

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

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

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

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

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

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

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

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

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

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

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

of people attending from the administration.

Mr. HELMS. Of course. I understand.

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

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

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

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

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

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

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

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

The PRESIDING OFFICER. Who seeks recognition?

The Senator from North Carolina.

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

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

AMENDMENT NO. 1724

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

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

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

This is a very important amendment. I want to serve notice to the managers of the bill that I shall not contest or try to contest any motion that may be

made on this amendment. I do hope the managers will give some thought as to whether they will support my offering this amendment freestanding as a bill, but that is up to them.

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

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

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

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

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

VETERANS OF FOREIGN WARS OF THE UNITED STATES,

Washington, DC, October 2, 2001.

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

From: Robert E. Wallace, Executive Director.

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

We oppose the International Criminal Court (ICC) in its present form. We believe it poses a significant danger to our soldiers, sailors, airmen, and Marines, who are deployed throughout the world. U.S. military personnel and other U.S. Government officials could be brought before the court even though the United States is not a party to the treaty. The court will claim jurisdiction

to indict, prosecute, and imprison persons accused of "war crimes," "crimes against humanity," "genocide," and the "crime of aggression" (not yet defined by the ICC). These crimes are expansively defined by the treaty and would be interpreted by the court's judges, who will be appointed with no input from the United States. The ICC will not be required to provide Americans the basic legal protections of the constitution. We think it is wrong to expect our servicemen and women to serve their country under this threat.

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

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

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

I urge support for this legislation.

The PRESIDING OFFICER. The Senator from Virginia.

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

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

The PRESIDING OFFICER. The Senator from Idaho.

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

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

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

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

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

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

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

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

I have a second-degree amendment I would offer, but I understand there will be a question of germaneness. If that question fails, then I would offer that second degree. It does not disallow the protection the Senator from North

Carolina has brought but says that we protect others—and that is, citizens—in that we don't associate ourselves with the International Criminal Court, nor do we allow on special cases confidential information to flow from our Government to the court. In other words, we should not be facilitators to a court that by its very definition denies our citizens the right of sovereignty and the protection under our judicial system. That is what is at issue. None who study it deny that.

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

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

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

Let me just highlight a few of the ways in which this amendment could tie the hands of our President and our diplomats as they move forward in building a coalition to combat terrorism. The amendment, if fully enacted, would limit the ability of our President to enter into global security alliances at a time when such alliances may be more important to our national interest than ever before. The amendment could also limit our ability to

share essential security information with some of our closest allies in the war against terrorism. This limitation is particularly offensive, as it comes at a time when we are asking those same allies to share their intelligence information with us as we track the global terrorist networks that may have been involved in the devastating attacks of September 11.

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

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

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

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

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

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

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

Mr. WARNER. I have done that.

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

The Senator from North Carolina.

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

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

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

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

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

Mr. HELMS. I understand.

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

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

The PRESIDING OFFICER. Who seeks recognition?

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

AMENDMENT NO. 1755

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

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

AMENDMENT NO. 1755, AS MODIFIED

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

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1755), as modified, is as follows:

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

Subtitle F—Uniformed Services Overseas Voting

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

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

- (1) be aware of the importance of the ability of each uniformed services voter to exercise their right to vote; and
- (2) perform their duties with the intent to ensure that—

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

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

(C) all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted.

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

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

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and

Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6); and

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

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

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

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

(2) by adding at the end the following:

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

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

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

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

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

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

SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

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

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

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

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

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

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

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

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

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

“(1) permit absent uniformed services voters to use absentee registration procedures

and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

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

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

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

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

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

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

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

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

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

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

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

SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) ESTABLISHMENT OF DEMONSTRATION PROJECT.—

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

(2) AUTHORITY TO DELAY IMPLEMENTATION.—If the Secretary of Defense determines that the implementation of the demonstration project under paragraph (1) with respect to the regularly scheduled general election for Federal office for November 2002 may adversely affect the national security of the United States, the Secretary may delay the implementation of such demonstration project until the regularly scheduled general election for Federal office for November 2004. The Secretary shall notify the Armed Services Committees of the Senate and the House of Representatives of any decision to delay implementation of the demonstration project.

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the

demonstration project under this section through cooperative agreements with State election officials.

