The Senate met at 10 a.m., and was called to order by the Hon. HARRY REID, a Senator from the State of Nevada.

PRAYER

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

Make a joyful noise to the Lord, all you lands! Serve the Lord with gladness; come before His presence with singing. Know that the Lord, He is God.—Psalm 100:1–3a.

Joyous God, we praise You for Your joy that is an outward expression of Your grace. When we experience Your giving, forgiving, unqualified love, the ecstasy of the joy of Heaven fills our hearts with exuberant joy. Your joy is so much greater than happiness, which is dependent on circumstances, the attitudes of others, and being free from problems. Thank You that Your joy flows within us with artesian force regardless of what is occurring to us or around us. Fill the wells of our souls with Your joy that nothing can dampen, so that we can express joy regardless of what happens. You are by our side, You are on our side, and You are abiding inside to make us communicators of affirmation and encouragement to others. Your joy fails not; it is fresh each new day, new zest for each challenge and courage for each step of the way. Thank You for Your lasting joy! Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. NELSON of Florida). The acting majority leader is recognized.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 565, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

Pending:

Clinton amendment No. 2906, to establish a residual ballot performance benchmark.

Dayton amendment No. 2898, to establish a pilot program for free postage for absentee ballots cast in elections for Federal office.

Dodd (for Harkin) amendment No. 2912, to provide funds for protection and advocacy systems of each State to ensure full participation in the electoral process for individuals with disabilities.

Dodd (for Harkin/McCain) amendment No. 2913, to express the sense of the Congress that curbside voting should be only an alternative of last resort when providing accommodations for disabled voters.

Dodd (for Schumer) modified amendment No. 2914, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.

The PRESIDING OFFICER. The Senator from Nevada.
That being the case, on Tuesday, February 26, we will complete voting on those amendments with the fervent hope that by the end of that day, or at some point on February 26, we will go to third reading and final passage of this election reform bill.

That is the plan. We hope that is exactly how it will work. There are a number of amendments that are not drafted in proper amendment form. They are concepts and explanations of what Members would do. It is little difficult to try to come to some agreement on a proposal that hasn’t been crafted in legislative language. As a result, if you have an amendment in that status, I urge you, over the next hour or so, to get it in legislative form sometime today. We can analyze it and determine whether or not that amendment can be accepted.

A number of Members listed relevant amendments. I don’t have any idea what subject matter is contained in each and every one. So Members in that status ought to communicate with us as soon as possible about the specifics of the amendment they are submitting about. Maybe some Members just wanted a provision to say they had a relevant amendment. These Members may have said they had a relevant amendment and really don’t have any intention of offering any language to this bill. If this case, at this stage it would be helpful if we knew this. We could then reduce the list down to a manageable number without limiting debate for our Members on all the important issues in election reform.

I urge Members on both sides to do all of these things that I discussed if they are applicable. Taking action can expedite the process to final passage. On February 26, we don’t want to have a marathon voting exercise all day, with 1 or 2 minutes in advance of a specific amendment. I can’t be attracted to that kind of process. I understand the value of stacking votes from time to time. But I am not sure the institution shows its best effort when we engage in a vote marathon.

I would like to resolve as many amendments as possible and leave for the floor the ones that really do require debate. I suggest that so Members understand the real importance of what we are considering.

My plea to all Members here to please get us your proposals. My staff, Senator McConnell’s staff, and Senator Bond’s staff and Senator Schumer’s staff, are all working on this bill. We can really try to resolve as many of these issues as possible today and over the next week. Then, on February 25, when we return, we can have a good debate on the remaining two, three, or four—whatever the number is amendments that deserve debate and consideration— that go to the heart and core of some differences that may exist. That is how we are going to proceed.

I am grateful to colleagues for their participation over the last couple of days. We have had quite a few amendments. We have resolved some issues that needed resolution. I am heartened over the fact that we are going to have a good bill, a bill all Members can be proud of. Approximately 14 months after the November election, we are going to return to our States and say to people in this country, who wondered whether or not this body would ever be able to grapple successfully with election reform, that yes we could.

We have come together and resolved differences. We modernize and reform an election system that was in desperate need. As the Presiding Officer knows so well because he represents the wonderful State of Florida that was the subject of such attention for not just our country but the entire world.

As I have said to him and his colleagues, Senator Graham, on numerous occasions, this is not only a Florida problem; this is not only a November 2000 election problem; but rather an election problem that has gone on for many years which makes the problem a national problem. When lining, I suppose, in all that unfolded in the November 2000 election is that we are doing something we probably should have done years before. Absent the national crisis that developed in the year 2000, we probably would not have gotten to real election reform for years to come.

As my mother always said, there is a silver lining in every dark cloud. The dark cloud is the November 2000 election. The silver lining is we are on the brink in this institution of reforming the manner in which Federal elections are conducted by our States and localities in a incremental way, but a significant and constitutional way. This means that every eligible voter in this country who chooses to vote will have an equal opportunity to cast a vote and have that vote counted. It will be a user-friendly, accessible institution, and those who want to game, cheat or corrupt the system in some way are going to find it much more difficult to do so successfully.

If we can achieve both of those goals in the coming days, then I think the American public can rightfully say this Congress, the second session of the 107th Congress, did not fail to take and meet the challenge that the November 2000 election posed for us.

Mr. DODD. Mr. President, on behalf of our colleague from Massachusetts, Senator Kennedy, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The clerk will report.

The assistant legislative clerk reads as follows:

The Senator from Connecticut (Mr. Dodd), for Senator Kennedy, proposes an amendment numbered 2916.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.
The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the application of the safe harbor provisions)

On page 22, strike lines 9 through 22, and insert the following:

(b) SAFE HARBOR.—

(1) IN GENERAL.—Except as provided in paragraph (2), if a State or locality receives funds under a grant program under subtitle A or B of title II for the purpose of meeting a requirement under section 101, such State or locality shall be deemed to be in compliance with such requirement until January 1, 2006, and no action may be brought against such State or locality on the basis that the State or locality is not in compliance with such requirement before such date.

(2) EXCEPTIONS—

(A) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The safe harbor provision under paragraph (1) shall not apply with respect to the requirement described in section 101(a)(3).

(B) OTHER FEDERAL LAWS.—An action may be brought against a State or locality described in paragraph (1) if the noncompliance of such State or locality with a requirement described in such paragraph results in a violation of:

(i) the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);
(ii) the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.);
(iii) the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973c et seq.);
(iv) the National Voter Registration Act of 1993 (42 U.S.C. 1973g et seq.);
(v) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);
(vi) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

On page 34, line 23, and insert the following:

(c) SAFE HARBOR.—No action may be brought under this Act

On page 44, line 1, and insert the following:

(d) SAFE HARBOR.—No action may be brought under this Act

On page 58, strike lines 19 and 20, and insert the following:

(a) IN GENERAL.—Nothing in this Act may be construed to authorize

Mr. DODD. Mr. President, I ask unanimous consent that the amendment be temporarily laid aside.

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

Mr. DODD. Mr. President, I see a couple of my colleagues who have brought over this amendment which means speech.

I ask unanimous consent that my colleagues be allowed to speak as in morning business.

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

The Senator from North Dakota.

WIND ENERGY

Mr. DORGAN. Mr. President, I thank the Senator from Connecticut for his leadership on the legislation that has been pending. I want to talk about wind energy. I suppose people will think then that I am talking about the Senator from Connecticut for his wind energy. I suppose people will think then that I am talking about the Senate and wind energy. I suppose people will think then that I am talking about the Senator from Connecticut for his wind energy.

Our country and its economy are terribly dependent on a substantial amount of energy coming from the Middle East. We understand the dilemma for the American economy to be that dependent on a part of the world that is so unstable. So we ought to find a way to be less dependent on that part of the world.

I was in recent weeks in Central Asia and understand even more, once again, how fragile circumstances are there. Our economy and our country would be much more secure if we had a policy that extracts the kind of ultimate dependence we now have on an oil and energy supply from the Middle East.

How do we do that? We write an energy policy that does a lot of things: increases supply at home—oil, natural gas, and coal—and does so in an environmentally acceptable way; increases conservation; increases efficiency of appliances we use; and also especially promotes limitless and renewable sources of energy.

I am interested in the wide range of resources that belong to the last category, renewables: biodiesel, using sunlight and canola oil to run engines, taking a drop of alcohol from a kernel of corn and using that to extend America’s energy supply, and then still having the protein scaffold from the kernel of corn.

Today, I also want to talk briefly about wind energy. The new technology in wind turbines is extraordinary. Being able to take energy from the air, from the wind, using new, high-technology blades and coursing the wind through these turbines, then transmitting that energy across the grid to provide electricity where it is needed in this country makes good sense. It is limitless energy. We can have it forever. We will never deplete the source of energy coming from the wind.

The production tax credit that has been on the books that provides the enhancement for wind energy projects expired at the end of last year. It is unthinkable that the Congress, poised to take up energy policy legislation, has allowed the production tax credit for wind energy to expire, and yet it did.

The production tax credit for wind energy needs to be extended, and not for one year and not for 2 years, but for 5 years. We need to do that now. We need to do that on an urgent basis.

We cannot just put on the shelf, including the project that I described—a project worth $150 million in North Dakota that would produce 150 megawatts of wind-generated electricity in a State such as North Dakota, but to have those plans on the shelf because the Congress is dragging its feet.

Some will say: the extension of the production tax credit for wind energy has been inserted in this bill or that bill. In fact, the House of Representatives included it, I believe, just yesterday. They included it in the stimulus bill, which is a perfectly terrible piece of legislation, a big give-away to a lot of big companies that do not deserve it, and then added the extension of the production tax credit for wind energy on that vehicle. It is like putting earrings on a hog. It just does not mean very much. That is not the way we are going to get an extension of the production tax credit for wind energy.

The way we are going to get it is for Members of the Congress to understand that we cannot come to the end of the year and have important policy issues, such as the production tax credit for wind energy, expire so that we have fits and starts and an industry that cannot get off the ground.

A major blade manufacturer in Grand Forks, ND, laid off employees because, when the production tax credit expired at the end of last year, projects were put on the shelf, including the project I described. They laid off employees because, when the production tax credit expired at the end of last year, projects were put on the shelf. Yes, and Members of the Senate and Representatives included it, I believe, just yesterday. They wrote another stimulus bill, which is a perfectly terrible piece of legislation, and put the production tax credit for wind energy in that package, which is a perfectly terrible piece of legislation.

They have the money, they have the plans, and it is not happening, because this Congress has been dragging its feet.

I know the Majority Leader, Senator Daschle, agrees with me that we ought to do this. We ought to do it right now. Yet we cannot get it done because we are playing games with stimulus packages that will go nowhere, because they make no sense and will do nothing to stimulate this economy.

Let us enact the tax credit extensions from the stimulus package. Let us pass these on a stand-alone basis. Let us pass that package of extenders that should have been enacted by the end of last year. Congress should have done that. Everybody knows that. I hope when we return following next week’s State work period that we will have, both on the Democratic and Republican sides, a desire and a will to
say that what we did not do at the end of last year we will commit to do now, and we will do it on an urgent basis, because that is what will contribute to a good energy policy for this country. Then we will turn to the energy bill.

I yield the floor.

Mr. CONRAD. Mr. President, I associate myself with the remarks of my colleague from North Dakota on the subject of wind energy. Clearly, this is a circumstance in which the Government needs to act, and act quickly, to provide the incentives that have been previously put in place but have now lapsed, incentives that can make a difference between projects going forward and not.

I do not know what could be more clear than that the incentives for wind energy are absolutely essential if we are going to diversify the base of energy supply in this country, move to more renewables, and have a greater chance of reducing our dependence on foreign sources of energy that leave us vulnerable in a time of conflict in the very areas of the world in which much oil production is occurring.

AGRICULTURAL PRIORITIES

Mr. CONRAD. Mr. President, when I came to my office this morning, I received the surprising news that our Secretary of Agriculture has now apparently asked her counterpart in Canada to come to the United States to lobby against the farm bill that is pending.

I have never heard of such a thing. We now have reports that the Secretary of Agriculture of the United States is asking an official of a foreign government to come to Washington to lobby the Congress against the farm bill that is pending. I have never heard of such a thing.

I haven't heard of such a thing.

The article I am referring to is from the Ottawa Bureau of the Western Producer, and this story says the Canadian Agriculture Minister, Lyle Vancilfe, received surprising advice when he called American Agriculture Secretary Ann Veneman to complain about the possibility that a new United States Government. It is thoroughly preposterous. This is what our farmers are up against. This is what they have experienced: The green line is the price farmers have paid for the inputs they must buy. The red line shows the prices farmers have received.

It is very interesting that the peak of prices for farmers occurred at the time of the last farm bill that one can see has occurred: A virtual price collapse. The gap between the prices farmers are paid and the prices they pay has turned into this enormous guilt. It is no wonder agricultural support is Euro-American. It is no wonder when I ask my farmers what happens if they do not have this new farm bill, the answer from one of the major farm group leaders in my State was: It will be a race to the auctioneer.

That is the reality. That is because our farmers are out here playing on the world stage. We are asking them to compete against the French farmer and the German farmer, and we are telling them while you are on the French and German Government, as well.

That is not a fair fight. We can either choose to have the flag of surrender and give up, throw out our people be wiped out, or we can fight back. That is what this farm bill debate is about.

Now we have the Secretary of Agriculture of the United States apparently calling her Canadian counterpart, urging him to come to this country to fight against the farm bill that is moving through our Congress. I have to wonder what she is thinking. She is not the payroll of the Canadian Government. She is a part of the United States Government. It is thoroughly and totally inappropriate for her to be asking a representative of a foreign government to come to this country to lobby the U.S. Congress against a farm bill for American farmers.

Mr. DORGAN. Will the Senator yield?

Mr. CONRAD. I am happy to yield to the Senator.

Mr. DORGAN. I listened to my colleague. I have not seen the report, nor do I know the contents of that report. However, as my colleague has stated, it is not appropriate, in my judgment, for Canadians to be lobbying our Congress about a domestic farm program, or for anyone from our administration to be inviting them down.

My hope is that what did not happen this year, is the Secretary will act on that. The Secretary will put out a statement saying that is not accurate. If it is accurate, it is inappropriate. Senator CONRAD is certainly right about that.

This raises the broader point that, for the last 6 months, trying to get a farm bill out of this Congress has been an awful process. It is as if those who knew that we needed to get a better farm bill in order to enable family farmers to survive have been on a bicyc-

This is quoting the Secretary of Agriculture of the United States—

Lyle, you have to help me lobby Congress.

This is not the way any Cabinet Secretary ought to do their business. It is totally and thoroughly inappropriate for the Secretary of Agriculture to ask an agriculture minister of a foreign government to come and lobby the Congress against a farm bill that is designed to help American farmers. This cannot be.

I am writing a letter today to the President asking him to renounce these apparent efforts by his Secretary of Agriculture to have the officials of a foreign country become involved in a domestic political discussion in our country.

This is a very serious matter. This cannot be the way this administration does its business. I call on the President to send a very clear message to the Secretary of Agriculture in his administration that she cannot be pursuing foreign government officials to come to this country to lobby this Congress to become involved in a debate in our country. What is next by this Secretary of Agriculture? Has she forgotten whose side she is on? She is in the cabinet of the President of the United States, not in the cabinet of the Government of Canada. She is not in the cabinet of the European government. That is the kind of advice that apparently she is giving and the kind of involvement in our domestic affairs she is reportedly seeking from the minister of agriculture in another country's government.

It is as though the Secretary of Agriculture of the United States has completely forgotten her obligation. The reason it is critically important for us to pass a farm bill is to try to level the playing field to some degree with our major competitors. In case our Secretary has forgotten, I have a chart which shows an analysis of the difference between what our major competitors are doing for their farmers and what we are doing for ours.

This is Europe. They are our major competitors. This is what they are doing on average per year to support their farmers: Over $300 an acre of support. The comparable figure in the United States: $38. These are not my numbers. These are the numbers of the Organization for Economic Co-operation and Development. These are the international scorekeeper's numbers. They are the ones that are telling us our major competitors are doing far more for their producers than we are doing for ours. And it does not stop there, because on world export subsidy, this is the picture: This pie represents all world agricultural export subsidies. The blue part of this pie is Europe's share, which at 75 percent is clearly off the world stage. They are buying these markets. The U.S. share is this little red slice—less than 3 percent. So we are being outgunned nearly 30 to 1. And we have a Secretary of Agriculture who is reportedly calling on an official of a foreign government to come to our country to lobby our Congress against a farm bill for our farmers? It is absolutely preposterous.

We are going to diversify the base of energy supply in this country, move to more renewables, and have a greater chance of reducing our dependence on foreign countries. It is apparent that apparently the Secretary of Agriculture will try to lobby our Congress against the farm bill that is moving through our Congress. I have to wonder what she is thinking. She is not the payroll of the Canadian Government. She is a part of the United States Government. It is thoroughly and totally inappropriate for her to be asking a representative of a foreign government to come to this country to lobby the U.S. Congress against a farm bill for American farmers.

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My hope is that what did not happen this year, is the Secretary will act on that. The Secretary will put out a statement saying that is not accurate. If it is accurate, it is inappropriate. Senator CONRAD is certainly right about that.

This raises the broader point that, for the last 6 months, trying to get a farm bill out of this Congress has been an awful process. It is as if those who knew that we needed to get a better farm bill in order to enable family farmers to survive have been on a bicyc-
Every step of the way the administration has said: we don't think you should do this; we don't believe you need a new farm bill. The administration told the House of Representatives not to write one. And the House of Representatives said: it doesn't matter what we say, we will do it.

The administration told the Senate not to pass a farm bill in 2001. We had to go through three cloture votes and still could not get the 60 votes necessary to pass it in 2001.

This year, we have finally gotten a bill out of the Senate. It is in conference. We need to complete this quickly.

With respect to the issue of Canada, Canada is a good neighbor of ours, but it regrettably has undercut our Government and undercut our farmers in every way possible since the United States-Canada Free Trade Agreement. Canada dumped its wheat in our country and refused to open its books and record its demonstrations that it is unfair trade. We have sent people, including the GAO, to Canada to get those records. The Canadians have effectively thumbed their nose at all of our representatives and said: we are not going to give them to you. I don’t think we need advice from Canada about how to help our farmers. What we need from the Canadians is for them to stop hurting our farmers. They have a State-sponsored monopoly in Canada called the Canadian Wheat Board that would be illegal in this country. Every day in every way for years they have been trying to undercut our family farmers with unfair trade.

Senator CONRAD is right when he says we do not need advice from Canadians about how to do domestic agricultural policy in our country. It is not welcome in my view. What is welcome is for the Canadians to decide that good neighbors ought not undercut each other’s unfair trade. If they take that step once, they help American farmers with respect to fair trade.

I thank Senator CONRAD for allowing me to respond to his comments.

Mr. CONRAD. I thank my colleague for his insight. It is a remarkable set of circumstances. I call on the Secretary. If this press report is inaccurate, I hope she will say so publicly and do it today. But this press report quotes the spokesman, a press aide of her counterpart in thatada, the Canadian Agriculture Minister, Lyle Vancleef; his press aide, a Mr. Donald Boulanger, is quoted. This is what the article reports:

She told Lyle [Mr. Vancleef, Canadian Agriculture Minister] to put pressure on Congress.

That is in quotation marks. Following that, again quoting Mr. Boulanger, the press aide for the Canadian Agriculture Minister:

She said their political system is different from ours, Congress has so much power. She said, Lyle, you have to help me lobby Congress.

I hope it is wrong. I hope the Secretary will today indicate she never made such an invitation, that she never made such a statement. If this is her statement, I think she has a lot of explaining to do. It probably should start with an explanation to the President of the United States, who a Secretary of Agriculture of the United States is imploring her Canadian counterpart to come to lobby the U.S. Congress against a farm bill that is pending before the Congress of this country.

TAX CUTS

Mr. CONRAD. Mr. President, on another subject, I noticed in today’s Washington Times a story headlined: “White House to Show Triumph of Tax Cuts, Says Recession Stalled Jobs Added.” This is a news story that comes as a result of a speech later today to the Council on Foreign Relations by Vice President Cheney, and it including the GAO, as an answer to Democratic critics of the tax cut. The findings by the President’s Council of Economic Advisers as an answer to Democratic critics of the tax cut. The findings the Vice President will discuss show the third quarter growth last year would have been 2.5 percent instead of the reported 1.3 percent without the tax relief.

That should not be any great surprise to anybody. What is surprising is the Republicans attempting to claim credit for the tax cuts that occurred last year.

We should not rewrite the history of what occurred. Last year, it was the Democrats who were proposing much greater tax relief than the President’s proposal because we believed we needed to give lift to the economy. Here are the facts. For 2002, the President’s budget proposed almost no tax relief. The Democratic budget proposed $60 billion of tax relief last year.

Those are the facts. Absolutely, Democrats were for more tax relief last year than the President proposed because we thought we needed to give lift to the economy. In fact, we actually passed even greater tax relief than the President proposed because we believed we needed to give lift to the economy. Here are the facts. For 2002, the President’s budget proposed almost no tax relief. The Democratic budget proposed $60 billion of tax relief last year.

So, yes, tax cuts are beneficial at a time of economic slowdown. Democrats were not in favor of as much of a tax cut as the President proposed. But in fairness, it is not going to give them to you. I don’t think we need advice from Canada about how to do domestic agricultural policy in our country. It is not welcome in my view. What is welcome is for the Canadians to decide that good neighbors ought not undercut each other’s unfair trade. If they take that step once, they help American farmers with respect to fair trade.

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I hope it is wrong. I hope the Secretary will today indicate she never made such an invitation, that she never made such a statement. If this is her statement, I think she has a lot of explaining to do. It probably should start with an explanation to the President of the United States, who a Secretary of Agriculture of the United States is imploring her Canadian counterpart to come to lobby the U.S. Congress against a farm bill that is pending before the Congress of this country.

TAX CUTS

Mr. CONRAD. Mr. President, on another subject, I noticed in today’s Washington Times a story headlined: “White House to Show Triumph of Tax Cuts, Says Recession Stalled Jobs Added.” This is a news story that comes as a result of a speech later today to the Council on Foreign Relations by Vice President Cheney, and it including the GAO, as an answer to Democratic critics of the tax cut. The findings by the President’s Council of Economic Advisers as an answer to Democratic critics of the tax cut. The findings the Vice President will discuss show the third quarter growth last year would have been 2.5 percent instead of the reported 1.3 percent without the tax relief.

That should not be any great surprise to anybody. What is surprising is the Republicans attempting to claim credit for the tax cuts that occurred last year.

We should not rewrite the history of what occurred. Last year, it was the Democrats who were proposing much greater tax relief than the President’s proposal because we believed we needed to give lift to the economy. Here are the facts. For 2002, the President’s budget proposed almost no tax relief. The Democratic budget proposed $60 billion of tax relief last year.

Those are the facts. Absolutely, Democrats were for more tax relief last year than the President proposed because we thought we needed to give lift to the economy. In fact, we actually passed even greater tax relief than the President proposed because we believed we needed to give lift to the economy. Here are the facts. For 2002, the President’s budget proposed almost no tax relief. The Democratic budget proposed $60 billion of tax relief last year.

So, yes, tax cuts are beneficial at a time of economic slowdown. Democrats were not in favor of as much of a tax cut as the President proposed. But in fairness, it is not going to give them to you. I don’t think we need advice from Canada about how to do domestic agricultural policy in our country. It is not welcome in my view. What is welcome is for the Canadians to decide that good neighbors ought not undercut each other’s unfair trade. If they take that step once, they help American farmers with respect to fair trade.

I thank Senator CONRAD for allowing me to respond to his comments.

Mr. CONRAD. I thank my colleague for his insight. It is a remarkable set of circumstances. I call on the Secretary. If this press report is inaccurate, I hope she will say so publicly and do it today. But this press report quotes the spokesman, a press aide of her counterpart in thatada, the Canadian Agriculture Minister, Lyle Vancleef; his press aide, a Mr. Donald Boulanger, is quoted. This is what the article reports:

She told Lyle [Mr. Vancleef, Canadian Agriculture Minister] to put pressure on Congress.

That is in quotation marks. Following that, again quoting Mr. Boulanger, the press aide for the Canadian Agriculture Minister:

She said their political system is different from ours, Congress has so much power. She said, Lyle, you have to help me lobby Congress.
lift to the economy at a time of economic weakness. Now the Republican White House is going out and saying they are the ones who had the idea. They are not. Anybody who cares to research it can go back and look at the President’s budget—not just the first budget he submitted, but the follow-on budget he submitted in the spring. It is the same thing. He had virtually no tax cut last year.

The February budget had virtually no tax cut, and his April budget had virtually no tax cut. The people who were pushing for a big tax cut last year for the year 2002 were those of us on this side of the aisle, Democrats. And we were right.

As it turns out, we were also right to oppose the size of his 10-year tax reduction because we said then—two things. No. 1, it would endanger the trust funds of Social Security and Medicare, and we now know that is true. No. 2, we said the $1.6 trillion in Social Security surpluses over the next 10 years would be needed to pay for his tax cuts and to pay for other spending priorities—every dime—over $500 billion, according to his own calculations.

The President is going to be taking, under his budget plan, over $1.6 trillion of Social Security surpluses over the next decade to pay for his tax cuts and other spending priorities. It is in his budget. That is his plan.

There is only $600 billion left, every dime of which is Social Security money. The Congressional Budget Office, we believe, when they score the President’s proposal, will show that virtually all of that is gone because the President has dramatically underestimated the cost of Medicare over the next 10 years.

Yesterday, in a hearing with Health and Human Services Secretary Tommy Thompson, I showed that the Congressional Budget Office believes the President’s budget has underestimated the cost of Medicare by $300 billion over the next decade. So there is no money left except Social Security money. That is the hard reality. And the President’s budget has taken most of that.

I believe history will show very clearly that Democrats last year proposed a greater tax cut in 2002 to try to give lift to the economy, but we proposed a more modest tax cut over the 10 years because we did not want to endanger the trust funds of Social Security and Medicare, and we did not want to keep long-term rates from following short-term interest rates down because that also gives lift to the economy.

What is important to understand is that fiscal policy—that is, the spending and tax policy of the Federal Government—can adversely affect the monetary policy that is set by Independently the Federal Reserve Board. While we move to give lift to the economy through stimulus, that can all be countered by interest rates. If interest rates go up or stay high, that can prevent the economy from gaining strength and moving forward.

Facts are stubborn things, as a previous President said. I believe the facts of who stood where with respect to economic policy are just as clear as they can be—absolutely. Tax cuts last year helped reduce the impact of the recession. But it was Democrats who advocated substantial tax cuts last year. It was not the President, either in his February budget or in his April budget. He proposed virtually no tax relief last year. That is the fact.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DASCHLE. Mr. President, the administration’s Council of Economic Advisers will issue today some self-serving economic revisionism—a little like a figure skating judge awarding the gold medal to his own team. We are going to hear that the recession was shorter and shallower than it would have been without last year’s mammoth, surplus-swallowing tax cut.

Let me just say, I might like to change economic history, too, if I had just blown a $3.6 trillion surplus in less than a year. But let’s set the historical record straight.

The administration’s proposed 10-year tax cut, when they offered it last year, was $1.7 trillion, plus about $300 billion in interest—about $2 trillion. Of that, there was zero stimulative tax cut. Not a dime was to go out to the American people in the year 2001, last year.

Let me restate that. There was no economic stimulus in the $2 trillion tax cut that the administration originally sent to Congress.

Democrats who were concerned about the recession were the ones who proposed to give working American families immediate tax relief to get the economy going again. Our Republican colleagues over there were arguing that there is no stimulative impact at all to rebates for working Americans.

But now we have the White House Council of Economic Advisers suffering a case of convenient economic amnesia. They are not only forgetting that the administration did not propose a stimulus, they are also forgetting what happened to long-term interest rates as a direct consequence of their ill-advised, long-term fiscal policy.

The administration’s plan, history will show, was exactly reversed: No stimulus but huge, long-term fiscal damage.

The budget just released affirms the return to deficits. It has been hugely damaging to our long-term fiscal condition, including diverting $1.5 trillion of the Social Security trust funds just as the baby boom generation is about to retire.

Just as important, though, is that long-term fiscal mismanagement has hurt us in the short term. Long-term interest rates have remained stubbornly high even as the Fed reduced short-term rates 11 times. Treasury Bills were at 5.01 percent in January of 2001, and at the beginning of February 2002, they were at 5.05 percent. That means that homes are harder to buy, student loans are more expensive, credit card interest rates remain unnecessarily high. All of that has harmed people, and it has harmed the economy.

So let’s just remember where we were last year at this time. The administration had the wrong prescription for both the immediate and the long term. They proposed no tax cuts at all during the year 2001—zero for working families. It was Democrats who insisted on a rebate that ultimately passed without the support of the administration. But then they gave huge giveaways—tilted heavily toward those at the top income levels—that explode as we move forward. Those giveaways could expose us to fiscal disaster as the baby boomers approach retirement.

So we should be clear on what happened. Democrats were for immediate stimulus for working families and for prudent long-term tax cuts that would not have jeopardized our fiscal future or the retirement security of millions of Americans.

The report that we are going to get today from the administration is trying to substitute political sound bites for sound economic analysis. No fair play for the Council of Economic Advisers suffering economic revisionism. No fair play for the administration’s economic plan a medal-winning performance.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

Mr. DASCHLE. Mr. President, under the authority granted to me on Thursday, February 14, I now call up Calendar No. 65, S. 537.

The PRESIDING OFFICER. The leader has the authority. The clerk will report the bill by title.

The bill clerk read as follows:
A bill (S. 517) to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for the fiscal years 2002 through 2006, and for other purposes.

AMENDMENT NO. 297

Mr. DASCHLE. Mr. President, I have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself and Mr. BINGAMAN, proposes an amendment numbered 297.

Mr. DASCHLE. I ask unanimous consent that reading of the amendment be dispensed with.

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

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

Mr. DASCHLE. Mr. President, we have seen in the last year that energy security is related to economic security as well as to national security. Americans need and deserve an energy plan that truly moves us toward energy independence. At the same time, America's need for energy continues to grow each year. Over the next 10 years, the United States is expected to consume roughly 1.5 trillion gallons of gasoline, yet the United States holds only 3 percent of the known world oil reserves.

There is no question that we need to free ourselves from our dependence upon foreign oil and the volatility associated with it. But increased production alone will not meet this demand. It is clear we need a new approach.

Last year, Democrats promised our colleagues they would begin an open debate on energy legislation before the President's Day recess. Today we are keeping that promise and bringing to the floor an example of that new approach, a comprehensive, sensible, and bipartisan package of proposals to confront the rising tide of global warming. It has been said that we are all continually faced with a series of great opportunities brilliantly disguised as insolvable problems. Meeting our energy challenges is a difficult problem, but it is also a great opportunity to demonstrate America's strength and American ingenuity.

I thank all the chairmen who worked so hard during the last few months to craft this legislation. I look forward to working closely with them, with my Republican colleagues, and the White House to craft final legislation that hopefully will be signed into law this year.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. MURkowski. Mr. President, I was very pleased to hear the remarks of the majority leader relative to the introduction of the energy bill. I have that bill here. It is important to recognize that it is about 500-some-odd pages. It is a very complex bill. I want to make a brief reference to the major aspects and then give the floor to the members who helped craft this bill.

This is what the bill looks like. As we start in, it is going to be quite an educational job because much of the bill is crafted without the input of the members of the committees of jurisdiction.

This bill will achieve a number of important objectives. It will reduce our dependence upon foreign oil. It will ensure abundant and affordable energy for all Americans. It will create jobs for American workers. It will improve our air quality and reduce emissions of greenhouse gases which will make the United States a more credible participant in the international effort to address this serious problem.

This bill is the work of nine Senate committees. It reflects a broad range of ideas and proposals. It has the provisions that will allow us to use our traditional fossil fuel supplies more intelligently and incentives to help us diversify our energy supplies with renewable sources such as wind and solar, geothermal, and ethanol.

This bill also seeks to take advantage of the huge opportunities for commoditization in our cars and homes, the appliances we use every day. In fact, the fuel efficiency provisions of this bill will save the United States as much oil as we import from the Persian Gulf.

If the goal—as so many of my colleagues have stated—is true energy security, then this is the way to achieve it: By balancing production and conservation, by innovation, and improvement in the existing technology.

This bill also recognizes the linkage between energy policy and climate change. To that end, it includes a number of bipartisan proposals to confront the rising tide of global warming. It has been said that we are all continually faced with a series of great opportunities brilliantly disguised as insolvable problems. Meeting our energy challenges is a difficult problem, but it is also a great opportunity to demonstrate America's strength and American ingenuity.

The rationale behind that is beyond me, but clearly the majority leader has seen fit to take this bill up without the input of the actions of the committee of jurisdiction, the Commerce Committee. Therefore, we are faced with a situation where there is a CAFE standard in the bill and it has not had examination from the committee of jurisdiction.

To some extent this is also true of the Finance Committee inasmuch as the tax components are to come in later, as I understand it, which basically means the various incentives in this bill that are provided to encourage new technological developments in recovering energy from coal-bed methane or developing hydrogen, and various other aspects which we want to encourage through tax incentives are also not in the bill because the Finance Committee simply has not been given an opportunity to vote on those aspects.

It is a less-than-perfect process, though it is not the first time we have had a less-than-perfect process around here.

As we review these 500 pages of the bill, I put my colleagues on notice that since we finally got the bill introduced, we should reflect on what we have before us rather than what we do not have; in other words, be positive rather than negative. And the consequences of that reflection bear on the reality that I am going to have a lot more to say after we return from the recess. But before we get into the real debate, which will probably occur Tuesday or Wednesday after returning from the recess, I wish to point out a couple of points.

The President, in his State of the Union Address, charged us to help make our Nation more secure. That means both the House and the Senate. The House passed H.R. 4. The House has done its job. The job of the Senate remains in front of us. But I think most Members would agree, our energy policy is a critical first step in
this challenge. And it is a challenge. It is a challenge when we fight for freedom, when we seize the day for democracy.

The rationale behind these comparisons is one thing. We need energy to accomplish these. We pioneer technologies that save lives, and we turn on the conveniences that mark the differences between modern life and life in the past, we turn to energy.

We turn to energy as we look at the standards of living that Americans enjoy. If it is an SUV, it is an SUV because Americans prefer that as opposed to being dictated by Government as to what type of an automobile they have to drive.

When our energy supply is threatened, that is another matter, and that is why we are starting today is so critical. That is why the process that got us to this point has been—well, it has been frustrating. It has been a little embarrassing. I have highlighted it in my opening remarks.

Again, because the majority leader forced the Senate to consider the measure without the benefit of committee deliberation and action, he has made the task of moving the bill much more complicated than it might be ordinarily.

Difficult and divisive issues that could have and should have been addressed in committee are now going to be debated in the Senate Chamber. That process is less than ideal because many Members simply are not familiar with many of the terms of much of the technology and there is not a basis of support coming out of the committee.

This is a flawed process, and I think it is unfortunate. It sets somewhat of a precedent in this body that the Energy Committee has simply been directed by the majority leader not to mark up the energy bill. That is rather extraordinary.

What is the rationale behind it? There are certain aspects in the bill to which the majority leader and others object. One of them currently is the ANWR issue, the contentious issue of the electricity matters, the contentious issue of CAFE, and many others.

Some things are left out of this bill. ANWR is certainly left out of the bill and, as a consequence, it is going to take votes to put it in. Had we been able to avoid the Energy Committee—and we had the votes to put it in the energy package—why, it only would have taken 50 votes. The psychology is very clear. The majority leader has seen fit to set it up so that it requires a 60-vote point of order.

We have to point fingers in an educational direction, and certainly in this political process within the rules of the Senate everything is fair, but I did want to bring this to the attention of my colleagues.

Even with additional hurdles being put before us on this overall bill, I believe we can and I believe we must move the bill off the floor and get it to conference, but we must do it in a way that addresses the difficult policy decisions that are before us rather than avoid them.

What we have to do in realism and what is expected is to build a bridge. There is one in the bill. There are numerous polls that the country expects us to pass an energy bill. The Nation needs an energy bill, one that is rooted in finding new alternative energy sources, one that boosts our efficiency, helps us use less energy.

We all agree with this, but efficiency and alternatives alone are simply a two-legged stool. Alone they will not close the gap between energy supply and energy demand in this Nation. We must also seek to safely increase our domestic energy resources. We must do it in a way that protects our environment, and we can. We have the technology. We have proven ourselves.

Make no mistake, we are the most energy-efficient economy in the world, and we are getting better. So I think we have to recognize our standard of living is directly related to the efficient use of energy.

Since the 1970s, it now takes 40 percent less energy to produce each dollar of our GDP.

This chart shows in 1973 it took approximately 18,000 Btu per dollar of our domestic GDP, and today we are down to roughly 10,000 Btu per dollar. That is realism. That is progress. That is efficiency. That is the American way of life. It is the American standard of living. So we have become 42 percent more efficient per dollar of GDP. Our efficiency has increased.

We are energy inefficient a lot of criticism that we consume a quarter of the world's energy. I will acknowledge we consume a quarter of the world's energy, but let's hear the other side of the argument. We produce a quarter of the world's economy. That does not come about by magic. We cut that off a tree. It is directly related to energy and our efficiency. Without the efficiency, we would not be using a quarter of the world's energy; we would be using a lot more. We use energy to produce a quarter of the world's economy. Let us keep that in mind and be proud of it, proud of the American worker and proud of our energy-producing industries that provide jobs in this country.

In doing that, we have proven we can balance our conservation and our environmental protection with increased domestic energy production. That does not mean we are doing it perfectly, but we are doing a better job, and we can continue to improve. For that reason, I refuse to take part in this fable being put forth by some in the environmental community in their spin machine that says this Nation needs to make a choice, a choice between using the energy technologies of today—our coal, our nuclear—or using energy technologies of tomorrow. Reality dictates we have to use both.

Some say we have to spend on technology, and if we spend, we will develop that technology. That is very easy to say. We have expended over $6 billion in the last 6 or 7 years on advanced technology grants and through the Department of Energy, and we should continue that. But to listen to some who say this debate is about energy vis-à-vis the environment, that is to say it is about today versus tomorrow. Some insist whatever solutions we can consider must be safely today. That logic, in my opinion, sells the American worker and American ingenuity far too short.

We need to strive for new technologies that diversify our energy supply. We need to conserve more. We need to become more energy efficient. If this bill passes, we will not be driving hydrogen cars tomorrow. We will not be powered by solar or wind by tomorrow. We will be moving toward the economy of this Nation and put our Nation's national security on hold for a generation or more while we work on a new technology that simply displaces our current dependence on coal, oil, gas, hydro, and nuclear. We have to build a bridge to the future. I think that is one of the cautions I have about this bill.

Some suggest we can simply get there through conservation. Even if we get to the point where wind and solar and alternative energies emerge up to 20 percent of our energy mix, where does the other 80 percent come from? It comes from energy sources we use today: Coal, oil, natural gas, hydro, nuclear. We must thoroughly explore new technologies to reduce our consumption in the coming years.

One of the problems I have with this bill is their proposal on CAFE, to move it up to 37 or 38 miles per gallon. That is a very easy thing to say: Let's do it. How one gets there from here is something else and, as usual, the devil is in the details because the timeframe is somewhere in the area of 15 years before we have to be held accountable for setting a goal today that is going to come due 15 years from now. Most of us will not be here.

So who is going to be held accountable? It is easy to say, and vote for, let us get 37 or 38 miles. But what does it really mean? Does it mean safer cars, lighter cars? What does it mean for the American automobile industry in competing with the foreign automobile manufacturers, the cost of cars, the American labor? There are many issues involved.

Sure, we have to conserve more. We have to get better mileage. But do we want the Federal Government to dictate to the American people what type of an automobile they can buy or do the American people want their standard of living to dictate that?

I think these are some of the things we have to worry about because we have more than 200 million cars on the road and oil will continue to be the primary ingredient in our surface transportation needs for the foreseeable future.
even if we do get up to the 30 miles per gallon.

One can buy that kind of a car. They can buy a 56-mile-per-gallon car if they want to. So the technology is out there. The question is, How do we get the American people to move over there?

Some are going to hang on to their old cars. They certainly have that right. We know some are going to take advantage of circumstances depending on their want and where they live. If someone drives a long way and they want to be in comfort, they might want, obviously, a more comfortable car. If they have a quick commute, they might get by with a smaller car.

My point is, we have these choices available currently.

The other issue is, again, as we address goals, which I certainly support, we also have to address heavily the accountability to achieve those goals. There are going to be efforts by NHTSA, which is the organization that evaluates the technical ability to increase mileage; they are going to come up with a study and some figures. I think we should try to balance the attainability with the reality associated with the goals.

Furthermore, other sources of power are often confused with transportation because we have a lot of energy sources—we have gas, hydro, coal, and as I believe said, nuclear—what moves America? What moves the world is oil. We have no other alternative. Perhaps we wish we had. So we have to be careful to recognize the vulnerability of this Nation as we find ourselves 57 percent dependent on imported oil. We are growing. We recognize that we are not going to have other relief for moving America other than oil. I think has to be reinforced in the minds of many Members. One does not fly in and out of Washington, DC, on heat that there is a little bit around here from time to time.

We have over 100 nuclear plants across the country. They are very important because they provide emission-free energy. Twenty percent of our entire energy mix is produced by nuclear. New electricity plants are being built today that run on natural gas. Yet we are pulling down our reserves of natural gas faster than we are finding new reserves. That is a fact. The United States is the Saudi Arabia of coal. We have 300 billion tons. A couple of years ago, the House wanted to put it off, the more devastating the reality associated with the weapons.

Returning to the first chart with a brief explanation, keep size in perspective. This area is 1.5 million acres out of 19 million acres. The House bill said 1.5 million acres. The Senate bill said it. We have to address the reality of what happens with Saddam Hussein and others for energy supplies because we are currently importing somewhere in excess of 750,000 barrels a day from Saddam Hussein. On September 11, we were importing a million barrels a day. We all know we are enforcing a no-fly zone. We take out targets, we endanger lives of American men and women. We have been doing that since 1992. We also know that as we take his oil and put it in our airplanes and take out his targets, he takes over the technology, develops missile capability and aims it at our ally, Israel. We have not had U.N. inspectors in that country for 7 years. I hope we do not stand up someday and say, as we are saying about Osama bin Laden, we responded too late. We know what happened with bin Laden and his terrorists. They were active in taking out our embassy. They were active in other terrorist activities. We waited. Are we going to wait too long with Saddam Hussein and Iraq as they build up the weapons?

There is a day of reckoning at some point in time. We will have to face the reality of what Saddam Hussein will do, or our insistence that we inspect with the U.N. authority. The longer we put it off, the more devastating the retaliation on his part might be. We have to reflect on that. That is why I am so encouraged by colleagues to stand with some of the proposals and amendments that will be offered to reduce dependence on the Middle East.

A way to do that is to open up that very tiny portion of the Arctic in Alaska. I will show the location. It is important in this debate to reassert the footprint. This area, called ANWR, is pretty big. 19 million acres; 19 million acres is the size of the State of South Carolina. In this case, we have wilderness in the light yellow, refuge in the dark yellow; Congress set up the Coastal Plain with the authority to determine whether it should be open and put up for competitive lease. This is the area where the prospects for major discovery are most likely to occur.

It is estimated by the geologists that the recovery of oil in this area is somewhere between 5.6 and 16 billion barrels. What does that really mean? We have all heard of Prudhoe Bay. It has one of the 800-mile pipelines between Prudhoe Bay and Valdez. At one time, it was carrying 2 million barrels a day, 25 percent of the total crude oil produced in this country. Today, it is a little over a million barrels a day. It is 20 percent of the total crude oil produced in this country.

What was the field estimated to produce? Ten billion barrels. It is on the 13 billionth barrel. If the estimates are correct, somewhere between 5.6 and 16 billion barrels; if you want an average of 10 billion barrels, it is as big as Prudhoe Bay.

The pipeline is in place. We are not talking about that. We are talking about building laterals over here about 70 miles. This could be what we import from Saudi Arabia for 30 years or Iraq for 40 years. When Members say it is insignificant or it is a 6-month supply, Members must recognize that argument simply does not hold water. Oil production in the 13 billionth barrel; we built the Empire State Building in a couple of years, the Pentagon in a couple of years. We could have oil flowing in a couple of years.

When will it occur? In the wintertime. How does it look in the wintertime? The winter is long. I will show you what it looks like. Winter in Prudhoe Bay, winter in ANWR, runs about 10 months of the year. It is tough. What is the footprint in the wintertime? We have ice road technology, so there is no permanent scar on the tundra. This is an ice road. No gravel. Simply remove the snow, build a pad, put water on it, take saltwater from the Arctic Ocean. This is the pad. That is the footprint.

What does it look like in the summertime as a consequence of this type of environmental commitment? That is it.

Returning to the first chart with a brief explanation, keep size in perspective. This area is 1.5 million acres out of 19 million acres. The House bill said we could only make a footprint of 2,000 acres. That is what we are asking in the amendment which we will offer in this bill—2,000 acres of 19 million acres. Some say in South Carolina that has a 2,000-acre farm can relate to that. Gee, only 2,000 acres out of our whole State. The rest of the State will be either a wilderness or a refuge.

Some say we should not be doing anything. They do not understand what refugee is. This is a map of refuges for oil and gas and minerals that are developed in California, Texas, and Montana. These are the specific areas of activities. Louisiana has a lot of activity in oil and gas exploration. Oil and gas exploration is not foreign to refuges.

Again, emphasize the footprint for those participating in viewing this
We have heard all kinds of explanations the puzzle being laid out is concerned, my mind is clearly yes. I refer to reality. Reality dictated a comment that was made by Mark Hatfield, the Senator I served with Mark for many years. He was a pacifist. He said: I'll vote for opening up this area, this sliver of the Coastal Plain, in a minute, rather than vote for a measure that would send American men and women overseas, in harm's way, to fight a war over oil in the Mideast.

