

(b) FUNDING.—There is authorized to be appropriated to the President to carry out subsection (a) not more than \$1,500,000.

SEC. . EXTENSION OF LAW.

The provisions of section 108(c) of H.R. 3427, as enacted by section 1000(a)(7) of P.L. 106-113, shall apply to U.S. contributions for fiscal year 2003 to the organization described in section 108(c) of H.R. 3427.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, September 20, 2002 at 10:00 a.m. and 2:30 p.m. to hold a joint open hearing with the House Permanent Select Committee on Intelligence regarding the Joint Inquiry into the events of September 11, 2001.

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

AUTHORIZING SERGEANT AT ARMS AND DOORKEEPER OF SENATE TO ASCERTAIN AND SETTLE CLAIMS ARISING OUT OF ANTHRAX EXPOSURE

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 329 submitted earlier today by Senator DODD.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 329) authorizing the Sergeant at Arms and Doorkeeper of the Senate to ascertain and settle claims arising out of anthrax exposure in the Senate complex.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, en bloc, without intervening action or debate.

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

The resolution (S. Res. 329) was agreed to as follows:

S. RES. 329

Resolved, That (a) the Sergeant at Arms and Doorkeeper of the Senate—

(1) in accordance with such regulations as the Committee on Rules and Administration may prescribe, may consider and ascertain any claim incident to service by a Member, officer, or employee of the Senate for any damage to, or loss of, personal property, for which the Member, officer, or employee has not been reimbursed, resulting from the anthrax incident of October 15, 2001, or the related remediation efforts undertaken from such date through March 15, 2002; and

(2) may, with the approval of the Committee on Rules and Administration and in accordance with the provisions of section