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

SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.

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

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

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

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

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

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

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

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

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

(a) ABSENTEE REGISTRATION.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any uniformed services voter (as defined in section 571(b)) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

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

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

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

(c) DEFINITIONS.—In this section:

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

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

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

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

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

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

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

(c) **DEFINITIONS.**—In this section:

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

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

Mr. WARNER. I ask to be a cosponsor.

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

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

Mr. ALLARD. In 1864, in the midst of a civil war, the United States of America held an election. In 1944, in the midst of a world war, the United States of America held an election. And in 2002, and in 2004, no matter what military actions we are involved in for the current war on terrorism, the United States of America will hold elections. It is a fundamental part of our system, of our democracy. Our claim to being the world's foremost champion of “liberty and justice for all” depends on the regular, free, and pure exercise of citizen's voting rights. And now that we are deploying troops overseas as the beginning of this campaign, it is our duty to correct the flaws in the absentee military voting system that became so glaringly obvious during the last election. To that end I introduced S. 381, which after much helpful input from the co-sponsors has been modified into what is before us today. Let me briefly describe this amendment so we can move forward. This amendment prohibits States from disqualifying our men and women in the military from voting based on their ballot's lack of postmark, address, notarized witness signature, or a reasonably similar signature. The current language in the bill only offers military voters a “meaningful opportunity to exercise voting rights.” This does not ensure

that our fighting men and women will be able to vote. Our amendment will instead move us toward that goal. The amendment also facilitates voting for men and women in the services who are separated before an election and because of residency requirements previously faced problems voting. There is a provision for electronic voting, strongly endorsed by Senator BILL NELSON, that sets up a demo for that purpose. There is a requirement for a report that will be filed with the Department of Defense by the States, reporting to them on how the States are addressing existing problems with their absentee military voting requirements, so our military men and women will have an opportunity to vote.

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

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

Mr. WARNER. And the Senator from Florida.

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

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

This amendment will go a long way toward clarification.

Mr. ALLARD. The Senator from Virginia has a lot of constituents from his

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

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

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

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

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

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

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

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

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

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

Mr. WARNER. I move to reconsider the vote.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CARPER. Mr. President, under the unanimous consent agreement

adopted a few minutes ago, no further amendments are in order.

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

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

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

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

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

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

The amendment encourages the Department of Defense to express its view

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

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

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

The PRESIDING OFFICER. The Senator from Michigan.

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

Mr. CARPER. And Senator BIDEN.

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

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

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

We have a number of Senators—another one just appeared. We had a list of over 100 amendments. We have been waiting. We stayed here until late last night and tried to consider them. I regret if there was a miscommunication. As captain of the ship, I take responsibility. But in good conscience, I have

claimed many times and stated at lunch today among my colleagues that we were moving to final passage. As far as I knew, no amendments were going to be brought up.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

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

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

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

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

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

Second, the Department of Defense has indicated that a BRAC is needed on the merits. They have indicated there is a 25 percent excess infrastructure throughout our military installations. The Bush administration believes we

could save \$3.5 billion by consolidating operations. We then have a responsibility to work for more efficiency so that our resources can be allocated where they are needed most. These resources can be used to improve pay for our Soldiers, Sailors, Airmen, and Marines. Savings can be used to acquire upgraded, more technologically advanced equipment, armaments, and spare parts; all to better protect our uniformed personnel. Indeed, these savings can even be used to upgrade facilities in which our services are located.

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

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

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

In my 18 years in Congress, I had never seen a Defense authorization bill

reported out of committee strictly on party lines. I am very proud, however, of the unified efforts and spirit of my colleagues since the tragic attacks on September 11, and I am pleased that we are working together to enhance our national security at this crucial time in our country's history.

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

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

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

Over the past six years, Congress has increased the Presidents' defense budgets by nearly \$60 billion in order to address the military services' most important unfunded priorities. Still, I think it is worth repeating, until the message sinks in, that the military

needs less money spent on pork, and more money spent wisely to redress the serious readiness and modernization problems caused by a decade of declining defense budgets.