As we look at the attitude of American veterans associations that support developing an oil supply here at home, I think we have to reflect on the comments of some of our Members who suggest this matter is really about false patriotism. They could not be more wrong.

I have been around here a long time. I have been around here long enough to know lots of people do things for their own reasons. What we cannot do is sell short the American family, the American laborer—America's future, if you will. Energy is not about politics. It is about families across the country wondering if their jobs will be there in the morning. It is about preserving the very independence of this Nation. I believe in a nation that is dependent on no one but God alone.

Our President has made it clear. President Bush has mentioned, from time to time, the necessity of having the Senate pass an energy bill. As recently as the State of the Union Address, he stated the urgent need for a national energy plan. He laid it down as one of his first proposals, with the Vice President. It is known. It has been publicized. It has been explained. He knows energy is about jobs. He knows energy is about security. He wants to protect this Nation from what he calls a real axis of evil. When we apply that to Saddam Hussein, it sticks. To what extent it sticks in Iran. The very fact that we intercepted a ship filled with armaments for the PLO demonstrates that. Our President knows, as long as we are dependent on other nations for our energy, our very national security is threatened and our future is at stake. So we should make every effort, every responsible effort, to reduce that dependence.

Our challenge is clear. It is to deliver to this President an energy plan for our Nation and an energy plan for our Nation's future. I urge my colleagues to recognize the weight of this task before us as we begin the process. We should come together to have the courage to vote on the difficult issues and do what is right for our Nation.

Mr. President, I yield the floor. I suggest the absence of a quorum call be rescinded.

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

BUSH TAX CUT

Mr. REED. Mr. President, yesterday the President's Council of Economic Advisers released a report claiming that the Bush tax cuts are responsible for keeping the recession more mild than it otherwise would be. They claim that the already passed tax cut has raised prospects for a solid recovery and that by the end of this year there will be 800,000 more jobs than there otherwise would have been.

The report of the Council of Economic Advisers is extremely curious. It is obviously self-serving. It does make a fundamental mistake. It tries to suggest that the Bush tax cut, which centered on the reduction of income tax rates principally benefiting the highest paid and most affluent Americans, is the cause of the slight stimulus we have seen over the last few months when in fact, to be honest about it, it has been the proposed rebates championed initially by the Democrats, not part of the initial Bush proposal, that has provided some stimulus effect over the last several months.

That goes to the nature of, first, a rebate directly to a whole host of Americans across a broad income range. Those rebates typically were spent, and that seems to be the case in this situation.

The reality of the Bush tax proposals is that, first, they were not effective this year. Much of his tax cut proposal is that, first, they were not effective this year. Much of his proposal was that the Bush tax cuts are responsible for keeping the recession more mild than it otherwise would be. They claim that the already passed tax cut has raised prospects for a solid recovery in a manner the American people can understand. Is it better to have a strong domestic energy policy that safeguards our environment and our national security than to rely on the likes of Saddam Hussein and others to supply our energy?—countries in the Mideast that are clearly unstable and will be for some time? The answer in my mind is clearly yes.

I know some in this Chamber suggest this energy bill is just politics, pure and simple. As far as another piece of the puzzle being laid out is concerned, we have heard all kinds of explanations of why this is bad. We have had broad support for reducing our dependence on imported energy sources. We have had veterans groups come up and support it. The response has been: “False patriotism.” I think that is inappropriate.

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

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

MORNING BUSINESS

Mr. REED. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. REED. Mr. President, yesterday the President’s Council of Economic Advisers released a report claiming that the Bush tax cuts are responsible for keeping the recession more mild than it otherwise would be. They claim that the already passed tax cut has raised prospects for a solid recovery and that by the end of this year there will be 800,000 more jobs than there otherwise would have been.

The report of the Council of Economic Advisers is extremely curious. It is obviously self-serving. It does make a fundamental mistake. It tries to suggest that the Bush tax cut, which centered on the reduction of income tax rates principally benefiting the highest paid and most affluent Americans, is the cause of the slight stimulus we have seen over the last few months when in fact, to be honest about it, it has been the proposed rebates championed initially by the Democrats, not part of the initial Bush proposal, that has provided some stimulus effect over the last several months.

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more money. That puts pressure on interest rates, and that helps retard our economic progress and our growth.

The notion that the Bush plan has materially aided and assisted our recovery or softened the recession is very dubiously drawn.

What is also unfortunate is that in the last few weeks, as we have debated a possible stimulus package, there have been several proposals, one of which would be broadening the rebate we enacted last spring to include those Americans who did not pay income taxes but paid a great deal of taxes in terms of payroll taxes and other forms of wage taxation. I don't know how many times I have been in the Chamber and heard Republicans assail that approach as being inappropriate, ineffective, and inefficient.

What is curious is that the one aspect of last spring's tax plan that helped the rebates through the income tax system is being not only trumpeted as a Bush proposal but that exact or closely similar approach extended to payroll taxes is being derided and criticized by Republicans in the Senate as being something unworthy of the Senate.

I disagree. Frankly, last year if we had adopted a proposal to cut taxes that was targeted to lower income Americans, that was broad to include not just rebates for income taxes but rebates for payroll taxes, we would have seen a much less severe recession than we are seeing right now.

In effect, what we have today is the Council of Economic Advisers not providing good economic analysis but providing political spin on the tax plan we passed last year. I hope when we go into recess again this summer, we will understand what stimulus is and what it means to help soften the recession, to produce food and fiber in this country, to help hungry people either, but quit putting political spin on the tax plan we adopted the Secretary of Agriculture urged her Canadian counterpart to lobby Congress regarding the farm bill.

I find that very unusual. In fact, I asked the Secretary this morning about that. I picked up the phone and called the Secretary and she denied making any such statement in its entirety. She did call the Minister of Agriculture in Canada, and he apologized for misstatements of his staff. Of course, I find that everybody is entitled to their opinion and everybody is entitled also to the facts. I would find it very unusual if another country got involved in the internal affairs of another. They usually do not do that, although we are now, it seems, at the end of the debate of the farm bill. That is not going to weigh in as it goes into conference. It is important legislation.

If there was ever a time for solidarity in agriculture, a time when we say that to agriculturalists around the world because it seems as if we have gotten into this mindset that it is a right to have what we produce, when basically we have to figure out a way to make a living in an environment where we are trying to feed hungry people either, but quit putting up rules and regulations and deal with the market forces that would allow us to produce food and fiber in this country.

It seems in this community and in the agricultural community, if we want to take a shot at somebody, instead of using a straight line, we use a circle for firing squads. That usually isn't a very good situation. This morning, I picked up the phone and talked to the Secretary of Agriculture in this 301 finding. Now we will move on and try to deal with the situation with the Canadian Wheat Board. Living on the Canadian border is always a source of irritation whenever we have to move livestock and grain back and forth across the Canadian border. Of course, with the culture as it is in our State, and as it is in Alberta and Saskatchewan, our values are alike. Most of our problems are from the border. We are trying to understand the situations we have to deal with in our production of food and fiber.

So I hope we can work this out and get away from misstatements or misguided statements and come together in the agricultural community and work together because I think the time has come that we are going to need some solidarity, especially from producers because we can't get a handle on our cost of production. We have to continue to think about that as Americans and think about the security that we have. Ours is about the only country in the world where you can have fresh lettuce in grocery stores in the wintertime in Minnesota.

It is a wonderful system in this country. You don't know how great it is until you travel around the world. Nonetheless, there are some misgivings as to whether it costs that much or if it takes to get the beans to the table. I suggest the absence of a quorum.

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

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The PRESIDING OFFICER. The clerk will call the roll.

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

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

THE INNOCENCE PROTECTION ACT AND ANOTHER DEATH ROW MILESTONE

Mr. LEAHY. Mr. President, I rise to discuss two disturbing and shameful milestones for our Nation, one that we reached this past December and one that is fast approaching. The milestone we have reached: 100 people in the United States have now been exonerated through the use of DNA testing. The milestone that approaches: The 100th exoneration of a death row inmate.

We can no longer ignore the fact that innocent people can, and do, get convicted in our country, and in some cases they are sentenced to death. We need to focus on these cases. We need to learn from them. And we need to do something about them. This is not a matter of whether you are for or against the death penalty, it is a matter of common conscience for our Nation.

So let me turn, first, to milestone No. 1, the 100th DNA exonerations.

In December 2001, a man named Larry Mayes became the 100th person in the United States to be exonerated by postconviction DNA testing. Mayes served 21 years in Indiana's prisons for a rape and a robbery—21 years for a rape and a robbery—but a rape and a robbery he did not commit. For 21 years an innocent man sat behind bars.

How was he exonerated? Was it by brilliant lawyers? Was it by the justice system recognizing a mistake? No. It was 21 years ago, in December 2001, that Larry Mayes was convicted and sentenced to 91 years in prison for a rape and a robbery. Larry Mayes has always said he didn't commit the crime. He maintained his innocence through his 21 years in prison. Two years ago, DNA evidence was collected from the crime scene. The test results showed that the DNA was consistent with that of another man, not Larry Mayes. Larry Mayes was then exonerated.
was by law students at the Cardozo Law School’s Innocence Project. They spent years searching for the rape kit that had been used at trial, only to be told it had been lost.

But, fortunately—and, actually, fortuitously—the rape kit eventually surfaced, and DNA testing proved what Mayes had been saying all along to anybody who would listen: He was the wrong guy.

This has become a familiar story. You can hardly pick up a paper these days without reading about another person freed by DNA testing. Larry Mayes was No. 100, but No. 101 was not far behind.

Shortly after Mayes was released, Indiana prosecutors asked a court to vacate the conviction of another man, Richard Alexander, after DNA tests persuaded them of his innocence.

Like Mayes, Alexander was officially cleared of all charges and released.

Just last week we learned that DNA tests had cleared yet another man, Bruce Godschalk, although the Philadelphia prosecutors initially refused to let him out of prison. He was finally released yesterday, after 15 years of what he called “a living hell.”

Attorney General Ashcroft has referred to DNA testing as a kind of truth machine, which can ensure justice by identifying the guilty and by clearing the innocent. The Attorney General and I agree on this, and I think most prosecutors would agree on this.

I had the privilege of being a prosecutor in my home state. I know nothing worried me more—this would be similar for any good prosecutor—than thinking that you might charge the wrong person. You wanted to make sure the person you charged was guilty. You do everything possible to make sure that you do not put into the system somebody who is innocent. Because the fact is that in many cases, the prosecutor is going to get a conviction no matter what.

This is why these prosecutors have taken the initiative when it comes to DNA testing, by systematically reviewing their convictions with an eye toward identifying cases in which DNA testing may be appropriate, and then offering testing to the inmates in those cases. It is an interesting choice to make. These prosecutors understand that their job is not to get convictions but to get at the truth, whatever it might be, even if it means admitting error.

It could be a two-edged sword, too, because you have some who will claim innocence but do not want the DNA testing because they know the claim may not be real. But for some who are there, it is real. And there is no doubt in the criminal justice system must make every effort to make sure they have the right person. I applaud those prosecutors who, having secured a conviction, say, if you think DNA is going to prove you wrong, then we will give you the DNA test.

Unfortunately, there are still some prosecutors and some courts that continue to resist requests for postconviction DNA testing. It took Bruce Godschalk 7 years to get access to the DNA evidence that showed his innocence, and weeks more before he was freed. When I prepared these remarks, he was still in prison.

We cannot allow the problem to address this problem more than a year ago, when Congress passed legislation in which we resolved to work with the States to assure access to postconviction DNA testing in appropriate cases. We can make good on our commitment in this session by passing the Innocence Protection Act, which I introduced last year with Senator Smith, Senator Susan Collins, and others, which now has 23 cosponsors in the Senate, more than 200 in the House.

The bipartisan Innocence Protection Act proposes a number of basic commonsense reforms to our criminal justice system. One of the principal reforms is aimed at ensuring that people like Larry Mayes, Richard Alexander, and Bruce Godschalk can get the DNA tests they need to prove their innocence.

The need for Federal legislation could not be clearer. Just last month, in the Fourth Circuit Court of Appeals, the court held that convicted offenders do not have a constitutional right to postconviction DNA testing. They reversed a lower court ruling in the case of a man serving 25 years for a rape he claims he did not commit. The Fourth Circuit concluded that postconviction DNA testing must be conferred by either State or Federal legislation.

When I first introduced the Innocence Protection Act in February of 2000, only two States, New York and Illinois, had any postconviction legislation dealing with DNA testing. Since then more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted. My cosponsors and I are gratified that more than 20 States have acted.

The bipartisan Innocence Protection Act would make the use of DNA technology. In December 2000, Congress authorized two new grant programs to help our State crime labs update their facilities and reduce the backlog of untested DNA evidence. Unfortunately, the Administration has not requested any funding for one of these programs, and neither is fully funded.

To make matters worse, the Justice Department recently decided to shelve its plans to make $750,000 in grants available for postconviction DNA testing. In a multibillion-dollar budget, the Justice Department said it could not make available a small amount to help remedy miscarriages of justice.

We should also be doing more to fund the use of DNA technology. In December 2000, Congress authorized two new grant programs to help our State crime labs update their facilities and reduce the backlog of untested DNA evidence. Unfortunately, the Administration has not requested any funding for one of these programs, and neither is fully funded.

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Unfortunately, there is no reason why this should not be funded. When I first introduced this program, I pointed out the startling number of cases in which death row inmates had been exonerated after long stays in prison. The number of these cases grew from 54 to 128 in just 2 years, another 14 people have been cleared of the crimes that sent them to death row. These people are convicted, on death row, waiting to take that last walk down to the death chamber and that sentence, and only at the last minute we find, sorry, made a mistake, got the wrong guy. Gee, glad we didn’t pull the switch.

Most recently, in January, in the State of the distinguished Presiding Officer, prosecutors decided to drop all charges against Juan Roberto Melendez. He had spent 18 years on death row. A State judge overturned his conviction last year after determining that prosecutors in the original trial withheld critical information.

Not long before Melendez was released, the State of Idaho released a man named Charles Fain, who had also served 18 years on death row. The Attorney General of Idaho, Alan Lance, decided it was a great deal to authorize postconviction DNA tests in this case and then—when the tests came back in Fain’s favor—asking a Federal court to throw out the conviction. I applaud the Attorney General for doing that.

The third recent death exonerated was a man named Jeremy Sheets, who had served 4 years on Nebraska’s death row. The prosecutors dropped all the charges against him after their State supreme court overturned the conviction.

Some people would argue that exonerations like these prove that the system is working. If you sat for years and years and years on death row or spent 21 years in prison all for crimes you did not commit, all in cases where if people just checked the evidence they would know they have the wrong person, and then they open the door of the prison and say, sorry about that great chunk of your life, we will give you a new suit and a bus ticket out of here, then you can leave now, would you say that is a system that is working? Families and lives are destroyed.
In June of the year 2000, Professor James Liebman and his colleagues at the Columbia Law School released the most comprehensive statistical study ever undertaken in modern American capital appeals. They found that serious errors in America’s death penalty system, compelling courts to reverse more than two-thirds of all death verdicts.

With the capital system collapsing under the weight of its mistakes, the risk of sending the innocent to death is shockingly high.

Part II of the Columbia study, which was just released this week, reaffirms the fundamental conclusion of its first study—that the death penalty is fraught with errors and inconsistencies nationwide. But it also adds a new and disturbing twist: In a rigorous empirical examination, the new study shows that the States and counties that use the death penalty make about 100 percent more error-prone DNA tests, and the most likely to send innocent people to death row. When I read that, it sent a shiver up my spine. The States and counties that use the death penalty the most are the ones that make the most mistakes.

When the legal machinery of the death penalty system is broken, practice does not make perfect. It is leading to more mistakes. Can you imagine how long any commercial enterprise would last if it accepted and refused to correct failure rates like these? And this is not a commercial enterprise; here we are talking about life and death decisions.

The whole other thing we should keep in mind. If the wrong person is on death row for a murder, if somebody is convicted of a murder they did not commit, that means that the real murderer is still running loose. Maybe everybody can feel comfortable that we have locked up somebody for that murder, but if there is still a killer on the loose, everything has broken down. Not only is an innocent man on death row, but a guilty man is running free.

Thankfully, the new research of Professor Liebman and his team, responsible people from across the political spectrum are now united in acknowledging that the question is not whether the system is broken, but whether it can be fixed.

Shortly after the Judiciary Committee held its most recent hearing on this subject last year, Supreme Court Justice Sandra Day O’Connor expressed concern that the standards for appointed counsel in death penalty cases and adequate compensation for appointed counsel when they are used.

I could not agree more. In fact, the reforms suggested by Justice O’Connor mirror core components of the Innocence Protection Act.

In addition to providing for postconviction DNA testing, our bill would establish a national commission to formulate reasonable minimum standards for ensuring competent counsel in capital cases. Ask any good prosecutor. They will tell you they want a good, competent counsel on the other side. You want to make sure you do not make mistakes.

As a prosecutor, I might win a case only to have it go up on appeal and get thrown out because of incompetent counsel on the other side. You want to make sure you do not want it right.

DNA tests, which have exonerated so many, are not as much a solution to the death penalty problem as they are a window, exposing the flaws of a broken system.

We have to understand in many cases—perhaps most—there will be no DNA evidence. In many cases—perhaps most criminal cases—there are no fingerprints. There probably will not be DNA or fingerprints.

But where there is DNA evidence, it can show us conclusively, even years after a trial, we made mistakes that have been made. And what it has shown us in case after case is that many of the mistakes that have landed innocent people in prison and on death row could have been avoided—and probably would have been avoided—if the defense counsel had been reasonably competent.

Ensuring competent counsel is the single most important step we can take to get at the truth and protect innocent lives. By helping States improve the quality of legal representation in their life or death cases, the Innocence Protection Act strikes at the very heart of injustice in the administration of capital punishment.

As I began, it is not a question of whether you are for or against the death penalty. People of good conscience can and will disagree on the morality of the death penalty. But we all share the goal of preventing wrongful convictions.

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I read Muzzey back in 1927, 1928, 1929, 1932. David Seville Muzzey. That was history.

So you say "Federal managers lack much of the discretion given to their private sector counterparts." Yes, because they are dealing with tax dollars, the American people's dollars.

My question would be does this kind of nonsense belong in a budget document? Now, to be fair, if we are going to do that, let us have a little more fun. Why not refer to the territory that was called Brobdingnag. Swift also wrote about his travels to Brobdingnag, where there were not pygmies, but giants as tall as church spires, and with respect to one step of those giants, that step covers 10 yards.

I would refer to this since we are in the business of using Swift's satire. This budget is a Brobdingnagian budget. Not bad.

If we want to continue this, we can do it after the meeting. I have been very generously given time.

I just want to remind you, Mr. Secretary, that a lot of us were here before you came, and with all respect to you, you are not Alexander Hamilton.

I have a question. Steel company representatives and steel workers have worked through numerous hurdles and made a number of concessions to reach consensus on a plan to renovate the U.S. steel industry. They have let the administration know that in order for this plan to work, the President needs to conduct a 201 investigation of steel importation at the earliest possible date, with a remedy of nothing less than a 40 percent tariff on steel imports.

I find it hard to share in the optimism, and I just want one question at this time, and I will have further questions that I will submit.

What can you tell this committee specifically about this administration's intentions with regard to helping the steel industry with tariffs, reorganization, and legacy costs?

Secretary O'Neill. Well, Senator, what I said to the National Association of Business Economists, I stand by, because what I had said in my mind was this—that where we have rules made by men that restrict the realization of human potential, they should be changed.

We had an experience at Swift, "Colored, do not enter here." That was a manmade rule. And there are lots of those same kinds of rules that limit the realization of human potential, and I have dedicated my life to doing what I can to get rid of rules that so limit human potential, and I am not going to stop. Senator Byrd. Mr. Secretary, I have been around for a long time, and I try to live with the rules. You were specifically talking about the Byrd rule.

Secretary O'Neill. I was talking about all rules that limit human potential and the re-alization of human potential, and referring to something different is fine if you wish to do that, but I was because to there was an inference in your remarks that somehow I was born on home plate and thought I hit a home run—Senator, I started my life in a house without water or electricity. So I do not cede to you the high moral ground of not knowing what life was like in the ditch.

Senator Byrd. Well, Mr. Secretary, I lived in a house without electricity, too, no running water, no telephone, and with a water closet.

Secretary O'Neill. I had the same.

Senator Byrd. I started out in life without any rungs in the bottom of the ladder. I am talking with you about your comments concerning the Byrd rule. I agree that you wrote these rules. I am not talking about putting a halter or a break on anybody's self-incentive or anybody's initiative. I have had test experience, toe-to-toe with you. I have not walked in any corporate board rooms. I have not had the churning of millions of dollars into trust accounts.

I lived in a coal miner's home. I married a coal miner's daughter. So I hope we do not start down this road, talking about our OCBs to provide a structure for what came from. I am citing to you what you said in response to a question about the Byrd rule. The Byrd rule has saved millions and millions of dollars of corporate Government, and we ought to live up to it.

Perhaps you ought to study the Byrd rule a little bit if you have not to the point that you can explain it. And just remember, the rules were written by ordinary people—you are talking about Senators. They are ordinary people, and they are not going to let you get away with it. We are not going to let you get away with it.

So if you want to answer my question on steel.

Secretary O'Neill. All right. As you know because you have been having meetings that we have been having on the subject of steel, we began last year to see if it was possible to create a basis for the world to ad-
just the arguably 30 percent overcapacity that the world today has in steel, and through the President's efforts and administration work, we succeeded in getting the OECD to provide a structure for bringing together the principal producers of steel in the world to try to get them to stipulate the need for capacity reductions, especially of the companies that is exporting around the world with Government subsidies and under-cutting the ability of almost any steel company in the world to make enough money to cover them. As a piece of a concerted, connected set of ideas about how we should proceed in this area.

Subsequent to beginning that work, the President filed a 201, and I have until March 6. I believe, to make a final decision of what level, if any, and kinds of combinations of tariffs and impositions he should put on im-
ports. The United States wants to be sure that the world is fair in the way that we provide a basis for our own steel industry to make a living. There are day-by-day conversations going on to this issue of what tariffs or bar-
riers or provisions should be imposed on the rest of the world, and as I say, the work will be done by the appointed date of March 6.

Senator Byrd. I hope the President will act and act immediately and act forcefully. He was in West Virginia and told the steel workers that he would help them. The Vice President certainly was in West Virginia and told the steel workers that they would help them. West Virginia went for Mr. Bush, else you would not be sitting there today if my State had gone for Mr. Gore.

Steel workers are hoping and pray-
ing that the President will act and act im-
mediately to help them in this regard.
Thank you very much.
Chairman CONRAD. Senator Smith.

Senator SMITH. Mr. Secretary, I was looking at your resume, and I believe you started your career as a civil servant for the Office of Management and Budget. Is that correct?

Secretary O’NEILL. In fact, I started the Veteran's Administration as a computer systems analyst in 1961 and completed my previous Government service at the office of Management and Budget as deputy director in 1977.

Senator SMITH. And you have served in the administrations of Gerald Ford, is that correct?

Secretary O’NEILL. That is right.

Senator SMITH [continuing]. And President—

Secretary O’NEILL. Kennedy, Johnson, Nixon, and Ford.

Senator BYRD. Would the Senator yield to me?

Senator SMITH. I would be happy to yield. Senator Byrd.

Senator BYRD. Since we are talking about how many administrations we have been in—

Senator SMITH. You can beat us all, I am sure.

Senator BYRD. I have served with—not under—

Senator SMITH. Well, I have great respect for Senator Byrd. I feel badly, though, if you felt demeaned appearing before this committee in any way, because I just want to say again for the record as I did in my opening statement that you did not need this job, but you are doing a fine job, and I believe you have served in many administrations, and you left a very lucrative position because you wanted to make the world a better place. And I think that needs to be said again.

Senator BYRD. Would the Senator yield?

Senator SMITH. I would be happy to yield to Senator Byrd any time.

Senator BYRD. May I just add a little footnote along that line?

Senator SMITH. Of course.

Senator BYRD. I do not need to serve here, either. I believe I could retire and get more money in retirement than I earn as a Senator. I am talking about my retirement from the years I have served in Government.

Senator SMITH. I understand that.

I thank you, Secretary O’Neill, for your service to your country, and I thank Senator Byrd for his service to our country as well.

Mr. BYRD. Mr. President, with reference to the word “Lilliputians”, that seems to be the prevailing way that officials in the Bush Administration view members of Congress. Several members of the Bush Cabinet have publicly used that term when speaking about the inconvenience of having to work with the people that we call the Lilliputians and the laws and rules that Congress writes.

Defense Secretary Donald Rumsfeld spoke to the National Defense University on January 31, 2002. Referring to Congressional earmarks in the defense appropriation bills, he said: “The Congress has, for whatever reason, decided that they want to put literally thousands of earmarks on the legislation—that you can’t do this, you can’t do that, you can’t do this, you can’t do that. Well, your flexibility is just—it’s like Gulliver tied down by the Lilliputians threads over them: no one thread keeps Gulliver down, but in the aggregate he can’t get up.”

OMB Director Mitchell E. Daniels testified before the Senate Budget Committee in July 2001 on the economic and budget outlook. Referring to Congressional earmarks, the OMB Director said: “I would point out that the Congress has been here. We struggle with earmarks in the federal budget, and . . . its very hard . . . when you are hooted by a million lilliputian orders to do this, that, or the other, which maybe does not fit the strategy.”

Treasury Secretary Paul O’Neill spoke to the National Association for Business Economics in March 2001 regarding the Administration’s desire to see a permanent tax cut enacted. A question was raised regarding the Byrd rule. Under current law, if the Senate passes a ten-year budget resolution, a tax cut reconciliation bill would have to sunset after ten years in order to be in compliance with the Byrd rule.

In response, the Treasury Secretary said: “There is a very interesting thing that the rules that have been created by just ordinary people—are in some cases I say, are deeply imputed like the Lilliputians tying us to the ground. . . . I don’t know why we have to live by these rules, after all, they were only made by other people, and so far as I can tell, God didn’t send them. . . . And, so, it’s OK for us to entertain a different kind of an idea, and that . . . we don’t have to live by rules that were made in a different time for a different purpose and a different set of circumstances.”

The last quote in particular addressed an arcane and little understood rule whose author put it into place in 1995. Its purpose was to stop rampant abuses of Reconciliation Bills, which were originally intended to lock in deficit reduction measures.

Because of tight time limitations—20 hours—a nondebatable motion to reduce the time and only a majority vote prevented a majority from the opportunity to debate a motion to proceed, reconciliation is a super gag rule, one that makes cloture look like a mere speck by comparison.

Reconciliation bills have frequently been grossly misused to ram costly spending measures through the Senate and to prevent thorough debate of controversial measures. The Administration chose a reconciliation bill for its controversial tax cuts last year, in order to lock in the political advantage of the “fast track” nature of reconciliation bills. However, in 1985, the Senate unanimously adopted the Byrd Rule. One part of the Byrd Rule is a budgetary restriction which prohibits reconciliation bills from either reducing revenues or increasing spending in a year beyond the last year covered by the budget resolution. Last year’s budget resolution covered 10 years. Therefore all revenue losses in that reconciliation bill had to sunset in 10 years. The Byrd Rule was intended to drive out the rhetoric of reconciliation, but now they complain about the restrictions of that same process.

The Byrd Rule has been quite effective when it has been enforced. I dare say that the Byrd rule has prevented billions of dollars’ worth of questionable spending. I know that the Byrd Rule has brought controversial measures into the sunlight of public debate by preventing legislation abuses from being wrapped in a reconciliation bill and hustled in protective armor through the Senate.

For instance, on October 13, 1989, I commended Senators Mitchell, the then Majority Leader, and Senator Sasser, the then Chairman of the Budget Committee, on their tough enforcement of the Byrd Rule in the Reconciliation process of that year, whereby some 300 provisions which violated the Byrd Rule were stricken from the bill. May I add that reconciliation abuses are not only abuses promulgated by members of Congress. The administration’s fingerprints are often on Byrd Rule violations as well. I vividly recall when President Clinton wanted to insert his entire healthcare reform package into a reconciliation bill, costing billions, changing hundreds of laws, and shielding a very controversial proposal from the sunlight of debate. When I said that I would raise a Byrd Rule point of order, the idea was dropped. The Byrd Rule is totally non-partisan. It has saved billions of tax dollars and prevented much legislative mischief by both parties. Although its author’s name is Byrd, the Byrd Rule helped curtail federal spending enormously.

It is well to remember that it is rules and laws that keep the powerful in check and the people in control. Yet, this year’s budget document, ordinarily a relatively straightforward presentation of an Administration’s views on the budget, is rife with political commentary about congressional earmarks, and even a cartoon—as I introduced earlier—portraying Gulliver tied down by the Lilliputians along with accompanying text that reflects an attitude of arrogance and disdain for the role of the Congress. It is a far cry from President George W. Bush’s stated intention to change the tone in Washington. Partisanship and distrust are all that is accomplished by such an approach, and there is certainly enough of both to go around already.

As members of Congress are often convenient targets for disdain by Administration officials who do not have to stand for election and who often have independent wealth or lucrative careers to return to after their stint in public service is over. Congressional earmarks are easy to malign, but earmarks, such as the one which first funded the human genome project, are rarely discussed. Congressional earmarks have done much good. Of course some have turned out to be poor investments, but the horific evil that many suggest, and in reality their impact on the budget is usually quite small. What those who serve
in Presidential Cabinets tend to forget is that the people did not elect them to anything. They are appointed, and they serve at the President’s pleasure. And it is worthwhile here to note that even the President that these officials serve is not directly elected. Only members of Congress are directly elected by the people in federal elections, and it is to members of Congress that the people come for assistance or to express their heartfelt views. Not many ordinary citizens have the wealth or influence to call the White House. The Cabinet secretary or even an appointee cannot appeal to the President directly.

Members of Congress are the people’s elected spokesmen and women, and when we are viewed as “Lilliputians” by members of a President’s cabinet, I suspect that the good people who elected us to serve are viewed in much the same manner. Tolerance of the arrogance of people in high places has worn thin in this country. The people have had enough of Enron egos, and all-knowing, all-powerful bureaucrats, and the people have understood the need for serious curbs on power. Some sage once observed that the difference between a lynching and a fair trial is procedure. How true that is.

Mr. President, those who dislike the rules and laws that reign them in make the best argument I can think of for the wisdom of the Framers in separating the powers of government. And while Swift’s Gulliver’s Travels, and his tale of Lilliput, may be required reading in the Bush Cabinet, I think they may have actually missed the point of that famous satire. The point is this. No matter how big you think you are, the little people in this country can call you to heel. Because of the unique system of government we are blessed with, the people, in the final analysis, wield the power. And it is up to the Congress—the people’s branch—to continue to write the rules that help to keep Presidents, bureaucrats, and wayward corporate executives in check. So, for my part I say, long live the Lilliputians! May they ever reign.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, last night, the Senate voted to confirm three additional nominees to the Federal district courts: James Gritzner from Iowa, Richard Leon from Maryland, and Richard Bunning from Kentucky.

With these votes, the Senate will have confirmed nine judges since beginning the second session three weeks ago. With these confirmations, the Senate will have confirmed 37 judges since the change in majority last June. That number exceeds the number of judges confirmed in all 12 months of 1997 and in 1999 and, of course, more than during the entire 1996 session.

I would, again, urge the White House to work with home-state Senators, to work with Democratic and as well as Republican Senators, and to send nominees like James Gritzner, who received bipartisan support from his home-state Senators.

With the confirmation of Judge Gritzner, the Senate confirmed two Federal judges from Iowa this week, the other being Judge Michael Melloy for the United States Court of Appeals for the Eighth Circuit. The Judiciary Committee moved quickly on these nominations. Senator Grassley and Senator Melloy participated in the first nominations hearing of this session, which was the first confirmation hearing held in January in more than half a decade. They were reported favorably by the Committee at the earliest possible Executive Business Meeting this year, on February 7, and they are now confirmed, just one week later.

Indeed, Judge Melloy’s confirmation filled a judicial emergency vacancy. That seat on the Court of Appeals for the Eighth Circuit includes eight states, Iowa, Arkansas, Minnesota, Missouri, Nebraska, North Dakota and South Dakota, has been vacant since May 1, 1999.

I recall that it was not so long ago, in 2000, when the Senate was under Republican control, that another nominee to this very seat on the Eighth Circuit, Bonnie Campbell, did not receive the courtesy of a vote by the Committee following the hearing on her nomination. She did not receive a vote due to the previous policy of allowing anonymous holds to be placed on nominees, even though in her case, both of her home-state Senators, one a Democrat and the other a Republican, supported her nomination. Bonnie Campbell, the former Attorney General of Iowa, did not receive the courtesy of a vote, up or down, during the 382 days between her nomination by President Clinton and the time that the Bush Administration withdraw her name.

In contrast, we moved expeditiously to consider and confirm Judge Melloy’s nomination to the Eighth Circuit. Judge Melloy’s confirmation eliminated the judicial emergency vacancy in that Circuit caused, in part, by the Committee’s failure to act on Bonnie Campbell’s nomination when Republicans controlled the Senate and the confirmation process.

Judge Melloy was the seventh Court of Appeals judge to be confirmed by the Senate in the last seven months. That is seven more Court of Appeals judges than a Republican majority confirmed in the 1996 session, and as many as were confirmed in all of 1997 and in all of 1996.

I think that the last District Court Judge confirmed in Iowa was Judge Robert Pratt in 1997. Nominated initially in early August 1996, Judge Pratt was not confirmed until late May the following year, more than nine months after his initial nomination. I am glad that the Committee and the Senate were able to act more quickly than that with respect to Judge Gritzner.

In connection with both Iowa nominees confirmed this year, I thank the Senators from Iowa for working with the Committee. I especially appreciate the kind words of the senior Senator, Senator GRASSLEY, both at the Committee confirmation and in connection with these confirmation.

Last night, the Senate also confirmed Richard Leon to the United States District Court for the District of Columbia. This confirmation, to this District Court considered by the Senate since I became Chairman last summer. Indeed, nominees to the District of Columbia District Court were among those included in our unprecedented hearing during the August recess last year. I thank Representative ELEANOR HOLMES NORTON for working closely with the Committee to fill all three vacancies that had existed in this Federal court.

Richard Leon’s nomination was fairly and expeditiously considered by the Judiciary Committee and the Senate. His nomination was received last September, the ABA peer reviews were completed favorably, the Judiciary Committee held a hearing on his nomination during the first week the Senate was in session in January, his nomination was promptly considered by the Committee and reported favorably to the Senate last week, and last night the Senate confirmed his nomination to fill the last current vacancy on the United States District Court for the District of Columbia. Richard Leon received a unanimous vote in our unprecedented hearing during the August recess.

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Of course, during the years preceding the change in majority, two nominees to the District Court for the District of Columbia, James Klein and Rhonda Fields, never received a hearing before the Committee or votes on their nominations. In fact, James Klein’s nomination was pending for four years without a hearing during both the 105th and 106th Congresses. Despite Representative NORTON’s strong and consistent efforts during those years, we were unable to obtain any action in committee in connection with the vacancies that we have now successfully filled. Judge Leon will join Judge Bates and Judge Walton.

Last night the Senate also confirmed the nomination of David Bunning to a vacancy in the Eastern District of Kentucky. Since the elections in November 2000, three vacancies have arisen on the Eastern District bench. With this confirmation, the Senate will have acted to fill all three.

I scheduled a hearing for Karen Caldwell just six days after her file was complete. Her nomination was reported by the Committee 16 days later, and only 25 days after her file was complete, Judge Karen Caldwell was confirmed by the Senate. Danny Reeves, another nominee for that same district, was able to have a hearing within
40 days of his file being completed, was voted out of Committee only a few weeks after that, and he was confirmed 69 days from the time all his paperwork was complete. Indeed, we proceeded to confirm the first two nominees to the bench of the Eastern District of Kentucky in hearings held in the recent past. During the last six years of the Clinton Administration, it took an average of about 150 days to move a district court nominee to confirmation, I am proud that we have been able to do better since last July.

The hearing on the Bunning nomination included testimony by his home state Senators as well as testimony by representatives from the American Bar Association's Standing Committee. While a majority of the ABA Committee found the nominee not qualified and a minority found him to be qualified for the federal bench, three United States District Court Judges and a former United States Attorney testified in support of his confirmation. Yesterday, the Senate acted to confirm the President's nomination, as we have with a number of other nominees who received mixed peer review ratings.

For 50 years, beginning with the Eisenhower Administration and continuing under the Clinton Administration, the ABA had provided a valuable public service to Presidents as they determined whom to nominate to the federal bench. In addition, the Senate has had the benefit of the ABA peer reviews. No Senator is bound by the recommendations of the ABA.

As I have said before, it is unfortunate that President Bush decided to shift the ABA's role in the pre-nomination process, but I am grateful that the ABA continue to provide their evaluations to the Senate Judiciary Committee. We have always valued their contribution to the process and the willingness of the members of the Standing Committee to volunteer their time, efforts and judgment to this important task.

I congratulate each of the successful nominees and their families on their Senate confirmations.

I intend to notice another confirmation hearing for judicial nominees for February 26. Even though this is a short month with a week's recess, the Committee will hold a second hearing involving judicial nominees in February. This will be the first time in four years that the Committee... will have held two February hearings for judicial nominees.

THE SAFE AND FAIR DEPOSIT INSURANCE ACT OF 2002

Mr. REED. Mr. President, I rise in strong support of the Johnson-Hagei-Reed-Enzi Safe and Fair Deposit Insurance Act of 2002, SFDIA, and I urge my colleagues to support it. I am proud to be one of the authors of this legislation, as I believe it will continue to ensure a strong and safe insurance system for our banks, and most importantly for the depositors who put their money in that system. The legislation before us also seeks to end the pro-cyclical method now in force, which tends to burden institutions in bad economic times, and not prepare for the future during good economic times. We need to change that, and I think this bill begins to finally address this important issue in a very thoughtful manner.

The bill that my colleagues and I have introduced has five major components. The first element addresses the most non-controversial aspect of this issue, and that is merging of the two insurance funds. This will obviously strengthen the reserve fund for all banks and savings institutions, rather than diffusing that strength between the two funds. The second commitment is that of coverage limits. Although this issue has attracted quite a bit of discussion and controversy over the past few years, this is nonetheless an important issue for many banks and consumers, and the legislation authorizes the level of general coverage to rise to $130,000, by indexing for inflation from 1974, when the level of coverage was at $40,000. Going forward, the bill proposes to index coverage to changes in the consumer price index in increments of $10,000. The bill also suggests that coverage for retirement accounts be set at $250,000 now, and that those accounts also be subject to indexing in the future. Lastly, on coverage issues, the legislation would allow for additional coverage for municipal deposits beyond the $130,000 level.

The SFDI Act would also allow for greater flexibility for the FDIC to charge insurance premiums. Since 1996, the FDIC has been allowed to charge premium levels on a risk-based basis. Under the bill, the FDIC would have the authority to charge premiums to banks that have the highest risk rating, as long as the reserve ratio was above the "hard target" of 1.25 percent. Our legislation would remove that prohibition, as well as effectively eliminating the hard target, and would instead substitute a range for the fund. Again, these actions will lend the FDIC the necessary flexibility to manage the funds in a much more institution-friendly manner, particularly by relieving pressure on them during bad economic cycles.

In addition, the FDIC will be able to give a one-time assessment credit to institutions, as well as allow for ongoing credits to manage the fund. These credits will, in all likelihood, give most institutions, if they are well-managed and well-capitalized, the ability to avoid premiums for several years down the road. The FDIC will also be authorized to provide cash rebates to institutions should the fund ever exceed 1.50 percent.

Although I would prefer to address the issue of coverage for municipal deposits in another context, I am confident that during the upcoming legislative process there will be a good debate on the issue, and the Senate will be able to work its will on the issue. I think it is important to note that the introduction of this bill will mark the beginning of a strong, vigorous and purposeful effort for reform of deposit insurance. This has become the cornerstone of our banking system's integrity, and it is imperative that the U.S. Congress insure that it remain strong, healthy, and workable for financial institutions and consumers alike.

FEDERAL EMPLOYEES DESERVE PAY PARITY

Mr. AKAKA. Mr. President, as the government moves to protect its citizens, harden its borders, and defend American interests abroad, I want to make sure that the Nation's Federal employees are given the resources and support needed to carry out these missions.

Numerous studies point to the government's inability to compete with the private sector as one reason why we are unable to attract and retain Federal workers. With a few exceptions, since 1981, military and Federal personnel have received equal pay increases. Yet, the administration's FY03 budget calls for an across-the-board adjustment of only 2.6 percent, while the military would receive a 4.1 percent increase. The proposed 2.6 percent increase is less than the formula used by the Federal Employees Pay Comparability Act and fails to close the pay gap between Federal and private sector workers.

In my capacity as Chairman of both the Senate Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services and the Senate Armed Services Subcommittee on Readiness and Management Support, I am actively involved in issues relating to Federal employees. Our civilian workforce plays a significant role in the support of our service members on active duty, in the reserves, and serving with the National Guard. I support a cohesive and coordinated effort in safeguarding America and believe a strong civilian workforce is crucial to our success in protecting our country.

By 2005, over half the Federal workforce will be eligible to retire, and as long as fewer young people are choosing Federal service to fill these gaps, there should be a commitment from the highest levels of government to ensure that agencies are adequately staffed with the right people and the right skills to run the government in an effective and efficient manner.

The American people know that the war on terrorism will be a long struggle; a different kind of war with fronts being fought on all sides. Our civilian Federal workforce is on the front line of this war and must be prepared to respond to the possibility of attack. We
should not distinguish between our civilian and military workforces, both of whom serve their country with equal dedication.

ADDITIONAL STATEMENTS

NOMINATION OF JAMES GRITZNER

- Mr. GRAHAM. Mr. President, I want to say a few words about James E. Gritzner, who was approved by the Senate last night to serve as United States District Judge for the Southern District of Iowa. I am pleased that the Senate was able to move swiftly on this judicial nomination. Jim Gritzner has extensive trial experience and is fully qualified to serve on the District Court. His reputation for being fair and evenhanded is something we expect of all judges, and he will be a great addition to the Southern District of Iowa.

- By way of background for my colleagues, Mr. Gritzner received a Bachelor of Arts degree from Dakota Wesleyan University, a Masters of Arts degree from the University of Northern Iowa, and a law degree from Drake University. His distinguished legal career includes having practiced with several Iowa law firms, most recently with the Des Moines, Iowa firm of Neymaster, Goode, Voights, West, Hansell & O'Brien.

- In addition to being in private practice for over 20 years, Mr. Gritzner has had a long record of public service. He served as a member of the Iowa Board of Parole from 1980 to 1982. From 1985 to 1990, Mr. Gritzner was the primary prosecutor for the Committee on Professional Ethics and Conduct of the Iowa State Bar Association and the Client Security and Attorney Disciplinary Commission of the Iowa Supreme Court.

- I am sure everyone would agree that these are excellent qualifications. Jim Gritzner will serve the Federal bench very well, and I am proud to have supported his nomination to the Southern District of Iowa.

CALIFORNIA COASTAL PROTECTION AND LOUISIANA ENERGY ENHANCEMENT ACT

- Ms. LANDRIEU. Mr. President, I have joined my colleague, Senator Boxer, in bringing the California Coastal Protection and Louisiana Energy Enhancement Act. This legislation will add to the production of oil and gas off the Louisiana gulf coast while solving a difficult problem associated with production off the coast of California.

- The Federal Government, through the Department of the Interior’s Minerals Management Service, MMS, manages oil and gas exploration in all Federal waters from 3 miles beyond the coastal boundary. For years, leases have been issued to companies, giving them the right to explore and produce on these lands. Companies bid on proffered leases at the MMS, then pay rental payments to the Federal Government to maintain their leases. Once oil or gas is flowing from Federal lands, companies pay a royalty on the production to the Federal treasury.

- Between 1968 and 1984, the MMS awarded 40 leases off the coast of California to a number of different companies so that they could explore for oil and gas and bring these energy resources to market. The proven oil reserves were later leased out. Over the past 34 years, owners of the leases have been working through the processes of Federal and State government to bring production from these lands online, as was the original purpose of the lease sales. During this time, the owners have been paying annual rental payments to the Federal Government. To date, none of them are producing.

- The people of California have become increasingly opposed to new oil and gas production off their coast. This opposition has created a dilemma for the Federal Government and the leaseholders because while the opposition of the people of California has made it more difficult to proceed with oil production off their coast, the companies have made with the Federal Government from the California waters to the Federal waters in the central and western areas of the Gulf of Mexico. This investment will finally be put to the use for which it was originally intended, to provide a domestic source of energy for the United States. This will mean a more vibrant economy in my state and more jobs for Louisianians. It will also assure that the MMS leasing process and the Federal Government these years.

- Senator BOXER and I have been working to solve this longstanding problem. The legislation we are introducing today will essentially move the investment these companies have made with the Federal Government from the California waters to the Federal waters in the central and western areas of the Gulf of Mexico. This investment will finally be put to the use for which it was originally intended, to provide a domestic source of energy for the United States.

- I am very pleased to see these young people advocating the fundamental ideals that identify us as a people and bind us together as a Nation. I am proud that this class from Wichita Heights High School which will be representing the State of Kansas in the 2002 national finals of the We the People . . . The Citizen and the Constitution program.

- Mr. BROWNBACK. Mr. President, I commend my colleagues and students from across the United States who will visit Washington, DC, to take part in this competition, which is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. This 3-day competition, administered by the Center for Civic Education, is modeled after hearings in the U.S. Congress and consists of oral presentations by high school students before a panel of adult judges on constitutional topics. The students’ testimony is followed by a period of questioning by the judges who probe their depth of understanding and ability to apply their constitutional knowledge.

- I am very pleased to see these young people advocating the fundamental ideas that identify us as a people and bind us together as a Nation. I am proud that this class from Wichita Heights High School will be representing Kansas on the national level in this worthy endeavor. I wish their entire team the best success at the We the People . . . national finals this May.