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

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

Just as discouraging, given its pork barrel nature, is a provision that would delay the B-1B Lancer bomber force restructuring or downsizing at a cost of \$165 million to U.S. taxpayers. This provision has literally made it illegal for the Secretary of Defense to reduce, retire, dismantle, transfer, or reassign the Air National Guard B-1B Lancer bomber force by 33 aircraft until the following reports have been prepared: The National Security Review, the Quadrennial Defense Review, the Revised Nuclear Posture Review, the Secretary of Defense Report on the B-1B Lancer Bomber, the Bomber Force

Structure Report, and a Comptroller General Report on the B-1B Lancer Bomber I have never witnessed a more absurd illustration of congressional micro-management, and at such a great cost; the service chiefs will be unable to make wise use of this \$165 million in fiscal year 2002 and the taxpayers' money will again be spend imprudently.

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

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

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

In addition, I appreciate that the Administration and the majority of my colleagues supported one round of Base Realignment and Closure in 2003, but more must be done to eliminate unnecessary and duplicative military contracts and military installations. Every U.S. military leader, civilian and uniformed, has testified about the critical need for further BRAC rounds. We can redirect at least \$6 billion per year by eliminating excess defense infrastructure. There is another \$2 billion per year that we can put to better purposes by privatizing or consolidating support and maintenance functions, and an additional \$5 billion that can be saved each year by eliminating "Buy America" restrictions that undermine U.S. competitiveness overseas. Despite these compelling facts, the de-

fense bill did not address many of these critical issues. And, unfortunately, it includes several provisions that move expressly in the opposite direction. Again, I am pleased that many of my colleagues voted to support Secretary Donald Rumsfeld and General Henry H. Shelton, USA, and approve another round of BRAC by a 53 to 47 rollcall vote.

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

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

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

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

Mr. President, I request unanimous consent that a list of items added to

the Defense authorization bill by Congress be printed in the RECORD.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002 NON-PRIORITY ADDS-ONS
(In millions of dollars)

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

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

(In millions of dollars)

| | |
|--|-------|
| Naval War College National Research Center, Newport RI | 1.79 |
| Engineering Control and Surveillance System (ECSS) | 1.6 |
| Tactical Communications ONBD Trainer | 4.0 |
| C-17 Maint. Trainer/Sim. | 21.1 |
| AEGIS ORTS | 6.0 |
| COTS Sonar for MCM | 5.0 |
| NULKA Anti-ship Missile Decoy System | 14.0 |
| Future Ship Systems Technical Demonstrations | 5.0 |
| Modular Advanced Composite Hull Form | 4.0 |
| Ocean Modeling for MCM | 2.0 |
| Advance SSN Systems Development | 1.9 |
| Power Node Control Center (PNCC) | 3.0 |
| Improved SSN Antenna UHF Technology Improvement | 3.0 |
| Supply Chain Best Practices | 6.0 |
| Modeling and Simulation Initiatives | 7.0 |
| DDG-51 Composite Twisted Rudder | 3.0 |
| Sub Composite Sail | 2.0 |
| AEGIS Common Ground and Decision Upgrade | 5.0 |
| Multi-million Maritime A/C | 53.8 |
| Army, Other Procurement: Secure Enroute Comms.—Flying LAN | 13.1 |
| Air Force, Aircraft Procurement: Defense Airborne Reconnaissance Program (U-2 SYERS Spares) | 3.0 |
| Air Force, Other Procurement: | |
| Evolved Expendable Launch Vehicle | 3.8 |
| Hydra—70 Rockets | 20.0 |
| Army Research, Development, Test and Evaluation: | |
| Tactical Unmanned Aerial Vehicles | 6.0 |
| LIDAR Sensors | 5.0 |
| Enhanced Scramjet Mixing | 2.5 |
| Navy Research, Development, Test and Evaluation: Re-entry Sys- tems Application Program (RSAP) | 2.0 |
| Air Force Research, Development, Test and Evaluation: | |
| Hand-Held Holographic Radar Gun for the B-2 | 2.9 |
| Dragon (U-2) JIMP SYERS Polarimetric Sensor Upgrade | 4.0 |
| Space Surveillance Modernization—Camera Augmentation | 8.0 |
| Defense-wide Research, Development, Test and Evaluation: | |
| Accelerate Navy UCAV | 9.0 |
| Thermionic Technology | 8.0 |
| Magdalena Ridge Observatory | 9.0 |
| Software Defined Radio | 5.0 |
| Aerostat for CMD | 3.8 |
| SMDC Advanced Research Center | 8.0 |
| Space and Missile Defense Battlelab | 11.0 |
| Excalibur/Scorpius | 15.0 |
| Water-Scale Planarization | 7.5 |
| Bottom Anti-Reflective Coatings | 2.5 |
| Privateer C3I | 2.8 |
| Broadcast-Request Imagery Technology Development (BRITE) | 3.0 |
| Defense Systems Evaluation | 1.5 |
| Intelligence Spatial Technology for Smart Map | 1.0 |
| Big Crow | 5.0 |
| Army Operation and Maintenance: Reserve Land Forces Readiness- Information Operations Sustainment | 5.0 |
| Navy Operation and Maintenance: NAVOCEANO SURF Eagle | 4.0 |
| Air Force Operation and Maintenance: Replace/Refurbish Air Hand- lers at Keesler AFB Medical Center, MS | 3.0 |
| Defense-wide Operation and Maintenance: | |
| Commercial Imagery Initiative | 10.0 |
| Environmental Restoration for Former Defense Sites in Alaska and other places | 40.0 |
| Air National Guard Operation and Maintenance | 164.8 |
| Total pork (in billions of dollars) | 1.05 |