WICHITA HEIGHTS HIGH SCHOOL

- Mr. BROWNBACK. Mr. President, I would like to take this moment to recognize the class from Wichita Heights High School which will be representing the State of Kansas in the 2002 national finals of the We the People . . . The Citizen and the Constitution program.

- On May 4-6, 2002, the students from across the United States will visit Washington, DC, to take part in this competition, which is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. This 3-day competition, administered by the Center for Civic Education, is modeled after hearings in the U.S. Congress and consists of oral presentations by high school students before a panel of adult judges on constitutional topics. The students’ testimony is followed by a period of questioning by the judges who probe their depth of understanding and ability to apply their constitutional knowledge.

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GUNS AND DOMESTIC VIOLENCE
• Mr. LEVIN. Mr. President, according to the Office of Justice Programs, 40 percent of women killed with firearms are murdered by an intimate partner. In 1996, Congress passed legislation to deny firearms purchases to individuals who were under a domestic violence restraining order; a restraining order can also be granted to any kind of a domestic violence misdemeanor. Despite the passage of this law many people are slipping through the system. For example, according to a February 1999 Washington Post article, a background check failed to discover that a land man was the subject of a domestic violence restraining order that his wife had obtained. As a result, he was able to purchase a gun and he later shot his 3-year-old daughter and 2-year-old son.

To help prevent such tragedies, Congress established the National Criminal History Improvement Program in 1995 to provide funding to assist States in compiling criminal records and establishing identification systems as well as developing a comprehensive national record system. One of the goals of the NCHIP program is to ensure that accurate records are available to law enforcement to identify ineligible firearm purchasers. The NCHIP program has put special emphasis on ensuring that domestic violence-related offenses are included in criminal records. As the Washington Post article suggests, there is still work to be done. In fact, according to a January 2002 study released by Americans for Gun Safety, only 30 States have automated records of both domestic violence misdemeanors and domestic violence restraining orders. Fifteen States have no automated records of domestic violence restraining orders.

I have long supported programs that will ensure that guns do not get into the hands of criminals, as well as individuals under a domestic violence restraining order. The NICS system of background checks for gun purchases has already blocked more than 400,000 gun sales to ineligible persons. Continuing the NCHIP grant program will help make America safer by ensuring that the criminal background information is complete, accurate and accessible. This improves our ability to prevent people who commit violent acts against their family from purchasing firearms.

LOCAL LAW ENFORCEMENT ACT OF 2001
• Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence to any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in September 1997 in Waupaca, WI. A gay man was beaten because of his sexual orientation. The assailants, Jeffrey S. Schucknecht, 26, and Robert G. Guyette, 23, were charged with felony battery and a hate crime in connection with the incident. I believe that government’s first duty is to defend its citizens, to protect them against the harms that come out of hate. The Local Law Enforcement En- hancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

MESSAGES FROM THE PRESIDENT
Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED
As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(RECIEVED TODAY are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES
The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs:

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS
The following bills and joint resolutions were introduced, read the first time and referred, as indicated:

BY MR. WARNER:
S. 1057. A bill to amend the Internal Revenue Code of 1986 to provide for additional designations of renewal communities; to the Committee on Finance.

BY MR. MCCAIN:
S. 1058. A bill to provide a restructured and rationalized rail passenger service that pro- vides efficient service on viable routes; to eliminate budget deficits and management inefficiencies at Amtrak through the establishment of a Control Board; to allow for the privatization of Amtrak; to in- crease the role of State and private entities in rail passenger service; and, to promote competition and improve rail passenger serv- ice opportunities; to the Committee on Com- merce, Science, and Transportation.

BY MRS. MURRAY (for herself and Ms. CANTWELL):
S. 1059. A bill to direct the Secretary of the Interior to conduct a study of the former Eagledale Ferry Dock in the State of Wash- ington for potential inclusion in the Na- tional Park System; to the Committee on Energy and Natural Resources.

BY MR. HARKIN (for himself, Mr. FRZ- GERALD):
S. 1060. A bill to amend the Biomass Re- search and Development Act of 2000 to en- courage production of bio-based energy prod- ucts, and for other purposes; to the Commit- tee on Agriculture, Nutrition, and For- estry.

BY MR. GRAHAM (for himself, Mr. CRAPO, Mr. JEFFFORDS, and Mr. SMITH of New Hampshire):
S. 1061. A bill to improve financial and envi- ronmental sustainability of the water pro- grammes of the United States; to the Com- mittee on Environment and Public Works.

BY MR. WYDEN (for himself, Mrs. MUR- RAY, and Mr. SMITH of Oregon):
S. 1062. A bill to provide for qualified with- drawals from the Capital Construction Fund for fishermen leaving the industry for the receipt of Capital Construction Funds to in- dividual retirement plans; to the Committee on Finance.

BY MR. NELSON of Florida:
S. 1063. A bill to prohibit the use of ar- senic-treated lumber to manufacture play- ground equipment, children’s products, fences, walkways, and decks, and for all other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS
The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

BY MS. COLLINS (for herself and Mr. REED):
S. Res. 211. A resolution designating March 2, 2002, as "Read Across America Day"; to the Committee on the Judiciary.

BY MRS. MURRAY (for herself and Ms. CANTWELL):
S. Con. Res. 98. A concurrent resolution commemorating the 30th anniversary of the inauguration of Sino-American relations and the sale of the first commercial jet aircraft to China; to the Committee on Foreign Rela- tions.

ADDITIONAL COSPONSORS
S. 77
At the request of Mr. DASCHLE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 77, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 913
At the request of Ms. SNOWE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticoncancer drugs.

S. 969
At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 969, a bill to establish a Tick- Borne Disorders Advisory Committee, and for other purposes.

S. 180
At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1804, a bill to prohibit the importation
into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Delaware (Mr. BURNS) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1860

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1860, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America’s small, rural towns, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER:

S. 1957. A bill to amend the Internal Revenue Code of 1986 to provide for additional designations of renewal communities; to the Committee on Finance.

Mr. WARNER. Mr. President, I am pleased today to introduce legislation that will provide for greater economic growth, job creation and improve the availability of affordable housing in some of our Nation’s most distressed communities. The legislation calls for the designation of a second round of Renewal Communities.

The Renewal Communities program is an economic development initiative that was included in the Fiscal Year 2001 Consolidated Appropriations Act.

The communities designated under the program are given a variety of tax incentives designed to attract new companies and enhance business opportunities in an area. Wage credits, a zero capital gains rate on new investments and similar tax breaks for business related expenditures will augment the efforts of State and local governments to promote job growth and restore economic stability in their communities.

The Consolidated Appropriations Act signed into law on December 21, 2000, provided for the designation of 40 Renewal Communities. The Department of Housing and Urban Development was responsible for the selection and designation of the new RCs. The Department announced the list of 40 communities, which will share over $17 billion in tax incentives, on January 24, 2002.

The designations are based on poverty rates, median income, and unemployment rates in the community. The most recent Department of Commerce census data available during the application process were from 1990, an issue of timing as passage of the legislation overlapped with the compilation of new census data in 2000.

The use of the 1990 census data, however, severely limited the ability of many cities and localities which may be eligible based on the most recent data. The 1990 data does not reflect the economic shifts which have taken place over the last decade throughout the country.

In the Commonwealth of Virginia, many communities have been devastated economically by plant closings since the census in 1990. The unemployment figures continue to rise when more businesses are forced to close down as the adverse financial effects begin to filter through the community.

My legislation would provide for the designation of an additional twenty renewal communities with the requirement that the most recent 2000 census data would be used. I believe that a second round of Renewal Community designations would be appropriate and fair to those communities excluded by the limits of timing out of their contracts.

We cannot move forward as a Nation when the gap in the economy stability of our local communities grows deeper and they are left behind. This is something the Federal Government can do to stimulate the economy from the ground up and at the same time help those who need it most.

I encourage my colleagues to support this initiative. I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL DESIGNATIONS OF RENEWAL COMMUNITIES.

(a) IN GENERAL.—Section 1400E of the Internal Revenue Code of 1986 (relating to designation of renewal communities) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) ADDITIONAL DESIGNATIONS PERMITTED.—

"(1) IN GENERAL.—In addition to the areas designated under subsection (a), the Secretary of Housing and Urban Development may designate in the aggregate an additional 20 nominated areas as renewal communities under this section, subject to the availability of eligible nominated areas. That number, not less than 5 shall be designated in areas designated under subsection (a) of this section.

"(2) PERIOD DESIGNATIONS MAY BE MADE AND TAKE EFFECT.—A designation may be made under this subsection after the date of the enactment of this subsection and before January 1, 2003. Subject to subparagraphs (B) and (C) of subsection (b)(1), such designations shall remain in effect during the period beginning on January 1, 2003, and ending on December 31, 2010.

"(3) MODIFICATIONS TO ELIGIBILITY DETERMINATIONS.—The rules of this section shall apply to designations under this subsection, except that population and poverty rate thresholds shall be determined by using the most recent census data available."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.
February 15, 2002

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seeking to place blame for its financial problems everywhere other than where it justly belongs.

As I mentioned, the 1997 Reform Act provided Amtrak with the tools it said it needed to reinvent itself. It was provided the opportunity and potential for necessary reforms. The Act even eliminated the mandated route structure established in the 1970 act that created Amtrak, and authorized Amtrak to run like a private business.

Following the Senate’s passage of the Act in 1997, Amtrak’s President at the time, Tom Downs, sent a letter dated November 5, 1997 to Senator Hollings and myself praising the compromise legislation. He stated that, ‘enactment of the Amtrak Reform and Revitalization Act of 1997 would be the single most significant action the Congress can take to aid Amtrak in achieving operating self-sufficiency by 2002.” Mr. Downs further commended “The legislation reforms contained in the bill will allow Amtrak to operate in a more businesslike, cost effective manner, thus allowing greater productivity and increased savings.”

Although Amtrak has received over $5 billion in Federal assistance since the enactment, Amtrak has not received the authority to implement management and structural changes, little if anything has been accomplished since the Reform Act’s enactment. Amtrak loses money on almost all of its 41 routes, but instead of cutting even one unprofitable route, Amtrak added routes. One such route initiated in Janesville, WI, resulted in a per passenger subsidy of over $1,000.00. Where is the rationale in such a business decision? Moreover, Amtrak’s debt load has tripled since we approved the Reform Act, and now amounts to over $3.3 billion. Clearly, Amtrak officials did not take the statutory mandates seriously.

To date, I am introducing legislation to fundamentally transform rail passenger transportation in America. The bill offers a new approach to reform Amtrak’s 30-year subsidy program that has funded rail passenger service. It is designed to promote rail passenger service on viable routes or where States will provide support when it is considered a necessary form of public transportation. That does not equate to a route in every Congressional district but instead of cutting even one unprofitable route, Amtrak added routes. One such route initiated in Janesville, WI, resulted in a per passenger subsidy of over $1,000.00. Where is the rationale in such a business decision? Moreover, Amtrak’s debt load has tripled since we approved the Reform Act, and now amounts to over $3.3 billion. Clearly, Amtrak officials did not take the statutory mandates seriously.

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where they believe it is needed. I also think that we should allow the States to spend their Federal transportation dollars on rail passenger service.

In some areas of the country, such as the Northeast and on the West Coast where Amtrak is heavily supported by sales tax contributions, rail passenger service seems to be working. We cannot ignore the fact, however, that all but two of Amtrak’s intercity lines operate at a substantial financial loss. And while Amtrak has experienced an increase in ridership, actual ridership numbers are dismal compared to other passenger modes, including intercity bus transportation and air travel. After 30 years and over $25 billion of taxpayers’ investment, Amtrak is used by less than 1 percent of the traveling public.

Our urban areas are facing ever-increasing transportation congestion. Americans are spending more and more time sitting in traffic as they try to get to and from work. And each and every one of us has experienced first hand the frustrations of flight delays due to new security measures and capacity limitations in our aviation system. It is our responsibility to work to remedy these problems by developing and promoting a sound Federal transportation policy.

Amtrak is a failed experiment. While the legislation I am offering may not be the approach the majority of the members will support, I assure my colleagues that I will do everything in my power to halt the historical authorization pattern that has taken place for 30 years. I will strongly oppose any measure simply to reauthorize Amtrak in exchange for Amtrak promises. If we do that again, in a few years Amtrak will be back again explaining why it was unable to fulfill its promises and Amtrak will be seeking yet more money and making even more promises. This same pattern has continued for 30 years.

The Rail Passenger Service Act of 1970, which created the National Rail Passenger Corporation, also known as Amtrak, to free the freight industry from the burden of running passenger trains, was enacted with the intent to provide Amtrak Federal support for only two years. Clearly, that did not occur. After receiving appropriations for $40 million in direct grants, $100 million in loan guarantees, in addition to cash to buy out participating railroads, Amtrak was unable to fulfill the intent of the authorizing legislation. Two years later, Amtrak was back before Congress asking for more money in exchange for more promises.

By 1978, after four trips to Congress to ask for more Federal money, Amtrak had received $2.5 billion in Federal funding. But that level of funding was still not enough. When Amtrak came back seeking more Federal assistance, Congress responded like it always had. It passed another authorization—a handout. Each time, Amtrak has made promises in return for more Federal assistance. Each time, Amtrak has failed to achieve what was expected. Enough is enough.

It is interesting to note that before the 1978 law was enacted, the GAO warned that Amtrak would have to make serious cuts in its route structure if it was to avoid continual dependence on Federal subsidies. And while the GAO and the DOT-IG are repeating these same realities. Is the Congress finally going to give credence to these auditors’ findings?

If rail passenger service is ever going to be successful, it will need to take action to provide for a restructured and rationalized system. We need to hear from the Administration, the States, and the American public in order to develop a sound Federal policy to permit safe, efficient, and cost-effective rail passenger service on the lines that can attract riders. Now is the time for all interested parties to come together and chart a new course for intercity rail passenger transportation.

The summary follows.

THE RAIL PASSENGER SERVICE IMPROVEMENT ACT—SUMMARY OF MAJOR PROVISIONS

Purpose: to enable the emergence of a new rail passenger system that would be overseen by the Department of Transportation, but operated by competing franchises, including Amtrak; to require Amtrak’s restructuring, financial stabilization and privatization through the creation of an Amtrak Control Board; and to require States to play a bigger role with regard to routing decisions and financial responsibilities. Specifically the legislation:

- Directs the Secretary of Transportation to establish a Rail Passenger Development and Franchising Office within the Federal Railroad Administration. Beginning October 1, 2003, the Secretary would be authorized to contract out rail passenger service to franchises that meet specified safety and liability requirements, provided such operations would not result in a significant downgrading in rail service. Franchises would be required to demonstrate efforts to reach minimal voluntary freight carrier to obtain trackage access prior to being awarded a contract. Directs Amtrak to restructure into three separate subsidiaries to be managed as for-profit businesses with transparent accounting systems: Amtrak Operations, Amtrak Maintenance, and Intercity Rail Reservations. Each subsidiary would be privatized no later than four years after enactment.

- Establishes an Amtrak Control Board, modeled after the DC Control Board, to help address Amtrak’s financial crisis. The Amtrak Control Board would direct Amtrak’s operational restructuring, approve budgets and financial plans, and oversee privatization.

- Requires States to play a greater role, both in route decisions and financial contributions, to ensure the Northeast Corridor system to evolve, with service provided on viable routes or where States contribute to cover operating losses. Beginning October 1, 2003, Amtrak would halt service over any route where revenues do not cover expenses unless States contribute financial support to cover losses.

- Gives States flexibility to use highway trust fund dollars on rail passenger service at each state’s discretion.

- Authorizes funding to address rail passenger security and tunnel life-safety needs.

- Authorizes funding for Amtrak operating and Railroad Retirement obligations on a reduced sliding scale.

- Authorizes funding for the Service of Trains that Address rail passenger capital costs and the backlog of infrastructure investment identified by the DOT Inspector General to bring the Northeast Corridor up to “state of good repair.”

- Other users and states along the corridor would also contribute to capital costs, much like States must contribute toward highway and airport infrastructure. In exchange for eliminating financial obligations, Amtrak must give up rights and ownership to the Northeast Corridor for which the Secretary already holds a 99-year mortgage.

By Mr. HARKIN (for himself, Mr. FITZGERALD, and Mr. JOHNSON):

S. 1960. A bill to amend the Biomass Research and Development Act of 2000 to encourage production of biobased energy products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

- Mr. HARKIN. Mr. President, I am introducing today the Biobased Energy Incentives Act of 2002. I am pleased to be joined by Senators FITZGERALD and JOHNSON. This legislation amends the Biomass Research and Development Act of 2000 and establishes a biobased energy incentive program within the Department of Agriculture.

The program provides payments to eligible biofuels producers through the Commodity Credit Corporation for using certain commodities to produce ethanol and biodiesel. All ethanol and biodiesel producers will be eligible to participate in the program. However, payment levels will be a little higher for smaller producers, giving them a better chance to compete with their larger counterparts. Payments to any one producer will be capped at 7 percent of the total funds made available for a fiscal year.

This legislation comes at the right time. The Department of Agriculture has run a bioenergy program on a pilot basis for the past two years. It has shown very promising initial results. However, the program has helped bring down the price of soy diesel. Cedar Rapids now has dozens of vehicles that run on a blend of soy and regular diesel. Over the same time that this program has operated, the U.S. ethanol industry has established production records almost every month. Nearly 20 new ethanol plants began construction last year, assuring continued expansion of the industry.

Yet there is no guarantee the Department will continue the program. A continuing threat is the disconnect between the Administration’s budget proposal for fiscal year 2003. We can’t afford to see this type of initiative flounder or, worse yet, end.
Our bill, if passed, will require the Department of Agriculture to run a bioenergy program indefinitely with secured funding. The benefits of this legislation are obvious. Increased renewable fuel production lessens our dependence on foreign oil. Environmental and public health gains, bolstered farm income, creates jobs and boosts economic growth, especially in rural areas. This also contributes to a sound homeland security strategy. The Nation must become more independent and domestically produced renewable fuels, along with other forms of renewable energy like wind power and biomass, play an important part in this endeavor.

I want to thank Senator Fitzgerald and Senator Johnson for co-sponsoring this legislation with me. Their leadership in this area will be essential in moving the bill forward. I am hopeful we can pass this bill quickly to help secure a brighter future for our nation’s farmers and fellow citizens. I ask that the text of the bill be printed in the RECORD.

The bill follows.

S. 1960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biobased Energy Incentive Act of 2002."

SEC. 2. PRODUCTION OF BIOMASS ENERGY PRODUCTS.

The Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106-224) is amended—

(1) by redesignating section 310 as section 311; and

(2) by inserting after section 309 the following—

"SEC. 310. PRODUCTION OF BIOMASS ENERGY PRODUCTS.

"(a) DEFINITIONS.—In this section—

"(1) BIOMASS ENERGY PRODUCT.—The term 'biomass energy product' means biodiesel or ethanol fuel.

"(2) BIODEisel.—The term 'biodiesel' means a fuel that meets the requirements of ASTM D6751.

"(3) ELIGIBLE COMMODITY.—The term 'eligible commodity' means wheat, corn, grain sorghum, barley, oats, rice, soybeans, sunflower seed, rapeseed, canola, safflower, flaxseed, mustard, crumble, sesame seed, cotoneed, and cellulotic materials (such as hybrid poplars and switchgrass).

"(4) ELIGIBLE PRODUCER.—The term 'eligible producer' means a producer that—

"(A) uses an eligible commodity to produce a biobased energy product and

"(B) enters into a contract with the Secretary under subsection (b)(2).

"(5) NEW PRODUCER.—The term 'new producer' means an eligible producer that has not used an eligible commodity to produce a biobased energy product during the fiscal year.

"(6) BIOMASS-BASED ENERGY INCENTIVE PROGRAM.

"(1) ESTABLISHMENT.—The Secretary shall establish a biobased energy incentive program under which the Secretary shall make payments to eligible producers to promote the use of eligible commodities to produce biobased energy products.

"(2) ELIGIBLE PRODUCER.—To be eligible to receive a payment, an eligible producer shall enter into a contract with the Secretary under which the producer shall agree to increase the use of eligible commodities to produce biobased energy products during 1 or more fiscal years.

"(B) QUARTERLY PAYMENTS.—Under a contract—

"(i) the eligible producer shall agree to increase the use of eligible commodities to produce biobased energy products during each fiscal year covered by the contract; and

"(ii) the Secretary shall make payments to the eligible producer for each quarter of the fiscal year.

"(3) AMOUNT.—Subject to paragraphs (6) through (8), the amount of a payment made to an eligible producer for a fiscal year under this subsection shall be determined by multiplying—

"(A) the payment quantity for the fiscal year determined under paragraph (4); by

"(B) the payment rate determined under paragraph (5).

"(4) PAYMENT QUANTITY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the payment quantity for the fiscal year is—

"(i) the quantity of eligible commodities that the eligible producer agrees to use, under the contract entered into with the Secretary, to produce biobased energy products during the fiscal year; and

"(ii) the quantity of eligible commodities that the eligible producer used to produce biobased energy products during the preceding fiscal year.

"(B) NEW PRODUCERS.—The payment quantity for payments made to a new producer for the first fiscal year of a contract under this subsection shall equal the difference between—

"(i) the quantity of eligible commodities that the eligible producer agrees to use, under the contract entered into with the Secretary, to produce biobased energy products during the fiscal year; and

"(ii) the quantity of eligible commodities that the eligible producer used to produce biobased energy products during the fiscal year.

"(5) PAYMENT RATE.—

"(A) IN GENERAL.—Subject to subparagraph (B), the payment rate for payments made to an eligible producer under this subsection for the use of an eligible commodity shall be determined by the Secretary.

"(B) QUARTERLY PAYMENTS.—Under a contract—

"(i) the payment rate for the fiscal year under this subsection shall be determined by the Secretary;

"(ii) the Secretary shall make payments to an eligible producer for each quarter of the fiscal year.

"(6) P RORATION.—If the amount made available for a fiscal year under subsection (a) is insufficient to allow the payment rate for eligible producers, the amount of the payments among all such eligible producers shall be prorated.

"(7) OVERPAYMENTS.—If the total amount of payments that an eligible producer receives for a fiscal year under this section exceeds the amount of the payments that eligible producers (that apply for the payments) otherwise would have a right to receive under this section, the Secretary shall repay the amount of the overpayment to the Secretary, plus interest (as determined by the Secretary).

"(8) LIMITATION.—No eligible producer shall receive over 10 percent of the total amount made available for a fiscal year under subsection (a)."

"(9) RECORDKEEPING AND MONITORING.—To be eligible to receive a payment under this subsection, an eligible producer shall—

"(A) maintain for at least 3 years records relating to the production of biobased energy products; and

"(B) make the records available to the Secretary to verify eligibility for the payments.

"(10) FUNDING.—(a) To encourage the development of biobased energy products to consumers of gasoline and diesel fuels.

"(4) FUNDING.—Subject to paragraph (2), the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

"(2) FISCAL YEAR LIMITATIONS.—The amount of funds of the Commodity Credit Corporation used to carry out this section shall not exceed—

"(a) in the case of subsection (b), $150,000,000 for fiscal year 2003 and each subsequent fiscal year; and

"(b) in the case of subsection (c), $1,000,000,000 for fiscal year 2003 and each subsequent fiscal year."

By Mr. GRAHAM (for himself, Mr. CRAPO, Mr. JEFFORDS, and Mr. SMITH of New Hampshire):


Mr. GRAHAM. Mr. President, I ask that the text of the bill be printed in the Record.

S. 1961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Investment Act of 2002."

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Title I—Federal Water Pollution Control Act Modifications

Sec. 101. Definitions.
Sec. 102. Funding for Indian programs.
Sec. 103. Requirements for receipt of funds.

Title II—Safe Drinking Water Act Modifications

Sec. 201. Planning, design, and preconstruction costs.
Sec. 203. Additional Subsidization.
Sec. 204. Private utilities.
Sec. 205. Competition requirements.
Sec. 206. Technical assistance for small systems.
Sec. 207. Authorization of appropriations.

Title III—Innovations in Fund and Water Quality Management

Sec. 301. Transfer of funds.
Sec. 302. Demonstration program for water quality enhancement and management.
Sec. 303. Rate study.
Sec. 304. Effects on policies and rights.

Title IV—Water Resource Planning

Sec. 401. Findings.
Title I—Federal Water Pollution Control Act Modifications

Section 101. Definitions
Section 102 of the Federal Water Pollution Control Act (33 U.S.C. 1377) is amended by adding at the end the following:

"(24) disadvantaged community.—The term "disadvantaged community" means a community or entity that meets affordability criteria established, after public review and comment, by the State in which the community or entity is located.

"(25) small treatment works.—The term "small treatment works" means a treatment works (as defined in section 212) serving a municipality, intermunicipal, interstate, or State agency, or private utility, for construction of sewage treatment works to meet applicable requirements of the State or other applicable authority.

Section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377) is amended by striking subsection (c) and inserting the following:

"(c) Reservation of Funds.—

"(1) In general.—For fiscal year 1987 and each fiscal year thereafter, the Administrator shall reserve, before allotments to the State agency, or private utility, for construction of sewage treatment works to meet applicable requirements of the State or other applicable authority, not less than 0.5 percent nor more than 1.5 percent of the amount of all capitalization subsidies made by a State under paragraphs (7) through (10), inclusive, of section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383)

"(2) Total Amount of Subsidies.—For each fiscal year after the date of enactment of this paragraph, the State shall ensure that applicants for the assistance described in paragraph (1) are served a population of 10,000 or less.

Section 102. Funding for Indian Programs
Section 102 of the Federal Water Pollution Control Act (33 U.S.C. 1381(a)) is amended by striking paragraph (1) and inserting the following:

"(1) to modernize State water pollution control revolving fund revolving funds and encourage maximum efficiency for States and localities;"
the agency of a State having jurisdiction over water quality management (including the establishment of water quality standards).

"(3) DETERMINATION BY ADMINISTRATOR.—Except as provided in subsection (k), if the Administrator determines that a State agency has not developed or implemented a strategy in accordance with paragraph (2), the Administrator shall—

"(A) withhold 20 percent of each capitalization grant made to the State under this title after the date of the determination; and

"(B) permit the State a 1-year period, beginning on the date on which funds are withheld under subparagraph (A), during which the State may implement a strategy in accordance with paragraph (2).

"(4) REALLOCATION.—

"(A) IN GENERAL.—If, after the 1-year period described in paragraph (3)(B), the Administrator is not satisfied that a State has carried out a strategy required relating to the development and implementation of a strategy required under paragraph (2), the Administrator shall reallocate all funds of the State to the Administrator as of that date in accordance with subparagraph (B).

"(B) REQUIREMENTS FOR REALLOCATION.—The Administrator shall reallocate funds under subparagraph (A)—

"(i) only to States that the Administrator determines to be in compliance with this subsection; and

"(ii) in the same ratio provided under the most recent formula for the allotment of funds under this title.

"(5) CONDITION FOR RECEIPT OF ASSISTANCE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and subsection (k), beginning on the date that is 3 years after the date of enactment of this subsection, the State shall require each treatment works that receives significant assistance under this title to demonstrate adequate technical, managerial, and financial capacity, including the establishment and implementation by the treatment works of an asset management plan, which the Administrator may publish information to assist States in determining required content that—

"(i) conforms generally accepted industry practices; and

"(ii) includes—

"(I) an inventory of existing assets (including an estimate of the useful life of those assets); and

"(II) an optimal schedule of operations, maintenance, and capital investment required to meet and sustain performance objectives (including any treatment works established in accordance with applicable Federal and State laws over the useful life of the treatment works).

"(B) EXCEPTION.—Notwithstanding subparagraph (A), a treatment works may receive assistance under this title if the State determines that the assistance would enable the treatment works to attain adequate technical, managerial, and financial capacity.

"(6) RESTRUCTURING.—Notwithstanding section 204(a)(3)(B), except as provided in subsection (k), a State may provide assistance from the water pollution control revolving fund of the State for a project only if the recipient of the assistance—

"(1) has considered—

"(A) consolidating management functions or ownership with another facility; and

"(B) forming public-private partnerships or other cooperative partnerships; and

"(2) has in effect a plan to achieve, within a reasonable period of time, a rate structure that, to the maximum extent practicable—

"(A) reflects the cost of service provided by the recipient; and

"(B) addresses capital replacement funds; and

"(3) has in effect, or will have in effect on completion of the project, an asset management plan described in subsection (i)(5).

"(k) EXEMPTION FOR ASSISTANCE SOLELY FOR PLANNING, DESIGN, AND PRECONSTRUCTION ACTIVITIES.—Subsection (j) and paragraphs (3) and (5) of subsection (i) shall not apply to assistance provided under this title that is to be used by a treatment works solely for planning, design, or preconstruction activities.

"(l) TECHNICAL ASSISTANCE.—

"(1) DEFINITION OF QUALIFIED NONPROFIT TECHNICAL ASSISTANCE PROVIDER.—In this subsection, the term qualified nonprofit technical assistance provider means a nonprofit entity that provides technical assistance (such as circuit-rider programs, training, and preliminary and preliminary studies) to small treatment works that—

"(A) serve not more than 3,300 users; and

"(B) are located in a rural area.

"(2) GRANT PROGRAM.—

"(A) IN GENERAL.—The Administrator may make grants to a qualified nonprofit technical assistance provider for use in assisting small treatment works in planning, developing, and obtaining financing for eligible projects described in subsection (c).

"(B) DISTRIBUTION OF GRANTS.—In carrying out this subsection, the Administrator shall ensure, to the maximum extent practicable, that technical assistance provided using funds from a grant under subparagraph (A) is made available in each State.

"(3) CONSULTATION.—As a condition of receiving a grant under this subsection, a qualified nonprofit technical assistance provider shall consult with each State in which grant funds are to be expended or otherwise made available before the grant funds are expended or made available in the State.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $7,000,000 for each of fiscal years 2003 through 2007.

"(m) COMPETITION REQUIREMENTS.—

"(1) IN GENERAL.—The requirements described in section 204(a)(6) shall apply to each specification for bids for projects receiving assistance under this title.

"(2) SINGULAR BIDS.—Nothing in this subsection prohibits a recipient of assistance under this title that receives only 1 bid for a project described in paragraph (1) from accepting the bid and carrying out the project.

"(n) NO JUDICIAL REVIEW.—A determination by the Administrator to provide assistance under this title shall not be subject to judicial review.

"(o) ALLOTMENT OF FUNDS.—Section 609(a) of the Federal Water Pollution Control Act (33 U.S.C. 1384(a)) is amended by striking subsection (a) and inserting the following:—

"AMOUNTS BETWEEN $1,350,000,000 AND $1,550,000,000.—Amounts greater than $1,350,000,000 but less than $1,550,000,000 made available under this title that is to be used by a treatment works solely for planning, design, or preconstruction activity.
“(I) the amount received under clause (1); and
“(II) the amount that the State would have received under section 205(c); in either case, an amount received by the State under clause (I) is less than the amount that would have been received by the State under section 205(c).”

Any amounts equal to or greater than $1,550,000,000 that are made available for the fiscal year shall be allocated in accordance with a formula that allocates to each State the proportional share of the State needs identified in the most recent survey conducted pursuant to section 516(2), except that the minimum proportionate share provided to each State shall be 1 percent of available funds.

“(II) SUBSEQUENT FISCAL YEARS.—For fiscal year 2007 and each fiscal year thereafter, funds shall be allocated in accordance with a formula that allocates to each State the proportionate share of the State needs identified in the most recent survey conducted pursuant to section 516(2), except that the minimum proportionate share provided to each State shall be 1 percent of available funds.

“(2) PRIVATE UTILITIES.—If a State elects to include the needs of private utilities in the needs survey used to develop the allocation formula in paragraph (1), the State shall ensure that the private utilities are eligible to receive funds under this title.

“(A) AUDITS, REPORTS, AND FINANCIAL CONTROLS; INTENDED USE PLAN.—Section 606 of the Federal Water Pollution Control Act (33 U.S.C. 1386) is amended—
“(I) in subsection (c)—
“(A) by inserting “including significant public outreach” after “review”; and
“(B) by striking paragraph (1) and inserting the following:
“(1) a summary of the priority projects developed under paragraph (1)(G) for which the State intends to provide assistance from the water pollution control revolving fund of the State for the year covered by the plan;”;
and
“(2) in subsection (d)—
“(A) in the subsection heading, by striking “Reports” and inserting “Reports”;
and
“(B) by striking paragraph (1), by striking “and” at the end of paragraph (1), and by striking “and” at the end of paragraph (2).”

“(3) MODIFICATIONS—Paragraph (1) of section 1452(k) of the Safe Drinking Water Act (42 U.S.C. 300j–12(k)) is amended by adding at the end:
“(5) CONFORMING AMENDMENT.—Section 216 of the Federal Water Pollution Control Act (33 U.S.C. 1296) is amended—
“(1) in the first sentence, by inserting “in accordance with section 603(g)” before “the determination”; and
“(2) by striking the “Not less than 25 percent of the amount of the capitalization grant received by the State for the year covered by the plan”.

“TITLE II—SAFE DRINKING WATER ACT MODIFICATIONS

SEC. 201. PLANNING, DESIGN, AND CONSTRUCTION COSTS.

Section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)) is amended in the second sentence by striking “(not)” and inserting “(including planning, design, and associated preconstruction expenditures but not”.

SEC. 202. STATE REVOLVING LOAN FUND.

(a) IN GENERAL.—Section 1452(a)(3)(B)(ii) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(3)(B)(ii) is amended by inserting “and the formation of regional partnerships” after “procedures”.

(b) PUBLIC OUTREACH.—Section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)) is amended in paragraphs (1) and (3)(B) by inserting “(including significant public outreach)” after “commercial” each place it appears.

(c) TYPES OF ASSISTANCE.—Section 1452(c) of the Safe Drinking Water Act (42 U.S.C. 300j–12(c)) is amended—
“(1) in paragraph (1)—
“(A) in subparagraph (C), by striking “and” at the end of subparagraph (C); and
“(B) by inserting at the end:
“(2) an inclusive list of other projects (including the present value of the amount of the capitalization grant received by the State for the fiscal year);”.

“(ii) relationships of rate structure and cost control; and
“(iii) the effectiveness of the project.”

“(d) PROJECT ELIGIBILITY.—Section 1452(h) of the Safe Drinking Water Act (42 U.S.C. 300j–12(h)) is amended—
“(1) by adding at the end the following:
“(2) by adding at the end the following:
“(D) by adding at the end the following:
“(E) by adding at the end the following:
“(F) by adding at the end the following:
“(G) by adding at the end the following:
“(H) by adding at the end the following:
“(I) by adding at the end the following:
“(J) by adding at the end the following:
“(K) by adding at the end the following:
“(L) by adding at the end the following:
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“(S) by adding at the end the following:
“(T) by adding at the end the following:
“(U) by adding at the end the following:
“(V) by adding at the end the following:
“(W) by adding at the end the following:
“(X) by adding at the end the following:
“(Y) by adding at the end the following:
“(Z) by adding at the end the following:

“(e) OTHER AUTHORIZED ACTIVITIES.—Section 1452(k)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(k)(1)) is amended by striking subparagraph (D) and inserting the following:
“(D) Make expenditures for the development and implementation of source water protection programs.

“(f) Provide assistance for consolidation among community water systems for the purpose of—
“(i) meeting national primary drinking water standards;
“(ii) making more efficient use of funds made available under subsection (a)(2).”

SEC. 203. ADDITIONAL SUBSIDIZATION.

Section 1452(d)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(1)) is amended—
“(1) by striking “Notwithstanding any other provision” and inserting the following:
“(A) IN GENERAL.—Notwithstanding any other provision”; and
“(2) by adding at the end the following:
“(B) SUBSIDIZATION FOR DISADVANTAGED USERS.—
“(i) IN GENERAL.—Subject to clause (1), a State may provide additional subsidization under subparagraph (A) for a fiscal year for a community that does not meet the definition of a disadvantaged community if the State, as part of the assistance agreement between the State and the recipient of the assistance, ensures that the additional subsidization provided under this paragraph is directed through the user charge rate system to disadvantaged users within the residual utility service area of the utility (as defined by the State based on affordability criteria).
“(ii) MAXIMUM AMOUNT.—Assistance provided by a State under clause (i) shall not exceed 15 percent of the amount of the capitalization grant received by the State for the fiscal year.
“(iii) GUIDANCE.—The Administrator may publish guidance to assist States in identifying disadvantaged users described in clause (i).”

SEC. 204. PRIVATE UTILITIES.

Section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)) is amended—
“(1) by striking “The Administrator” and inserting the following:
“(1) IN GENERAL.—The Administrator”; and
“(2) by adding at the end the following:
“(2) PRIVATE UTILITIES.—If a State elects to include the needs of private utilities in the needs survey under paragraph (1), the State shall ensure that the private utilities are eligible to receive funds under this title.”

SEC. 205. COMPETITION REQUIREMENTS.

Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) is amended by adding at the end the following:
“(1) COMPETITION REQUIREMENTS.—
“(1) IN GENERAL.—Except as provided in paragraph (2), as a condition of receipt of
funds under this section, no specification for bids prepared for projects to be carried out using the funds shall be written in such a manner as to contain any proprietary, exclu- sionary, or discriminatory requirements, other than requirements based on performance, unless such requirements are necessary to test or demonstrate a specific thing or to provide for necessary interchangeability of parts and equipment. If, in the judgment of a recipient of funds, it is impractical or un- economical to make a clear and accurate de- scription of the technical requirements, a ‘brand name or equal’ description may be used as a means to define the performance or other items of a procurement, and in doing so the recipient need not estab- lish the existence of any source other than the brand or source so named.

SECTION 206. TECHNICAL ASSISTANCE FOR SMALL SYSTEMS.

(a) SMALL PUBLIC WATER SYSTEMS TECH- NOL OGY ASSISTANCE CENTERS.—Section 1420(c) of the Safe Drinking Water Act (42 U.S.C. 300j–12(c)) is amended—

(1) in paragraph (2), by inserting “technology verification, pilot and field testing of innovative technologies, and” after “a recipient of funds,” and

(2) by striking paragraph (6) and inserting the following:

“(6) REVIEW AND EVALUATION.—

“(A) IN GENERAL.—Not less than once every 2 years, the Administrator shall review and evaluate the program carried out under this subsection.

“(B) REPORT.—If, in carrying out this subsection, the Administrator deter- mines that a small public water system technology assistance center is not carrying out the duties of the center, the Administrator shall—

“(i) notify the center of the deter- mination of the Administrator; and

“(ii) not later than 180 days after the date of the notification, terminate the provi- sion of funds to the center.

“(C) UNAUTHORIZED USE OF PROVISIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2003 through 2007, to be distri- buted to the centers in accordance with this subsection.

(b) ENVIRONMENTAL FINANCE CENTERS.—Section 1420(g) of the Safe Drinking Water Act (42 U.S.C. 300j–9(g)) is amended by strik- ing paragraph (4) and inserting the following:

“(4) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this subsection $1,500,000 for each of fiscal years 2003 through 2007.

SECTION 207. AUTHORIZATION OF APPROPRIATIONS.

Section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300f–12) is amended by strik- ing paragraph (6) and inserting the following:

“(m) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

“(A) $1,500,000 for fiscal year 2003;

“(B) $2,000,000 for each of fiscal years 2004 and 2005;

“(C) $3,500,000 for fiscal year 2006; and

“(D) $5,000,000 for fiscal year 2007.

“(2) AVAILABILITY.—Amounts made avail- able under this subsection shall remain available until expended.

“(3) USE OF MUNICIPAL NEEDS SURVEYS.—Of the amount made available under paragraph (1) to carry out this section for a fiscal year, the Administrator may reserve not more than 10 percent of each amount to pay the costs of conducting needs surveys under subsection (h)."

SECTION 301. TRANSFER OF FUNDS.

(a) WATER POLLUTION CONTROL FUND.—Sec- tion 605 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended by adding at the end the following:

“(i) TRANSFER OF FUNDS.—

“(A) SMALL PUBLIC WATER SYSTEMS TECH- NOL OGY ASSISTANCE CENTERS.—Section 1420(f) of the Safe Drinking Water Act (42 U.S.C. 300j–12(f)) is amended—

“(1) by striking paragraphs (3) and (4); and

“(2) by striking paragraph (5) and inserting the following:

“(5) TRANSFER OF FUNDS.—

“(A) reserve up to 33 percent of a capitaliza- tion grant made under this title and add the proceeds to any funds provided to the State under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300f–12); and

“(B) reserve in any year an amount up to the amount that may be reserved under sub- paragraph (A) for that year from capitaliza- tion grants made under section 1452 of that Act (42 U.S.C. 300f–12) and add the reserved funds to any funds provided to the State under this title.

“(2) STATE MATCH.—Funds reserved under this subsection shall not be considered to be a State contribution for a capitalization grant required under this title or section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300f–12).

(b) SAFE DRINKING WATER FUND.—Section 1420(g) of the Safe Drinking Water Act (42 U.S.C. 300j–12(g)) is amended—

(1) in paragraph (2), by striking “4” and inser- ting “5”;

and

(2) by adding at the end the following:

“(6) TRANSFER OF FUNDS.—

“(A) IN GENERAL.—A Governor of the State shall—

“(i) reserve up to 33 percent of a capitaliza- tion grant made under this section and add the funds reserved to any funds provided to the State under section 601 of the Federal Water Pollution Control Act (33 U.S.C. 1381); and

“(ii) reserve in any year an amount up to the amount that may be reserved under clause (i) for that year from capitalization grants made under section 601 of that Act (33 U.S.C. 1381)."

SECTION 302. DEMONSTRATION PROGRAM FOR WATER QUALITY ENHANCEMENT AND MANAGEMENT.

(a) Establishment.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protec- tion Agency (referred to in this section as the “Administrator”) shall establish a na- tional demonstration program to—

(A) promote innovations in technology and alternative approaches to water quality management or water supply; and

(B) rehabilitate or replace water supplies; and

(ii) address those problems; and

(iii) interested stakeholders;

(b) Eligibility.—A municipality that—

(i) could effectively—

(A) promote innovations in technology and alternative approaches to water quality management or water supply; and

(B) ensure that, for each fiscal year, no municipality receives more than 25 percent of the total amount of funds made available for the fiscal year to provide grants under this section;

(iii) problems with naturally-occurring con- stituents of concern; and

(c) REPORTS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in paragraph (B), the non-Federal share of the cost of a project carried out under this section shall be at least 20 percent.

(B) WAIVER.—The Administrator may re- duce or eliminate the non-Federal share of costs of a project for reasons of afford- ability.

SECTION 303. DEMONSTRATION PROGRAM FOR WATER QUALITY MANAGEMENT.

(a) Establishment.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protec- tion Agency (referred to in this section as the “Administrator”) shall establish a na- tional demonstration program to—

(A) promote innovations in technology and alternative approaches to water quality management or water supply; and

(B) rehabilitate or replace water supplies; and

(ii) interest politics and public relations.

(c) AF MOUNTS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in paragraph (B), the non-Federal share of the cost of a project carried out under this section shall be at least 20 percent.

(B) WAIVER.—The Administrator may re- duce or eliminate the non-Federal share of costs of a project for reasons of afford- ability.

(c) REPORTS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in paragraph (B), the non-Federal share of the cost of a project carried out under this section shall be at least 20 percent.

(B) WAIVER.—The Administrator may re- duce or eliminate the non-Federal share of costs of a project for reasons of afford- ability.

(c) REPORTS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in paragraph (B), the non-Federal share of the cost of a project carried out under this section shall be at least 20 percent.

(B) WAIVER.—The Administrator may re- duce or eliminate the non-Federal share of costs of a project for reasons of afford- ability.
SEC. 303. RATE STUDY.

(a) In General.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall complete a study of the public water system and treatment works rate structures for communities in the United States selected by the Academy in accordance with subsection (c).

(b) REQUIRED ELEMENTS.—

(1) RATES.—The study shall, at a minimum—

(A) determine whether public water system and treatment works rates for communities included in the study adequately address the cost of service, including funds necessary to replace infrastructure;

(B) identify the manner in which the public water system and treatment works rates were determined;

(C) determine the manner in which cost of service is measured;

(D) survey existing practices for establishing public water system and treatment works rates in the States;

(E) identify any commonalities in factors and processes used to evaluate rate systems and more rapid decreases; and

(F) recommend a set of best industry practices for public water systems and treatment works for use in establishing a rate structure that—

(i) adequately addresses the true cost of service; and

(ii) takes into consideration the needs of disadvantaged individuals and communities.

(2) AFFORDABILITY.—The study shall, at a minimum—

(A) identify existing standards for affordability;

(B) determine the manner in which those standards are determined and defined;

(C) determine the manner in which affordability varies with respect to communities of different sizes and in different regions; and

(D) determine the extent to which affordability affects the decision of a community to increase public water system and treatment works rates (including the decision relating to the percentage by which those rates should be increased).

(c) SELECTION OF COMMUNITIES.—The study shall, at a minimum—

(A) survey a cross-section of States representing different sizes, demographics, and geographical regions;

(B) describe, for each State described in subparagraph (A), the definition of ‘disadvantaged community’ used in the State in carrying out projects and activities under the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) review other means of identifying the meaning of term ‘disadvantaged’, as that term applies to communities;

(D) determine which factors and characteristics are required for a community to be considered ‘disadvantaged’; and

(E) evaluate the degree to which factors such as a reduction in the tax base over a period of time, a reduction in population, the loss of an industrial base, and the existence of areas of concentrated poverty are taken into account in determining whether a community is ‘disadvantaged’.

(d) INCLUSION OF RESULTS AND INFORMATION.—To the maximum extent practicable, the Administrator shall incorporate the results of, and information obtained from, successful projects under this section into programs administered by the Administrator.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2003 and 2004.

SEC. 304. EFFECTS ON POLICIES AND RIGHTS.

(a) IN GENERAL.—Nothing in this Act—

(1) impairs or otherwise affects in any way, any right or jurisdiction of any State with respect to the water (including boundary water) of the State;

(2) supersedes, abrogates, or otherwise impairs the authority of any State to allocate quantities of water within areas under the jurisdiction of the State; or

(3) supersedes or abrogates any right to any quantity or use of water that has been established by any State.

(b) STATE RIGHTS.—Notwithstanding any other provision of law, with respect to the implementation of this Act and amendments made by this Act—

(1) the management and control over water in a State shall be subject to and in accordance with the laws of the State in which the water is located;

(2) Congress delegates to each State the authority to regulate water of the State, including the authority to regulate water in interstate commerce (including regulation of usufructuary rights, trade, and transportation); and

(3) the United States, and any agency or officer on behalf of the United States, may exercise management and control over water in a State only in compliance with the laws of the State in which the water is located.

TITLE IV—WATER RESOURCE PLANNING

SEC. 401. FINDINGS.

Congress finds that—

(A) decisionmakers at the Federal, regional, State, tribal, and local levels;

(B) the courts have confirmed that this is an appropriate role for the States; and

(C) Congress should continue to refer to States on laws and regulations governing the appropriation, distribution, and control or water resources; and

(D) planning models for water shortages or surpluses, as those surpluses pertain to support of human or ecosystems, need in—

(i) the short term (1 through 10 years);

(ii) the middle term (11 through 20 years); and

(iii) the long term (21 through 50 years); and

(2) identifies areas in each category described in subparagraph (A) in which water resource issues cross political boundaries.

(b) REPORT TO CONGRESS.—On completion of the assessment, the Secretaries shall submit to Congress a report that describes the results of the assessment.

(c) WATER RESOURCE RESEARCH PRIORITIES.

(1) In General.—The Secretary shall coordinate a process among Federal agencies (including the Environmental Protection Agency) to develop and publish, not later than 1 year after the date of enactment of this Act, a list of water resource research priorities that focuses on—

(A) monitoring; and

(B) improving the quality of the information available to State, tribal, and local water resource managers.

(2) USE OF LIST.—The list published under paragraph (1) shall be used by Federal agencies as a guide in making decisions on the allocation of water research funding.

(c) INFORMATION DELIVERY SYSTEMS.

(1) In General.—The Secretary shall coordinate a process to develop an effective information delivery system to communicate information described in paragraph (2) to—

(A) decisionmakers at the Federal, regional, State, tribal, and local levels;

(B) the private sector; and

(C) the general public.

(2) TYPES OF INFORMATION.—The information referred to in paragraph (1) may include—

(A) the results of the national water resource assessment;

(B) a summary of the Federal water research priorities developed under subsection (b);

(C) near-real-time data and other information on water shortages and surpluses; and

(D) planning models of water shortages or surpluses (at various levels, such as State, river basin, and watershed levels);

(E) streamlined procedures for States and localities to interact with and obtain assistance from Federal agencies that perform water resource functions; and
to help water utilities better manage their capital investments using asset management plans, rate structures that account for capital replacement costs, and other financial management techniques. We encourage utilities to seek innovative solutions by asking themselves to consider consolidation, public-private partnerships, and low-impact technologies before proceeding with a project.

Whenever one mentions “consolidation”, one is raised about inadvertently providing incentives for excessive or uncontrolled growth. This legislation recognizes that concern and includes a provision that specifically requires States to ensure that water projects are coordinated with local land use plans, regional transportation improvement and long-range transportation plans, and state, regional and municipal watershed plans. As a package, this legislation will help ensure that utilities seek the most efficient organizational structure to meet their own water quality needs.

I am also very pleased that the bill includes provisions ensuring that “next generation” of water quality issues receive the appropriate focus, and institutionalizing financial management capacity into our Nation’s water systems.

Mr. President, this legislation is critical to our future. We tend to take clean water in our faucets and well-functioning, hidden sewage treatment systems for granted in this country. However, without vigilance, these luxuries can quickly disappear. The Water Investment Act of 2002 will help our communities.

This legislation authorizes funding of over $20 billion over 5 years nationwide for clean water and $15 billion over 5 years nationwide for safe drinking water projects.

There is significant new flexibility attached to these funds. Many of the provisions already authorized in the Safe Drinking Water Act which allow an extension of loan terms and more favorable loan terms (including principal forgiveness) for disadvantaged communities. In States such as my home State of Vermont, these types of provisions are critical as small communities struggle to meet water quality needs.

Recognizing the needs of larger communities with diverse income groups within their borders, this bill includes a new opportunity for States to provide more favorable loan terms to communities that may not be disadvantaged as a group but may have pockets of disadvantaged individuals as long as the community can demonstrate that the financial benefit they received will be directed through the rate structure toward disadvantaged individuals (based on income) in their service area.

The bill makes the authority to transfer funds between the Safe Drinking Water Act and Clean Water Act State revolving funds permanent.

There is financial accountability built into the Water Investment Act of 2002. We have included provisions for both the Clean Water Act and the Safe Drinking Water Act that are designed privately-owned wastewater facilities to access the Clean Water Act State Revolving Fund Already permitted under the Safe Drinking Water Act, this will allow small, privately-owned wastewater systems such as those located in trailer parks, to obtain much-needed financial assistance.

To ensure that both public and private small systems can actually develop the projects to solve problems, our legislation provides three main types of technical assistance for small communities. It authorizes $7 million per year over 5 years for technical assistance to small systems serving less than 3000 people located in a rural area. It reauthorizes the Small Public Water Systems Technology Assistance Centers for an additional $5 million per year over 5 years. Finally, it reauthorizes the Environmental Finance Centers for $1.5 million per year over 5 years.

We have heard from many organizations that public participation is the key to execution of the state revolving loan funds needs to be increased. I hope that every individual interested in how water quality projects are selected and prioritized in their States takes full advantage of existing opportunities for public participation. Our legislation takes action to ensure that there is ample opportunity for public comment when developing project priority lists and intended use plans.

In a multitude of additional provisions in this legislation that I will leave to my colleagues to discuss. I want to thank Senator GRAHAM for his leadership on this legislation and Senators CRAPO and SMITH for their dedication to introducing a bi-partisan package today and their willingness to find a compromise when we needed one.

Water infrastructure is a major priority for the Environment and Public Works Committee during this Congress. We plan to begin an aggressive schedule to move this legislation through the Senate on February 26 with our first committee hearing, followed by our second hearing on February 28 and a markup in early March. I recognize that this issue is of great importance to every Senator, and I look forward to working with each of you to pass this important legislation that is so important to our Nation’s water quality and drinking water safety.

By Mr. WYDEN (for himself, Mrs. MURRAY, and Mr. SMITH of Oregon):
S. 1982. A bill to provide for qualified withdrawals from the Capital Construction Fund for fishermen leaving the industry for the rollover of Capital Construction Funds to individual retirement plans; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am pleased to introduce, for myself, Mrs. MURRAY, and Mr. SMITH of Oregon, the Capital Construction Fund Qualified Withdrawal Act of 2002.
The groundfish fishery in Oregon and adjoining States in the Pacific Northwest continues to face daunting challenges as a result of the groundfish fishery disaster, resulting in a more than 40-percent drop in the income of Oregon fishermen since 1995. To assist in rebuilding depleted groundfish stocks, my goal remains to reduce overcapitalization in the groundfish industry. We want to get the right number of fishers out there, at the right time, catching the right number of fish. This legislation is part of that effort by reforming the Capital Construction Fund in a way that will ease the transition for groundfish fishers away from fishing.

The Capital Construction Fund, CCF, was created by the Merchant Marine Act of 1936, as amended in 1969, 46 U.S.C. 1177. CCF has been a way for fishers to accumulate funds, free from taxes, for the purpose of buying or rebuilding fishing vessels. The program has been a success; however, the CCF’s usefulness is waning with the times, and today the CCF is exacerbating the problems facing U.S. fisheries, including the West Coast groundfish fishery.

CCF works like an Individual Retirement Account, IRA, in that deposits to the fund are tax-deductible and earnings accumulate tax-free. However, unlike IRAs, there is no limit on contributions to the CCF; so fishers are able to accumulate funds quickly. In Oregon, the amounts in the accounts range from $10,000 to over $200,000.

The problems we face today are that fishers lose up to 70 percent of their funds in taxes and penalties if they withdraw funds from the CCF for purposes other than buying new vessels or upgrading current vessels. Because of the environmental problems plaguing commercial fishing, as well as the overcapitalization of the fishing fleet, fishers who want to opt out of fishing are penalized for doing so.

This bill takes a significant step towards helping fishers and making the West Coast groundfish fishery and the commercial fishing industry sustainable by amending the CCF to allow non-fishing uses of investments. This bill amends the Merchant Marine Act of 1936 and the Internal Revenue Code to allow funds currently in the CCF to be rolled over into an IRA or other types of retirement accounts, or to be used for the payment of an industry fee authorized by the fishery capacity reduction program, without adverse tax consequences to the account holders.

I look forward to working with my colleagues to pass this legislation, and I ask that the text of the bill be printed in the Record.

The bill follows:

S. 607
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as "The Capital Construction Fund Qualified Withdrawal Act of 2002".

SEC. 2. AMENDMENT OF THE MERCHANT MARINE ACT OF 1936 TO ENCOURAGE RETIREMENT OF CERTAIN FISHING VESSELS AND PERMITS.
(a) In General.—Section 607(a) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(a)) is amended by adding at the end the following: "Any agreement entered into under this section may be modified for the purpose of encouraging the sustainability of the fisheries of the United States by making the termination and withdrawal of a capital construction fund a qualified withdrawal if done in exchange for the retirement of the related commercial fishing vessels and related commercial fishing permits ".
(b) New Qualified Withdrawals.—
(1) AMENDMENT OF MERCHANT MARINE ACT OF 1936.—Section 607(f)(1) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(f)(1)) is amended—
(A) by striking "for:" and inserting "for";
(B) by striking "vessel" in subparagraph (A) and inserting "vessel;"
(C) by striking "vessel, or" in subparagraph (B) and inserting "vessel;"
(D) by striking "vessel," in subparagraph (C) and inserting "vessel; and"
(E) by inserting after subparagraph (C) the following:
"(D) the payment of an industry fee authorized by the fishing capacity reduction program under section 707(a)(3) of the Internal Revenue Code of 1986 to such person’s or shareholder’s individual retirement plan (as defined in section 701(a)(37) of such Code); or
(E) in the case of any person or shareholder for whose benefit such fund was established or any shareholder of such person, a rollover contribution (within the meaning of section 408(d)(3) of the Internal Revenue Code of 1986) to such person’s or shareholder’s individual retirement plan (as defined in section 701(a)(37) of such Code); or
(F) the payment to a person or corporation for the retirement of a capital construction fund for whose benefit the fund was established and retiring related commercial fishing vessels and permits.
";
(2) Secretary to Ensure Retirement of Vessels and Permits.—The Secretary of Commerce by regulation shall establish procedures to ensure that any person making a qualified withdrawal authorized by section 607(f)(1)(F) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(f)(1)(F)) retires the related commercial use of fishing vessels and commercial fishery permits.
(c) Conforming Amendments.—
(1) In General.—Section 707(e)(1) of the Internal Revenue Code of 1986 (relating to purposes of qualified withdrawals) is amended—
(A) by striking "for:" and inserting "for;"
(B) by striking "vessel," in subparagraph (A) and inserting "vessel;"
(C) by striking "vessel, or" in subparagraph (B) and inserting "vessel;"
(D) by inserting after subparagraph (C) the following:
"(D) the payment of an industry fee authorized by the fishing capacity reduction program under section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b));"
(E) by inserting after subparagraph (D) the following:
"(E) in the case of any person or shareholder for whose benefit such fund was established or any shareholder of such person, a rollover contribution (within the meaning of section 408(d)(3) of the Internal Revenue Code of 1986) to such person’s or shareholder’s individual retirement plan (as defined in section 701(a)(37) of such Code); or
(F) the payment to a person or corporation for the retirement of a capital construction fund for whose benefit the fund was established and retiring related commercial fishing vessels and permits.
";
(d) Effect of Securing Retirement of Fishing Vessels and Commercial Fishery Permits.—Any agreement entered into under this section may be modified for the purpose of encouraging the sustainability of the fisheries of the United States by making the termination and withdrawal of a capital construction fund a qualified withdrawal if done in exchange for the retirement of the related commercial fishing vessels and related commercial fishing permits.
";
(2) Secretary to Ensure Retirement of Vessels and Permits.—The Secretary of Commerce by regulation shall establish procedures to ensure that any person making a qualified withdrawal authorized by section 751(b)(1)(F) of the Internal Revenue Code of 1986 (relating to the retirement of use of fishing vessels and commercial fishery permits referred to therein).

SEC. 3. EFFECTIVE DATE.
The amendment made by this Act shall apply to withdrawals made after the date of enactment of this Act.

SUBMITTED RESOLUTIONS
SENATE RESOLUTION 211—DECONVATING MARCH 2, 2002, AS "READ ACROSS AMERICA DAY"
Ms. COLLINS (for herself and Mr. REED) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 211
Whereas reading is a basic requirement for quality education and professional success, and a source of pleasure throughout life;
Whereas more than 40 national associations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading; Now, therefore, be it

Resolved. That the Senate—
(1) designates March 2, 2002, as "Read Across America Day";
(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;
(3) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of Dr. Seuss and a celebration of reading;
(4) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 98
Whereas February 15, 2002, marks the 30th anniversary of Panyi Nixon’s historic visit to the Peoples Republic of China;
Whereas on February 21, 1972, the world watched as Air Force One, a C-137N carrying President Nixon, landed in China to inaugurate a new era in Sino-American relations;
The amendments to this resolution;
The amendments to this resolution;

Whereas the same year, the Civil Aviation Administration of China ordered 10 Boeing 707 jet aircraft, marking the resumption
of a vibrant trading relationship between the United States and China; and
Whereas President Bush’s visit to China on February 21, 2002, commemorates the importance of the political and economic ties with the Peoples Republic of China: Now, therefore, be it
Resolved by the Senate (the House of Representa-tives concurring),
That Congress—
(1) recognizes that President Nixon’s historic 1972 visit to China provided the foundation for improved Sino-American relations during the subsequent 3 decades and
(2) commends President Bush in his effort to continue to advance a political, cultural, and commercial relationship between the United States and the Peoples Republic of China for the benefit of their respective citi-zens.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2916. Mr. DODD (for Mr. KENNEDY) proposed an amendment to the bill S. 565, to estab-lish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscrimi-natory election technology and administra-tion requirements for the 2004 Federal elections, and for other pur-poses.

SA 2917. Mr. DASCHLE (for himself and Mr. BINGAMAN) proposed an amendment to the bill S. 517, to authorize funding the De-partment of Energy to enhance its mission areas through technology transfer and partner-ships for fiscal years 2002 through 2006, and for other purposes.

SA 2918. Mr. MCCAIN (for himself, Mr. HOL-INGS, Mrs. MURRAY, Mr. BINGAMAN, Mr. BREAUX, Mr. SMITH, of Oregon, Mr. DEMEN-ICI, Mrs. HUTCHISON, and Mr. WYDEN) sub-mitted an amendment intended to be pro-posed by him to the bill S. 517, supra, which was ordered to lie on the table.

SA 2919. Mr. REID (for Mr. HOLLINGS) pro-posed an amendment to the bill S. 565, to es-tablish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administra-tion requirements for the 2004 Federal elections, and for other purposes.

SA 2920. Mr. REID (for Mr. COCHRAN) pro-posed an amendment to the bill S. 517, designating March 2002 as “Arts Education Month”.

SA 2921. Mr. REID (for Mr. COCHRAN) pro-posed an amendment to the bill S. Res. 44, supra.

TEXT OF AMENDMENTS

SA 2916. Mr. DODD (for Mr. KENNEDY) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

SA 2917. Mr. DASCHLE (for himself and Mr. BINGAMAN) proposed an amendment to the bill S. 517, to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

SECTION 1. SHORT TITLE. This Act may be cited as the “Energy Policy Act of 2002”.

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DIVISION A—RELIABLE AND INVERSE POWER GENERATION AND TRANSMISSION
TITLE I—REGIONAL COORDINATION
Sec. 101. POLICY ON REGIONAL COORDINATION.

(a) STATEMENT OF POLICY.—It is the policy of the Federal Government to encourage States to coordinate, on a regional basis, State energy policies to provide reliable and affordable energy services to the public while minimizing the impact of providing energy services on communities and the environment.

(b) DEFINITION OF ENERGY SERVICES.—For purposes of this section, the term "energy services" means—

(1) the generation or transmission of electric energy,

(2) the transportation, storage, and distribution of crude oil, refined petroleum product, or natural gas, or

(3) the reduction in load through increased efficiency, conservation, or load control measures.

Sec. 102. FEDERAL SUPPORT FOR REGIONAL COORDINATION.

(a) TECHNICAL ASSISTANCE.—The Secretary of Energy shall provide technical assistance to States and regional organizations formed by two or more States to assist them in coordinating their energy policies on a regional basis. Such technical assistance may include—

(1) assessing future supply availability and demand requirements,

(2) planning and siting additional energy infrastructure, including generating facilities, electric transmission facilities, pipelines, refineries, and distributed generation facilities to meet regional needs,

(3) identifying and resolving problems in distribution networks,

(4) developing plans to respond to surge demand or emergency need,

(5) developing renewable energy, energy efficiency, conservation, and load control programs.

(b) ANNUAL CONFERENCE ON REGIONAL ENERGY COORDINATION.—

(1) ANNUAL CONFERENCE.—The Secretary of Energy shall convene an annual conference to promote regional coordination on energy policy and infrastructure security.

(2) PARTICIPATION.—The Secretary of Energy shall invite appropriate representatives...
of federal, state, and regional energy organizations, and other interested parties.

(3) STATE AND FEDERAL AGENCY COOPERATION.—The Secretary of Energy shall consult and coordinate with state and regional energy organizations, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Treasury, the administrator of the Strategic Energy Regulatory Commission, the Administrator of the Environmental Protection Agency, and the Chairman of the Council on Environmental Quality in the planning and conduct of the conference.

(4) AGENDA.—The Secretary of Energy, in consultation with state and regional energy organizations, shall establish an agenda for each conference that promotes regional coordination on energy policy and infrastructural issues.

(5) RECOMMENDATIONS.—Not later than 60 days after the conclusion of each annual conference, the Secretary of Energy shall report to the President and the Congress recommendations arising out of the conference that may improve:

(A) "energy" coordination on energy policy and infrastructure issues, and

(B) federal support for regional coordination.

TITLE II—ELECTRICITY

Subtitle A—Amendments to the Federal Power Act

SEC. 201. DEFINITIONS.

(a) DEFINITION OF ELECTRIC UTILITY.—Section 3(22) of the Federal Power Act (16 U.S.C. 796(22)) is amended to read as follows:

"(22) ‘electric utility’ means any person or operator of facilities used for the generation of electric energy; or a gas utility company, without first having secured an order of the Commission authorizing it to do so—"

"(A) sell, lease, or otherwise dispose of the whole of its facilities subject to the jurisdiction of the Commission, or any part thereof, of a value in excess of $1,000,000;"

"(B) purchase, acquire, or take any security of any electric utility, or

(D) purchase, lease, or otherwise acquire existing facilities for the generation of electric energy or the production or transportation of natural gas.

"(2) No holding company in a holding company system that includes a transmitting utility, an electric utility company, or a gas utility company, without first having secured an order of the Commission authorizing it to do so—"

"(A) sell, lease, or otherwise dispose of the whole of its facilities subject to the jurisdiction of the Commission, or any part thereof, of a value in excess of $1,000,000;"

"(B) purchase, acquire, or take any security of any other public utility, or

(D) purchase, lease, or otherwise acquire existing facilities for the generation of electric energy or the production or transportation of natural gas.

"(3) Upon application for such approval the Commission shall give reasonable notice in writing to the Governor and State commission of each of the States in which the physical plant is located, or in which any part thereof is situated, and to such other persons as it may deem advisable.

"(4) After notice and opportunity for hearing, if the Commission finds that the proposed disposition, consolidation, acquisition, or control will be consistent with the public interest, it shall approve the application.

"(5) For purposes of this subsection, the terms ‘electric utility company’, ‘gas utility company’, ‘holding company’, and ‘merger’ have the meanings given to those terms in the Public Utility Holding Company Act of 2002.

"(6) Notwithstanding subsection 201(b)(1), facilities used for the generation of electric energy shall be subject to the jurisdiction of the Commission for purposes of this section.

SEC. 202. ELECTRIC UTILITY Mergers.

Section 203(a) of the Federal Power Act (16 U.S.C. 824a) is amended by adding at the end the following:

"SEC. 203. MARKET-BASED RATES.

(a) APPROVAL OF MARKET-BASED RATES.—Section 205 of the Federal Power Act (16 U.S.C. 824d) is amended by adding at the end the following:

"(A) at rates that are comparable to those under subsection (c) of this section; or

"(B) on terms and conditions (not relating to rates) that are comparable to those under subsection (c) of this section;"

"(2) The Commission shall exempt from the requirements of this section—"

"(A) a transmission service provider that offers service on a wholesale basis to public utilities under subsections (c) and (d) of section 205; or

"(B) a transmission service provider that offers service on a wholesale basis to transmission service providers under subsections (c) and (d) of section 205;"

"(3) The Commission shall exempt from the requirements of this section a transmission service provider that offers service on a wholesale basis to public utilities under subsections (c) and (d) of section 205;"

"(4) After notice and opportunity for hearing, if the Commission finds that a rate charged by a public utility authorized to charge a market-based rate under section 205 is unjust, unreasonable, unduly discriminatory or preferential, in any of the circumstances in which the Commission may deem to be appropriate and in the public interest."

"(B) does not own or operate any transmission facilities that are not unduly discriminatory or preferential; and

"(C) meets other criteria that the Commission determines to be in the public interest.

"(5) The provision of transmission services under subsection (a) of this section is not limited to the circumstances in which the Commission determines to be in the public interest.

"(6) Open access transmission by certain utilities—"

"(A) open access transmission by electric utilities—"

"(B) open access transmission by certain utilities—"
"(6) The Commission may not require a State or municipality to take action under this section that constitutes a private business use for purposes of section 141 of the Internal Revenue Code of 1986 (26 U.S.C. 141).

"(7) For purposes of this subsection, the term 'unregulated transmitting utility' means an entity that (A) owns or operates facilities used for the transmission of electric energy in interstate commerce, and (B) is either an entity described in section 201(f) or a rural electric cooperative.''

**SEC. 207. ELECTRIC RELIABILITY STANDARDS.** Part II of the Federal Power Act is further amended by adding at the end the following:

"(a) DUTY OF THE COMMISSION.—the Commission shall establish and enforce one or more systems of mandatory electric reliability standards to ensure the reliable operation of the interstate transmission system, which shall be applicable to—

"(1) any entity that sells, purchases, or transmits, electric energy using the interstate transmission system, and

"(2) any entity that owns, operates, or maintains any transmission facilities that are a part of the interstate transmission system.

"(b) STANDARDS.—In carrying out its responsibility under subsection (a), the Commission shall ensure that the standards it establishes and enforces, in whole or in part, a reliability standard proposed or adopted by the North American Electric Reliability Council, a regional reliability council, a similar organization, or a State regulatory authority.

"(c) ENFORCEMENT.—In carrying out its responsibility under subsection (a), the Commission may certify one or more self-regulating reliability organizations (which may include the North American Electric Reliability Council, one or more regional reliability councils, or any similar organization) to ensure the reliable operation of the interstate transmission system and to monitor and enforce compliance of their members with electric reliability standards adopted under this section.

"(d) COOPERATION WITH CANADA AND MEXICO.—The Commission shall ensure that any self-regulating reliability organization certified under this section, one or more of whose members are interconnected with transmitting utilities in Canada or the Republic of Mexico, provide for the participation of such utilities in the governance of the organization, the adoption of such standards, and the enforcement of such standards adopted under this section.

"(e) PRESERVATION OF STATE AUTHORITY.—Nothing in this section shall be construed to preclude or impair the authority of any State to take action to ensure the safety, adequacy, and reliability of local distribution facilities service within the State, except where the exercise of such authority unreasonably impairs the reliability of the interstate transmission system.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'interstate transmission system' means the network of facilities used for the transmission of electric energy in interstate commerce.

"(2) The term 'reliability' means the ability of the interstate transmission system to transmit sufficient electric energy to supply the aggregate electric demand and energy requirements of electricity consumers at all times and the ability of the system to withstand sudden shutdowns.

**SEC. 208. MARKET TRANSPARENCY RULES.** Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 216. MARKET TRANSPARENCY RULES.

"(a) COMMISSION RULES.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules establishing an information system to provide information about the availability and price of wholesale electric energy and transmission services to the Commission, electric utilities, transmission providers, buyers and sellers of wholesale electric energy, users of transmission services, and the public on a timely basis.

"(b) INFORMATION REQUIRED.—The Commission shall require—

"(1) each regional transmission organization to provide statistical information about the availability and price of wholesale electric energy in interstate commerce to provide statistical information about the amount and sale price of sales of electric energy at wholesale in interstate commerce it transacts.

"(2) each broker, exchange, or other market-making entity that matches offers to sell and offers to buy wholesale electric energy in interstate commerce to provide statistical information about the amount and sale price of sales of electric energy at wholesale in interstate commerce that transacts.

"(3) The Commission shall ensure that the consolidated transmission services do not directly or indirectly, for characteris-tics that are—

"(1) inherent to intermittent energy resources; and

"(2) beyond the control of such generators.

"(c) TIMELY BASIS.—The Commission shall require the information described under subsection (b) to be posted on the Internet as soon as practicable and updated as frequently as practicable.

"(d) PROHIBITION ON SENSITIVE INFORMATION.—The Commission shall exempt from disclosure commercial or financial information that the Commission, by rule or order, determines to be privileged, confidential, or otherwise sensitive.

**SEC. 209. ACCESS TO TRANSMISSION BY INTERMITTENT GENERATORS.** Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 217. ACCESS TO TRANSMISSION BY INTERMITTENT GENERATORS.

"(a) FAIR TREATMENT OF INTERMITTENT GENERATORS.—The Commission shall ensure that all transmission utilities provide transmission service to intermittent generators in a manner that does not penalize such generators, directly or indirectly, for characteristics that are—

"(1) inherent to intermittent energy resources; and

"(2) beyond the control of such generators.

"(b) POLICIES.—The Commission shall ensure that the information described under subsection (a) is met by adopting such policies as it deems appropriate which shall include, but not be limited to, the following:

"(1) Subject to the exception set forth in paragraph (2), the Commission shall ensure that the rates transmitting utilities charge intermittent generator customers for transmission services do not directly or indirectly penalize intermittent generator customers for scheduling deviations.

"(2) The Commission may exempt a transmitting utility from the requirement set forth in paragraph (b) if the transmitting utility demonstrates that scheduling deviations by its intermittent generator customers are likely to have a substantial adverse impact on the reliability of the transmitting utility's system. For purposes of administering this exemption, there shall be a rebuttable presumption of no adverse impact where intermittent generators collectively constitute 20 percent or less of total generation inter-connected with transmitting utility's system's available transmission services provided by transmitting utility.

"(3) The Commission shall ensure that to the extent any transmission charges recovered in the term 'utility's' embedded costs are assessed to intermittent generators, they are assessed to such generators on the basis of kilowatt-hours generated rather than the intermittent generator's capacity.

"(4) The Commission shall require transmitting utilities to offer to intermittent generators and may require transmitting utilities to offer to all transmission customers, access to nonfirm transmission service pursuant to long-term contracts of up to ten years duration under reasonable terms and conditions.

"(5) The term 'nonfirm transmission service' means transmission service provided on an 'as available' basis.

"(6) The term 'scheduling deviation' means delivery of more or less energy than has previously been forecast in a schedule submitted by an intermittent generator to a control area operator or transmitting utility.

"(7) The term 'nonfirm transmission service' means transmission service provided on an 'as available' basis.

"(8) The term 'scheduling deviation' means delivery of more or less energy than has previously been forecast in a schedule submitted by an intermittent generator to a control area operator or transmitting utility.

**SEC. 210. ENFORCEMENT.**

(a) COMPLAINTS.—Section 306 of the Federal Power Act (16 U.S.C. 825e) is amended by—

"(1) inserting "electric utility," after "Any person," and

"(2) inserting "transmitting utility," after "licensee" each place it appears.

"(b) INVESTIGATIONS.—Section 307(a) of the Federal Power Act (16 U.S.C. 825f(a)) is amended by inserting "or transmitting utility" after "any person" in the first sentence.

"(c) BILLS OF COST.—Section 313(a) of the Federal Power Act (16 U.S.C. 825l) is amended by inserting "electric utility," after "Any person," in the first sentence.

"(d) CRIMINAL PENALTIES.—Section 316(c) of the Federal Power Act (16 U.S.C. 825o(c)) is repealed.

"(e) CIVIL PENALTIES.—Section 316A of the Federal Power Act (16 U.S.C. 825o-1) is amended by striking "section 211, 212, 213, or 214" each place it appears and inserting "Part II".

**Subtitle B—Amendments to the Public Utility Holding Company Act**

**SEC. 221. SHORT TITLE.** This subtitle may be cited as the "Public Utility Holding Company Act of 2002".

**SEC. 222. DEFINITIONS.** For purposes of this subtitle:

"(1) The term "affiliate" of a company means any company, 5 percent or more of whose outstanding voting securities is owned, controlled, or held with power to vote, directly or indirectly, by such company.

"(2) The term "associate company" of a company means any company in the same holding company system with such company.


"(4) The term "company" means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing.

"(5) The term "electric utility company" means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale.

"(6) The terms "exempt wholesale generator" and "foreign utility company" have the same meanings as in sections 33 and 34, and "utility company" have the same meaning as in the Utility Holding Company Act of 1935 (15 U.S.C. 79a-5a, 79s- 5b), as those sections existed on the day before the effective date of this subtitle.

"(7) The term "utility" means any company that owns or operates facilities used for distribution at retail (other than
the distribution only in enclosed portable containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural gas or manufactured gas for heat, light, or power.

(b) The term "holding company" means—

(A) any company, 10 percent or more of whose voting securities are directly or indirectly owned, controlled, or held, with power to vote, 10 percent or more of the outstanding voting securities of which are owned, directly or indirectly, by such holding company or any subsidiary company of such holding company; and

(B) any person, determined by the Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with one or more persons) such a controlling influence over the management or policies of any public utility company or holding company as to make it necessary or appropriate for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon holding companies.

(9) The term "holding company system" means a holding company, together with its subsidiary companies.

(10) The term "jurisdictional rates" means rates established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the sale of electric energy at retail within a State, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for industrial, commercial, or other uses.

(11) The term "natural gas company" means a person engaged in the transportation of natural gas in interstate commerce, or of a holding company of any public utility company.

(12) The term "person" means an individual, partnership, corporation, or any other entity.

(13) The term "public utility" means any person who owns or operates facilities used for transmission of electric energy in interstate commerce or sales of electric energy at wholesale in interstate commerce.

(14) The term "public utility company" means an electric utility company or a gas utility company.

(15) The term "State commission" means any commission, board, agency, or officer, by whatever name designated, of a State, municipality, or any other political subdivision of a State that, under the laws of such State, has jurisdiction to regulate public utility companies.

(16) The term "subsidiary company" of a holding company means—

(A) any company, 10 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and

(B) any person, the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to such terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or confidential commercial information.

(c) CONFIDENTIALITY OF INFORMATION.—The production of books, accounts, memoranda, and other records under subsection (a) shall be subject to terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or confidential commercial information.

(d) EFFECTIVE LAW.—Nothing in this section shall be construed to affect the validity of any law to protect utility customers.

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of his or her official duty.

SEC. 228. EFFECT ON OTHER REGULATIONS.

Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public utility, or natural gas company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by such public utility company from an associate company.

SEC. 229. APPLICABILITY.

Except as otherwise specifically provided in this subtitle, no provision of this subtitle shall apply to, or be deemed to include—

(1) the United States; or

(2) a State or any political subdivision of a State;

(3) any foreign governmental authority not operating in the United States; or

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3).


SEC. 224. FEDERAL ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Each holding company and each association, if any thereof, shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records as the Commission deems necessary to determine the extent to which any public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(b) AFFILIATE COMPANIES.—Each affiliate of a holding company or of any subsidiary company of such holding company shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records with respect to any transaction with another affiliated company, as the Commission deems to be necessary with respect to such protection.

(c) HOLDING COMPANY SYSTEMS.—The Commission may examine the books, accounts, memoranda, and records of any company in a holding company system and each associate company thereof shall make available to the Commission, such books, accounts, memoranda, and other records of any such company or of any affiliate thereof, as the Commission deems necessary or appropriate for the protection of utility customers.

(d) CONFIDENTIALITY.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of examination, inspection, or investigation of, other than such public utility company, wherever located, shall produce for inspection, books, accounts, memoranda, and other records that—

(1) have been identified in reasonable detail by the State commission; or

(2) the State commission deems are relevant to the jurisdictional rates of a public utility or natural gas company.

SEC. 225. STATE ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Upon the written request of a State commission having jurisdiction to regulate a public utility company in a holding company system, the holding company or any associate company or affiliate thereof, other than such public utility company, whether located in a State that, under the laws of such State, has jurisdiction to regulate public utility companies, may furnish to the State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public utility, or natural gas company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by such public utility company from an associate company.

(b) LIMITATION.—Subsection (a) does not apply to any person that is a holding company solely by reason of ownership of one or more qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.).

(c) CONFIDENTIALITY OF INFORMATION.—The production of books, accounts, memoranda, and other records under subsection (a) shall be subject to terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or sensitive commercial information.

(d) EFFECTIVE LAW.—Nothing in this section shall be construed to affect the validity of any law to protect utility customers.

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of his or her official duty.


Power Act (16 U.S.C. 791a et seq.), including section 301 of that Act) and the Natural Gas Act (15 U.S.C. 717 et seq.), including section 8 of that Act).

SEC. 232. IMPLEMENTATION.
Not later than 18 months after the date of enactment of this subtitle, the Commission shall—
(1) promulgate such regulations as may be necessary or appropriate to implement this subtitle (other than section 225); and
(2) submit to the Congress detailed recommendations on technical and conforming amendments to the Federal energy law necessary to carry out this subtitle and the amendments made by this subtitle.

SEC. 233. TRANSFER OF RESOURCES.
All books and records that relate primarily to the functions transferred to the Commission under this subtitle shall be transferred from the Securities and Exchange Commission to the Commission.

SEC. 234. INTER-AGENCY REVIEW OF COMPETITION IN THE WHOLESALE AND RETAIL MARKETS FOR ELECTRIC ENERGY.
(a) Task Force.—There is established an inter-agency task force, to be known as the “Electric Energy Market Competition Task Force” (in this section as the “task force”), which shall consist of—
(1) 1 member each from—
(A) the Department of Justice, to be appointed by the Attorney General of the United States;
(B) the Federal Energy Regulatory Commission, to be appointed by the chairman of that Commission; and
(C) the Federal Trade Commission, to be appointed by the chairman of that Commission; and
(2) 2 advisory members (who shall not vote), of whom—
(A) 1 shall be appointed by the Secretary of Agriculture to represent the Rural Utility Service; and
(B) 1 shall be appointed by the Chairman of the Securities and Exchange Commission to represent that Commission.

(b) Study and Report.—
(1) Study.—The task force shall perform a study and analysis of the protection and promotion of competition within the wholesale and retail market for electric energy in the United States.
(2) Report.—Not later than 1 year after the date of enactment of this subtitle, the task force shall submit a final report of its findings under paragraph (1) to the Congress.

SEC. 235. GAO STUDY ON IMPLEMENTATION.
(a) Study.—The Comptroller General shall conduct a study of the Federal Government and the States during the 18-month period following the effective date of this subtitle to—
(1) the prevention of anticompetitive practices and other abuses by public utility holding companies, including cross-subsidization and other market power abuses; and
(2) the participation of and efficient energy markets to the benefit of consumers.

(b) Report to Congress.—Not earlier than 18 months after the effective date of this subtitle, the Comptroller General shall submit a report to the Congress on the results of the study conducted under subsection (a), including probable causes of its findings and recommendations to the Congress and the States for any necessary legislative changes.

SEC. 236. EFFECTIVE DATE.
This subtitle shall take effect 18 months after the date of enactment of this subtitle.

SEC. 237. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated such funds as may be necessary to carry out this subtitle.

SEC. 238. CONFORMING AMENDMENTS TO THE FEDERAL POWER ACT.
(a) Conflict.—Section 216 of the Federal Power Act (16 U.S.C. 832q) is repealed.

(b) Definitions.—
(1) Section 216 (g) of the Federal Power Act (16 U.S.C. 822g) is amended by striking “1935” and inserting “2002”.
(2) Section 214 of the Federal Power Act (16 U.S.C. 821m) is amended by striking “1935” and inserting “2002”.

Subtitle C—Amendments to the Public Utility Regulatory Policies Act of 1978

SEC. 241. REAL-TIME PRICING STANDARD.
(a) Adoption of Standard.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

(11) Real-Time Pricing.—(A) Each electric utility shall, at the request of an electric consumer, provide electric service under a real-time rate schedule, under which the rate charged by the electric utility shall vary by the hour (or smaller time interval) according to changes in the electric utility’s wholesale power cost. The real-time pricing service shall enable the electric consumer to manage energy use and cost through real-time metering and communications technology.

(b) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this subtitle.

SEC. 242. ADOPTION OF ADDITIONAL STANDARDS.
(a) Adoption of Standards.—Section 113(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2623(b)) is amended by adding at the end the following:

(8) Minimum Fuel and Technology Diversity Standard.—Each electric utility shall—
(1) develop a plan to minimize dependence on fossil fuel for electric generation or electric energy; and
(2) meet the diversity requirements of this section.

(b) Report to Congress.—Not earlier than 18 months after the effective date of this subtitle, the Commission shall submit a report to the Congress on the results of the study conducted under subsection (a), including probable causes of its findings and recommendations to the Congress and the States for any necessary legislative changes.

SEC. 243. TECHNICAL ASSISTANCE.
Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by adding at the end the following:

(7) Technical Assistance for Certain Responsibility.—The Secretary may provide such technical assistance as he determines appropriate to appropriate to State regulatory authorities and electric utilities in carrying out their responsibilities under section 112(d)(1) and paragraphs (7), (8), (9) and (10) of section 113.

SEC. 244. COGENERATION AND SMALL POWER PRODUCTION PURCHASE AND SALE REQUIREMENTS.
(a) Termination of Mandatory Purchase and Sale Requirements.—Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2626) is amended by adding at the end the following:

(11) Termination of Mandatory Purchase and Sale Requirements.—In general.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase or sell electric energy under this section.

(2) No effect on existing rights and remedies.—Nothing in this subsection affects the rights or obligations of any party with respect to the purchase or sale of electric energy or capacity from or to a facility under this section under any contract or other obligation prior to the date of enactment of this subsection.

SEC. 245. METERING AND INTEGRATION.
...
(A) the right to recover costs of purchasing such electric energy or capacity; and
(B) in States without competition for retail electric supply, the obligation of a utility to file just and reasonable rates for consumption by a qualifying small power production facility or a qualifying cogeneration facility, backup, standby, and maintenance power.

(3) RECOVERY OF COSTS.—
(a) REGULATION.—To ensure recovery by an electric utility of charges for electric energy or capacity from a facility that the Commission determines by rule, meets such requirements respecting minimum size, fuel use, and fuel efficiency as the Commission may, by rule, prescribe.

(b) ENFORCEMENT.—A regulation under subparagraph (A) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).

(b) ELIMINATION OF OWNERSHIP LIMITATIONS.—
(1) Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)) is amended to read as follows:

‘‘(C) ‘qualifying small power production facility’ means a small power production facility that the Commission determines by rule, meets such requirements respecting minimum size, fuel use, and fuel efficiency as the Commission may, by rule, prescribe.

(2) Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)) is amended to read as follows:

‘‘(B) [MEASUREMENT.—An electric utility] means information that relates to the quantity of electric energy sold by the electric utility to an on-site generating facility during a billing period in accordance with normal metering practices.

(3) ELECTRIC ENERGY SUPPLIED EXCEEDING ELECTRIC ENERGY GENERATED.—If the quantity of electric energy sold by the electric utility to an on-site generating facility during a billing period exceeds the quantity of electric energy supplied by the on-site generating facility for the billing period, the electric utility may bill the owner or operator for the net quantity of electric energy sold in accordance with normal metering practices.

(4) ELECTRIC ENERGY GENERATED EXCEEDING ELECTRIC ENERGY SUPPLIED.—If the quantity of electric energy sold by the electric utility to an on-site generating facility exceeds the quantity of electric energy supplied by the on-site generating facility, the electric utility may bill the owner or operator for the excess quantities of electric energy during each billing period in accordance with normal metering practices.

SEC. 245. NET METERING.

Title VI of the Public Utility Regulatory Policies Act of 1978 is amended by adding at the end the following:

‘‘SEC. 605. NET METERING FOR RENEWABLE ENERGY AND FUEL CELLS.

‘‘(a) DEFINITIONS.—For purposes of this section:

(1) The term ‘eligible on-site generating facility’ means a qualifying cogeneration facility that the Commission determines, by rule, meets such requirements respecting minimum size, fuel use, and fuel efficiency as the Commission may, by rule, prescribe.

(2) The term ‘net metering service’ means service to an electric consumer under which electric energy generated by that electric consumer and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.

(b) REQUIREMENT TO PROVIDE NET METERING SERVICE.—Each electric utility shall make a request for its electric service to an electric consumer that the electric utility serves.

(c) RATES AND CHARGES.—
(1) IDENTICAL CHARGES.—An electric utility—

(1) shall charge the owner or operator of an on-site generating facility any additional standby, capacity, interconnection, or other rate or charge that is identical to that charged by other electric consumers of the electric utility in the same rate class; and

(2) shall not charge the owner or operator of an on-site generating facility any additional charge that is identical to that charged by other electric consumers of the electric utility in the same rate class.

(2) MEASUREMENT.—An electric utility that sells electric energy to the owner or operator of an on-site generating facility shall measure the electric energy produced by the on-site facility and the quantity of electric energy consumed by the owner or operator of an on-site generating facility during a billing period in accordance with normal metering practices.

SEC. 251. INFORMATION DISCLOSURE.

(a) OFFERS AND SOLICITATIONS.—The Federal Trade Commission shall issue rules requiring any electric utility that sells electric energy to transmit to each of its electric consumers, in addition to the information transmitted pursuant to section 115(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625(f)), a clear and concise statement containing the information described in subsection (b)

(b) PERMITTED USE.—The rules issued under this section shall not prohibit any electric utility from, disclosing, or permitting access to such information unless the electric consumer to whom such information relates provides prior written consent.

(c) AGGREGATE CONSUMER INFORMATION.—The rules issued under this subsection may permit a person to use, disclose, and permit access to aggregate consumer information and may require an electric utility to make such information available to other electric utilities upon request and payment of a reasonable fee.

(d) DEFINITIONS.—As used in this section:

(1) ‘aggregate consumer information’ means information that relates to the quantity, technical configuration, type, destination, or amount of use of electric energy delivered to any retailed electric service, except as the informed consent of the electric consumer;
SEC. 254. APPLICABLE PROCEDURES.

The Federal Trade Commission shall proceed in accordance with section 553 of title 5, United States Code, and any rule prescribing a rule required by this subtitle.

SEC. 255. FEDERAL TRADE COMMISSION ENFORCEMENT.

Violation of a rule issued under this subtitle shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) respecting unfair or deceptive acts or practices. All functions and powers of the Federal Trade Commission under such Act are available to the Federal Trade Commission to enforce compliance with this subtitle notwithstanding any jurisdiction means collective.

SEC. 256. STATE AUTHORITY.

Nothing in this subtitle shall be construed to preclude a State or State regulatory authority from prescribing and enforcing additional laws, rules, or procedures regarding the practices which are the subject of this section, so long as such laws, rules, or procedures are not inconsistent with the provisions of this section or with any rule prescribed by the Federal Trade Commission pursuant to it.

SEC. 257. APPLICATION OF SUBTITLE.

The provisions of this subtitle apply to each electric utility if the total sales of electric energy by such utility for purposes other than resale exceed 500 million kilowatt-hours per calendar year. The provisions of this subtitle do not apply to the operations of an electric utility to the extent that such operations relate to sales of electric energy for purposes of resale.

SEC. 258. DEFINITIONS.

As used in this subtitle:

(1) The term "aggregate consumer information" means data that relates to a group or category of electric consumers, from which individual consumer identities and identifying characteristics have been removed.

(2) The term "consumer information" means information that relates to the quantity, technical configuration, type, destination, or purpose of electric energy delivered to an electric consumer.

(3) The terms "electric consumer", "electric utility", and "State regulatory authority" have the meanings given in such terms in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

Subtitle E—Renewable Energy and Rural Construction Grants

SEC. 261. RENEWABLE ENERGY PRODUCTION INCENTIVE.

(a) INCENTIVE PAYMENTS.—Section 1212(a) of the Energy Policy Act of 1992 (42 U.S.C. 13317(a)) is amended by inserting the following:

"(3) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) shall be used to carry out programs described in subsection (a)."

(b) RESOURCE ASSESSMENT.—Not later than 3 months after the date of enactment of this title, and each year thereafter, the Secretary shall carry out a program for the assessment of renewable energy resources.

SEC. 262. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.

(a) RESOURCE ASSESSMENT.—Not later than 3 months after the date of enactment of this title, and each year thereafter, the Secretary shall carry out a program for the assessment of renewable energy resources.

(b) CONTENTS OF REPORTS.—Not later than one year after the date of enactment of this title, and each year thereafter, the Secretary shall publish a report based on the assessment

SEC. 263. FEDERAL PURCHASE REQUIREMENT.