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

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

Chief among our concerns to U.S. national security and alliance relations

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

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

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

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

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

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

However, section 1062 of S. 1438 goes well beyond this current authority. By making possession of such equipment illegal, it would create tens of thousands of lawbreakers overnight, veterans, collectors, sportspeople, even

museums that have been legally purchasing surplus equipment from the government for decades. Worse, this section provides for the confiscation and destruction of items that are now private property.

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

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

PRIVATE INSURANCE PRODUCTS OF BRAC
INSTALLATIONS

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

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

Mr. WARNER. I agree.

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

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

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

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

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

Moreover, Moscow has said it would react to U.S. treaty withdrawal by abandoning all arms and nonproliferation treaties with Washington and might respond to the missile shield by putting multiple nuclear warheads on some of its missiles. Is it worth jeopardizing the system of stable nuclear

deterrence that has worked for almost 40 years to build a very costly system that we don't know will work? I believe it is urgent that we strongly support the renewed efforts of Senator LEVIN and others to require the President to seek congressional approval before spending funds for missile tests that would breach the ABM Treaty.

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

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

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

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

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

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

thus provide additional benefits to the surviving spouse and children.

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

I am committed to ensuring adequate resources are available to train units, civil support teams and other teams and individuals in combating terrorism. To that end, I support the bill's provision to require the Secretary of Defense to report back on the capabilities of defense installations, such as Fort Leonard Wood and Dugway Proving Ground, to train first responders.

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

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

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

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

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

I feel safe in speaking for all of us when I express the shock and outrage

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

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

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

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

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

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

But as we all know, these are not normal times. The tragedies that began

to unfold in New York, Washington, DC, and Pennsylvania on September 11, and the bold strike against terrorism that this country and our men and women in uniform are about to launch, demand a unified Congress and a unified nation. For those reasons, I will vote in favor of this bill.

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

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

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

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

forward with this program remains a long way off, I am pleased that the committee has included language in its report requiring the Department of Defense to study alternatives to this aircraft.

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

We also owe it to our military personnel and their families to provide them with decent facilities and housing. For that reason, I strongly support the provision of this bill that authorizes another round of base closures. We should continue to reassess our base structure to ensure that we are maximizing the use of our defense facilities. By closing bases that are no longer needed, we can help to ensure that our military personnel and their families are not being forced to live and work in hazardous conditions. The decision to move forward with another round of base closures is an example of the hard decisions that this body will have to make as we face the realities of the Federal budget.

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

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

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

The PRESIDING OFFICER. The Senator is correct.

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

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

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

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

The PRESIDING OFFICER. The Senator from Michigan.

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

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

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

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

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

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

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

I think anybody around here would have accepted that, or at least would

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

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

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

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

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

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

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

I thank the Senators. I yield the floor.