(a) REQUIREMENT.—The President shall ensure that, of the total amount of electric energy consumed by Federal government agencies during any fiscal year—

(1) not less than 3 percent in fiscal years 2003 through 2004,

(2) not less than 5 percent in fiscal years 2005 through 2009, and

(3) not less than 7.5 percent in fiscal year 2010 and each fiscal year thereafter—

shall be renewable energy. The President shall encourage the use of innovative purchasing practices, including aggregation and the use of renewable energy derivatives, by Federal agencies.

(b) DEFINITION.—For purposes of this section, the term "renewable energy" means electric energy that is generated by renewable energy resources, and "renewable energy resources" means—

(1) wind, biomass, geothermal, fuel cells, or additional capacity at an existing hydroelectric dam.

(2) renewable energy that is generated by an Indian tribe or by a corporation, partnership, or business association which is wholly or majority owned, directly or indirectly, by an Indian tribe. For purposes of this subsection, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 264. RURAL CONSTRUCTION GRANTS.

Section 313 of the Rural Electrification Act of 1936 (7 U.S.C. 940c) is amended by adding after subsection (b) the following:

"(c) RURAL AND REMOTE COMMUNITIES ELECTRIFICATION GRANTS. The Secretary of Agriculture, in consultation with the Secretary of Energy and the Secretary of the Interior, may provide grants to eligible borrowers under this Act for the purpose of increasing energy efficiency, siting or upgrad-
Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible to receive Federal programs and services provided by the United States to Indians because of their status as Indians;”

(e) AUTHORIZATION.—For the purpose of carrying out subsection (c), the additional amount authorized to be appropriated to the Secretary $30,000,000 for each of the seven fiscal years following the date of enactment of this sub-section is added to the following:

SEC. 365. RENEWABLE PORTFOLIO STANDARD.

Title VI of the Public Utility Regulatory Policies Act of 1978 is further amended by adding at the end the following:

SEC. 366. RENEWABLE PORTFOLIO STANDARD.

(a) MINIMUM RENEWABLE GENERATION REQUIREMENT.—For each calendar year beginning with 2003, each retail electric supplier shall submit to the Secretary renewable energy credits in an amount equal to the required annual percentage, specified in subsection (b), of the total electric energy sold by the retail electric supplier to electric consumers in the calendar year. The retail electric supplier shall make this submission before any sales beginning in the succeeding year.

(b) REQUIRED ANNUAL PERCENTAGE.—

(1) For calendar years 2003 and 2004, the required annual percentage shall be determined by multiplying the amount by less than the amount in paragraph (2);

(2) For calendar year 2005 the required annual percentage shall be 2.5 percent of the retail electric supplier’s base amount; and

(3) For each calendar year from 2006 through 2020, the required annual percentage of the retail electric supplier’s base amount shall be 5 percent greater than the required annual percentage for the calendar year immediately preceding.

(c) SUBMISSION OF CREDITS.—(1) A retail electric supplier may satisfy the requirements of subsection (a) through the submission of—

(A) renewable energy credits issued under subsection (d) for renewable energy generated by the retail electric supplier in the calendar year for which credits are being submitted or any of the two previous calendar years;

(B) renewable energy credits obtained by purchase or exchange under subsection (e);

(C) energy credits borrowed against future years under subsection (f); or

(D) any combination of credits under subparagraphs (A), (B), and (C).

(2) Credit toward compliance with subsection (a) only once.

(d) ISSUANCE OF CREDITS.—(1) The Secretary shall not establish, later than one year after the date of enactment of this section, a program to issue, monitor the sale or exchange of, and track renewable energy credits.

(2) Under the program, an entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits. The application shall indicate—

(A) the type of renewable energy resource used to produce the electricity;

(B) the base amount where the electric energy was produced, and

(C) any other information the Secretary determines appropriate.

(3) As provided in paragraphs (B) and (C), the Secretary shall issue to an entity one renewable energy credit for each kilowatt-hour of electric energy the entity generates from renewable energy resources any time after January 1, 2002, and any succeeding year through the use of a renewable energy resource at an eligible facility.

(4) For incremental hydropower the credits shall be calculated based on a normalized annual capacity factor for each facility, and not actual generation. The calculation of the credits under this subparagraph shall not be based on any operational changes at the hydroelectric facility not directly associated with the efficiency improvements or capacity additions.

(5) The Secretary shall issue two renewable energy credits for each kilowatt-hour of electric energy generated in calendar year 2005. The Secretary shall issue renewable energy credits based on the proportion of the renewable energy resource used. The Secretary shall identify renewable energy credits by type and date of generation.

(6) In order to receive a renewable energy credit, the recipient of a renewable energy credit shall pay a fee, calculated by the Secretary, in an amount to cover the administrative costs of issuing, recording, monitoring the sale or exchange of, and tracking the credit. The Secretary shall retain the fee and use it to pay these administrative costs.

(7) When a generator sells electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract subject to section 210 of this Act, the retail electric supplier is treated as the generator of the electric energy for the purposes of this section for the duration of the contract.

(8) CREDIT TRADING.—A renewable energy credit may be sold or exchanged by the entity to whom issued or by any other entity who acquires the credit. A renewable energy credit for any year that is not used to satisfy the minimum renewable energy requirement of subsection (a) for that year may be carried forward for use in another year.

(9) CREDIT BORROWING.—At any time before and on or after January 1, 2002, a retail electric supplier that has reason to believe that it will not have sufficient renewable energy credits to comply with subsection (a) may—

(1) submit a plan to the Secretary demonstrating that the retail electric supplier will earn sufficient credits within the next 3 calendar years; and

(2) upon the approval of the plan by the Secretary, apply credits that the plan demonstrates the Indian tribe or corporation involved will earn within the next 3 calendar years to meet the requirements of subsection (a) for each calendar year involved.

(g) INFORMATION COLLECTION.—The Secretary may—

(1) require a retail electric supplier to provide any information the Secretary determines necessary, and

(2) acquire any information or records from any source.

(h) ENFORCEMENT.—The Secretary may bring an action in the appropriate United States district court to impose a civil penalty on a retail electric supplier that does not comply with this section.

(i) ENVIRONMENTAL SAVINGS CLAUSE.—In any determination under subsection (l) to be eligible for a renewable energy credit, the unit of electric energy generated through the use of a renewable energy resource may be sold or may be used by the generator. If both a renewable energy resource and a non-renewable energy resource are used to generate the electric energy, the Secretary shall issue credits based on the proportion of the renewable energy resource used. The Secretary shall identify renewable energy credits by type and date of generation.

(j) INFORMATION.—The Secretary may collect the information necessary to verify and audit—

(1) the annual electric energy generation and renewable energy generation of any entity applying for renewable energy credits under this section,

(2) the validity of renewable energy credits submitted by a retail electric supplier to the Secretary, and

(3) the quantity of electricity sales of all retail electric suppliers.

(k) ENVIRONMENTAL SAVINGS CLAUSE.—Incremental hydropower shall be subject to all applicable environmental laws and licensing and regulatory requirements.

(l) STATE SAVINGS CLAUSE.—This section does not preclude a State from requiring additional renewable energy generation in that State.

Def. DEFINITIONS.—For purposes of this section—

(1) the term ‘eligible facility’ means—

(A) a facility for the generation of electric energy from a renewable energy resource that is placed in service on or after January 1, 2002; or

(B) a repowering or cofiring increment that was placed in service on or after January 1, 2002 at a facility for the generation of electric energy from a renewable energy resource that was placed in service before January 1, 2002.

An eligible facility does not have to be interconnected to the transmission or distribution system facilities of an electric utility.

(2) The term ‘repowering or cofiring increment’ means the additional generation achieved from increased efficiency or additions of capacity after January 1, 2002 at a hydroelectric dam that was placed in service before January 1, 2002.

(3) The term ‘Indian land’ means—

(A) any land within the limits of any Indian reservation, pueblo or rancheria;

(B) any land not within the limits of any Indian reservation, pueblo or rancheria title to which was on the date of enactment of this paragraph either held by the United States for the benefit of any Indian tribe or corporation or held by any Indian tribe or individual subject to restriction by the United States against alienation;

(C) any dependent Indian community, and

(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act.

(4) The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(5) The term ‘renewable energy’ means electric energy generated by a renewable energy resource.

(6) The term ‘renewable energy resource’ means solar, wind, biomass, ocean, or geothermal energy, a generation offset, or incremental hydropower facility.

(7) The term ‘incremental energy resource’ means the additional generation from a modification that is placed in service
on or after January 1, 2002 to expand electric
tricity production at a facility used to gen-
erate electric energy from a renewable en-
ergy resource or to cofire biomass that was
placed in service on or after January 1, 2002.

‘‘(9) The term ‘retail electric supplier’ means a
person, State agency, or Federal agency that
sells electric energy to electric consumers
during the most recent year for which infor-
mation is available, excluding electric en-
ergy generated by a renewable energy re-
source, landfill gas, or a hydroelectric facili-
ty.

‘‘(1) SUNSET.—Subsection (a) of this section

SEC. 260. RENEWABLE ENERGY ON FEDERAL
LAND.
(a) COST-SHARE DEMONSTRATION Pro-
gram.—Within 12 months after the date of
enactment, the Secretaries of the Interior,
Agriculture, and Energy shall develop

guidelines for a cost-share demonstra-
tion program for the development of
wind and solar energy facilities on Federal
land.
(b) DEFINITION OF FEDERAL LAND.—As used
in this section, the term ‘Federal land’ means
the United States lands that is subject to the operation of the mineral
leasing laws; and is either:

(1) public land as defined in section 1603(e)
of the Federal Land Policy and Management
Act of 1976 (42 U.S.C. 1702(e)); or

(2) a unit of the National Forest System as that
term is used in section 11(a) of the Forest
and Rangeland Renewable Resources
(c) RIGHTS-OF-WAY.—The demonstration
program shall provide for the issuance of
rights-of-way pursuant to the provisions of
section 4 of the Federal Land Policy and Man-
agement Act of 1976 (43 U.S.C. 1761 et seq.)
by the Secretary of the Interior with respect
to Federal land under the jurisdiction of the
Department of the Interior, and by the Sec-
retary of Agriculture with respect to Federal
land under the jurisdiction of the Depart-
ment of Agriculture.
(d) AVAILABLE SITES.—For purposes of this
demonstration program, the issuance of
rights-of-way shall be limited to areas

(1) of high energy potential for wind or
solar development;

(2) that have been identified by the wind or
solar energy industry, through a process of
nomination, application, or otherwise, as
being of particular interest to one or both in-
dustries;

(3) that are not located within roadless areas;

(4) where operation of wind or solar facili-
ties would be compatible with the scenic,
recreational, environmental, cultural, or his-
torical values of the Federal land, and would
not require the construction of new roads for
the siting of lines or other transmission facili-
ties; and

(5) where issuance of the right-of-way is
consistent with the land and resource
management plans of the relevant land manage-
ment agencies.

(e) COST-SHARE PAYMENTS BY DOE.—The
Secretary of Energy, in cooperation with the
Secretary of the Interior with respect to
Federal land under the jurisdiction of the
Department of the Interior, and the Sec-
retary of Agriculture with respect to Federal
land under the jurisdiction of the Depart-
ment of Agriculture, shall determine if the
portion of a project on federal land is eligi-
ble for financial assistance pursuant to this sec-
tion. Only those projects that are consistent
with the requirements of this section and
further the purposes of this section shall be
eligible. If a project is selected for financial
assistance, the Secretary of Energy shall
provide no more than 15 percent of the costs
of the project on the federal land, and the
balance of costs shall be paid by non-
Federal sources.

(f) REVISION OF LAND USE PLANS.—The Sec-
retary of the Interior shall consider develop-
ment of wind and solar energy projects on
Federal land. The report shall include—

(1) a five-year plan submitted by the Sec-
retary of the Interior, in cooperation with the
Secretary of Agriculture, for encour-
gaging the development of wind and solar en-
ergy on Federal land in an environmentally
sound manner; and

(2) an analysis of—

(A) whether the use of rights-of-ways is the
best means of authorizing use of Federal
land for the development of wind and solar energy,
or whether such resources could be
better developed through a leasing system,
or other method;

(B) the desirability of grants, loans, tax
credits or other provisions to promote wind
and solar energy development on Federal
land;

(C) any problems, including environmental
concerns, which the Secretary of the
Interior or the Secretary of Agriculture have
encountered in managing wind or solar energy
projects on Federal land, or believe are like-
ly to arise in relation to the development of
wind or solar energy on Federal land;

(D) a list, in consultation with the
Secretaries of Energy and Defense, of lands
under the jurisdiction of the Depart-
ments of Energy and Defense that would be
suitable for development for wind or solar
energy, and recommended statutory and reg-
ulatory mechanisms for such development;

and

(E) an analysis, in consultation with the
Secretaries of Energy and Com-
mmerce, of the potential for development
of wind, solar, and ocean energy on the Outer
Continental Shelf, with recommended statutory and regulatory mechanisms for
such development.

TITLE III—HYDROELECTRIC
RE LICENSING
SEC. 301. ALTERNATIVE MANDATORY CONDI-
ITIONS AND FISHWAYS.
(a) ALTERNATIVE MANDATORY CONDI-
TIONS.—Section 4 of the Federal Power Act (16 U.S.C. 797) is amended by adding at the end the fol-
lowing:

‘‘(h)(1) Whenever any person applies for a
license for any project works within any re-
stricted area, the Secretary of the Interior, and the Sec-
retary of the department under whose super-
vision such reservation falls deems a condi-
tion to such license to be necessary under the first proviso of subsection (e), the license
applicant or any other party to the licensing
proceeding may propose an alternative con-
dition.

‘‘(2) Notwithstanding the first proviso of
subsection (e), the Secretary of the depart-
ment under whose supervision the reserva-
tion falls shall accept the alternative condi-
tion referred to in paragraph (1), and the Commission shall include in the li-

cense such alternative condition, if the Sec-
retary of the department under whose super-
vision such reservation falls deems a condi-
tion to such license to be necessary under the first proviso of subsection (e), the license
applicant or any other party to the licensing
proceeding may propose an alternative con-
dition.

‘‘(3) Within 1 year after the enactment of
this subsection, the Secretary concerned shall
by rule, establish a process to expeditiously
resolve conflicts arising under this sub-
section.

(b) ALTERNATIVE FISHWAYS.—Section 18 of
the Federal Power Act (16 U.S.C. 811) is amended by—

‘‘(1) inserting ‘(a)’ before the first sentence;
and

‘‘(2) adding at the end the following:

‘‘(b) Whenever the Commission shall re-
quire a licensee to construct, maintain, or
operate a fishway prescribed by the Sec-
retary of the Interior or the Secretary of
Commerce under this section, the licensee or
any other party to the proceeding may pro-
pose an alternative to such prescription to
construct, maintain or operate a fishway.

‘‘(2) Notwithstanding subsection (a), the
Secretary of the Interior or the Secretary of
Commerce, as appropriate, shall accept and
prescribe, and the Commission shall require,
the proposed alternative referred to in para-
graph (1), if the Secretary of the appropriate
department determines, based on substantial
evidence provided by the party proposing
such alternative, that the alternative—

(A) will be no less effective than the
fishway prescribed by the Secretary,
and

(B) will either—

(i) cost less to implement, or

(ii) result in improved operation of the
project works for electricity production,

(c) Within 1 year after the enactment of
this subsection, the Secretary of the Interior
and the Secretary of Commerce shall each,
by rule, establish a process to expeditiously
resolve conflicts arising under this sub-
section.

SEC. 302. CHARGES FOR TRIBAL LANDS.
Section 10(e)(1) of the Federal Power Act
(16 U.S.C. 803(e)(1)) is amended by inserting after the second proviso the fol-
lowing:

‘‘Provided further, that the Commission
shall not issue a new or original license for
projects involving tribal lands embraced
within an Indian reservation until annual
charges required under this section have been fixed.

SEC. 303. DISPOSITION OF HYDROELECTRIC
CHARGES.
Section 17 of the Federal Power Act (16 U.S.C. 810) is further amended—

(1) by striking ‘‘to be expended under the
direct supervision of the Secretary of the
maintenance and operation of dams and
other navigation structures owned by the

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United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States; and

(l) no inscriptions or in lieu thereof the following: “to be expended in the following manner on an annual basis: (A) fifty-percent of the funds shall be expended by the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture, and the Secretary of the Navy pursuant to the Natural Resources Conservation Act of 1955 (7 U.S.C. 590d–4 et seq.), in order to carry out the policies and purposes of the Federal Water Pollution Control Act (16 U.S.C. 1471 et seq.).

SEC. 305. ENFORCEMENT.

(a) General.

(1) The Commission shall provide for—

(A) the participation of the Commission in the pre-application environmental scoping process conducted by the resource agencies pursuant to section 10(e) of the Federal Power Act (16 U.S.C. 803(e)), sufficient to allow the Commission and the resource agencies to coordinate environmental reviews and construct the program of the Federal Energy Regulatory Commission and the resource agencies under Part 1 of the Federal Power Act, and under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) issuance by the resource agencies of draft and final mandatory conditions under section 4(e) of the Federal Power Act (16 U.S.C. 803(e)), and fishway prescriptions under section 18 of the Federal Power Act (16 U.S.C. 811);

(C) to the maximum extent possible, identification by the Commission staff in the draft analysis of the license application conducted under the National Environmental Policy Act, of all license articles and license conditions the Commission is likely to include in the license;

(D) coordination by the Commission and the resource agencies of analysis under the National Environmental Policy Act for final license articles and conditions recommended by Commission staff, and the final mandatory conditions and fishway prescriptions of the license; and

(E) procedures for ensuring coordination and sharing, to the maximum extent possible, of information, studies, data and analysis by the Commission and the resource agencies to reduce the need for duplicative studies and analysis by license applicants and other parties to the license proceeding; and

(F) procedures for ensuring resolution at an early stage of the process of the scope and type of reasonable and necessary information, studies, and analysis to be provided by the license applicant.

(b) procedURES OF THE COMMISSION.—Within 18 months after the date of enactment of this section, the Commission shall, after consultation with the interested federal agencies and states and after public comment and review, issue additional regulations governing the issuance of a license under section 15 of the Federal Power Act (16 U.S.C. 808). Such regulations shall—

(1) set a schedule for the Commission to issue—

(A) a tendering notice indicating that an application has been filed with the Commission;

(B) advanced notice to resource agencies of the issuance of the Ready for Environmental Analysis Notice requesting submission of recommendations, conditions, prescriptions, and comments;

(C) a license decision after completion of environmental assessments or environmental impact statements prepared pursuant to the National Environmental Policy Act; and

(D) responses to petitions, motions, complaints and requests for rehearing;

(2) set deadlines for an applicant to conduct all needed resource studies in support of its license application;

(3) ensure a coordinated schedule for all major actions by the applicant, the Commission, affected Federal and State agencies, Indian Tribes and other parties, through final decision on the license application;

(4) provide for the adjustment of schedules if unavoidable delays occur.

SEC. 306. ESTABLISHMENT OF HYDROELECTRIC RELICENSING PROCEDURES.

(a) joint consultaTIONS.—The Commission and resource agencies shall, after consultation with the interested states and public review and comment, issue coordinated regulations governing the issuance of a license under section 15 of the Federal Power Act (16 U.S.C. 808).

(b) RELICENSING STUDY.—The Federal Energy Regulatory Commission shall study the following: “to be expended in the following manner on an annual basis: (A) fifty-percent of the funds shall be expended by the Secretary of the Interior, the Secretary of the Navy, the Secretary of Commerce, and the Secretary of Agriculture, and the Secretary of the Navy pursuant to the Natural Resources Conservation Act of 1955 (7 U.S.C. 590d–4 et seq.), in order to carry out the policies and purposes of the Federal Water Pollution Control Act (16 U.S.C. 1471 et seq.).

(2) such regulations shall provide for—

(A) the participation of the Commission in the pre-application environmental scoping process conducted by the resource agencies pursuant to section 10(e) of the Federal Power Act (16 U.S.C. 803(e)), sufficient to allow the Commission and the resource agencies to coordinate environmental reviews and construct the program of the Federal Energy Regulatory Commission and the resource agencies under Part 1 of the Federal Power Act, and under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) issuance by the resource agencies of draft and final mandatory conditions under section 4(e) of the Federal Power Act (16 U.S.C. 803(e)), and fishway prescriptions under section 18 of the Federal Power Act (16 U.S.C. 811);

(C) to the maximum extent possible, identification by the Commission staff in the draft analysis of the license application conducted under the National Environmental Policy Act, of all license articles and license conditions the Commission is likely to include in the license;

(D) coordination by the Commission and the resource agencies of analysis under the National Environmental Policy Act for final license articles and conditions recommended by Commission staff, and the final mandatory conditions and fishway prescriptions of the license; and

(E) procedures for ensuring coordination and sharing, to the maximum extent possible, of information, studies, data and analysis by the Commission and the resource agencies to reduce the need for duplicative studies and analysis by license applicants and other parties to the license proceeding; and

(F) procedures for ensuring resolution at an early stage of the process of the scope and type of reasonable and necessary information, studies, and analysis to be provided by the license applicant.

(b) procedURES OF THE COMMISSION.—Within 18 months after the date of enactment of this section, the Commission shall, after consultation with the interested federal agencies and states and after public comment and review, issue additional regulations governing the issuance of a license under section 15 of the Federal Power Act (16 U.S.C. 808). Such regulations shall—

(1) set a schedule for the Commission to issue—

(A) a tendering notice indicating that an application has been filed with the Commission;

(B) advanced notice to resource agencies of the issuance of the Ready for Environmental Analysis Notice requesting submission of recommendations, conditions, prescriptions, and comments;

(C) a license decision after completion of environmental assessments or environmental impact statements prepared pursuant to the National Environmental Policy Act; and

(D) responses to petitions, motions, complaints and requests for rehearing;

(2) set deadlines for an applicant to conduct all needed resource studies in support of its license application;

(3) ensure a coordinated schedule for all major actions by the applicant, the Commission, affected Federal and State agencies, Indian Tribes and other parties, through final decision on the license application;

(4) provide for the adjustment of schedules if unavoidable delays occur.

SEC. 307. RELICENSING STUDY.

(a) IN GENERAL.—The Federal Energy Regulatory Commission, the Secretary of the Interior, and the Secretary of Agriculture, conduct a study of all new licenses issued for existing projects under section 15 of the Federal Power Act (16 U.S.C. 808) since January 1, 1994.

(b) SCOPE.—The study shall analyze:

(1) the length of time the Commission has taken to issue each new license for an existing project;

(2) any additional cost to the licensee attributable to new license conditions;

(3) the change in generating capacity attributable to new license conditions;

(4) the environmental benefits achieved by new license conditions;

(5) significant unmitigated environmental damage of the project and costs to mitigate such damage; and

(6) litigation arising from the issuance or failure to issue new licenses for existing projects under section 15 of the Federal Power Act or the imposition or failure to impose new license conditions.

(c) DEFINITION.—As used in this section, the term “new license condition” means any condition imposed under—

(1) section 4(e) of the Federal Power Act (16 U.S.C. 803(e));

(2) section 10(a) of the Federal Power Act (16 U.S.C. 803(a));

(3) section 10(c) of the Federal Power Act (16 U.S.C. 803(c));

(4) section 18 of the Federal Power Act (16 U.S.C. 811), or

(5) section 401(d) of the Clean Water Act (33 U.S.C. 1341(d)).

(d) CONSULTATION.—The Commission shall give interested persons and licensees an opportunity to submit information and views in writing.

(e) REPORT.—The Commission shall report its findings to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives not later than 24 months after the date of enactment of this section.

SEC. 308. DATA COLLECTION PROCEDURES.

Within 24 months after the date of enactment of this section, the Federal Energy Regulatory Commission, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture shall jointly develop procedures for ensuring complete and accurate information regarding the time and cost to parties in the hydroelectric licensing process under part I of the Federal Power Act (16 U.S.C. 791 et seq.). Such data shall be published regularly but no less frequently than every three years.

TITLE IV—INDIAN ENERGY

SEC. 401. COMPREHENSIVE INDIAN ENERGY PROGRAM.

Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501–3506) is amended by adding after section 2606 the following:

"SEC. 2607. COMPREHENSIVE INDIAN ENERGY PROGRAM.

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term ‘Director’ means the Director of the Office of Indian Energy Policy and Programs established by section 217 of the Department of Energy Organization Act, and

"(2) the term ‘Indian land’ means—

"(A) any land within the limits of an Indian reservation, pueblo, or rancheria; and

"(B) any land not within the limits of an Indian reservation, pueblo, or rancheria whose title on the date of enactment of this section was held—

"(i) in trust by the United States for the benefit of an Indian tribe;

"(ii) subject to restrictions by the United States against alienation, or
(iii) by a dependent Indian community; and

(C) land conveyed to an Alaska Native Corporation under the Alaska Native Claims Settlement Act; or

(b) Indian Energy Education Planning and Management Assistance.—

(1) The Director shall establish programs within the Indian Energy Policy and Programs to assist Indian tribes in meeting their energy education, research and development, planning, and management needs.

(2) The Director may make grants, on a competitive basis, to an Indian tribe for—

(A) energy education, energy efficiency, and conservation programs;

(B) studies and other activities supporting tribal acquisition of energy supplies, services, and facilities;

(C) planning, constructing, developing, operating, maintaining, and improving tribal electrical generation, transmission, and distribution facilities; and

(D) developing, constructing, and interconnecting electric power transmission facilities with transmission facilities owned and operated by a Federal power marketing agency or an electric utility that provides open access transmission service.

(3) The Director may develop, in consultation with each tribe, a formula for making grants under this section. The formula may take into account the following—

(A) the total number of acres of Indian land owned by an Indian tribe;

(B) the total number of households on the Indian tribe’s Indian land;

(C) the total number of households on the Indian tribe’s Indian land that have no electricity service or are under-served; and

(D) financial or other assets available to the Indian tribe from any source.

(4) In making a grant under paragraph (2), the Director shall give priority to an application received from an Indian tribe that is not served or is served inadequately by an electric utility, as that term is defined in section 5(g) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(g)), or by a person, State agency, or any other non-Federal entity that owns or operates a local distribution facility used for the sale of electric energy to an electric consumer.

(5) The Director shall be authorized to be appropriated to the Department of Energy such sums as may be necessary to carry out the purposes of this section.

(6) The Secretary may authorize the promulgation of regulations as the Secretary determines to be necessary to carry out the purposes of this section.

(c) Loan Guarantee Program.—

(1) Authority.—The Secretary may guarantee, or authorize guarantees of, loans for Indian tribes on Indian land. A loan guaranteed under this subsection shall be made by—

(A) a financial institution subject to the examination of the Secretary; or

(B) an Indian tribe, from funds of the Indian tribe, to another Indian tribe.

(2) Amounts appropriated to cover the cost of loan guarantees shall be available without fiscal year limitation to the Secretary to fulfill obligations arising under this subsection.

(3) Authorization of Appropriations.—

(A) There are authorized to be appropriated such sums as may be necessary to cover the cost of loan guarantees, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(b)).

(B) There are authorized to be appropriated to the Secretary such sums as may be necessary to cover the cost of loan guarantees, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(b)), and the administrative expenses related to carrying out the loan guarantee program established by this subsection.

(4) Limitation on amount.—The aggregate outstanding amount guaranteed by the Secretary of Energy at any one time under this subsection shall not exceed $2,000,000,000.

(5) Regulations.—The Secretary is authorized to promulgate such regulations as the Secretary determines to be necessary to carry out this section.

(d) Indian Energy Preference.—(1) An agency or department of the United States Government may give, in the purchase of electricity, oil, gas, coal, or other energy product or by-product, preference in such purchase to an energy and resource production enterprise, partnership, corporation, or other type of business organization majority owned or wholly owned and controlled by a tribal government.

(2) In implementing this subsection, an agency or department shall pay no more than the prevailing market price for the energy product or by-product and shall obtain no less than existing market terms and conditions.

(e) Effect on Other Laws.—This section does not—

(1) limit the discretion vested in an Administrator of a Federal power marketing agency to market and allocate Federal power, or

(2) alter Federal laws under which a Federal power marketing agency markets, allocates, or purchases power.

SEC. 402. OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.

Title II of the Department of Energy Organization Act is amended by adding at the end the following:

OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.

"SEC. 217. (a) There is established within the Department an Office of Indian Energy Policy and Programs. This Office shall be headed by a Director, who shall be appointed by the Secretary and compensated at the rate equal to that of level IV of the Executive Schedule under section 5315 of Title 5, United States Code.

(b) The Director shall provide, direct, foster, coordinate, and implement energy planning, education, management, conservation, and delivery programs of the Department that—

(1) promote tribal energy efficiency and utilization;

(2) modernize and develop, for the benefit of Indian tribes, tribal energy and economic infrastructure related to natural resource development and electrification;

(3) preserve and promote tribal sovereignty and self determination related to energy matters and energy deregulation;

(4) foster fair trade and lower electricity costs; and

(5) electrify tribal members’ homes and tribal lands.

(c) The Director shall carry out the duties assigned the Secretary or the Director under title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3581 et seq.)."

SEC. 403. CO-OPERATIVE PROVISIONS.

(a) Authorization of Appropriations.—

Section 2603(c) of the Energy Policy Act of 1992 (25 U.S.C. 3530(c)) is amended to read as follows:

"(C) Authorization of Appropriations.—

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection.

(b) Table of Contents.—The Table of Contents of the Department of Energy Act is amended by inserting after the item relating to section 216 the following new item:

"Sec. 217. Office of Indian Energy Policy and Programs.”.

(c) Executive Schedule.—Section 5315 of the United States Code is amended by inserting “Director, Office of Indian Energy Policy and Programs, Department of Energy,” after “Inspector General, Department of Energy.”

SEC. 404. SITING ENERGY FACILITIES ON TRIBAL LANDS.

(a) Definitions.—For purposes of this section:

(1) Indian tribe.—The term “Indian tribe” means any Indian tribe, band, nation, or other organized group which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, except that such term does not include any Regional Corporation as defined in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(g)).

(2) Interested party.—The term “interested party” means a person whose interests could be adversely affected by the decision of the Secretary to approve a right-of-way pursuant to this section.

(3) Petition.—The term “petition” means a written request submitted to the Secretary of Energy at any time of review of an application of the Indian tribe that is claimed to be in violation of the approved tribal regulations;

(4) Reservation.—The term “reservation” means—

(A) with respect to a reservation in a State other than Oklahoma, all land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly described in a final treaty, agreement, executive order, federal statute, secretarial order, or judicial determination; or

(B) with respect to a reservation in the State of Oklahoma, all land that is—

(i) within the jurisdictional area of an Indian tribe, and

(ii) within the boundaries of the last reservation of such tribe that was established by treaty, executive order, or secretarial order.

(5) Secretary.—The term “Secretary” means the Secretary of the Interior.

(b) Tribal lands.—The term “tribal lands” means lands owned by an Indian tribe that are within a reservation, or tribal trust lands located contiguous thereto.

(c) Rights-of-Way for Electric Generation, Transmission, Distribution or Energy Processing Facilities.—An Indian tribe may grant a lease of tribal land for electric generation, transmission, or distribution facilities, or facilities to process or refine renewable or nonrenewable energy resources developed on tribal lands, and such leases shall not require the approval of the Secretary if the lease is executed under tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed 30 years.

(d) Right-of-Way for Pipeline or Electric Transmission, Distribution or Energy Processing Facilities.—An Indian tribe may grant a right-of-way over tribal lands for a pipeline or an electric transmission or distribution line without separate approval by the Secretary if—

(1) the right-of-way is executed under and complies with tribal regulations approved by the Secretary and the term of the right-of-way does not exceed 30 years; and

(2) the pipeline or electric transmission or distribution line serves—

(A) the Indian tribe’s Indian land; or

(B) the pipeline or electric transmission or distribution facility located on tribal land, or
(B) a facility located on tribal land that processes or refines renewable or nonrenewable energy resources developed on tribal lands.

(d) RENEWALS.—Leases or rights-of-way entered into under this subsection may be renewed at the discretion of the Indian tribe in accordance with the requirements of this section.

(e) TRIBAL REGULATION REQUIREMENTS.—

(1) The Secretary shall have the authority to approve or disapprove tribal regulations required under this section. The Secretary shall approve such tribal regulations if they are comprehensive in nature, including—

(A) a process to resolve complaints arising from agency action under this section;

(B) a process to appeal an agency action to the Secretary.

(2) The Secretary shall consult with Indian tribes on a government-to-government basis in developing the report and recommendations provided in this section.

(f) Administrative Support and Technical Capability to Carry out the Environmental Review Process.

(4) The Secretary shall review and approve or disapprove the regulations of the Indian tribe within 180 days of the submission of such regulations to the Secretary. Any disapproval of such regulations by the Secretary shall be accompanied by written documentation that sets forth the basis for the disapproval. The 180-day period may be extended by the Secretary if the Secretary determines that the tribe does not have the capacity to carry out the environmental review process.

(5) The Secretary shall consult with Indian tribes on a government-to-government basis in developing the report and recommendations provided in this section.

(g) Administrative Support and Technical Capability to Carry out the Environmental Review Process.

(4) The Secretary shall review and approve or disapprove the regulations of the Indian tribe within 180 days of the submission of such regulations to the Secretary. Any disapproval of such regulations by the Secretary shall be accompanied by written documentation that sets forth the basis for the disapproval. The 180-day period may be extended by the Secretary if the Secretary determines that the tribe does not have the capacity to carry out the environmental review process.

(5) The Secretary shall consult with Indian tribes on a government-to-government basis in developing the report and recommendations provided in this section.

(h) Final Approval Authority.

The Secretary shall transmit a report to the Committees on Energy and Commerce and the Committees on Indian Affairs of the Senate and House of Representatives on the progress of the review process and any recommendations made pursuant to this section.

(i) Technical Assistance.

The Secretary shall provide technical assistance to Indian tribes seeking to develop nonintrusive power systems for electric power systems, including—

(1) assistance to Indian tribes in developing the technical capability to carry out the environmental review process;

(2) assistance to Indian tribes in developing the technical capability to carry out the environmental review process; and

(3) assistance to Indian tribes in developing the technical capability to carry out the environmental review process.

The Secretary shall consult with Indian tribes on a government-to-government basis in developing the report and recommendations provided in this section.

(j) Authorization for Appropriations.

There are authorized to be appropriated to the Secretary of Energy such sums as may be necessary to carry out the purposes of this section.
and the Secretary of the Interior, shall conduct a study of the cost and feasibility of developing a demonstration project that would use wind energy generated by Indian tribes and hydropower generated by the Army Corps of Engineers on the Missouri River to supply firming power to the Western Area Power Administration.

(2) Scope of study. The study shall—

(A) determine the feasibility of the blending of wind energy and hydropower generated by the Army Corps of Engineers; and

(B) review historical purchase requirements and projected purchase requirements for firming and the times of availability and use of firming energy.

(3) Assess the wind energy resource potential of the Missouri River and projected cost savings through a blend of wind and hydropower over a thirty-year period; and

(4) Include a preliminary interconnection study and a determination of resource adequacy of the Upper Great Plains Region of the Western Area Power Administration.

(B) The Secretary shall—

(1) consult with Indian tribes on a government-to-government basis in developing the report; and

(2) by adding after paragraph (1) the following:

"(3) recommendations for a demonstration project which the Western Area Power Administration could carry out in partnership with an Indian tribal government or tribal government energy consortium to demonstrate the feasibility and potential of using wind energy produced on Indian lands to supply firming energy to the Western Area Power Administration or other Federal power marketing agency; and"

(C) In addition to the transfers authorized under subsections (b), (c), and (e), the Secretary may, from time to time, sell or transfer uranium (including natural uranium concentrates, natural uranium hexafluoride, enriched uranium, and depleted uranium) from the Department of Energy's stockpile. Except as provided in subsections (b), (c), and (e), the Secretary may not deliver uranium in any form for consumption by end users in any year in excess of the following amounts:

<table>
<thead>
<tr>
<th>Year</th>
<th>(million lbs. UO₂ equivalent)</th>
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<tbody>
<tr>
<td>2003</td>
<td>3</td>
</tr>
<tr>
<td>2004</td>
<td>3</td>
</tr>
<tr>
<td>2005</td>
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<tr>
<td>2008</td>
<td>0</td>
</tr>
<tr>
<td>2009</td>
<td>0</td>
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(3) Except as provided in subsections (b), (c), and (e), no sale or transfer of uranium in any form shall be made unless—

(A) the President determines that the material is not necessary for national security needs;

(B) the Secretary determines, based on the written views of the Secretary of State and the Assistant to the President for National Security Affairs, that the sale or transfer will not adversely affect the national security interests of the United States;

(C) the Secretary determines that the sale of the material will not have an adverse impact on the national security interests of the United States; and

(D) the price paid to the Secretary will not be less than the fair market value of the material.

(C) Authorization of Appropriations. (b) In any year, no sale or transfer of uranium may be made by the Secretary under this section unless funds are provided for such sale or transfer.

(D) Exempt Transfers and Sales. (b) Exempt transfers and sales under this section may include uranium transfers to the Tennessee Valley Authority for use pursuant to the Department of Energy's highly enriched uranium tritium program, to the extent provided by law.

(E) Exempt Sales or Transfers. (c) Exempt transfers and sales under this section include transfers of not more than 1 kg of any enrichment level for research and test reactors, to the extent provided by law.
SEC. 602. FEDERAL ONSHORE LEASING PROGRAMS FOR OIL AND GAS.

(a) TIMELY ACTION ON LEASES AND PERMITS.—The Secretary for the Interior shall provide for the timely leasing of lands otherwise available for leasing for oil or gas production and timely action on applications for permits to drill under section 17 of the Mineral Leasing Act (30 U.S.C. 226) on lands otherwise available for leasing. To ensure timely action on oil and gas leases and applications for permits to drill, the Secretary shall—

(1) ensure expeditious compliance with the requirements section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

(2) improve consultation and coordination with the States;

(3) improve the collection, storage, and retrieval of information related to such leasing activities; and

(4) improve inspection and enforcement activities related to oil and gas leases.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) any atomic energy defense activity,

(2) any space-related mission, or

(3) any program for the production or utilization of nuclear material if the Secretary has determined as a matter of record that the program can be carried out at existing operating facilities.

DIVISION E—DOMESTIC OIL AND GAS PRODUCTION AND TRANSPORTATION TITLE VII—OIL AND GAS PRODUCTION AND TRANSPORTATION SEC. 601. PERMANENT AUTHORITY TO OPERATE THE STRATEGIC PETROLEUM RESERVE.

(a) AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) by striking section 106 (42 U.S.C. 6216) and inserting—

Sec. 166. There are authorized to be appropriated to the Secretary of Energy for the activities under this section, $518,233,333 for each of fiscal years 2002 through 2005.

(b) AUTHORIZATION OF APPROPRIATIONS.—

For the purpose of carrying out paragraphs (1) through (4) of subsection (a), there are authorized to be appropriated to the Secretary of the Interior $60,000,000 for each of the fiscal years 2002 through 2006, in addition to amounts otherwise authorized to be appropriated for the purpose of carrying out section 17 of the Mineral Leasing Act (30 U.S.C. 226).

SEC. 602. OIL AND GAS LEASE ACREAGE LIMITATIONS.

Section 27(d)(1) of the Mineral Leasing Act (30 U.S.C. 184(d)(1)) is amended by inserting after "acreage held in special tar sand areas" the following: "as well as acreage under any lease which any portion of which has been committed to a Federally approved unit or cooperative development agreement, or for which royalty, including compensatory royalty or royalty in kind, was paid in the preceding calendar year."

SEC. 604. ORPHANED AND ABANDONED WELLS ON FEDERAL LAND.

(a) ESTABLISHMENT.—(1) The Secretary of the Interior, in cooperation with the State and local governments, shall—

(1) mechanisms to facilitate identification of responsible parties wherever possible;

(2) criteria for ranking critical sites based on factors such as other land use priorities, potential environmental harm and public visibility; and

(3) program and training programs on best practices for remediation of different types of sites.

(b) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary of the Interior for the activities under this section, $5,000,000 for each of fiscal years 2003 through 2005 to carry out the provisions of this section.

SEC. 605. OFFSHORE DEVELOPMENT.

Section 5 of the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1334) is amended by striking at the end the following:

"(K) SUSPENSION OF OPERATIONS FOR SUBSALT EXPLORATION.—Notwithstanding any other provision of law or regulation, the Secretary may grant a request for a suspension of operations under any lease to allow the lessee to reprocess or reinterpret geologic or geophysical data or to conduct a study to address adverse impacts to surface or water resources associated with coalbed methane development.

(U.S. Code)
(d) COMPLETION OF STUDY.—The National Academy of Sciences shall submit the study to the Secretary of the Interior within 18 months after the date of enactment of this Act, and shall make the study available to the public at the same time.

(e) REPORT TO CONGRESS.—The Secretary of the Interior shall report to Congress within 6 months of the study:

(1) the findings and recommendations of the study;
(2) the Secretary’s agreement or disagreement with each of its findings and recommendations; and
(3) any recommended changes in funding to address the effects of coalsl methane production on surface and water resources.

SEC. 608. FISCAL POLICIES TO MAXIMIZE RECOVERY OF DOMESTIC OIL AND GAS RESOURCES.

(a) EVALUATION.—The Secretary of Energy, in coordination with the Secretaries of the Interior, Commerce, and Treasury, Indian tribes and the Interstate Oil and Gas Compact Commission, shall evaluate the impact of existing Federal and State tax and royalty policies on the development of domestic oil and gas on revenue to Federal, State, local and tribal governments.

(b) SCOPE.—The evaluation under subsection (a) shall:

(1) analyze the impact of fiscal policies on oil and natural gas exploration, development drilling, and production under different price scenarios, including the impact of the individual tax and royalty regimes in Federal, State, local and tribal governments.

(2) assess the effect of existing federal and state fiscal policies on investment under different geological and developmental circumstances, including but not limited to deep and deviated wells, coalbed methane and other unconventional oil and gas formations.

(3) assess the extent to which federal and state fiscal policies negatively impact the ultimate recovery of resources from existing fields and smaller accumulations in offshore waters, especially in water depths less than 800 meters, of the Gulf of Mexico.

(4) compare existing federal and state policies with tax and royalty regimes in other countries and emphasize the importance of federal, State, local and tribal governments.

(c) POLICY RECOMMENDATIONS.—Based upon the findings of the evaluation under subsection (a), the recommendations and for change in fiscal policies which remain in effect.

(1) ensure stable development drilling during periods of low oil and/or natural gas prices.

(2) maintain production capability during periods of low oil and/or natural gas prices.

(3) ensure a consistent level of domestic activity to encourage the education and retention of a technical workforce; and

(4) maintain production capability during periods of low oil and/or natural gas prices.

(d) ROYALTY GUIDELINES.—The recommendations required under (c) should include guidelines for revenue-holders as to the appropriate level of royalties given geology, development cost, and the national interest in maximizing recovery of oil and gas resources.

(e) REPORT.—The study under subsection (a) shall be completed not later than 18 months after the enactment of this section. The report and recommendations required in (c) shall be transmitted to the President, the Congress, Indian tribes, and the Governor of the Interstate Oil and Gas Compact Commission.

SEC. 609. STRATEGIC PETROLEUM RESERVE.

(a) FULL CAPACITY.—The President shall:

(1) fill the Strategic Petroleum Reserve established pursuant to part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6251 et seq.) to full capacity as soon as practicable;

(2) acquire petroleum for the Strategic Petroleum Reserve by the most practicable and cost-effective method available; the acquisition of crude oil of the United States is entitled to receive in kind as royalties from production on Federal lands; and

(3) ensure that the rate minimizes impacts on petroleum markets.

(b) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a plan to:

(1) eliminate any infrastructure impediments that may limit maximum drawdown capability; and

(2) determine whether the capacity of the Strategic Petroleum Reserve on the date of enactment of this Act is adequate in light of the increasing consumption of petroleum and the reliance on imported petroleum.

TITLE VII—NATURAL GAS PIPELINES

Subtitle A—Alaska Natural Gas Pipeline

SEC. 701. SHORT TITLE.

This subtitle may be cited as the “Alaska Natural Gas Pipeline Act of 2002”.

SEC. 702. FINDINGS.

The Congress finds that:

(1) Construction of a natural gas pipeline system from the North Slope to the United States markets is in the national interest and will enhance national energy security by providing access to the significant gas reserves to meet the anticipated demand for natural gas.

(2) The Commission issued a certificate of convenience and necessity for an export pipeline project authorized under this section.

(3) The issuance of a certificate of public convenience and necessity for the Alaska Natural Gas Transportation System, which remains in effect.

SEC. 703. PURPOSES.

The purposes of this subtitle are:

(1) to expedite the approval, construction, and operation of an Alaska gas transportation project other than any Alaskan gas pipeline project under section 704; and

(2) to ensure that any Alaska gas pipeline project other than any Alaskan gas pipeline project under section 704 is consistent with the environmental requirements established in this subtitle.

(3) to provide federal financial assistance to any gas transportation system for the transport of gas from the North Slope to the United States, for which an application for a certificate of public convenience and necessity has been filed.

(a) AUTHORITY OF THE COMMISSION.—Notwithstanding the provisions of the Alaska Natural Gas Transportation Act of 1976 (45 U.S.C. 719-719o), the Commission may, pursuant to section 7(e) of the Natural Gas Act (15 U.S.C. 717(f)(4)), consider and act on an application for a certificate of public convenience and necessity authorizing the construction and operation of an Alaska gas transportation project, provided that the Alaska natural gas transportation project other than any Alaskan gas pipeline project under section 704 of the Alaska Natural Gas Transportation System.

(b) ISSUANCE OF CERTIFICATE.—

(1) The Commission shall issue a certificate of public convenience and necessity authorizing the construction and operation of an Alaska gas transportation project under this section if the applicant has submitted an application for a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project for use in the contiguous United States; and

(2) satisfied the requirements of section 7(e) of the Natural Gas Act (15 U.S.C. 717(f)(4)).