Mr. WARNER. Mr. President, if I might for 1 minute, I think the Senator from New Mexico has some very constructive suggestions. I am familiar with them. I spoke just this morning with Senator LUGAR about a letter which he wrote to the Secretary of Defense, which is the subject matter of one of these amendments. I would have

signed the letter with him. Yesterday I was engaged here. I hope in the context of the conference and otherwise we can address these important matters.

Mr. DOMENICI. It will be in the RECORD.

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

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

I yield the floor.

The PRESIDING OFFICER. The majority leader.

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

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

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

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

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

Mr. LEVIN. Mr. President, could I add my thanks to the majority leader for his very strong and determined leadership to bring this bill to a close. I must say it could not have happened

without the determination of the majority leader to finally just simply file cloture. That is what it came to. We were not able to bring this to closure without that cloture motion.

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

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

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

Mr. DASCHLE. I thank the Senator from Virginia.

I yield the floor.

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

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

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

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

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

[Rollcall Vote No. 290 Leg.]

YEAS—99

| | | |
|-----------|----------|------------|
| Akaka | Chafee | Feingold |
| Allard | Cleland | Feinstein |
| Allen | Clinton | Fitzgerald |
| Baucus | Cochran | Frist |
| Bayh | Collins | Graham |
| Bennett | Conrad | Gramm |
| Biden | Corzine | Grassley |
| Bingaman | Craig | Gregg |
| Bond | Crapo | Hagel |
| Boxer | Daschle | Harkin |
| Breaux | Dayton | Hatch |
| Brownback | DeWine | Helms |
| Bunning | Dodd | Hollings |
| Burns | Domenici | Hutchinson |
| Byrd | Dorgan | Hutchison |
| Campbell | Durbin | Inhofe |
| Cantwell | Edwards | Inouye |
| Carnahan | Ensign | Jeffords |
| Carper | Enzi | Johnson |

| | | |
|-----------|-------------|------------|
| Kennedy | Miller | Shelby |
| Kerry | Murkowski | Smith (NH) |
| Kohl | Murray | Smith (OR) |
| Kyl | Nelson (FL) | Snowe |
| Landrieu | Nelson (NE) | Specter |
| Leahy | Nickles | Stabenow |
| Levin | Reed | Stevens |
| Lieberman | Reid | Thomas |
| Lincoln | Roberts | Thompson |
| Lott | Rockefeller | Torricelli |
| Lugar | Santorum | Voinovich |
| McCain | Sarbanes | Warner |
| McConnell | Schumer | Wellstone |
| Mikulski | Sessions | Wyden |

NOT VOTING—1

Thurmond

The bill (S. 1438) was passed.

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

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that it be in order for the Senate to proceed en bloc to the consideration of the following calendar items: Calendar No. 156, S. 1417; Calendar No. 157, S. 1418; and Calendar No. 158, S. 1419; that all after the enacting clause be stricken, en bloc; that the following divisions of S. 1438, as passed the Senate, be inserted as follows: Division A, S. 1419; Division B, S. 1418; and Division C, S. 1417; that the bills be read a third time, passed, and the motions to reconsider be laid upon the table en bloc; and that the consideration of these items appear separately in the RECORD. I further ask unanimous consent that with respect to S. 1438, S. 1417, S. 1418, and S. 1419, as passed the Senate; that if the Senate receives a message from the House with respect to any of these bills, the Senate then proceed to the House message; that the Senate disagree to the House amendment or amendments, agree to the request for a conference on the disagreeing votes of the two Houses, or request a conference with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. The Senator from New Jersey.

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

A week ago, I raised with the committee my concerns that because of a merger by General Dynamics and another corporation, the United States of

America is being left with one producer of smokeless gunpowder. One. One plant, one company, one location.

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

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

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

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

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

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

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

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

We understand the Defense Department is going to express a view on this matter to the Federal Trade Commis-

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

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

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

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

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

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

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

I withdraw my objection.

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

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2002

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

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

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2002

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

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

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR THE FISCAL YEAR 2002

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

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

Mr. LEVIN. Mr. President, I ask unanimous consent that S. 1438, as passed the Senate, be printed as a Senate document.

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

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

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I echo the compliments made by Chairman LEVIN for the work of Senator WARNER. I will also say that Senator LEVIN did an outstanding job. It was great the Senate