(2) in considering an application under this section, the Commission shall presume that:

(A) a public need exists to construct and operate the proposed Alaska natural gas transportation project; and

(B) the development and production capacity will transport the Alaska natural gas moving through such project to markets in the contiguous United States.

(ii) POLICY GOALS.—The Commission shall issue a final order granting or denying any application for a certificate of public convenience and necessity under section 7(e) of the Natural Gas Act (15 U.S.C. 717(f)(4)) and this section not more than 60 days after the issuance of the final environmental impact statement for that project pursuant to section 705.

(ii) REVIEWS AND ACTIONS OF OTHER FEDERAL AGENCIES.—All reviews conducted and actions taken by any federal officer or agency with respect to an Alaska gas transportation project authorized under this section shall be expedited, in a manner consistent with the completion of the necessary reviews and approvals by the deadlines set forth in this subtitle.

(iii) REGULATIONS.—The Commission may issue regulations to carry out the provisions of this section.

SEC. 705. ENVIRONMENTAL REVIEWS.

(a) COMPLIANCE WITH NEPA.—The issuance of a certificate of public convenience and necessity authorizing the construction and operation of any Alaska natural gas transportation project under section 704 shall be treated as a major federal action significantly affecting the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) DESIGNATION OF LEAD AGENCY.—The Commission shall be the lead agency for purposes of complying with the National Environmental Policy Act of 1969, and shall be responsible for preparing and reviewing any Environmental Impact Statement for any Alaska natural gas transportation project under section 704. The Commission shall prepare a single environmental impact statement under this section, which shall consolidate the environmental reviews of all Federal agencies considering any aspect of the project.

(c) OTHER AGENCIES.—All Federal agencies considering aspects of the construction and operation of an Alaska natural gas transportation project under section 704 shall cooperate with the Commission, and shall comply with deadlines established by the Commission in the preparation of the statement under this section. The statement prepared under this section shall be used by all such agencies to satisfy their responsibilities under section
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102(2)(C) of the National Environmental Pol-
icy Act of 1969 (42 U.S.C. 4332(2)(C)) with re-
spect to such project.
(d) EXPEDITED PROCESS.—The Commission shall take final action upon the application not later than 12 months after the Commission determines the application to be complete and shall issue the final statement not later than 18 months after the Commission issues the draft statement, unless the Commission for good cause finds that addi-
tional time is needed.
(e) ENVIRONMENTAL REVIEWS UNDER ANGTA.—The Secretary of Energy shall require the sponsor of the Alaska Natu-
ral Gas Transportation System to submit such additional data, reports, permits, and impact analyses as the Sec-
retary determines are necessary to develop detailed terms, conditions, and compliance plans required by section 5 of the President’s Decision.
SEC. 706. FEDERAL COORDINATOR.
(a) ESTABLISHMENT.—There is established an independent establishment in the execu-
tive branch, the Office of the Federal Coor-
dinator for Alaska Natural Gas Transpor-
tation Projects.
(b) OFFICE OF FEDERAL COORDINATOR.—The Office shall be headed by a Federal Coordinator for Alaska Natural Gas Transportation Projects, who shall—
(1) be appointed by the President, by and with the advice of the Senate;
(2) hold office at the pleasure of the Presi-
dent, and
(3) be compensated at the rate prescribed for level III of the Executive Schedule (5 U.S.C. 5314).
(c) DUTIES.—The Federal Coordinator shall be responsible for—
(1) coordinating the expeditious discharge of all activities by federal agencies with re-
spect to an Alaska natural gas transpor-
tation project;
(2) ensuring the compliance of Federal agencies with the provisions of this subtitle.
SEC. 707. JUDICIAL REVIEW.
(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive juris-
diction to determine—
(1) the validity of any final order or action (including a failure to act) of the Commiss-
ion under this subtitle;
(2) the constitutionality of any provision of this subtitle, or any decision made or ac-
tion taken thereunder; or
(3) the adequacy of any environmental im-
 pact statement prepared under the National Environmental Policy Act of 1969 with re-
spect to any action under this subtitle.
(b) DEADLINE FOR FILING CLAIM.—Claims arising under this subtitle may be brought not later than 60 days after the date of the decision or action giving rise to the claim.
SEC. 708. LOAN GUARANTEE.
(a) AUTHORITY.—The Secretary of Energy may guarantees of more than 80 percent of the principal of any loan made to the holder of a certificate of public convenience and necessity issued under section 704(b) of this Act or section 9 of the Alaska Natural Gas Trans-
portation Act of 1976 (15 U.S.C. 719g) for the purpose of constructing an Alaska natural gas transportation project.
(b) CONDITIONS.—
(1) The Secretary of Energy may not guar-
antee a loan under this section unless the guarantee has been applied for at a cer-
tificate of public convenience and necessity issued under section 704(b) of this Act or an amended certificate under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) with Commission approval not later than 6 months after the date of enact-
ment of this subtitle.
(2) A loan guaranteed under this section shall be made by a financial institution sub-
ject to the examination of the Secretary.
(3) Loan requirements, including term, maximum or minimum size, collateral require-
ments and other features shall be determined by the Secretary.
(c) LIMITATION ON AMOUNT.—Commitments to guarantee a loan under the Sec-
retary of Energy only to the extent that the total loan principal, any part of which is guaran-
teed, will not exceed $10,000,000,000.
(d) REGULATIONS.—The Secretary of Energy may issue regulations to carry out the provi-
sions of this section.
(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be nec-
essary to cover the cost of loan guarantees, as defined by section 586 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(b)).
SEC. 709. STUDY OF ALTERNATIVE MEANS OF CONSTRUCTION.
(a) REQUIREMENT OF STUDY.—If no applica-
tion for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natu-
rinal gas transportation project has been filed with the Commission not later than six months after the date of enactment of this title, the Sec-
retary of Energy shall conduct a study of al-
ternative approaches to the construction and operation of the Alaska Natural Gas Transportation System to submit to the President a report describing the results of such study, his recommendations, and any proposals for legislation to imple-
ment his recommendations to the Congress within 6 months after the expiration of the Secretary of Energy’s authority to guar-
antee a loan under section 708.
(b) REPORT.—If the Secretary of Energy is re-
quired to conduct a study under subsection (a), he shall submit a report containing the results of the study, his recommen-
dations, and any proposals for legislation to imple-
ment his recommendations to the Congress within 6 months after the expiration of the Secretary of Energy’s authority to guar-
antee a loan under section 708.
SEC. 710. SAVINGS CLAUSE.
Nothing in this subtitle affects any deci-
SEC. 711. CLARIFICATION OF AUTHORITY TO AMEND TERMS AND CONDITIONS TO MEET CURRENT PROJECT REQUIRE-
MENTS.
Any Federal officer or agency responsible for granting or issuing any certificate, per-
mits, authorizations, or commitments of autho-
rization under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) may add, amend, or abrogate any term or condition included in such certifi-
cate, permit, right-of-way, lease, or other au-
thorization to meet current project require-
ments (including the physical design, facili-
ties, and tariff specifications), so long as such action does not compel a change in the basic nature and general route of the Alaska natural gas transportation system, as design-
granted and described in section 2 of the President’s Decision, or would otherwise pre-
vent or impair in any significant respect the expeditious completion and initial oper-
ation of such transportation system.
SEC. 712. DEFINITIONS.
For purposes of this subtitle:
(1) the term “Alaska natural gas” has the meaning given such term by section 4(1) of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719b(1)).
(2) The term “Alaska natural gas transportation project” means any other natural gas pipeline system that carries Alaska natural gas from the North Slope of Alaska to the border between Alaska and Canada, includ-
ing related facilities subject to the jurisdic-
tion of the Commission that is authorized under other-
wise by the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719–719o); or
(b) section 704 of this subtitle.
(3) The term “Alaska natural gas transportation project” authorized under the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719c) and described in section 2 of the President’s Deci-
sion.
(5) The term “natural gas company” means a person engaged in the transportation of natural gas in interstate commerce or the sale in interstate commerce of such gas for resale; and
(6) The term “President’s Decision” means the decision and report on the Alaska Natural Gas Transportation System issued by the President on September 22, 1977 pursuant to section 7 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719c) and approved by Public Law 95–158.
SEC. 713. SENSE OF THE SENATE.
It is the sense of the Senate that an Alaska natural gas transportation project will pro-
vide significant economic benefits to the United States and Canada. In order to maxi-
mize those benefits, the Senate urges the sponsors of the pipeline project to make every effort to use any manufac-
tured or produced in North America and to negotiate a project labor agreement to expe-
dite construction of the pipeline.
Subtitle B—Operating Pipelines
SEC. 721. APPLICATION OF HISTORIC PRESERVA-
TION ACT TO OPERATING PIPE-
LINES.
Section 7 of the National Gas Act (15 U.S.C. 717(c)) is amended by adding at the end the following:
‘‘(v) Notwithstanding the National His-
toric Preservation Act (36 U.S.C. 1907 et seq.), a transportation facility shall not be eligible for inclusion on the National Register of Histor-
ical Places unless—
‘‘(A) the Commission has permitted the abandonment of the transportation facility pursuant to subsection (b), or
‘‘(B) the owner of the facility has given written consent to such eligibility.’’.
SEC. 722. ENVIRONMENTAL REVIEW AND PERMIT-
TINGS OF NATURAL GAS PIPELINE PROJECTS.
(a) INTERAGENCY REVIEW.—The Chairman of the Council on Envi-
ronmental Quality, in coordination with the Federal Energy Regu-
lation Commission, shall establish an inter-
agency task force to develop an interagency memorandum of understanding that is intended to expedite the environmental review and permitting of natural gas pipeline projects.
(b) MEMORANDUM OF INTERAGENCY TASK FORCE.—The task force shall consist of—
(1) the Chairman of the Council on Envi-
ronmental Quality, who shall serve as the Chair of the task force, and
(2) the Chairman of the Federal Energy Regulatory Commission,
(3) the Director of the Bureau of Land Management,
(4) the Director of the U.S. Fish and Wildlife Service,
(5) the Commanding General, U.S. Army Corps of Engineers,
(6) the Chief of the Forest Service,
(7) the Administrator of the Environmental Protection Agency,
(8) the Chairman of the Advisory Council on Historic Preservation, and
(9) the heads of other agencies as the Chairman of the Council on Environmental Quality and the Chairman of the Federal Energy Regulatory Commission deem appropriate.

(c) Memorandum of Understanding.—The agencies represented by the members of the interagency task force shall enter into the memorandum of understanding not later than one year after the date of the enactment of this section.

DIVISION C—DIVERSIFYING ENERGY DEMAND AND IMPROVING EFFICIENCY

TITLE VIII—FUels AND VEHICLes

Subtitle A—CAFE Standards and Related Matters

SEC. 801. AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) Increased Standards.—Section 32902 of title 49, United States Code, is amended—

(1) by striking ‘‘NON-PASSenger AUTOMOBILES’’— in subsection (a) and inserting ‘‘PRESCRIPTION OF STANDARDS BY REGULATION—’’;

(2) by striking ‘‘except passenger automobiles’’ in subsection (a) and inserting ‘‘except passenger automobiles and light trucks’’;

(3) by striking subsection (b) and inserting the following:

‘‘(b) STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—

‘‘(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2005 in order to achieve a combined average fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer in each model year 2013 of at least 35 miles per gallon.

‘‘(2) ANNUAL PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under paragraph (1), the Secretary shall prescribe appropriate annual fuel economy standard increases for passenger automobiles and light trucks that—

‘‘(A) increase the applicable average fuel economy standard ratably over the 9 model-year period beginning with model year 2005 and ending with model year 2013;

‘‘(B) require that each manufacturer achieve—

‘‘(i) a fuel economy standard for passenger automobiles manufactured by that manufacturer in model year 2005 of at least 22.5 miles per gallon no later than model year 2010; and

‘‘(ii) a fuel economy standard for light trucks manufactured by that manufacturer in model year 2005 of at least 28 miles per gallon no later than model year 2010; and

‘‘(C) for any model year within that 9 model-year period does not result in an average fuel economy standard lower than—

‘‘(i) 27.5 miles per gallon for passenger automobiles; or

‘‘(ii) 25.7 miles per gallon for light duty trucks.

‘‘(3) DEADLINE FOR REGULATIONS.—The Secretary shall promulgate the regulations required by paragraphs (1) and (2) in final form no later than 18 months after the date of enactment of the Energy Policy Act of 2002.

‘‘(4) DEFAULT STANDARDS.—If the Secretary fails to meet the requirement of paragraph (3), the average fuel economy standard for passenger automobiles and light trucks manufactured by each manufacturer in each model year 2005 beginning with model year 2005 is the average fuel economy standard set forth in the following table:

<table>
<thead>
<tr>
<th>Model Year</th>
<th>Fuel Economy Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>26.5 miles per gallon</td>
</tr>
<tr>
<td>2006</td>
<td>28.0 miles per gallon</td>
</tr>
<tr>
<td>2007</td>
<td>29.5 miles per gallon</td>
</tr>
<tr>
<td>2008</td>
<td>31.0 miles per gallon</td>
</tr>
<tr>
<td>2009</td>
<td>32.5 miles per gallon</td>
</tr>
<tr>
<td>2010</td>
<td>34.0 miles per gallon</td>
</tr>
<tr>
<td>2011</td>
<td>35.5 miles per gallon</td>
</tr>
<tr>
<td>2012 and thereafter</td>
<td>37.0 miles per gallon</td>
</tr>
</tbody>
</table>

‘‘(5) COMBINED STANDARD FOR MODEL YEARS AFTER MODEL YEAR 2010.—Unless the default standards under paragraph (4) are in effect, for model years after model year 2010, the Secretary shall—

‘‘(A) separate average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer; and

‘‘(B) a combined average fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer;’’;

(4) by striking ‘‘(4)’’ in subsection (c)(1) and inserting ‘‘(4)’’;

(5) by striking the first and last sentences of subsection (c)(2); and

(6) by striking ‘‘(and submit the amendment to Congress when required under subsection (c)(2) of this section)’’ in subsection (g).

(b) DEFINITION OF LIGHT TRUCKS.—

(1) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended by adding at the end the following:

‘‘(f) LIGHT TRUCK.—The term ‘‘light truck’’ means a motor vehicle manufactured by a manufacturer primarily for transport of persons and their property, and that—

‘‘(1) passenger automobiles and light trucks.

‘‘(2) separate average fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer; or

‘‘(A) a comparison between—

‘‘(i) fuel economy measured, for each model in the applicable model year, through testing procedures in effect as of the date of enactment of the Energy Policy Act of 2002; and

‘‘(ii) fuel economy of such passenger automobiles and light trucks during actual on-road performance, as determined under that paragraph.

‘‘(g) A STATEMENT OF THE PERCENTAGE DIFFERENCE, IF ANY, BETWEEN ACTUAL ON-ROAD FUEL ECONOMY AND FUEL ECONOMY MEASURED BY TEST PROCEDURES.—The Report shall include—

‘‘(1) Passenger automobiles and light trucks (as those terms are defined in section 32901 of title 49, United States Code, $25,000,000 for each of fiscal years 2003 through 2015.

SEC. 802. FUEL ECONOMY TRUTH IN TESTING.

(a) IN GENERAL.—Section 32907 of title 49, United States Code, is amended by adding at the end the following:

‘‘(c) IMPROVED TESTING PROCEDURES.—

‘‘(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall conduct—

‘‘(A) an ongoing examination of the accuracy of fuel economy testing of passenger automobiles and light trucks manufactured and sold in the United States, and the Administrator performed in accordance with the procedures in effect as of the date of enactment of the Energy Policy Act of 2002 for the purpose of determining to what extent the fuel economy of passenger automobiles and light trucks sold as test vehicles by the Administrator differs from the fuel economy reasonably to be expected from those automobiles and trucks when driven by average drivers under average driving conditions; and

‘‘(B) an assessment of the extent to which fuel economy changes during the life of passenger automobiles and light trucks.’’.

(2) REPORT.—The Administrator of the Environmental Protection Agency shall, within 12 months after the date of enactment of the Energy Policy Act of 2002 and annually thereafter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce, Science, and Transportation of the House of Representatives a report on the results of the study required by paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation—

‘‘(A) separate average fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer; or

‘‘(A) separate average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer; and

‘‘(B) a combined average fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer.’’;

(4) DEFAULT STANDARDS.—If the Secretary decides by regulation—

‘‘(A) is manufactured primarily for transporting not more than 10 individuals; and

‘‘(B) is rated at not more than 10,000 pounds gross vehicle weight;

‘‘(C) is not a passenger automobile; and

‘‘(D) does not fall within the exceptions from the definition of ‘medium duty passenger vehicle’ under section 86.1803–01 of title 49, Code of Federal Regulations.

(2) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

‘‘(A) shall issue proposed regulations implementing the amendment made by paragraph (1) not later than 1 year after the date of enactment of this Act; and

‘‘(B) shall issue final regulations implementing the amendment not later than 18 months after the date of the enactment of this Act.

(3) EFFECTIVE DATE.—Regulations prescribed under paragraph (1) shall apply beginning with the model year 2005.

(4) APPLICABILITY OF EXISTING STANDARDS.—This section does not affect the applicability of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2005.

(5) AUTHORIZATION OF APPROPRIATIONS.—Thereafter, the Secretary is authorized to obligate funds to the Secretary of Transportation to carry out the provisions of chapter 329 of title 49, United States Code, $25,000,000 for each of fiscal years 2003 through 2015.

SEC. 803. ENSURING SAFETY OF PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—The Secretary of Transportation shall exercise such authority under Federal law as the Secretary may have to ensure that—

‘‘(1) passenger automobiles and light trucks (as those terms are defined in section 32901 of title 49, United States Code) are safe;

‘‘(2) progress is made in improving the overall safety of passenger automobiles and light trucks;

‘‘(3) progress is made in maximizing United States employment;

‘‘(4) IMPROVED CRASHWORTHINESS.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

‘‘(a) ROOLLoverS.—Within 3 years after the date of enactment of the Energy Policy Act of 2002, the Secretary of Transportation, through the National Highway Traffic Safety Administration, shall promulgate a motor vehicle safety standard under this chapter for rollover crashworthiness standards that includes—

‘‘(1) dynamic roof crush standards;

‘‘(2) improved seat structure and safety belt design;
traffic aggressivity.’’. The Secretary should review the effectiveness of this standard every five years following issuance of the standard and shall issue, through the National Highway Traffic Safety Administration, upgrades to the standard to reduce fatalities and injuries related to vehicle compatibility and light truck aggressivity.”.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 of title 49, United States Code, is amended—

(1) by striking “applied to—” and inserting “title, and a light truck (as defined in section 32903 of title 49, United States Code, is amended—”;

(2) by redesignating subparagraph (F) of section 32903(a) of title 49, United States Code, as subparagraph (G); and

(3) by inserting after “credit purchases;” in section 32908 of title 49, United States Code, is amended—

“A promoting—

(A) the number of credits necessary to enable the manufacturer to meet that standard; by

(1) 1.5 times the previous year’s weighted average open market price of a credit under section 32903(g); or

(2) $5 multiplied by each 0.1 of a mile a gallon by which the applicable average fuel economy standard under section 32902 exceeds the average fuel economy—

(A) calculated under section 32904(a)(1)(A) or (B) for automobiles to which the standard applied by the manufacturer during the model year;

(3) by inserting after “manUFACTURER.” in subsection (d) “Credits earned with respect to nonpassenger automobiles and light trucks may be used with respect to passenger automobiles”; and

(4) by inserting after “alternative fuel.” in subsection (g) “The system established by section 32903 shall provide that credits earned under this section—

(A) with respect to passenger automobiles may be applied with respect to light trucks;

(B) with respect to light trucks may be applied with respect to passenger automobiles; and

(C) with respect to nonpassenger automobiles and light trucks may be used with respect to passenger automobiles.”.

SEC. 806. GREEN LABELS FOR FUEL ECONOMY.

Section 32908 of title 49, United States Code, is amended—

(1) by striking “title.” in subsection (a)(1) and inserting “title, and a light truck (as defined in section 32901(17) after model year 2005; and”;

(2) by redesignating subparagraph (b)(1) as subsection (b) and inserting after subparagraph (E) the following:

“(F) Providing manufacturers flexibility in understanding of point-of-sale labels or logos described in paragraph (1).”;

(3) by inserting after paragraph (2) “The system established by section 32903 shall provide that credits earned under this section—

(A) with respect to passenger automobiles may be applied with respect to light trucks;

(B) with respect to light trucks may be applied with respect to passenger automobiles; and

(C) with respect to nonpassenger automobiles and light trucks may be used with respect to passenger automobiles.”.

SEC. 809. CIVIL PENALTY.

Section 32912 of title 49, United States Code, is amended—

(1) by inserting “and is unable to purchase sufficient credits under section 32903(g) to comply with the standard” after “title” the first place it appears; and

(2) by striking all after “penalty” and inserting—

“(1) an amount determined by multiplying—

(A) the number of credits necessary to enable the manufacturer to meet that standard; by

(1) 1.5 times the previous year’s weighted average open market price of a credit under section 32903(g); or

(2) $5 multiplied by each 0.1 of a mile a gallon by which the applicable average fuel economy standard under section 32902 exceeds the average fuel economy—

(A) calculated under section 32904(a)(1)(A) or (B) for automobiles to which the standard applied by the manufacturer during the model year;

(3) by inserting after “manUFACTURER.” in subsection (d) “Credits earned with respect to nonpassenger automobiles and light trucks may be used with respect to passenger automobiles”; and

(4) by inserting after “alternative fuel.” in subsection (g) “The system established by section 32903 shall provide that credits earned under this section—

(A) with respect to passenger automobiles may be applied with respect to light trucks;

(B) with respect to light trucks may be applied with respect to passenger automobiles; and

(C) with respect to nonpassenger automobiles and light trucks may be used with respect to passenger automobiles.”.
"(B) CRITERIA.—In developing criteria for the label or logo, the Administrator shall also consider, among others as appropriate, the following factors:

1. Mounting of greenhouse gases that will be emitted over the life-cycle of the automobile;
2. The fuel economy of the automobile;
3. The recycleability of the automobile;
4. Any other pollutants or harmful by-products related to the automobile, which may include those generated during manufacture of the automobile, those issued during use of the automobile, or those generated after the automobile ceases to be operated.

(B) FUELSTAR PROGRAM.—The Secretary, in consultation with the Administrator, shall establish a program, to be known as the ‘Fuelstar’ program, under which stars shall be imprinted on or attached to the label required by paragraph (1) that will, consistent with the findings of the marketing analysis required under subsection (4), provide incentives to purchasers of vehicles that exceed the applicable fuel economy standard.

SEC. 807. LIGHT TRUCK CHALLENGE.

(a) In General.—The Secretary of Transportation shall open an open competition for a project to demonstrate the feasibility of multiple fuel hybrid electric vehicle powertrains in sport utility vehicles and light trucks.

(b) Project Requirements.—Under the contract, the Secretary shall require an entity to carry out the project:

(1) select a current model year production vehicle;
(2) modify that vehicle so that it:
   (A) meets all existing vehicle performance characteristics of the sport utility vehicle or light truck selected for the project;
   (B) improves the vehicle’s fuel economy rating by at least 30 percent or more (as measured by gasoline consumption); and
   (3) meet the requirements of paragraph (2) in such a way that incorporation of the modifications by manufacturer, manufacturer, and inclusion in the U.S. market would not increase the vehicle’s incremental production costs by more than 10 percent.

(c)elligible Entities.—The competition conducted by the Secretary shall be open to any entity, or consortium of nongovernmental, educational, or not-for-profit organizations, that:

(1) has the technical capability and resources necessary to complete the project successfully; and
(2) has sufficient financial resources in addition to the contract amount, if necessary, to complete the contract successfully.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation $10,000,000 for each of fiscal years 2003 and 2004 to carry out the project.

SEC. 808. SECRETARY OF TRANSPORTATION TO CERTIFY BENEFITS.

Beginning with model year 2005, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall determine and certify annually to the Congress:

(1) the amount of reduction in United States consumption of petroleum used for vehicle fuel, and
(2) the annual reduction in greenhouse gas emissions, properly attributable to the implementation of average fuel economy standards imposed under section 32902 of title 49, United States Code, as a result of the amendments made by this Act.

SEC. 809. DEPARTMENT OF TRANSPORTATION ENGINEERING AWARD PROGRAM.

(a) Engineering Award Program.—The Secretary of Transportation shall establish an engineering award program to recognize the engineering team of any manufacturer of passenger automobiles (as such terms are defined in section 32901 of title 49, United States Code) whose work directly results in production models of:

(1) the first large sport utility vehicle, van, or light truck to achieve a fuel economy rating of 30 miles per gallon under section 32902 of such title;
(2) the first mid-sized sport utility vehicle, van, or light truck to achieve a fuel economy rating of 35 miles per gallon under section 32902 of such title;
(3) the first mid-sized sport utility vehicle, van, or light truck to achieve a fuel economy rating of 40 miles per gallon under section 32902 of such title.

(b) Manufacturer’s Award.—The Secretary of Transportation shall establish an Oil Independence Award to recognize the manufacturer of domestically-manufactured (within the meaning of section 32903 of title 49, United States Code) passenger automobiles and light trucks to achieve a combined fuel economy rating of 37 miles per gallon under section 32902 of such title.

(c) Requirements for Participation in Engineering Team Awards Program.—In establishing the awards program under subsection (a), the Secretary shall establish eligibility requirements that include:

(1) a requirement that the vehicle, van, or truck be domestically-manufactured and manufactured (if a prototype) within the meaning of section 32903 of title 49, United States Code;
(2) a requirement that the vehicle, van, or truck meet all applicable Federal standards for emissions and safety (except that crash testing shall not be required for a prototype); and
(3) such additional requirements as the Secretary may require in order to carry out the program.

(d) Amount of Prize.—The Secretary shall award a prize of not less than $10,000 to that entity in each of fiscal years 2003 and 2004 to carry out the project.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation to carry out this section.

SEC. 810. COOPERATIVE TECHNOLOGY AGREEMENT.

(a) In General.—The Secretary of Transportation shall enter into cooperative technology agreements with any manufacturer of passenger automobiles or light trucks (as those terms are defined in section 32901 of title 49, United States Code) to implement, utilize, and incorporate in production government-developed or jointly-developed fuel economy technology that will result in an improvement of average fuel economy of any class of vehicles produced by that manufacturer of at least 5 percent greater than the average fuel economy of that class of vehicles produced in calendar year 2000.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation and the Administrator of the Environmental Protection Agency such sums as may be necessary to carry out this section.

SEC. 811. INCREASED USE OF ALTERNATIVE FUELS BY FEDERAL FleETS.

(a) Requirement To Use alternative Fuels.—Section 400A(a)(3)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6733(a)(3)(E)) is amended to read as follows:

"(E) Dual fueled vehicles acquired pursuant to this section shall be operated on alternative fuels. If the Secretary determines that all dual fueled vehicles acquired pursuant to this section cannot operate on alternative fuels, he may waive the requirement in part, but only to the extent that:
   (i) not later than September 30, 2003, not less than 50 percent of the total annual volume of fuel used in such dual fueled vehicles shall be from alternative fuels; and
   (ii) not later than September 30, 2003, not less than 75 percent of the total annual volume of fuel used in such dual fueled vehicles shall be from alternative fuels."

SEC. 812. EXCEPTION TO HOv PASSENGER REQUIREMENT FOR ALTERNATIVE FUEL VEHICLES.

Section 102(a)(1) of title 23, United States Code, is amended by inserting after "required" the following: "unless, in the discretion of the Secretary of Transportation, the vehicle is being operated on, or is being fueled by, an alternative fuel (as defined in section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)))."

SEC. 813. DATA COLLECTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 715) is amended by adding at the end the following:

"(m) In order to improve the ability to evaluate the effectiveness of the Nation’s renewable fuels mandate, the Administrator shall conduct and publish the results of a survey of renewable fuels consumption in the motor vehicle fuels market in the United States monthly, and shall be required to protect the confidentiality of individual responses. In conducting the survey, the Administrator shall collect information both on a national basis and a regional basis, including:

(1) the quantity of renewable fuels produced;
(2) the cost of production;
(3) the cost of blending and marketing;
(4) the quantity of renewable fuels consumed; and
(5) market price data.

SEC. 814. GREEN SCHOOL BUS PILOT PROGRAM.

(a) Establishment.—The Secretary of Education and the Secretary of Transportation shall jointly establish a program for awarding grants on a competitive basis to eligible entities for the demonstration and commercial application of alternative fuel school buses and ultra-low sulfur diesel school buses.

(b) Requirements.—Not later than 3 months after the date of the enactment of this section, the Secretary shall publish in the Federal register grant requirements on eligibility for assistance and, on implementation of the program established by this section, the Secretary shall publish in the Federal register requirements to ensure compliance with this subtitle."
(c) Solicitation.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall solicit proposals for grants under this section.

(4) Funding and obligations.—A grant shall be awarded under this section only—

(1) to a local governmental entity responsible for providing school bus service for one or more school districts; or

(2) jointly to an entity described in paragraph (1) and a contracting entity that provides school bus service to the public school system for a system.

(e) Types of Grants.—

(1) In general.—Grants under this section shall be for the construction and application of technologies to facilitate the use of alternative fuel school buses and ultra-low sulfur school buses instead of buses manufactured before model year 1997 and diesel-powered buses manufactured before model year 1991.

(2) No economic benefit.—Other than the receipt of the grant, a recipient of a grant under this section may not receive any economic benefit in connection with the receipt of the grant.

(f) Conditions of Grant.—A grant provided under this section shall include the following conditions:

(1) All buses acquired with funds provided under the grant shall be operated as part of the school bus fleet for which the grant was made for a minimum of 5 years.

(2) Funds provided under the grant may only be used—

(A) to pay the cost, except as provided in paragraph (3), of new alternative fuel school buses or ultra-low sulfur diesel school buses, including State taxes and contract fees; and

(B) to provide—

(i) up to 10 percent of the price of the alternative fuel buses acquired, for necessary alternative fuel infrastructure if the infrastructure will only be available to the grant recipient; and

(ii) up to 15 percent of the price of the alternative fuel buses acquired, for necessary alternative fuel infrastructure if the infrastructure will be available to the grant recipient and to other bus fleets.

(3) The grant recipient shall be required to provide a report of 15 percent of the total cost of each bus received or $15,000 per bus.

(4) In the case of a grant recipient receiving a grant to demonstrate ultra-low sulfur diesel school buses, the grant recipient shall be required to provide documentation to the satisfaction of the Secretary that diesel fuel containing not more than 15 parts per million is available for carrying out the purposes of the grant, and a commitment by the applicant to use such fuel in carrying out the purposes of the grant.

(g) Uses.—Funding under a grant made under this section may only be used to demonstrate the use of new alternative fuel school buses or ultra-low sulfur diesel school buses that—

(1) have a gross vehicle weight greater than 14,000 pounds;

(2) are powered by a heavy duty engine; and

(3) in the case of alternative fuel school buses, emit not more than—

(A) 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and 0.1 grams per brake horsepower-hour of particulate matter; and

(B) for buses manufactured in model years 2003 through 2006, 1.8 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and 0.1 grams per brake horsepower-hour of particulate matter; and

(4) in the case of ultra-low sulfur school buses, emit not more than the lesser of—

(A) the emissions of nonmethane hydrocarbons and oxides of nitrogen and 0.1 grams per brake horsepower-hour of particulate matter; and

(B) in the case of ultra-low sulfur school buses, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and 0.1 grams per brake horsepower-hour of particulate matter; and

(5) in the case of ultra-low sulfur school buses manufactured in model years 2002 or 2003, 3.0 grams per brake horsepower-hour of oxides of nitrogen and 0.1 grams per brake horsepower-hour of particulate matter; and

(6) in the case of ultra-low sulfur school buses manufactured in model years 2004 through 2006, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and 0.1 grams per brake horsepower-hour of particulate matter.

(h) Deployment and Distribution.—The Secretary shall seek to the maximum extent practicable to achieve nationwide deployment of alternative fuel school buses through the program under this section, and shall ensure a broad geographic distribution of grant awards, with a goal of no State receiving more than 15 percent of the grant funding made available under this section for a fiscal year.

(i) Limit on Funding.—The Secretary shall provide not less than 20 percent and not more than 25 percent of the grant funding made available under this section for any fiscal year for the acquisition of ultra-low sulfur diesel school buses.

(j) Definitions.—For purposes of this section—

(1) the term ‘alternative fuel school bus’ means a bus powered substantially by electricity (including electricity supplied by a fuel cell), or by liquefied natural gas, compressed natural gas, liquid petroleum gas, hydrogen, propane, or methanol or ethanol at no less than 85 percent by volume; and

(2) the term ‘ultra-low sulfur diesel school bus’ means a school bus powered by diesel fuel which contains sulfur at no more than 15 parts per million.

SEC. 815. FUEL CELL BUS DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) Establishment of Program.—The Secretary shall establish a program for entering into cooperative agreements with private sector fuel cell bus developers for the development of fuel cell-powered school buses, and subsequently with not less than 2 units of government using natural gas-pow- ered school buses and such private sector fuel cell bus developers to demonstrate the use of fuel cell-powered school buses.

(b) Cost Sharing.—The non-Federal contribution for activities funded under this section shall be not less than—

(1) 20 percent for fuel infrastructure development activity; and

(2) 50 percent for demonstration activities and for development activities not described in paragraph (1).

(c) Funding.—No more than $25,000,000 of the amounts authorized under section 815 may be used for carrying out this section for the period beginning on October 1, 2003, and ending on September 30, 2006.

(d) Report to Congress.—Not later than 3 years after the date of the enactment of this Act, and not later than October 1, 2006, the Secretary shall transmit to the appropriate congressional committees a report that—

(1) evaluates the process of converting natural gas infrastructure to accommodate fuel cell-powered school buses; and

(2) assesses the development and demonstration program under this section.


There are authorized to be appropriated to the Secretary of Energy for carrying out sections 814 and 815, to remain available until expended—

(1) $50,000,000 for fiscal year 2003; and

(2) $60,000,000 for fiscal year 2004; and

(3) $70,000,000 for fiscal year 2005; and

(4) $80,000,000 for fiscal year 2006.

SEC. 817. BIODIESEL FUEL USE CREDIT.

Section 312(c) of the Energy Policy Act of 1992 (42 U.S.C. 13212(c)) is amended—

(1) by striking ‘‘NOT’’ in the subsection heading; and

(2) by striking ‘‘not’’.
2004 through 2012 shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Applicable Volume of Renewable Fuel (in billions of gallons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>2.3</td>
</tr>
<tr>
<td>2005</td>
<td>2.6</td>
</tr>
<tr>
<td>2006</td>
<td>2.9</td>
</tr>
<tr>
<td>2007</td>
<td>3.2</td>
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<td>2008</td>
<td>3.5</td>
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<tr>
<td>2009</td>
<td>3.9</td>
</tr>
<tr>
<td>2010</td>
<td>4.3</td>
</tr>
<tr>
<td>2011</td>
<td>4.7</td>
</tr>
<tr>
<td>2012</td>
<td>5.0</td>
</tr>
</tbody>
</table>

"(iii) Calendar year 2013 and thereafter.—For the purpose of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(1) the number of gallons of motor vehicle fuel that the Administrator estimates will be sold or introduced into commerce in the calendar year; and

(2) the ratio that—

(aa) the number of gallons of motor vehicle fuel sold or introduced into commerce in calendar year 2012 that consists of renewable fuel; to

(bb) the number of gallons of motor vehicle fuel sold or introduced into commerce in calendar year 2012.

"(3) CELULOSEIC BIOMASS ETHANOL.—For the purpose of paragraph (2), 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 1.5 gallons of renewable fuel.

"(4) CREDIT PROGRAM.—

"(A) IN GENERAL.—The regulations promulgated to carry out this subsection shall provide for the generation of an appropriate amount of credits by a person that refines, blends, or imports motor vehicle fuel that contains, on a 6-month average basis, a quantity of renewable fuel that is greater than the quantity required for that 6-month period under paragraph (2).

"(B) USE OF CREDITS.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2).

"(C) CANCELLATION OF CREDITS.—A credit generated under this paragraph shall expire 1 year after the date on which the credit was generated.

"(5) WAIVERS.—

"(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive, for the purpose of paragraph (2), in whole or in part on petition by 1 or more States by reducing the national quantity of renewable fuel required under this subsection.

"(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirement of paragraph (2) in whole or in part on petition by 1 or more States by reducing the national quantity of renewable fuel required under this subsection would severely harm the economy or environment of a State, a region, or the United States; or

"(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply or distribution capacity to meet the requirement.

"(B) PETITIONS FOR WAIVERS.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy—

(i) shall approve or deny a State petition for a waiver of the requirement of paragraph (2) within 180 days after the date on which the petition is received; but

(ii) may extend that period for up to 60 additional days for good cause for public interest, and for consideration of the comments submitted.

"(C) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy.

"(6) SMALL REFINERS.—The requirement of paragraph (2) shall not apply to a small refinery.

"(7) REGULATIONS.—Not later than 270 days after the date of enactment of this paragraph, the Administrator shall promulgate regulations under section 211 for the purpose of subparagraph (a) and shall provide for the generation of an appropriate amount of credits by a person that refines, blends, or imports motor vehicle fuel that contains, on a 6-month average basis, a quantity of renewable fuel that is greater than the quantity required for that 6-month period under paragraph (2).

"(B) DISTILLATION INDEX.—Section 211 of the Clean Air Act (42 U.S.C. 7545b) is amended by inserting before subsection (q) (as redesignated by subsection (a)(1)) the following:

"(p) DISTILLATION INDEX.—Effective January 1, 2004, no person shall manufacture, sell, supply, offer for sale, or supply, dispense, transport, or introduce into commerce gasoline that has a distillation index that exceeds 1,200.

"(8) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545d) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "(n), (o), or (p)"; and (B) in the second sentence, by striking "(n)" and inserting "(o)"; and

(2) in the first sentence of paragraph (2), by striking "(n)" each place it appears and inserting "(n), (o), and (p)";

(3) in the first sentence of paragraph (3), by striking "(n)" each place it appears and inserting "(n), (o), and (p)";

(4) in paragraph (4), by striking "(b)(4) the Clean Air Act (42 U.S.C. 7545b) is amended by striking "For" and inserting "In the case of a State that is not located east of the Mississippi River, for";


(1) by striking "or a dual fuel vehicle" and inserting "a dual fuel vehicle, or a neighborhood electric vehicle";

(2) by striking "and" at the end of paragraph (13);

(3) by striking the period at the end of subparagraph (14) and inserting "; and"; and

(4) by adding at the end the following:

(15) the term "neighborhood electric vehicle" means a motor vehicle that qualifies as both—

(A) a low-speed vehicle, as such term is defined in section 13213 of title 49, Code of Federal Regulations; and

(B) a zero-emission vehicle, as such term is defined in section 86.1703-99 of title 49, Code of Federal Regulations.

"(10) IN THE CASE OF A STATE THAT IS NOT LOCATED EAST OF THE MISSISSIPPI RIVER.—For purposes of subparagraph (A)(ii), the requirement of paragraph (2) shall be not be carried out—

(1) in accordance with paragraph (2); and

(2) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7)."

"(b) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

"SEC. 9010. RELEASE PREVENTION AND COMPLIANCE.

"(1) Funds made available under section 9011(2) from the Leaking Underground Storage Tank Trust Fund may be used for conducting inspections, or for issuing orders or bringing actions under section 9010—

(1) by a State (pursuant to section 9003(h)(7)) acting under—

(A) a program approved under section 9004; or

(B) State requirements regulating underground storage tanks that are similar or identical to this subtitle; and

(2) by the Administrator, acting under this subtitle or a State program approved under section 9004.

"SEC. 9011. AUTHORIZATION OF APPROPRIATIONS.

"In addition to amounts made available under section 9007(f), there are authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund—

(1) to carry out section 9003(h)(12), $200,000,000 for fiscal year 2002, to remain available until expended; and

(2) to carry out section 9010—

(A) $50,000,000 for fiscal year 2002; and

(B) $30,000,000 for each of fiscal years 2003 through 2007.

"(c) TECHNICAL AMENDMENTS.—

(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. 6990) is amended by striking the item relating to section 9010 and inserting the following:

"Sec. 9010. Release prevention and compliance.

Sec. 9011. Authorization of appropriations.

(2) Section 9001(3)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(3)(A)) is amended by striking "substances" and inserting "substances".

"(3) Section 9005(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by inserting "subsections (c) and (d)" before "and";

"(4) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991a(c)) is amended in the third sentence by striking "referred to" and all that follows and inserting "referred to in subparagraph (A) or (B), or both, of section 9001(2)"); and

"(5) Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking "study taking" and inserting "study, taking"; and

(B) in subsection (b)(1), by striking "relevant" and inserting "relevant"; and

(C) in subsection (b)(4), by striking "environmental" and inserting "Environmental".

"(d) AUTHORITY FOR WATER QUALITY PROTECTION FROM FUEL."
this paragraph, the Administrator shall ban use of methyl tertiary butyl ether in motor vehicle fuel.

(b) No Effect on Law Regarding State Authority.—The amendments made by subsection (a) have no effect on the law in effect on the day before the date of enactment of this Act regarding the authority of States to limit or ban the use of methyl tertiary butyl ether in gasoline.

SEC. 824. WAIVER OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) by redesigning subsections (a) through (d) as subsections (b) through (e), respectively, and

(2) by striking each reference to subsection (a) and inserting each reference to subsection (b).

SEC. 825. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF FUELS AND FUEL ADDITIVES.

(a) General Authority.—The Administrator, in regulations promulgated under this section before the date of enactment of this subsection, shall, on a regular basis, develop and finalize an emissions model that reasonably reflects the effects of fuel characteristics or components on emissions from vehicles in the motor vehicle fleet during calendar year 2005.

(b) Effect on Insufficient Domestic Capacity to Produce Reformulated Gasoline.—If, for any fuel or fuel additive under subparagraph (A) the quantity obtained by multiplying the aggregate emissions described in item (aa) for the PADD by the percentage published under subclause (II) for the PADD is less than 10 percent of the annual aggregate reductions in the PADD described in clause (i), the Administrator may modify the performance standards under this subparagraph to be consistent with the requirements of paragraph (4).
(d) Definitions.—In this section:

(1) The term ‘automobile’ does not include any vehicle designed for combat-related missions, law enforcement work, or emergency response.

(2) The term ‘executive agency’ has the meaning given that term in section 105 of title 5.

(3) The term ‘new automobile’, with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the agency, after September 30, 1999.

SEC. 832. ASSISTANCE FOR STATE PROGRAMS TO REMOVAL OF UNEFFICIENT MOTOR VEHICLES.

(a) Establishment.—The Secretary shall establish a program, to be known as the ‘National Program to Remove UNEFFICIENT MOTOR VEHICLES.’ Under this program, the Secretary shall make grants to States to assist the Secretary in carrying out this program.

(b) Eligibility Criteria.—The Secretary shall approve a State plan and provide the funds under subsection (d) if the State plan—

(1) contains the requirements of this subsection.

(2) is located in the United States.

(3) will not degrade air quality or surface or ground water quality or resources.

(4) has been determined to be carrying out this paragraph.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this paragraph $250,000,000 for each of fiscal years 2003 through 2007.

Subsection D—Additional Fuel Efficiency Measures

SEC. 831. FUEL EFFICIENCY OF THE FEDERAL FLEET OF AUTOMOBILES.

Section 32917 of title 49, United States Code, as added by section 32917(c) of title 49, United States Code, is amended by adding at the end the following:

‘‘§32917. Standards for executive agency automobiles

‘‘(a) Baseline Average Fuel Economy.—The head of each executive agency shall determine automobiles in the agency’s fleet of automobiles that were leased or bought as a new vehicle in fiscal year 1999, the average fuel economy for such automobiles.

(b) Increase of Average Fuel Economy.—For the purposes of this section, the average fuel economy so determined shall be the baseline average fuel economy for the agency’s fleet of automobiles.

(c) Calculation of Average Fuel Economy.—Average fuel economy shall be calculated for the purposes of this section in accordance with the procedures of the Secretary of Transportation shall prescribe for the implementation of this section.

(d) Definitions.—In this section:

(1) The term ‘automobile’ does not include any vehicle designed for combat-related missions, law enforcement work, or emergency response.

(2) The term ‘executive agency’ has the meaning given that term in section 105 of title 5.

(3) The term ‘new automobile’, with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the agency, after September 30, 1999.

SEC. 833. IDLING REDUCTION SYSTEMS IN HEAVY DUTY VEHICLES.

Title III of the Energy Policy and Conservation Act (42 U.S.C. 621 et seq.) is amended by adding after subsection (a) the following:

‘‘PART K—REDUCING TRUCK IDLING

SEC. 400AA. REDUCING TRUCK IDLING.

(a) Study.—Not later than 18 months after the date of enactment of this section, the Secretary shall, in consultation with the Secretary of Transportation, commence a study to analyze the potential fuel savings resulting from long duration idling of main drive engines in heavy-duty vehicles.

(b) Regulations.—Upon completion of the study under subsection (a), the Secretary may issue regulations requiring the installation of idling reduction systems on all newly manufactured heavy-duty vehicles.

(c) Definitions.—As used in this section:

(1) The term ‘main drive engine’ means a vehicle engine that has a gross vehicle weight rating greater than 8,500 pounds and is powered by a diesel engine.

(2) The term ‘idling reduction system’ means a device or system of devices used to reduce long duration idling of a diesel engine in a vehicle.

(3) The term ‘long duration idling’ means the continuous operation of a main drive engine for a period of more than 15 consecutive minutes when the main drive
engine is not engaged in gear, except that such term does not include idling as a result of traffic congestion or other impediments to the movement of a heavy-duty vehicle.

(4) the term ‘vehicle’ has the meaning given such term in section 4 of title 1, United States Code.

TITLE IX—ENERGY EFFICIENCY AND AS-
SISTANCE TO LOW INCOME CONSUMERS
Subtitle A—Low Income Assistance and State Energy Programs

SEC. 901. INCREASED FUNDING FOR LIHEAP, WEATHERIZATION ASSISTANCE, AND STATE ENERGY GRANTS.

ENERGY GRANTS.
(a) LIHEAP.—(1) Section 602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 6821(b)) is amended by striking the first sentence and inserting the following: ‘‘There are authorized to be appropriated to the Corporation for the States for each fiscal year understated by $500,000,000 for each of fiscal years 2003 through 2005.’’. (2) Section 902(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 6821(e)) is amended by striking ‘‘$600,000,000’’ and inserting ‘‘$1,000,000,000’’.
(b) WEATHERIZATION.—Section 602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 6821(b)) is amended by striking ‘‘more than $300,000’’ and inserting ‘‘not more than $750,000’’.
(c) STATE ENERGY CONSERVATION GOALS.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6667) is amended by striking ‘‘40 percent’’ and inserting ‘‘40 percent’’.
(d) GRANTS FOR ADMINISTRATION.—Grants under subsection (b)(3) shall be used to—
(1) evaluate compliance by school districts with requirements of this section;
(2) distribute information and materials to clearly define and promote the development of high performance school buildings for both new and existing facilities;
(3) organize and conduct programs for school board members, school personnel, architects, engineers, and others to advance the concepts of high performance school buildings;
(4) obtain technical services and assistance in planning and designing high performance school buildings; or
(5) provide energy data and information pertaining to the high performance school building projects.

SEC. 902. STATE ENERGY PROGRAMS.

(a) STATE ENERGY CONSERVATION PLANS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by adding at the end the following: ‘‘(g) The Secretary shall, at least once every three years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of the State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions that may be carried out in pursuit of common energy conservation goals.’’
(b) STATE ENERGY CONSERVATION GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended to read as follows: ‘‘Sect. 364. Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of enactment of the Energy Policy Act of 2002 shall contain a goal, consisting of an improvement of 25 percent or more in the efficiency of use of energy in the State concerned, in each of fiscal years 2003 through 2017, as compared to the calendar year 1990, and may contain interim goals.’’
(c) STATE ENERGY CONSERVATION GRANTS.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking ‘‘fiscal years 1999 through 2003’’ and inserting ‘‘fiscal years 1999 through 2005’’.

SEC. 903. ENERGY EFFICIENT SCHOOLS.

(a) ESTABLISHMENT.—There is established in the Department of Energy the High Performance School Buildings Program (in this section referred to as the ‘‘Program’’).
(b) GRANTS.—The Secretary of Energy may make grants to a State energy office—
(1) to assist school districts in the State to improve the energy efficiency of school buildings;
(2) to administer the Program; and
(3) to promote participation in the Program.

SEC. 904. LOW INCOME COMMUNITY ENERGY EF-
FICIENCY PILOT PROGRAM.

(a) GRANTS.—The Secretary of Energy is authorized to make grants to private, non-profit community development organizations and Indian tribe economic development entities to improve energy efficiency, identify and develop alternative renewable and distributed energy supplies, and increase energy conservation in low income rural and urban communities.
(b) PURPOSE OF GRANTS.—The Secretary may make such grants on the basis of a community development organization for—
(1) investments that develop alternative renewable and distributed energy supplies;
(2) energy efficiency projects and energy conservation programs;
(3) studies and other activities that improve energy efficiency in low income rural and urban communities; and
(4) planning and development assistance for increasing the energy efficiency of building and facilities; and
(5) technical and financial assistance to local government and private entities on developing new renewable and distributed sources of power or combined heat and power generation.
(c) DEFINITION.—For purposes of this section, the term ‘Indian tribe’ means any In-
dian tribe, band, nation, or other organized group or community, including any Alaskan Native Village or regional or village corpora-
tion as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians be-
cause of their status as Indians.
(d) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section there are author-
ized to be appropriated to the Secretary $300,000,000 for each of fiscal years 2003 and 2004.
Subtitle B—Federal Energy Efficiency

SEC. 911. ENERGY MANAGEMENT REQUIREMENTS.

(a) ENERGY REDUCTION GOALS.—Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended to read as follows:

"(1) Subject to paragraph (2), each agency shall establish energy conservation measures that, and shall improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory building) so as to achieve a reduction of the energy consumption per gross square foot of the Federal buildings of the agency in fiscal years 2002 through 2011, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in fiscal year 2000, by the percentage specified in the following table:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Percentage reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>2</td>
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<td>2003</td>
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<tr>
<td>2009</td>
<td>18</td>
</tr>
<tr>
<td>2010</td>
<td>20</td>
</tr>
</tbody>
</table>

(b) REVIEW AND REVISION OF ENERGY PERFORMANCE STANDARDS.—Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)) is further amended by adding at the end the following:

"(1) (A) An agency may exclude, from the energy performance requirement established under paragraph (1) and submit to Congress recommendations concerning energy performance requirements for calendar years 2012 through 2021.

(c) Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(1)) is amended to read as follows:

"(1) (A) An agency may exclude, from the energy performance requirement established under subsection (b), any Federal building or collection of Federal buildings, if the head of the agency finds that—

(i) compliance with those requirements would be burdensome or impracticable;

(ii) the agency has proposed and submitted all federally required energy management measures; and

(iii) the agency has achieved compliance with the energy efficiency requirements of this Act, the Energy Policy Act of 1992, Executive Orders, and other federal law; and

(iv) the agency has implemented all practicable, life-cycle cost-effective projects with respect to the Federal building or collection of Federal buildings.

(B) A finding of impracticability under subparagraph (A)(i) shall be based on—

(i) the energy intensiveness of activities carried out in the Federal building or collection of Federal buildings; or

(ii) the fact that the Federal building or collection of Federal buildings is used in the performance of a national security function.

(d) REVIEW BY SECRETARY.—Section 543(c)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(1)) is amended—

(1) by striking "impracticability standards" and inserting "standards for exclusion";

(2) by striking a "finding of impracticability" and inserting "the exclusion";

(e) CRITERIA.—Section 543(c) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)) is further amended by adding at the end the following:

"(3) Not later than 180 days after the date of enactment of this paragraph, the Secretary shall establish guidelines that establish criteria for exclusions under paragraph (1)."

(f) ENFORCEMENT.—Section 543(c) of the National Energy Conservation Policy Act (42 U.S.C. 8253(b)) is amended—

(1) in the subsection heading, by inserting "THE PRESIDENT AND" before "CONGRESS"; and

(2) by inserting "President and" before "Congress".

(g) CONFORMING AMENDMENT.—Section 550(d) of the National Energy Conservation Policy Act (42 U.S.C. 8253(b)) is amended in the second sentence—

"(2) by striking "impracticability standards" and inserting "standards for exclusion".

(h) DATA REPORTING.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8253(b)) is further amended by adding at the end the following:

"(4) ENERGY LABELING PROGRAM.—The Secretary shall prescribe such guidelines as may be necessary to carry out the provisions of the Energy Policy Act of 1992, the 2000 International Energy Conservation Code, the 2002 International Energy Conservation Code, and the 2003 International Energy Conservation Code, including a monitoring and commissioning program for new Federal buildings that achieve energy consumption levels at least 30 percent below the requirements of the most recent version of the International Energy Conservation Code.

SEC. 912. ENERGY USE MEASUREMENT AND ACCOUNTABILITY.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is further amended by adding at the end the following:

"(c) MEASUREMENT AND VERIFICATION.—The Secretary shall require that—

(i) the energy intensiveness of activities carried out in the Federal building or collection of Federal buildings, interval consumption data that measure on a real-time or daily basis consumption of electricity in the Federal buildings of the agency; and

(ii) each Federal building or collection of Federal buildings is used in the performance of a national security function.

SEC. 913. FEDERAL BUILDING PERFORMANCE STANDARDS.

(a) REVISED STANDARDS.—Section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)) is amended—

(1) in paragraph (2)(A), by striking "CABO Model Energy Code, 1992" and inserting "the 2000 International Energy Conservation Code"; and

(2) by adding at the end the following:

"(3) REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary of Energy shall establish, by rule, revised Federal building energy efficiency performance standards that require that, if cost-effective—

(i) new commercial buildings and multifamily high rise residential buildings be constructed so as to achieve the applicable Energy Star building energy performance ratings or energy consumption levels at least 30 percent below those of the most recent ASHRAE Standard 90.1, whichever results in the greater increase in energy efficiency; and

(ii) sustainable design principles are applied to the siting, design, and construction of new Federal buildings.

(B) ADDITIONAL REVISIONS.—Not later than 1 year after the date of approval of amendments to ASHRAE Standard 90.1 or the 2000 International Energy Conservation Code, the Secretary of Energy shall determine, based on the cost-effectiveness of the requirements under the amendments, whether the revised standards established under this paragraph should be updated to reflect the amendments.

(C) STATEMENT ON COMPLIANCE OF NEW BUILDINGS.—In the budget request of the Federal agency for each fiscal year and each report submitted by the Federal agency under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)), the head of each Federal agency shall include—

(i) a list of all new Federal buildings of the Federal agency; and

(ii) a statement concerning whether the Federal buildings meet or exceed the revised standards established under this paragraph, including a monitoring and commissioning report that is in compliance with the measurement and verification protocols of the Department of Energy.

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this paragraph and to implement the revised standards established under this paragraph.

(b) ENERGY LABELING PROGRAM.—Section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)) is further amended by adding at the end the following:

"(e) ENERGY LABELING PROGRAM.—The Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall develop an energy labeling program for new Federal buildings that achieve energy consumption levels at least 30 percent below those of the requirements established under subsection (a)(3) by 15 percent or more."
SEC. 914. PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

(a) REQUIREMENTS.—Part 3 of title V of the National Energy Conservation Policy Act is amended by adding at the end the following:

"(a) DEFINITIONS.—In this section:

"(1) ENERGY STAR PRODUCT.—The term 'Energy Star product' means a product that is rated for energy efficiency under an Energy Star program.

"(2) FEMP DESIGNATED PRODUCT.—The term 'FEMP designated product' means a product that is designated under the Federal Energy Management Program of the Department of Energy as being among the highest 25 percent of equivalent products for energy efficiency.

"(3) PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.—

"(1) REQUIREMENT.—To meet the requirements of an executive agency for an energy conservation measure described in paragraph (1), the head of the executive agency shall, except as provided in paragraph (2), procure—

"(A) an Energy Star product; or

"(B) a FEMP designated product.

"(2) EXCEPTIONS.—The head of an executive agency is not required to procure an Energy Star product or FEMP designated product under paragraph (1) if—

"(A) an Energy Star product or FEMP designated product is not cost effective over the life cycle of the product; or

"(B) an Energy Star product or FEMP designated product is reasonably available that meets the requirements of the executive agency.

"(3) PROCUREMENT PLANNING.—The head of an executive agency shall incorporate into the specifications for all procurements involving energy consuming products and systems, and into the factors for the evaluation of offers received for the procurement, criteria for energy efficiency that are consistent with the criteria used for rating Energy Star products and for rating FEMP designated products.

"(4) LISTING OF ENERGY EFFICIENT PRODUCTS IN FEDERAL CATALOG.—Energy Star and FEMP designated products shall be clearly identified and prominently displayed in any inventory or listing of products by the General Services Administration or the Defense Logistics Agency.

"(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the National Energy Conservation Policy Act (42 U.S.C. 8291 note) is amended by inserting after the item relating to section 551 the following:

"Sec. 552. Federal Government procurement of energy efficient products."
"(I) accepting applications for loans from the Bank in fiscal year 2002; and

"(II) making loans from the Bank in fiscal year 2003.

"(B) ENERGY SAVINGS PERFORMANCE CONTRACTING FUNDING.—To the extent practicable, an agency shall not submit a project for which energy performance contracting funding is available that is acceptable to the Federal agency under title VIII.

"(C) PURPOSES OF LOAN.—

"(i) A loan from the Bank may be used to—

"(I) the costs of an energy or water efficiency project, or a renewable or alternative energy project, to fund new or existing Federal building (including selection and design of the project);

"(II) the costs of an energy metering plan and monitoring program installed pursuant to section 543(e) or for the purpose of verification of the energy savings under an energy savings performance contract under title VIII; or

"(III) at the time of contracting, the costs of cofunding of an energy savings performance contract (including a utility energy service contract) in order to shorten the payback period of the project that is the subject of the energy savings performance contract.

"(ii) LIMITATION.—A Federal agency may not use more than 10 percent of the amount of a loan under subclause (I) or (II) of clause (i) to pay the costs of administration and proposal development (including data collection and energy surveys).

"(III) RENEWABLE AND ALTERNATIVE ENERGY PROJECTS.—Not more than 25 percent of the amount on loan from the Bank at any time may be loaned for renewable energy and alternative energy projects (as defined by the Secretary in accordance with applicable law (including Executive Orders)).

"(D) REPAYMENTS.—

"(i) IN GENERAL.—Subject to clauses (ii) through (iv), a Federal agency shall repay to the Bank the principal amount of a loan plus interest at a rate determined by the President, in consultation with the Secretary and the Secretary of the Treasury.

"(ii) WAIVER OR REDUCTION OF INTEREST.—The Secretary may waive or reduce the rate of interest required to be paid under clause (i) if the Secretary determines that payment of interest by a Federal agency at the rate determined under that clause is not required to fund the operations of the Bank.

"(III) INTEREST RATE.—The interest rate determined under clause (i) shall be at a rate that is sufficient to ensure that, beginning not later than October 1, 2007, interest payments will be sufficient to fully fund the operations of the Bank.

"(iv) INSUFFICIENCY OF APPROPRIATIONS.—

"(A) the total receipts by the Bank shall be determined by subtracting the amount required to pay the interest due in the fiscal year under this subsection from the amount of principal required to be repaid in the fiscal year under this subsection,

"(B) the total amount of loans from the Bank to each Federal agency; and

"(C) the estimated cost and energy savings resulting from projects funded with loans from the Bank.

"(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to such sums as are necessary to carry out this section.

"(E) FEDERAL AGENCY ENERGY BUDGETS.—

"(1) REQUEST FOR APPROPRIATIONS.—As part of the budget request of the Federal agency for each fiscal year, the head of each Federal agency shall submit to the President a request for appropriations, as authorized by this subsection, to fund the operations of the Bank.

"(2) PROJECTS.—

"(A) the Secretary of Energy, to—

"(i) ensure that state-of-the-art energy and water conservation measures are used in the construction and design of all Federal buildings; and

"(B) for each project that fails to meet the energy savings projections, state the reasons for the failure and describe proposed remedies.

"(B) AUDITS.—The Secretary may audit, or require a Federal agency that receives a loan from the Bank to audit, any project financed with amounts from the Bank to assess the performance of the project.

"(C) REPORTS TO CONGRESS.—At the end of each fiscal year, the Secretary shall submit to Congress a report on the operations of the Bank, including a statement of—

"(A) the total receipts by the Bank;

"(B) the total amount of loans from the Bank to each Federal agency; and

"(C) the estimated cost and energy savings resulting from projects funded with loans from the Bank.

"(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to such sums as are necessary to carry out this section.

"(E) CAPITOL VISITOR CENTER.—The Architect shall submit to Congress annually a report on energy and water conservation programs required under this section that describes in detail—

"(1) energy expenditures and savings estimates for each facility;

"(2) energy management and conservation projects; and

"(3) future priorities to ensure compliance with this section.

"(F) REPORTS AND AUDITS.—(1) The National Energy Conservation Policy Act is amended by adding at the end:

"SEC. 554. ENERGY AND WATER SAVINGS MEASURES IN CONGREGATIONAL BUILDINGS.

"(a) IN GENERAL.—The Architect of the Capitol—

"(1) shall develop, update, and implement a cost-effective energy conservation and management plan (referred to in this section as the "plan") for all facilities administered by the Congress (referred to in this section as congressional buildings) that meet the energy performance requirements for Federal buildings established under section 543(a)(1).

"(2) shall submit the plan to Congress, not later than 180 days after the date of enactment of this section.

"(b) PLAN REQUIREMENTS.—The plan shall include—

"(1) a description of the life-cycle cost analysis used to determine the cost-effectiveness of proposed energy efficiency projects;

"(2) a schedule of energy surveys to ensure complete surveys of all congressional buildings every five years to determine the cost and payback period of energy and water conservation measures;

"(3) a strategy for installation of life cycle cost effective energy and water conservation measures;

"(4) the results of a study of the costs and benefits of installation of submetering in congressional buildings;

"(5) information packages and ‘how-to’ guides for each Member and employing au- thority of Congress that detail cost-effective methods to save energy and taxpayer dollars in the workplace.

"(c) CONTRACTING AUTHORITY.—The Architect—

"(1) may contract with nongovernmental entities and use private sector capital to finance energy conservation projects and meet energy performance requirements; and

"(2) may use innovative contracting methods that will attract private sector funding for the installation of energy efficient and renewable energy technology, such as energy savings performance contracts described in title VIII.

"(d) VISITOR CENTER.—The Architect—

"(1) shall ensure that state-of-the-art energy and water conservation technologies are used in the construction and design of the Visitor Center and

"(2) shall include in the Visitor Center an exhibit that highlights the energy efficiency and renewable energy measures used in congressional buildings.

"(e) ANNUAL REPORT.—The Architect shall submit to Congress annually a report on congressional energy management and conservation programs required under this section that describes in detail—

"(1) energy expenditures and savings estimates for each facility;

"(2) energy management and conservation projects; and

"(3) future priorities to ensure compliance with this section.

"(f) REPORTS AND AUDITS.—(1) The National Energy Conservation Policy Act is amended by adding at the end:

"SEC. 919. ENERGY AND WATER SAVINGS MEASURES.

"(a) IN GENERAL.—Part 3 of title V of the National Energy Conservation Policy Act is amended by adding at the end:

"(b) PLAN REQUIREMENTS.—The plan shall include—

"(1) a description of the life-cycle cost analysis used to determine the cost-effectiveness of proposed energy efficiency projects;

"(2) a schedule of energy surveys to ensure complete surveys of all congressional buildings every five years to determine the cost and payback period of energy and water conservation measures;

"(3) a strategy for installation of life cycle cost effective energy and water conservation measures;

"(4) the results of a study of the costs and benefits of installation of submetering in congressional buildings;

"(5) information packages and ‘how-to’ guides for each Member and employing author- ity of Congress that detail cost-effective methods to save energy and taxpayer dollars in the workplace.

"(c) CONTRACTING AUTHORITY.—The Architect—

"(1) may contract with nongovernmental entities and use private sector capital to finance energy conservation projects and meet energy performance requirements; and

"(2) may use innovative contracting methods that will attract private sector funding for the installation of energy efficient and renewable energy technology, such as energy savings performance contracts described in title VIII.

"(d) VISITOR CENTER.—The Architect—

"(1) shall ensure that state-of-the-art energy and water conservation technologies are used in the construction and design of the Visitor Center and

"(2) shall include in the Visitor Center an exhibit that highlights the energy efficiency and renewable energy measures used in congressional buildings.

"(e) ANNUAL REPORT.—The Architect shall submit to Congress annually a report on congressional energy management and conservation programs required under this section that describes in detail—

"(1) energy expenditures and savings estimates for each facility;

"(2) energy management and conservation projects; and

"(3) future priorities to ensure compliance with this section.
(c) RECOGNITION.—The Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency and other appropriate federal agencies, shall develop mechanisms (recognized and publicize the achievements of participants in voluntary agreements under this section.

(d) DEFINITION.—In this section, the term ‘energy consumed’ means the primary energy consumed per unit of physical output in an industrial process.

(e) TECHNICAL ASSISTANCE.—An entity that enters into an agreement under this section and continues to make a good faith effort to achieve the energy efficiency goals specified in the agreement shall be eligible to receive from the Energy Star program a grant or technical assistance as appropriate to assist in the achievement of those goals.

(f) REPORT.—Not later than June 30, 2008 and June 30, 2012, the Secretary shall submit to Congress a report that evaluates the success of the voluntary agreements, with independent verification of a sample of the energy savings estimates provided by participating firms.

SEC. 922. AUTHORITY TO SET STANDARDS FOR COMMERCIAL PRODUCTS.

Part B of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.) is amended as follows:

(1) In the heading for such part, by inserting “COMMERCIAL” after “CONSUMER”.

(2) In section 321(2), by inserting “or commercial” after “consumer”.

(3) In paragraphs (4), (6), and (15) of section 321, by striking “consumer” each place it appears and inserting “covered”.

(4) In section 322(a), by inserting “or commercial” after “consumer” the first place it appears in the material preceding paragraph (1).

(5) In section 322(b), by inserting “or commercial” after “consumer” each place it appears.

(6) In section 322(b)(1)(B) and (b)(2)(A), by inserting “or per-business in the case of a commercial product” after “per-household” each place it appears.

(7) In section 322(b)(2)(A), by inserting “or businesses in the case of the commercial products” after “households” each place it appears.

(8) In section 322(B)(2)(C)—

(A) by striking “term” and inserting “terms”;

(B) by inserting “and ‘businesses’” after “households”;

(9) In section 323(b)(1) by inserting “or commercial” after “consumer”.

SEC. 923. ADDITIONAL DEFINITIONS.

Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended as follows:

(1) In the heading for such section, by inserting “COMMERCIAL” after “CONSUMER”.

(2) In paragraph (4), (6), and (15) of such section, by striking “consumer” each place it appears and inserting “covered”.

(3) In section 322(a), by inserting “or commercial” after “consumer” the first place it appears in the material preceding paragraph (1).

(4) In section 322(b), by inserting “or commercial” after “consumer” each place it appears.

(5) In section 322(b)(1)(B) and (b)(2)(A), by inserting “or per-business in the case of a commercial product” after “per-household” each place it appears.

(6) In section 322(b)(2)(A), by inserting “or businesses in the case of the commercial products” after “households” each place it appears.

(7) In section 322(B)(2)(C)—

(A) by striking “term” and inserting “terms”;

(B) by inserting “and ‘businesses’” after “households”.

(8) In section 323(b)(1) by inserting “or commercial” after “consumer”.

SEC. 924. ADDITIONAL TEST PROCEDURES.

(a) EXIT SIGNS.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended by adding at the end the following:

“(3) The term ‘battery charger’ means a device that charges batteries for consumer products.

(3) The term ‘commercial refrigerator, freezer and refrigerator-freezer’ means a refrigerator, freezer or refrigerator-freezer that—

(A) is a consumer product regulated under this Act; and

(B) incorporates most components involved in the vapor-compression cycle and the refrigerated compartment in a single package.

(3) The term ‘external power supply’ means an external power supply circuit that is used to convert household electric current into either DC current or lower-voltage AC current to operate a consumer product.

(3) The term ‘illuminated exit sign’ means that—

(A) is designed to be permanently fixed in place to identify an exit; and

SEC. 925. ENERGY LABELING.

(a) RULEMAKING ON EFFECTIVENESS OF CONSUMER PRODUCT LABELING.—(Paraph 2) of section 323(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding at the end the following by rule, labeling requirements for such products. Labeling requirements adopted under this paragraph shall take effect on the same date as the standards set pursuant to sections 325(v) through (y).

(b) RULEMAKING ON LABELING FOR ADDITIONAL PRODUCTS.—Section 323(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is further amended by adding at the end the following:

SEC. 926. ENERGY STAR PROGRAM.

The Energy Policy and Conservation Act (42 U.S.C. 6261) and following) is amended by inserting after section 324 the following:

SEC. 324A. (a) IN GENERAL.—There is established at the Department of Energy and the Environmental Protection Agency a program to identify and promote energy-efficient products and buildings in order to reduce energy consumption, improve energy security, and reduce pollution through labeling of products and buildings that meet the highest energy efficiency standards. Responsibilities under the program shall be divided between the Department of Energy and the Environmental Protection Agency consistent with the terms of agreements between the two agencies. The Administrator and the Secretary shall—

(1) promote Energy Star compliant technologies as the preferred technologies in the marketplace for achieving energy efficiency and to reduce pollution:

(2) work to enhance public awareness of the Energy Star label;

(3) prescribe the integrity of the Energy Star label; and

(4) solicit the comments of interested parties in establishing a new Energy Star product category or in revising a product category, and upon adoption of a new or revised category provide an explanation of the decision that responds to significant public comments.”.
SEC. 927. ENERGY CONSERVATION STANDARDS FOR CENTRAL AIR CONDITIONERS AND HEAT PUMPS.
Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended to read as follows:

"(1) Except as provided in paragraph (3), the seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps manufactured on or after January 23, 2006 shall be no less than 12.0.

"(3) The seasonal energy efficiency ratio of central air conditioners or central air conditioning heat pumps manufactured on or after January 23, 2006 shall be no less than 7.4 for products that—

"(A) have a rated cooling capacity equal to or greater than 20,000 British thermal units per hour; or

"(B) have an outdoor or indoor unit having at least two overall exterior dimensions or an overall displacement of—

"(i) no smaller than those of other units that are currently installed in site-built single family homes, and of a similar construction, capacity, and efficiency; and

"(ii) if increased would result in a significant increase in the cost of installation or would result in a significant loss in the utility of the product to the consumer; or

"(C) were available for purchase in the United States as of December 1, 2000.

"(4) The heating seasonal performance factor of central air conditioning heat pumps manufactured on or after January 25, 2006 shall not be less than 7.4 for products that meet the criteria in paragraph (3).

"(5) The Secretary may postpone the requirements of paragraphs (3) and (4) for specific product types until a date no later than January 23, 2007 if he determines that compliance is—

"(A) not technologically feasible, or

"(B) not economically justifiable.

"(6) The Secretary shall publish a final rule not later than January 1, 2006 to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2008.

SEC. 928. ENERGY CONSERVATION STANDARDS FOR ADDITIONAL CONSUMER AND COMMERCIAL PRODUCTS.
Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

"(u) STANDBY MODE ELECTRIC ENERGY CONSUMPTION.—

"(1) Initial rulemaking.—

"(A) The Secretary shall, within 18 months after the date of enactment of this subsection, prescribe, by notice and comment, definitions of standby mode and test procedures for the standby mode power use of battery chargers and external power supplies. In establishing these test procedures, the Secretary shall consider, among other factors, existing test procedures used for measuring energy consumed by standby modes and assess the current and projected future market for battery chargers and external power supplies. This assessment shall include estimation of potential energy savings from technical improvements to these products and suggested product classes for standards. Prior to the end of this time period, the Secretary shall hold a workshop to discuss and receive comments on plans for developing energy conservation standards for standby mode energy use for these products.

"(B) The Secretary shall, within 3 years after the date of enactment of this subsection, issue a final rule that determines whether energy conservation standards shall be promulgated for battery chargers and external power supplies or classes thereof. For each product class, the standards shall be set at the lowest level of standby energy use that—

"(i) meets the criteria of subsections (o), (p), (q), (r), (t), and (u); and

"(ii) will result in significant overall annual energy savings, considering both standby mode and other operating modes.

"(2) Designation of additional covered products.—

"(A) Not later than 180 days after the date of enactment, the Secretary shall publish for public comment and public hearing a notice to determine whether any noncovered products should be designated as covered for the purpose of instituting a rulemaking under this section to determine whether an energy conservation standard restricting standby mode energy consumption, should be promulgated, providing that any restriction on standby mode energy consumption shall be limited to major sources of such consumption.

"(B) In making determinations pursuant to subparagraph (A) of whether to designate new covered products and institute rulemakings, the Secretary shall, among other relevant factors and in addition to the criteria in section 322(b), consider—

"(i) standby mode power consumption compared to overall product energy consumption; and

"(ii) the priority and energy savings potential of standards which may be promulgated under this subsection compared to other rules necessary under this section and the available resources of the Department to conduct such rulemakings.

"(C) Not later than 1 year after the date of enactment of this subsection, the Secretary shall issue a determination of any new covered products for which he intends to institute rulemakings under standby mode pursuant to this section and he shall state the dates by which he intends to initiate those rulemakings.

"(3) Review of standby energy use in covered products.—In determining pursuant to section 323 whether test procedures and energy conservation standards pursuant to section 323(b)(1) are needed, the Secretary shall consider for covered products which are major sources of standby mode energy consumption whether to incorporate standby mode energy efficiency into energy conservation standards, taking into account, among other relevant factors, the criteria for non-covered products in subparagraph (B) of this subsection.

"(4) Rulemaking for standby mode.—

"(A) Any rulemaking instituted under this subsection or for covered products under this section which restricts standby mode power consumption shall be subject to the criteria and procedures for issuing energy conservation standards set forth in section 325 and the criteria set forth in paragraph (2)(B) of this subsection.

"(B) No standard can be proposed for new covered products or covered products in a standby mode unless the Secretary has promulgated applicable test procedures for each product pursuant to section 323.

"(C) The Secretary shall apply to new covered products which are subject to the rulemakings for standby mode after a final rule has been issued.

"(D) Effective patents or marks for standards promulgated under this subsection shall be applicable to products manufactured or imported three years after the date of promulgation of these standards.

"(5) Voluntary programs to reduce standby mode energy use.—The Secretary and the Administrator shall collaborate and develop programs, including programs pursuant to section 324A and other voluntary industry agreements or codes of conduct, which are designed to reduce standby mode energy use.

"(v) suspended ceiling fans, vending machines, unit heaters, and commercial refrigerators, freezers and refrigeration equipment.—The Secretary shall, within 24 months after the date on which testing requirements are prescribed by the Secretary pursuant to section 323(f), prescribe energy conservation standards for suspended ceiling fans, refrigerated bottled or canned beverage vending machines, unit heaters, and commercial refrigeration equipment.

"Sec. 929. Consumer Education on Energy Efficiency and Affordability.
Section 327 of the Energy Policy and Conservation Act of 1992 (42 U.S.C. 6307) is amended by adding at the end the following:

"(c) HVAC Maintenance.—(1) For the purpose of ensuring that installed air conditioning and heating systems operate at their maximum rated efficiency levels, the Secretary shall, within 180 days of the date of enactment of this subsection, carry out a program to educate homeowners and small business owners concerning the energy savings resulting from properly conducted maintenance of air conditioning, heating, and ventilating systems.

"(2) The Secretary may carry out the program in cooperation with industry trade associations, industry members, and energy efficiency organizations.

Subtitle D—Housing Efficiency
SEC. 931. CAPACITY BUILDING FOR ENERGY EFFICIENT, AFFORDABLE HOUSING.
Section 4(b) of the HUD Demonstration Act of 1993 (42 U.S.C. 8116 note) is amended—

"(1) in subparagraph (1), by inserting before the semicolon the following: ‘‘, including capabilities regarding the provision of energy efficient, affordable housing and residential energy conservation measures’’; and

"(2) in paragraph (2), by inserting before the semicolon the following: ‘‘, including such activities relating to the provision of energy efficient, affordable housing and residential energy conservation measures that benefit low-income families’’. 
SEC. 1012. INCREASE OF CBG PUBLIC SERVICES CAP FOR ENERGY CONSERVATION AND EFFICIENCY ACTIVITIES.

Section 101(a)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5303(a)(3)) is amended—

(1) by inserting “or efficiency” after “energy conservation”; and

(2) by inserting “and except that” and inserting “; and”.

SEC. 1013. GRANTS FOR ENERGY-CONSERVING IMPROVEMENTS FOR ASSISTED HOUSING.

Section 257(b)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8271(b)(1)) is amended—

(1) by striking “financed with loans” and inserting “assisted”; and

(2) by inserting after “1959,” the following: “which are eligible multifamily housing projects (as such term is defined in section 512 of the Multi-family Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) and are subject to a mortgage re-structuring and rental assistance sufficiency plans under such Act) and are used only for the provision of public services concerning energy conservation or efficiency”.

SEC. 1033. FHA MORTGAGE INSURANCE INCENTIVES FOR ENERGY EFFICIENT HOUSING.

(a) SINGLE FAMILY HOUSING MORTGAGE INSURANCE.—Section 221(k) of the National Housing Act (12 U.S.C. 1709k(b)(2)) is amended, in the first undesignated paragraph beginning after subparagraph (B) (relating to solar energy systems),—

(1) by inserting “or paragraph (10);” and

(2) by striking “20 percent” and inserting “30 percent”.

(b) MULTIFAMILY HOUSING MORTGAGE INSURANCE.—Section 221(o)(2) of the National Housing Act (12 U.S.C. 1715k(o)(2)) is amended by striking “20 percent” and inserting “30 percent”.

(c) COOPERATIV HOUSING MORTGAGE INSURANCE.—Section 221(p) of the National Housing Act (12 U.S.C. 1715k(p)) is amended by striking “20 percent” and inserting “30 percent”.

(d) REHABILITATION AND NEIGHBORHOOD CONSERVATION HOUSING MORTGAGE INSURANCE.—Section 220(b)(3)(B)(ii) of the National Housing Act (12 U.S.C. 1710k(b)(3)(B)(ii)) is amended by striking “20 percent” and inserting “30 percent”.

(e) LOW-INCOME MULTIFAMILY HOUSING MORTGAGE INSURANCE.—Section 221(q) of the National Housing Act (12 U.S.C. 1715k(q)) is amended by striking “20 percent” and inserting “30 percent”.

(f) ELDERLY HOUSING MORTGAGE INSURANCE.—Section 221(r)(1) of the National Housing Act (12 U.S.C. 1715k(r)(1)) is amended by striking “20 percent” and inserting “30 percent”.

(g) CONDOMINIUM HOUSING MORTGAGE INSU RANCE.—Section 234(j) of the National Housing Act (12 U.S.C. 1710z-11(j)) is amended by striking “20 percent” and inserting “30 percent”.

SEC. 1034. PUBLIC HOUSING CAPITAL FUND.

Section 9(d)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437d(d)(1)) is amended—

(1) in subparagraph (1), by striking “and” and inserting “; and”;

(2) in subparagraph (K), by striking the period at the end and inserting “; and”; and

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

“(L) improvement of energy and water-use efficiency by installing fixtures and fittings that conform to the American Society of Mechanical Engineers/ American National Standards Institute standards A112.19.2-1998 and A112.18.1-2000, or any revision thereto, applicable at the time of installation, and by increasing energy and water conservation by such other means as the Secretary determines are appropriate.”.

SEC. 1035. MORTGAGE INSURANCE.—Section 221(k) of the National Energy Conservation Policy Act (42 U.S.C. 8271(k)) is amended—

(1) by striking “financed with loans” and inserting “assisted”; and

(2) by inserting after “1959,” the following: “which are eligible multifamily housing projects (as such term is defined in section 512 of the Multi-family Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) and are subject to a mortgage re-structuring and rental assistance sufficiency plans under such Act) and are used only for the provision of public services concerning energy conservation or efficiency”.

SEC. 1036. NORTH AMERICAN DEVELOPMENT BANK.

Part 2 of subtitle D of title V of the North American Free Trade Agreement Implementation Act (22 U.S.C. 2301-2309) is amended by adding at the end the following:

“SEC. 545. SUPPORT FOR CERTAIN ENERGY POLICIES.

“Consistent with the focus of the Bank’s Charter on environmental infrastructure projects, the Board members representing the United States should use their voice and vote to encourage the Bank to finance projects related to clean and efficient energy, including energy conservation, that prevent, control, or reduce environmental pollution, containing the following:

“DIVISION D—INTEGRATION OF ENERGY POLICY AND CLIMATE CHANGE POLICY FORMULATION

Subtitle A—Global Warming

SEC. 1001. SENSE OF CONGRESS ON GLOBAL WARMING.

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

(1) Evidence continues to build that increases in atmospheric concentrations of man-made greenhouse gases are contributing to global climate change.

(2) The Intergovernmental Panel on Climate Change (IPCC) has concluded that “there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities” and that the Earth’s average temperature can be expected to rise between 2.5 and 10.4 degrees Fahrenheit in this century.

(3) The National Academy of Sciences confirmed the findings of the IPCC, stating that “the IPCC’s conclusion that most of the observed warming of the last 50 years is likely to have been caused by greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue” and that “there is general agreement that the observed warming is real and particularly strong within the past twenty years”.

(4) The IPCC has stated that in the last 40 years, the average global temperature has increased, snow cover and ice extent have decreased, which threatens to inundate low-lying island nations and coastal regions throughout the world.

(5) The Environmental Protection Agency has found that global warming may harm the health of children and pregnant women, threatening the health and wellbeing of future generations, and increasing the spread of tropical infectious diseases.

(b) SENSE OF CONGRESS.—It is the sense of the United States Congress that the United States should demonstrate international leadership and responsibility in mitigating the health, environmental, and economic threats posed by global warming by:

(1) taking responsible action to ensure significant and meaningful reductions in emissions of greenhouse gases and other potential pollutants or contaminants of the atmosphere;

(2) creating flexible international and domestic mechanisms, including joint implementation, technology transfers, and carbon capture projects that will reduce, avoid, and sequester greenhouse gas emissions; and

(3) participating in international negotiations, including putting forth a proposal at the next meeting of the Conference of the Parties, with the objective of securing United States’ participation in a prior to Kyoto Protocol or other future binding climate change agreements in a manner that is consistent with the environmental objectives of the Framework Convention on Climate Change, that protects the economic interests of the United States, and recognizes the shared international responsibility for addressing climate change, including developing country participation.

Subtitle B—Climate Change Strategy

SEC. 1011. SHORT TITLE.

This title may be cited as the “Climate Change Strategy and Technology Innovation Act of 2002.”

SEC. 1012. FINDINGS.

(a) Congress finds that—

(1) evidence continues to build that increases in atmospheric concentrations of greenhouse gases are contributing to global climate change;
(2) in 1992, the Senate ratified the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, the ultimate objective of which is the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system";

(3) relatively recent scientific information about human-induced climate change and its consequences cannot determine precisely what atmospheric concentrations are "dangerous", the current trajectory of greenhouse gas emissions will lead to a continued rise in greenhouse gas concentrations in the atmosphere, not stabilization;

(4) the remaining scientific uncertainties call for deference of human actions, but not inaction;

(5) greenhouse gases are associated with a wide range of human activities, including energy production, transportation, agriculture, forestry, manufacturing, buildings, and other activities;

(6) the economic consequences of poorly designed climate change response strategies, or of inaction, may cost the global economy trillions of dollars;

(7) failure to stabilize these economic burdens would be borne by the United States;

(8) stabilization of greenhouse gas concentrations in the atmosphere will require transformational change in the global energy system and other emitting sectors at an almost unimaginable level—a veritable industrial revolution is required;

(9) change can only occur if the revolution is preceded by research and development that leads to bold technological breakthroughs;

(10) the decade preceding the date of enactment of this Act;

(A) energy research and development budgets in the public and private sectors have declined and have not focused on the climate change response challenge; and

(B) the investments that have been made have not been guided by a comprehensive strategy;

(II) the negative trends in research and development funding described in paragraph (10) must be reversed with a focus on not only traditional energy research and development, but also bolder, breakthrough research;

(12) much more progress could be made on the issue of climate change if the United States were to adopt a new approach for addressing the threat that included, as an ultimate long-term goal—

(A) stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system; and

(B) a response strategy with 4 key elements consisting of—

(i) the positive contributions that research and development programs in existence on the date of enactment of this title make toward the climate change response challenge; and

(ii) to provide analytical support and data to the White House Office, other agencies, and the public;

(4) the establishment of an independent review board—

(A) to review the Strategy and annually update the United States and international progress toward the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system; and

(B) to assess—

(i) the performance of each Federal agency that has responsibilities under the Strategy; and

(ii) the adequacy of the budget of each such Federal agency to fulfill the responsibilities of the Federal agency under the Strategy; and

(5) the establishment of offices in, or the carrying out of activities by, the Department of Agriculture, the Department of Transportation, the Department of Commerce, the Environmental Protection Agency, and other Federal agencies as necessary to carry out this title.

SEC. 1014. DEFINITIONS.

In this title:

(A) FEDERAL AGENCY—The term "Federal agency" means—

(i) an agency that has responsibilities under the Strategy;

(ii) the adequacy of the budget of each such Federal agency to fulfill the responsibilities of the Federal agency under the Strategy; and

(iii) the remaining scientific uncertainties that are critical to the long-term stabilization of greenhouse gas concentrations in the atmosphere; and

(B) to provide analytical support and data to the White House Office, other agencies, and the public;

(4) the establishment of an independent review board—

(A) to review the Strategy and annually update the United States and international progress toward the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system; and

(B) to assess—

(i) the performance of each Federal agency that has responsibilities under the Strategy; and

(ii) the adequacy of the budget of each such Federal agency to fulfill the responsibilities of the Federal agency under the Strategy; and

(5) the establishment of offices in, or the carrying out of activities by, the Department of Agriculture, the Department of Transportation, the Department of Commerce, the Environmental Protection Agency, and other Federal agencies as necessary to carry out this title.

SEC. 1014. DEFINITIONS.

In this title:

(A) FEDERAL AGENCY—The term "Federal agency" means—

(i) an agency that has responsibilities under the Strategy;

(ii) the adequacy of the budget of each such Federal agency to fulfill the responsibilities of the Federal agency under the Strategy; and

(iii) the remaining scientific uncertainties that are critical to the long-term stabilization of greenhouse gas concentrations in the atmosphere; and

(B) technology development, including—

(i) recognition of the important contributions that research and development programs in existence on the date of enactment of this title make toward the climate change response challenge; and

(ii) to provide analytical support and data to the White House Office, other agencies, and the public;

(4) the establishment of offices in, or the carrying out of activities by, the Department of Agriculture, the Department of Transportation, the Department of Commerce, the Environmental Protection Agency, and other Federal agencies as necessary to carry out this title.

SEC. 1014. DEFINITIONS.

In this title:

(A) FEDERAL AGENCY—The term "Federal agency" means—

(i) an agency that has responsibilities under the Strategy;

(ii) the adequacy of the budget of each such Federal agency to fulfill the responsibilities of the Federal agency under the Strategy; and

(iii) the remaining scientific uncertainties that are critical to the long-term stabilization of greenhouse gas concentrations in the atmosphere; and

(B) technology development, including—

(i) recognition of the important contributions that research and development programs in existence on the date of enactment of this title make toward the climate change response challenge; and

(ii) to provide analytical support and data to the White House Office, other agencies, and the public;

(4) the establishment of offices in, or the carrying out of activities by, the Department of Agriculture, the Department of Transportation, the Department of Commerce, the Environmental Protection Agency, and other Federal agencies as necessary to carry out this title.

SEC. 1014. DEFINITIONS.

In this title:

(A) FEDERAL AGENCY—The term "Federal agency" means—

(i) an agency that has responsibilities under the Strategy;

(ii) the adequacy of the budget of each such Federal agency to fulfill the responsibilities of the Federal agency under the Strategy; and

(iii) the remaining scientific uncertainties that are critical to the long-term stabilization of greenhouse gas concentrations in the atmosphere; and

(B) technology development, including—

(i) recognition of the important contributions that research and development programs in existence on the date of enactment of this title make toward the climate change response challenge; and

(ii) to provide analytical support and data to the White House Office, other agencies, and the public;

(4) the establishment of offices in, or the carrying out of activities by, the Department of Agriculture, the Department of Transportation, the Department of Commerce, the Environmental Protection Agency, and other Federal agencies as necessary to carry out this title.

SEC. 1014. DEFINITIONS.

In this title:

(A) FEDERAL AGENCY—The term "Federal agency" means—

(i) an agency that has responsibilities under the Strategy;

(ii) the adequacy of the budget of each such Federal agency to fulfill the responsibilities of the Federal agency under the Strategy; and

(iii) the remaining scientific uncertainties that are critical to the long-term stabilization of greenhouse gas concentrations in the atmosphere; and

(B) technology development, including—

(i) recognition of the important contributions that research and development programs in existence on the date of enactment of this title make toward the climate change response challenge; and

(ii) to provide analytical support and data to the White House Office, other agencies, and the public;

(4) the establishment of offices in, or the carrying out of activities by, the Department of Agriculture, the Department of Transportation, the Department of Commerce, the Environmental Protection Agency, and other Federal agencies as necessary to carry out this title.

SEC. 1014. DEFINITIONS.

In this title:

(A) FEDERAL AGENCY—The term "Federal agency" means—

(i) an agency that has responsibilities under the Strategy;

(ii) the adequacy of the budget of each such Federal agency to fulfill the responsibilities of the Federal agency under the Strategy; and

(iii) the remaining scientific uncertainties that are critical to the long-term stabilization of greenhouse gas concentrations in the atmosphere; and

(B) technology development, including—

(i) recognition of the important contributions that research and development programs in existence on the date of enactment of this title make toward the climate change response challenge; and

(ii) to provide analytical support and data to the White House Office, other agencies, and the public;
breakthrough technologies that will make possible a profound transformation of the energy, transportation, industrial, agricultural, and building sectors of the United States.

(C) climate change research that—

(i) focuses on response actions necessary to adapt to climate change that may have already occurred;

(ii) focuses on response actions necessary to adapt to climate change that may occur in the future and scenarios for climate change;

(D) climate science research that—

(i) builds on the substantial scientific understanding of climate change that exists as of the date of enactment of this Act;

(ii) focuses on resolving the remaining scientific, technical, and economic uncertainties to aid in the development of sound response strategies.

(B) QUALIFIED INDIVIDUAL.—

(A) IN GENERAL.—The term ‘‘qualified individual’’ means an individual who has demonstrated expertise and leadership skills to draw on other experts in diverse fields of knowledge that are relevant to addressing the climate change response challenge.

(B) FIELDS OF KNOWLEDGE.—The fields of knowledge referred to in subparagraph (A) are—

(i) the science of primary and secondary climate change impacts;

(ii) energy and environmental economics;

(iii) technology transfer and diffusion;

(iv) the social dimensions of climate change;

(v) climate change adaptation strategies;

(vi) fossil, nuclear, and renewable energy technologies;

(vii) energy efficiency and energy conservation;

(viii) energy systems integration;

(ix) engineered and terrestrial carbon sequestration;

(x) transportation, industrial, and building sector concerns;

(xi) regulatory and market-based mechanisms for addressing climate change;

(xii) risk analysis;

(xiii) strategic planning; and

(xiv) the international implications of climate change response strategies.


10. SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Energy.

11. USE OF GREENHOUSE GAS CONCENTRATIONS.—The term ‘‘stabilization of greenhouse gas concentrations’’ means the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, recognizing that such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner, as contemplated by the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

12. STRATEGY.—The term ‘‘Strategy’’ means the United States Climate Change Response Strategy developed under section 1015.

13. WHITE HOUSE OFFICE.—The term ‘‘White House Office’’ means the National Office of Climate Change Response of the Executive Office of the President established by section 1015.

SEC. 1015. UNITED STATES CLIMATE CHANGE RESPONSE STRATEGY.

(a) IN GENERAL.—The Director of the White House Office, with the assistance of the United States Climate Change Response Strategy, which shall—

(1) have the long-term goal of stabilization of greenhouse gas concentrations through actions taken by the United States and other nations;

(2) recognize that accomplishing the long-term goal of stabilization will take from many decades to more than a century, but acknowledging that significant actions must begin in the near term;

(3) build on the 4 key elements;

(4) be developed on the basis of an examination of a broad range of emissions levels and dates for achievement of those levels (including those evaluated by the Intergovernmental Panel on Climate Change and those consistent with U.S. treaty commitments and other international negotiations) that, after taking into account by actions other nations (if any), would culminate in the stabilization of greenhouse gas concentrations;

(5) consider the broad range of activities and actions that can be taken by United States entities to reduce, avoid, or sequester greenhouse gas emissions both within the United States and in other nations through the use of market mechanisms, which may include but not limited to mitigation activities, terrestrial and ocean carbon sinks, technological changes in the electricity, transportation, and industrial sectors, energy systems integration, and land use change and forestry;

(6) build on the substantial scientific understanding of climate change that exists as of the date of enactment of this Act; and

(b) REQUIREMENT.—Not later than 2 years after the date of enactment of this Act, the President shall submit to Congress an updated Climate Change Response Strategy to Congress under subsection (b), and at the end of each 1-year period thereafter, the President shall submit to Congress an updated Climate Change Response Strategy.

(c) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this title, the President shall submit to Congress the Strategy.

(d) UPDATING.—Not later than 2 years after the date of submission of the Strategy to Congress under subsection (b), the President shall submit to Congress an updated version of the Strategy.

(e) PERFORMANCE REPORT.—Not later than 1 year after the date of submission of the Strategy to Congress under subsection (b), the President shall submit to Congress an updated version of the Strategy.
(1) describes the progress on implementation of the Strategy; and
(2) provides recommendations for improvement of the Strategy and the implementation of the measures.

(e) ALIGNMENT WITH ENERGY, TRANSPORTATION, INDUSTRIAL, AGRICULTURAL, FORESTRY, AND OTHER PROGRAMS.—The Director of the White House Office, the Secretary, and the other members of the Interagency Task Force shall work together to align the actions carried out under the Strategy and actions associated with the energy, transportation, industrial, agricultural, forestry, and other relevant policies of the United States so that the objectives of both the Strategy and the policies are met without compromising the climate change-related goals of the Strategy or the goals of the policies.

SEC. 1016. NATIONAL OFFICE OF CLIMATE CHANGE RESPONSE OF THE EXECUTIVE OFFICE OF THE PRESIDENT.

(a) ESTABLISHMENT OF OFFICE .—

(1) IN GENERAL.—There is established, within the Executive Office of the President, the National Office of Climate Change Response.

(2) FOCUS.—The White House Office shall have the focus of achieving the long-term goal of stabilizing greenhouse gas concentrations while minimizing adverse short-term and long-term economic and social impacts.

(b) DUTIES.—Consistent with paragraph (2), the White House Office shall—

(A) establish policies, objectives, and priorities for the Strategy;

(B) in accordance with subsection (d), establish the Interagency Task Force to serve as the primary mechanism through which the heads of Federal agencies shall assist the Director of the White House Office in developing and implementing the Strategy;

(C) to the maximum extent practicable, ensure that the Strategy is based on objective, quantitative analysis, drawing on the analytical capabilities of Federal and State agencies, especially the Department Office;

(D) advise the President concerning necessary changes in organization, management, budgeting, and personnel allocation of Federal agencies involved in climate change response activities;

(E) advise the President and notify a Federal agency if the policies and discretionary programs of the agency are not well aligned with, or are not contributing effectively to, the long-term goal of stabilization of greenhouse gas concentrations.

(c) DIRECTOR OF THE WHITE HOUSE OFFICE.—

(1) IN GENERAL.—The White House Office shall be headed by a Director, who shall report directly to the President.

(2) APPOINTMENT.—The Director of the White House Office shall be a qualified individual as appointed by the President, by and with the advice and consent of the Senate.

(d) DUTIES OF THE DIRECTOR OF THE WHITE HOUSE OFFICE.—

(A) CLIMATE, ENERGY, TRANSPORTATION, INDUSTRIAL, AGRICULTURAL, BUILDING, FORESTRY, AND OTHER PROGRAMS.—The Director of the White House Office, using an integrated perspective considering the totality of actions in the United States, shall advise the President and the heads of Federal agencies of the extent to which proposed or newly created energy, transportation, industrial, agricultural, forestry, building, and other relevant programs positively or negatively affect the ability of the United States to achieve the long-term goal of stabilization of greenhouse gas concentrations.

(B) TAX, TRADE, AND FOREIGN POLICIES.—The Director of the White House Office, using an integrated perspective considering the totality of actions in the United States, shall advise the President and the heads of Federal agencies of the extent to which proposed or newly created tax policy, trade policy, and foreign policy positively or negatively affect the ability of the United States to achieve the long-term goal of stabilization of greenhouse gas concentrations; and

(C) INTERAGENCY TASK FORCE.—The Director of the White House Office shall serve as the primary mechanism through which the Federal agencies represent the totality of actions in the United States, and shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any uncertainties associated with the analysis.

(1) IN GENERAL.—The Director of the White House Office shall employ a professional staff of not more than 25 individuals to carry out the duties of the White House Office.

(2) INTERGOVERNMENTAL PERSONNEL AND FELLOWSHIPS.—The Director of the White House Office may use the authority provided by the Intergovernmental Personnel Act of 1970 (42 U.S.C. 2181 et seq.) and subchapter VI of chapter 33 of title 5, United States Code, and fellowships, to obtain staff from academia, scientific bodies, nonprofit organizations, and national laboratories, for appointments of a limited term.

(d) ANNUAL REPORTS.—

(1) IN GENERAL.—The Director of the White House Office shall establish the United States Climate Change Response Interagency Task Force.

(2) COMPOSITION.—The Interagency Task Force shall be composed of—

(A) the Director of the White House Office, who shall serve as Chairperson;

(B) the Secretary of State;

(C) the Secretary of the Treasury;

(D) the Secretary of Commerce;

(E) the Secretary of the Interior;

(F) the Secretary of the Environmental Protection Agency;

(G) the Secretary of the Agriculture;

(H) the National Science Adviser;

(I) the Chairperson of the Council of Economic Advisers;

(J) the Deputy Director of the National Economic Council;

(K) the Director of the Office of Management and Budget;

(L) the Administrator of the Environmental Protection Agency;

(M) the Administrator of the National Aeronautics and Space Administration;

(N) the Administrator of the National Oceanic and Atmospheric Administration;

(O) the Chairman of the Federal Energy Regulatory Commission;

(P) the Chairperson of the Board of Governors of the Federal Reserve System; and

(Q) such other individuals as the Director of the White House Office determines appropriate.

(e) INTERAGENCY TASK FORCE.—

(1) IN GENERAL.—The Director of the White House Office shall place significant emphasis on the use of objective, quantitative analysis, drawing on the analytical capabilities of Federal and State agencies, especially the Department Office, to align the actions carried out under the Strategy to the maximum extent practicable, shall promote public awareness, outreach, and information-sharing to further the understanding of the full range of climate change-related issues.

(2) ANNUAL REPORT.—

(A) IN GENERAL.—The Director of the White House Office, in consultation with the Interagency Task Force and other interested parties, shall prepare an annual report for submission by the President to Congress that—

(i) assesses progress in implementation of the Strategy;

(ii) assesses progress, in the United States and in foreign countries, toward the long-term goal of stabilization of greenhouse gas concentrations;

(iii) assesses progress toward meeting climate change-related international obligations;

(iv) makes recommendations for actions by the Federal Government designed to close any gap between progress-to-date and the long-term goal of stabilization of greenhouse gas concentrations; and

(v) addresses the totality of actions in the United States that relate to the key elements.

(b) ANALYSIS.—During development of the Strategy, the President, the heads of Federal agencies, the Director of the White House Office, and the United States shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any uncertainties associated with the analysis.

(c) FUNDING.—

(1) IN GENERAL.—The President shall submit to Congress a plan to carry out the duties of the White House Office.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—The Director of the White House Office shall submit to Congress a plan to carry out the duties of the White House Office.

(e) GIVES PRIORITY TO.—The Director of the Office of Management and Budget shall give priority to the duties of the White House Office.

(f) EXAMINES.—

(1) IN GENERAL.—The Director of the White House Office shall examine the totality of actions in the United States, and shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any uncertainties associated with the analysis.

(g) ADVICE.—

(1) IN GENERAL.—The Director of the White House Office shall examine the totality of actions in the United States, and shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any uncertainties associated with the analysis.

(h) ADVICE.—

(1) IN GENERAL.—The President shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any uncertainties associated with the analysis.

(i) ADVICE.—

(1) IN GENERAL.—The President shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any uncertainties associated with the analysis.

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(w) ADVICE.—

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(x) ADVICE.—

(1) IN GENERAL.—The President shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any uncertainties associated with the analysis.

(y) ADVICE.—

(1) IN GENERAL.—The President shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any uncertainties associated with the analysis.

(z) ADVICE.—

(1) IN GENERAL.—The President shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any uncertainties associated with the analysis.
(iii) build consensus around a Strategy that is based on strong scientific, technical, and economic analyses.

(4) WORKING GROUPS.—The Chairperson of the Interagency Task Force may establish such topical working groups as are necessary to carry out the duties of the Interagency Task Force.

(e) PROVISION OF SUPPORT STAFF.—In accordance with procedures established by the Chairperson of the Interagency Task Force, the Federal agencies represented on the Interagency Task Force shall provide staff from the agencies to support information, data collection, and analyses required by the Interagency Task Force.

(f) HEARINGS.—On request of the Chairperson, the Interagency Task Force may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Interagency Task Force considers to be appropriate.

SEC. 1017. TECHNOLOGY INNOVATION PROGRAM ELEMENTS THROUGH THE OFFICE OF CLIMATE CHANGE TECHNOLOGY OF THE DEPARTMENT OF ENERGY

(a) ESTABLISHMENT OF OFFICE OF CLIMATE CHANGE TECHNOLOGY OF THE DEPARTMENT OF ENERGY.—

(1) IN GENERAL.—There is established, within the Department, the Office of Climate Change Technology.

(2) DUTIES AND AUTHORITIES.—The Director of the Department Office shall—

(A) manage an energy technology research and development program that directly supports the Strategy by—

(i) focusing on high-risk, bold, breakthrough technologies that—

(I) have significant promise of contributing to the national climate change policy of long-term stabilization of greenhouse gas concentrations by—

(aa) mitigating the emissions of greenhouse gases;

(bb) removing and sequestering greenhouse gases from emission streams; or

(cc) removing and sequestering greenhouse gases from the atmosphere;

(ii) are not being addressed significantly by other Federal programs; and

(iii) would represent a substantial advance beyond technology available on the date of enactment of this title;

(B) for projects, the Department Office shall—

(i) develop and maintain core analytical capabilities of the Office that will enable it to evaluate alternative climate change response strategies with other members of the Interagency Task Force to assist all members in understanding—

(I) the scale of the climate change response challenge; and

(II) how the actions of the Federal agencies of the United States contribute to climate change solutions; and

(ii) determine how the energy technology research and development program described in subsection (a)(2)(A) can be designed for maximum impact on the long-term goal of stabilization of greenhouse gas concentrations;

(C) TOOLS, DATA, AND CAPABILITIES.—The Director of the Department Office shall—

(i) the United States has a robust capability for evaluating alternative climate change response scenarios; and

(ii) the Department Office provides long-term analytical continuity during the terms of service of successive Presidents;

(D) ADVISORY DUTIES.—The Director of the Department Office shall advise the Secretary on all aspects of climate change.

(E) ANNUAL REPORTS.—The Director of the Department Office shall submit to the Secretary an annual report on the research and development program of the Department Office that was completed during the prior year.

(F) TECHNICAL SUPPORT.—The Director of the Department Office shall provide technical support to the Secretary, the Chairperson, and the members of the Interagency Task Force.

(G) TECHNICAL REPORTS.—The Director of the Department Office shall prepare an annual report on the research and development program of the Department Office that was completed during the prior year.

(H) INTERAGENCY TASK FORCE.—Through active participation in the Interagency Task Force, the Director of the Department Office shall—

(i) based on the analytical capabilities of the Department Office, share analyses of alternative climate change response strategies with other members of the Interagency Task Force to assist all members in understanding—

(I) the scale of the climate change response challenge; and

(II) how the actions of the Federal agencies of the United States contribute to climate change solutions; and

(ii) determine how the energy technology research and development program described in subsection (a)(2)(A) can be designed for maximum impact on the long-term goal of stabilization of greenhouse gas concentrations;

(iii) the extent to which forest, agricultural, and other terrestrial systems are suitable carbon sinks.

(2) APPOINTMENT.—The Director of the Department Office shall be appointed by the President, by and with the advice and consent of the Senate.

(3) TERM.—The Director of the Department Office shall be appointed for a term of 4 years.

(4) VACANCIES.—In the case of a vacancy in the position of the Director of the Department Office, the Secretary shall nominate an appropriate person to serve as acting Director until a successor is appointed.

(5) DUTIES OF THE DIRECTOR OF THE DEPARTMENT OFFICE.—

(A) TECHNOLOGY DEVELOPMENT.—The Director of the Department Office shall manage the energy technology research and development program described in subsection (a)(2)(A).

(B) STRATEGY.—The Director of the Department Office shall develop an energy technology research and development program designed in subsection (a)(2)(A).

(C) INTERAGENCY TASK FORCE.—Through active participation in the Interagency Task Force, the Director of the Department Office shall—

(i) determine how the energy technology research and development program described in subsection (a)(2)(A) can be designed for maximum impact on the long-term goal of stabilization of greenhouse gas concentrations;

(ii) the extent to which forest, agricultural, and other terrestrial systems are suitable carbon sinks.

(6) ANNUAL REPORTS.—The Director of the Department Office shall prepare an annual report on the research and development program of the Department Office that was completed during the prior year.

(F) TECHNICAL SUPPORT.—The Director of the Department Office shall provide technical support to the Secretary, the Chairperson, and the members of the Interagency Task Force.

(G) TECHNICAL REPORTS.—The Director of the Department Office shall prepare an annual report on the research and development program of the Department Office that was completed during the prior year.

(H) INTERAGENCY TASK FORCE.—Through active participation in the Interagency Task Force, the Director of the Department Office shall—

(i) based on the analytical capabilities of the Department Office, share analyses of alternative climate change response strategies with other members of the Interagency Task Force to assist all members in understanding—

(I) the scale of the climate change response challenge; and

(II) how the actions of the Federal agencies of the United States contribute to climate change solutions; and

(ii) determine how the energy technology research and development program described in subsection (a)(2)(A) can be designed for maximum impact on the long-term goal of stabilization of greenhouse gas concentrations;

(iii) the extent to which forest, agricultural, and other terrestrial systems are suitable carbon sinks.

(3) APPOINTMENT.—The Director of the Department Office shall be appointed by the President, by and with the advice and consent of the Senate.

(4) VACANCIES.—In the case of a vacancy in the position of the Director of the Department Office, the Secretary shall nominate an appropriate person to serve as acting Director until a successor is appointed.

(5) DUTIES OF THE DIRECTOR OF THE DEPARTMENT OFFICE.—

(A) TECHNOLOGY DEVELOPMENT.—The Director of the Department Office shall manage the energy technology research and development program described in subsection (a)(2)(A).

(B) STRATEGY.—The Director of the Department Office shall develop an energy technology research and development program designed in subsection (a)(2)(A).

(C) INTERAGENCY TASK FORCE.—Through active participation in the Interagency Task Force, the Director of the Department Office shall—

(i) determine how the energy technology research and development program described in subsection (a)(2)(A) can be designed for maximum impact on the long-term goal of stabilization of greenhouse gas concentrations;

(ii) the extent to which forest, agricultural, and other terrestrial systems are suitable carbon sinks.

(6) ANNUAL REPORTS.—The Director of the Department Office shall prepare an annual report on the research and development program of the Department Office that was completed during the prior year.

(F) TECHNICAL SUPPORT.—The Director of the Department Office shall provide technical support to the Secretary, the Chairperson, and the members of the Interagency Task Force.

(G) TECHNICAL REPORTS.—The Director of the Department Office shall prepare an annual report on the research and development program of the Department Office that was completed during the prior year.

(H) INTERAGENCY TASK FORCE.—Through active participation in the Interagency Task Force, the Director of the Department Office shall—

(i) determine how the energy technology research and development program described in subsection (a)(2)(A) can be designed for maximum impact on the long-term goal of stabilization of greenhouse gas concentrations;

(ii) the extent to which forest, agricultural, and other terrestrial systems are suitable carbon sinks.

(3) APPOINTMENT.—The Director of the Department Office shall be appointed by the President, by and with the advice and consent of the Senate.

(4) VACANCIES.—In the case of a vacancy in the position of the Director of the Department Office, the Secretary shall nominate an appropriate person to serve as acting Director until a successor is appointed.

(5) DUTIES OF THE DIRECTOR OF THE DEPARTMENT OFFICE.—

(A) TECHNOLOGY DEVELOPMENT.—The Director of the Department Office shall manage the energy technology research and development program described in subsection (a)(2)(A).

(B) STRATEGY.—The Director of the Department Office shall develop an energy technology research and development program designed in subsection (a)(2)(A).

(C) INTERAGENCY TASK FORCE.—Through active participation in the Interagency Task Force, the Director of the Department Office shall—

(i) determine how the energy technology research and development program described in subsection (a)(2)(A) can be designed for maximum impact on the long-term goal of stabilization of greenhouse gas concentrations;

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executive branch the United States Climate and criteria applicable to the program ment Office, the cost-sharing requirements of the Department other than the Depart- program is transitioned to a program office this Act, as are necessary to carry out this ronmental Protection Agency, and the heads SEC. 1018. ADDITIONAL OFFICES AND ACTIVITIES. (b) MEMBERSHIP.—

(b) VACANCIES.—

(b) ADMINISTRATION OF OATHS.—Any mem- (f) TRAVEL EXPENSES.—A member of the (g) STAFF.—

(b) APPLICATION OF GOVERNMENT ACT OF 1978. —A member of the Review Board shall be deemed to be an individual subject to the Ethics in Government Act of 1978 (5 U.S.C. App.).

(c) CHAIRPERSON; VICE CHAIRPERSON.—The members of the Review Board shall select a Chairperson and a Vice Chairperson of the Review Board from among the members of the Review Board.

(c) DUTIES.—

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as are necessary to enable the Review Board to perform the duties of the Review Board. 

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.— 

The employment of an executive director shall be subject to confirmation by the Review Board. 

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) through (D), the Chairperson of the Review Board may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 55 of title 5, United States Code, relating to classification of positions and General Schedule pay rates. 

(B) MAXIMUM RATE OF PAY.—The rate of pay for the director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. 

SEC. 1020. AUTHORIZATION OF APPROPRIATIONS. 

(a) WHITE HOUSE OFFICE.—

(1) USE OF AVAILABLE APPROPRIATIONS.—From funds made available to Federal agencies for the fiscal year in which this Title is enacted, the President shall provide such sums as are necessary to carry out the duties of the White House Office under this Title until the date on which funds are made available under paragraph (2). 

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the White House Office to carry out the duties of the White House Office under this Title $5,000,000 for each of fiscal years 2003 through 2011. 

(b) DEPARTMENT OFFICE.—

(1) USE OF AVAILABLE APPROPRIATIONS.—From funds made available to Federal agencies for the fiscal year in which this Title is enacted, the President shall provide such sums as are necessary to carry out the duties of the Department Office under this Title until the date on which funds are made available under paragraph (2). 

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department Office to carry out the duties of the Department Office under this Title $4,750,000,000 for the period of fiscal years 2003 through 2011. 

(c) REVIEW BOARD.—

(1) USE OF AVAILABLE APPROPRIATIONS.—From funds made available to Federal agencies for the fiscal year in which this Title is enacted, the President shall provide such sums as are necessary to carry out the duties of the Review Board under this Title until the date on which funds are made available under paragraph (2). 

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Review Board to carry out the duties of the Review Board under this Title $3,000,000 for each of fiscal years 2003 through 2011. 

(d) ADDITIONAL AMOUNTS.—Amounts authorized to be appropriated under this section shall be in addition to—

(1) amounts made available under the United States Global Change Research Program under the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.); and 

(2) amounts made available under other provisions of law for energy research and development. 

Title XI—National Greenhouse Gas Database 

The purpose of this title is to establish a greenhouse gas inventory, reductions registry, and information system that—

(1) is complete, consistent, transparent, and accurate; 

(2) will create reliable and accurate data that can be used by public and private entities to design efficient and effective greenhouse gas emission reduction strategies; and 

(3) will encourage and acknowledge greenhouse gas emissions reductions. 

SEC. 1102. DEFINITIONS. 

In this title—

(1) DATABASE.—The term "database" means the National Greenhouse Gas Database established under Section 1104. 

(2) DESIGNATED AGENCY OR AGENCIES.—The term "Designated Agency or Agencies" means the Department or Departments and Agency or Agencies given the responsibility for a function or program under the Memorandum of Agreement entered into pursuant to Section 1103. 

(3) DIRECT EMissions.—The term "direct emissions" means greenhouse gas emissions by an entity from a facility that is owned or controlled by that entity. 

(4) ENTITY.—The term "entity" means—

(A) a person located in the United States; or 

(B) a public or private entity, to the extent that the entity operates in the United States. 

(5) FACILITY.—The term "facility" means all buildings, structures, or other locations located on any one or more of contiguous or adjacent property or properties, or a fleet of 20 or more transportation vehicles, under common control of the entity. 

(6) GREENHOUSE GAS.—The term "greenhouse gas" means—

(A) carbon dioxide; 

(B) methane; 

(C) nitrous oxide; 

(D) hydrofluorocarbons; 

(E) perfluorocarbons; and 

(F) sulfur hexafluoride. 

(7) INDIRECT EMISSIONS.—The term "indirect emissions" means greenhouse gas emissions that are a consequence of the activities of an entity but that are emitted from a facility owned or controlled by another entity and are not already reported as direct emissions by a covered entity. 

(8) SEQUESTRATION.—The term "sequestration" means the capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere, including through a biological or geologic method such as reforestation or an underground reservoir. 

SEC. 1103. ESTABLISHMENT OF MEMORANDUM OF AGREEMENT. 

(a) Not later than one year after the date of enactment of this title, the President, acting through the Chairman of the Council on Environmental Quality, shall direct the Department of Energy, the Department of Commerce, the Department of Agriculture, the Department of Transportation and the Environmental Protection Agency, by order or memorandum, to enter into a Memorandum of Agreement that will—

(1) recognize and maintain existing statutory regulatory authorities, functions and programs that collect data on greenhouse gas emissions and effects and that are necessary for the operation of the National Greenhouse Gas Database; 

(2) distribute additional responsibilities and activities identified by this title to Federal departments or agencies according to their mission and expertise to the maximum extent of existing resources; and 

(3) provide for the comprehensive collection and analysis of data on the emissions of greenhouse gases to product review, including fossil fuel and energy consuming appliances and vehicles. 

(b) The Memorandum of Agreement entered into under subsection (a) shall, as a minimum, retain the following functions for the respective Departments and agencies: 

Subtitle C—Science and Technology Policy 

SEC. 1031. GLOBAL CLIMATE CHANGE IN THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY. 

Section 1083 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601(b)) is amended—

(1) by redesignating paragraphs (7) through (13) as paragraphs (8) through (14), respectively; and 

(2) by inserting after paragraph (6) the following—

"(7) improving efforts to understand, assess, predict, mitigate, and respond to global climate change;" 

SEC. 1032. ESTABLISHMENT OF ASSOCIATE DIRECTOR FOR GLOBAL CLIMATE CHANGE. 

Section 203 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6602(b)) is amended—

(1) by striking "four" in the second sentence and inserting "five"; and 

(2) by striking "title." and inserting "title, one of whom shall be responsible for global climate change science and technology under the Office of Science and Technology Policy."

Subtitle D—Miscellaneous Provisions 

SEC. 1041. ADDITIONAL INFORMATION FOR REGULATORY REVIEW. 

In each case that an agency prepares and submits a Statement of Energy Effects pursuant to Executive Order 12931 of May 28, 2001 (relating to actions concerning regulations that significantly affect energy supply, distribution, or use), or as part of compliance with Executive Order 12866 of September 30, 1993 (relating to regulatory planning and review), the agency shall—

(1) submit an estimate of the change in net annual greenhouse gas emissions resulting from the proposed significant energy action, the agency shall indicate what policies or measures will be undertaken to mitigate or offset the increased emissions. 

SEC. 1042. GREENHOUSE GAS EMISSIONS FROM AND FACILITIES. 

(a) METHODOLOGY.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this section, the Secretary of Agriculture, Commerce, and Environmental Protection shall publish a jointly developed methodology for preparing estimates of annual net greenhouse gas emissions from all Federally owned, leased, or operated facilities, and are not already reported as direct emissions by a covered entity. 

(2) INDIRECT AND OTHER EMISSIONS.—The methodology under paragraph (1) shall include—

(A) a Memorandum of Agreement that will—

(1) describe the emissions that will be covered by the methodology; 

(2) provide for the comprehensive collection and analysis of data on the emissions of greenhouse gases to product review, including fossil fuel and energy consuming appliances and vehicles. 

(b) PUBLICATION.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Administrator of the Environmental Protection Agency shall publish an estimate of annual greenhouse gas emissions and effects and that are necessary for the operation of the National Greenhouse Gas Database; 

(c) REQUIREMENTS.—The methodology published under subsection (a) is complete, consistent, transparent, and accurate; 

(1) complete, consistent, transparent, and accurate; 

(2) will create reliable and accurate data that can be used by public and private entities to design efficient and effective greenhouse gas emission reduction strategies; and 

(3) will encourage and acknowledge greenhouse gas emissions reductions.
(1) The Department of Energy shall be primarily responsible for developing, maintaining, and verifying the emissions reduction registry, under both this title and its authority under the Energy Policy Act of 1992 (42 U.S.C. 13386(b)).

(2) The Department of Commerce shall be primarily responsible for the development of measurement, verification, and data collection systems, and methods to ensure that there is a consistent and technically accurate measurement, verification, and data collection systems, and methods to ensure that there is a consistent and technically accurate record of greenhouse gas emissions, and to maintain a database to be known as the National Greenhouse Gas Database.

(3) The Environmental Protection Agency shall be primarily responsible for emissions monitoring, measurement, verification, and data collection, pursuant to this title and existing authority under Titles IV and VIII of the Clean Air Act, and including mobile source emissions information from implementation of the Corporate Average Fuel Economy program (49 U.S.C. Chapter 229), and the Agency’s role in completing the national inventory for compliance with the United Nations Framework Convention on Climate Change.

(c) The Chairman shall publish a draft version of the Memorandum of Agreement in the Federal Register and solicit comments on it. The final Memorandum of Agreement in the Federal Register not later than 15 months after the date of enactment of this title, and the final Memorandum of Agreement shall be subject to judicial review.

SEC. 1104. NATIONAL GREENHOUSE GAS DATABASE

(a) ESTABLISHMENT.—The Designated Agency or Agencies, working in consultation with the private sector and nongovernmental organizations, shall establish, operate, and maintain the National Greenhouse Gas Database to collect, verify, and analyze information on:

(1) greenhouse gas emissions by entities located in the United States; and

(2) greenhouse gas emission reductions by entities based in the United States.

(b) NATIONAL GREENHOUSE GAS DATABASE COMPONENTS.—The database shall consist of an inventory of greenhouse gas emissions and a registry of greenhouse gas reduction activities.

(c) DEADLINE.—Not later than 2 years after the date of enactment of this title, the Designated Agency or Agencies shall promulgate a rule to implement a comprehensive system for greenhouse gas emissions reporting, inventorying and reductions registration. The Designated Agency or Agencies shall ensure that the system is designed to maximize completeness, transparency, and accuracy and to minimize measurement and reporting costs for covered entities.

(d) REQUIREMENTS OF DATABASE REPORTING SYSTEM.—

(1) MANDATORY REPORTING.—

(A) Beginning one year after promulgation of the rule, each entity required to report under subsection (c), each entity that exceeds the greenhouse gas emissions threshold in paragraph (2) shall report annually to the Designated Agency or Agencies for inclusion in the National Greenhouse Gas Database, the entity-wide emissions of greenhouse gases in the previous calendar year. Each report shall be due annual to the Designated Agency or Agencies for inclusion in the National Greenhouse Gas Database, the entity-wide emissions of greenhouse gases in the previous calendar year. Such reports are due annually to the Designated Agency or Agencies, but must be submitted no later than April 30 of each calendar year in support of the previous year’s emission reporting requirements.

(B) Each report shall include:

(i) direct emissions from stationary sources; and

(ii) direct emissions from vehicles owned or controlled by a covered entity;

(iii) direct emissions from any land use activities that release significant quantities of greenhouse gases;

(iv) indirect emissions from all outsource activities occurring. These indirect emissions shall be transferred from the control of an entity, and other relevant instances, as determined to be practicable under the rule;

(v) indirect emissions from electricity, heat, and steam imported from another entity, as determined to be practicable under the rule;

(vi) the production, distribution or import of greenhouse gases listed under section 1102 by an entity; and

(vii) other categories, which the designated Agency or Agencies determine by rule, after public notice and comment, should be included to accomplish the purposes of this title.

(C) Each report shall include total mass quantities for each greenhouse gas emitted, and in terms of carbon dioxide equivalent.

(D) Each report shall include the greenhouse gas emissions per unit of output by an entity, such as tons of carbon dioxide per kilowatt-hour or a similar metric.

(E) The final report shall be required to be submitted no later than April 30 of the fourth year after the date of enactment of this title.

(2) THRESHOLD FOR REPORTING.—

(A) An entity shall not be required to make a report under paragraph (1) unless:

(i) the total greenhouse gas emissions of at least one accounting entity in the calendar year for reporting exceeds 10,000 metric tons of carbon dioxide equivalent, or a greater level as determined by rule; or

(ii) the total greenhouse gas emissions of at least one accounting entity in the calendar year for reporting exceeds 10,000 metric tons of carbon dioxide equivalent, or a greater level as determined by rule.

(B) The final rule promulgated under section 1104(c) and subsequent revisions to that rule with respect to the threshold for reporting in subparagraph (A) shall capture information on no less than 75 percent of greenhouse gas emissions from entities.

(3) METHOD OF REPORTING.—Entity-wide emissions shall be reported at the facility level.

(b) ADDITIONAL VOLUNTARY REPORTING.—An entity shall be entitled to make an additional voluntary submission to the Designated Agency or Agencies, for inclusion in the registry portion of the national database:

(A) with respect to the preceding calendar year and any greenhouse gas emissions emitted by the entity—

(i) project reductions from facilities owned or controlled by the reporting entity in the United States;

(ii) transfers of project reductions to and from any other entity;

(iii) project reductions and transfers of project reductions outside the United States; and

(iv) other indirect emissions that are not required to be reported under subsection (d); and

B) product use phase emissions; and

(B) with respect to greenhouse gas emissions reductions activities carried out since 1990 and verified according to rules implementing subparagraph (6) of this subsection and submitted to the Designated Agency or Agencies before the date that is three years after the date of enactment of this title, those reductions that have been reported or submitted by an entity under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13386(b)) or under other Federal or State voluntary greenhouse gas reduction programs.

(5) TYPES OF ACTIVITIES.—Under paragraph (4), an entity may report projects that reduce greenhouse gas emissions or sequester a greenhouse gas, including:

(A) fuel switching;

(B) energy efficiency improvements;

(C) use of renewable energy;

(D) use of combined heat and power systems;

(E) management of cropland, grassland, and grazing land;

(F) forestry activities that increase forest carbon stocks or reduce forest carbon emissions;

(G) carbon capture and storage;

(H) methane recovery; and

(I) greenhouse gas offset investments.

(6) PROVISION OF VERIFICATION INFORMATION BY NONGOVERNMENTAL ORGANIZATIONS.—Each reporting entity shall provide information sufficient for the Designated Agency or Agencies to verify, in accordance with measurement and verification criteria developed under section 1102, that the greenhouse gas report of the reporting entity—

(A) has been accurately reported; and

(B) in the case of each additional voluntary report, represents—

(i) actual reductions in direct greenhouse gas emissions relative to historic emission levels and net of any related increases in direct emissions, or

(ii) actual increases in net sequestration.

(7) ENVIRONMENTAL QUALITY VERIFICATION.—A reporting entity may—

(A) obtain independent third-party verification; and

(B) present the results of the third-party verification to the Designated Agency or Agencies for consideration by the Designated Agency or Agencies in carrying out paragraph (1).

(8) DATA QUALITY.—The rule under subsection (c) shall establish procedures and protocols needed to:

(A) prevent the reporting of some or all of the same greenhouse gas emissions or emission reductions by more than one reporting entity;

(B) provide for corrections to errors in data submitted to the database;

(C) provide for adjustment to data by reporting entities that have had a significant organizational change (including mergers, acquisitions, and divestitures) in order to maintain comparability among data in the database over time;

(D) provide for adjustments to reflect new technologies or methods for measuring or calculating greenhouse gas emissions or emission reductions; and

(E) account for changes in registration of ownership of emissions reductions resulting from a voluntary private transaction between reporting entities.

(9) AVAILABILITY OF DATA.—The Designated Agency or Agencies shall ensure that information in the database is published, accessible to the public, and made available in electronic format on the Internet, except in cases where the Designated Agency or Agencies determine that publishing or making available the information would disclose information vital to national security.

(10) DATA INFRASTRUCTURE.—The Designated Agency or Agencies shall ensure that the database established by this Act shall utilize and is integrated with existing Federal, regional, and state greenhouse gas data collection, monitoring, and reporting systems to the maximum extent possible and avoid duplication of such systems.

(11) ADDITIONAL ISSUES TO BE CONSIDERED.—In developing the rules for and implementing the Database, the Designated Agency or Agencies shall consider a broad range of issues involved in establishing an effective database including the following:

(A) UNITS FOR REPORTING.—The appropriate units for reporting each greenhouse gas, and whether to require reporting of emission efficiencies (including emissions per kilowatt-hour for electricity generators) in addition to mass emissions of greenhouse gases,
DIVISION E—ENHANCING RESEARCH, DEVELOPMENT, AND TRAINING
TITLE XII—ENERGY RESEARCH AND DEVELOPMENT PROGRAMS

SEC. 1201. SHORT TITLE.
This division may be cited as the "Energy Science and Technology Enhancement Act of 2002".

SEC. 1202. FINDINGS.
The Congress finds the following:

(1) A coherent national energy strategy requires an energy research and development program that supports basic energy research and provides mechanisms to develop, demonstrate, and deploy technologies in partnership with industry.

(2) An aggressive national energy research, development, demonstration, and technology deployment program is an integral part of a national climate change strategy, because it can reduce—

(A) United States energy intensity by 1.9 percent per year from 1999 to 2020;

(B) United States energy consumption in 2020 by 8 quadrillion Btu from otherwise expected levels; and

(C) United States carbon dioxide emissions from expected levels by 166 million metric tons in carbon equivalent in 2020.

(3) An aggressive national energy research, development, demonstration, and technology deployment program can help maintain domestic United States production of energy, reduce United States hydrocarbon reserves by 14 percent, and lower natural gas prices by 20 percent, compared to estimates for 2020.

(4) An aggressive national energy research, development, demonstration, and technology deployment program is needed if United States suppliers and manufacturers are to compete in future markets for advanced energy technologies.

SEC. 1203. DEFINITIONS.
In this title:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) DEPARTMENTAL MISSION.—The term "departmental mission" means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141a).

(4) NATIONAL LABORATORY.—The term "National Laboratory" means any of the following multi-purpose laboratories owned by the Department of Energy—

(A) Argonne National Laboratory;

(B) Brookhaven National Laboratory;

(C) Idaho National Engineering and Environmental Laboratory;

(D) Lawrence Berkeley National Laboratory;

(E) Lawrence Livermore National Laboratory;

(F) Los Alamos National Laboratory;

(G) National Energy Technology Laboratory;

(H) Sandia National Renewable Energy Laboratory;

(I) Oak Ridge National Laboratory;

(J) Pacific Northwest National Laboratory; or

(K) Sandia National Laboratory.

(5) SECRETARY.—The term "Secretary" means the Secretary of Energy.


SEC. 1204. CONSTRUCTION WITH OTHER LAWS.
As otherwise provided in this title and title XIV, the Secretary shall carry out the research, development, demonstration, and technology deployment programs authorized by this title in conformity with the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5901 et seq.), the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.), or any other Act under which the Secretary is authorized to carry out such activities.

SUBTITLE A—ENERGY EFFICIENCY
SEC. 1211. ENHANCED ENERGY EFFICIENCY RESEARCH AND DEVELOPMENT.

(a) PROGRAM DIRECTION.—The Secretary shall conduct balanced energy research, development, demonstration, and technology deployment programs to enhance energy efficiency in buildings, industry, power technologies, and transportation.

(b) TECHNOLOGIES.—The term "technologies" includes technologies, methods, and standards applied in other greenhouse gas reduction and sequestration activities and programs created pursuant to this title and to the extent applicable or relevant; and

(c) DATA SUFFICIENCY.—The extent to which available fossil fuels, greenhouse gas emissions, and greenhouse gas production and importation data are adequate to implement a comprehensive National Greenhouse Gas Database.

(d) ENFORCEMENT.—The Attorney General may, at the request of the Designated AGENCY or Agencies, bring a civil action in United States District Court against an entity that fails to comply with reporting requirements under this section, to impose a civil penalty of not more than $25,000 for each day that the failure continues.

(e) ANNUAL REPORT.—The Designated Agency or Agencies shall publish an annual report that—

(1) describes the total greenhouse gas emissions and emission reductions reported to the database;

(2) provides entity-by-entity and sector-by-sector analyses of the emissions and emission reductions reported; and

(3) describes the atmospheric concentrations of greenhouse gases and tracks such information over time.

SEC. 1105. REPORT ON STATUTORY CHANGES AND HARMONIZATION.
Not later than three years after the date of enactment of this title, the President shall submit to Congress a report identifying any changes needed to this title or to other provisions of law to improve the accuracy or operation of the National Greenhouse Gas Database and related programs under this title.

SEC. 1106. MEASUREMENT AND VERIFICATION.
The Designated Agency or Agencies shall, not later than one year after the date of enactment of this title, design and develop comprehensive measurement and verification methods and standards o ensure a consistent and technically accurate record of greenhouse gas emissions, reductions, and atmospheric concentrations for use in the national greenhouse gas database. The Agency or Agencies shall periodically review and revise these methods and standards as necessary.

SEC. 1107. INDEPENDENT REVIEW.
(a) The General Accounting Office shall submit to Congress a report identifying any changes needed to this title or to other provisions of law to improve the accuracy or operation of the National Greenhouse Gas Database established in section 1104 and making recommendations for improvements to the programs created pursuant to this title and changes to the law that will achieve a consistent and technically accurate record of greenhouse gas emissions, reductions, and atmospheric concentrations and the other purposes of this title.

(b) The Designated Agency or Agencies shall enter into an agreement with the National Academy of Sciences to review the scientific methods, assumptions and standards used by the Agency or Agencies implementing this title, and to report to Congress not later than four years after the date of enactment of this title with recommendations for improved methods and standards or related elements of the programs or structure of the reporting and registry system established by this title.

SEC. 1108. AUTHORIZATION OF APPROPRIATIONS.
There is authorized to be appropriated such sums as may be necessary to carry out the activities and programs included in this title.
(A) electricity generating efficiencies greater than 40 percent for on-site generation technologies based upon natural gas, including fuel cells, microturbines, reciprocating engines and industrial gas turbines;

(B) combined heat and power total (electrical and thermal) efficiencies of more than 85 percent;

(C) fuel flexibility to include hydrogen, biofuels and natural gas;

(D) near zero emissions of pollutants that form smog and acid rain;

(E) reduction of carbon dioxide emissions by at least 40 percent;

(F) packaged system integration at end user facilities providing complete services in heating, cooling, electricity and air quality; and

(G) increased reliability for the consumer and greater stability for the national electricity grid.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under this subtitle—

(1) $700,000,000 for fiscal year 2003;

(2) $784,000,000 for fiscal year 2004;

(3) $876,000,000 for fiscal year 2005; and

(4) $983,000,000 for fiscal year 2006.

(d) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (c) may be used to fund programs of the Department of Energy, for grants to be competitively awarded by the Assistant Secretary for Energy Efficiency and Renewable Energy, under section 203(a)(9) of the Department of Energy Organization Act (42 U.S.C. 7133(a)(9)), in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research and development of energy-efficient technologies.

(b) REPORT.—The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations of the United States House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, an annual report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

SEC. 1212. ENERGY EFFICIENCY SCIENCE INITIATIVE.

(a) ESTABLISHMENT AND AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1211(c), there are authorized to be appropriated not more than $50,000,000 in any fiscal year, for an Energy Efficiency Science Initiative to be managed by the Assistant Secretary in the Department with responsibility for energy conservation under section 203(a)(9) of the Department of Energy Organization Act (42 U.S.C. 7133(a)(9)), in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research on energy efficiency.

(b) REPORT.—The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations of the United States House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, an annual report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

SEC. 1213. NEXT GENERATION LIGHTING INITIATIVE.

(a) ESTABLISHMENT.—There is established in the Department of Energy a Next Generation Lighting Initiative to research, develop, and conduct demonstration activities on advanced solid-state lighting technologies based on white light emitting diode.

(b) OBJECTIVES.—

(1) IN GENERAL.—The objectives of the initiative shall be to develop, by 2011, advanced solid-state lighting technologies based on white light emitting diodes that—

(A) are long-lasting;

(B) use less energy; and

(C) are more competitive.

(2) INORGANIC WHITE LIGHT EMITTING DIODE.—Not later than 90 days after the publication of the notice of the initiative, the Secretary shall establish the consortium.

(3) ORGANIC WHITE LIGHT EMITTING DIODE.—The consortium shall—

(A) conduct research and development activities on advanced organic white light emitting diodes that—

(i) are long-lasting;

(ii) use less energy; and

(iii) are more competitive.

(b) OBJECTIVES.—The Secretary shall—

(1) establish and manage basic and manufacturing-related research on advanced solid-state lighting technologies based on white light emitting diodes for the initiative, in cooperation with the Next Generation Lighting Initiative Consortium;

(2) composition.—The consortium shall—

(A) consist of not less than 6 nominees from industry; and

(B) consist of the following:

(i) members of the planning board;

(ii) 4 members from universities, national laboratories, and other entities that the Secretary, in consultation with the National Academy of Sciences, determines to be appropriate for the consortium, to serve as scientific advisors to the planning board; and

(iii) other members of the planning board that the Secretary determines to be appropriate for the consortium.

(c) CONSORTIUM.—The consortium shall—

(1) conduct technical assistance arrangements with the National Academy of Sciences and other appropriate committees, or enter into appropriate agreements with the National Academy of Sciences, to conduct periodic reviews of the initiative.

(2) composition.—The consortium shall consist of not less than 6 nominees from industry; and

(B) $700,000,000 for fiscal year 2003;

(3) STUDY.—The initiative shall be to develop an inorganic white light emitting diode that has an efficiency of 100 lumens per watt and a 10-year lifetime.

(4) AUDITS.—

(A) IN GENERAL.—Not later than 90 days after the publication of notice of the initiative, the Secretary shall establish the consortium to conduct a study of the eligible entities under subsection (b) that participate in the consortium.

(B) REPORTS.—The auditor shall submit to Congress, the Secretary, and the Comptroller General of the United States a report containing the results of the audit.

(g) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized under section 1211(c), there are authorized to be appropriated for activities under this section $50,000,000 for each of fiscal years 2003 through 2011.

(h) DEFINITIONS.—In this section:

(1) ADVANCED SOLID-STATE LIGHTING.—The term ‘‘advanced solid-state lighting’’ means a semiconductor device package and delivery system that produces white light using externally applied voltage.

(2) COMPOSITION.—The term ‘‘composition’’ means the Next Generation Lighting Initiative Consortium under subsection (c).

(3) Initiative.—The term ‘‘initiative’’ means the Next Generation Lighting Initiative established under subsection (a).

(4) INORGANIC WHITE LIGHT EMITTING DIODE.—The term ‘‘inorganic white light emitting diode’’ means an inorganic semiconductor package that produces white light using externally applied voltage.

(5) ORGANIC WHITE LIGHT EMITTING DIODE.—The term ‘‘organic white light emitting diode’’ means an organosilicon compound that produces white light using externally applied voltage.

(6) WHITE LIGHT EMITTING DIODE.—The term ‘‘white light emitting diode’’ means—
(A) an inorganic white light emitting diode; or
(B) an organic white light emitting diode.

SEC. 1214. RAILROAD EFFICIENCY.
(a) PROGRAM DIRECTION.—The Secretary shall, in cooperation with the Secretaries of Transportation and Defense, and the Administrator of the Environmental Protection Agency, establish a public-private partnership involving the federal government, railroad carriers, locomotive manufacturers, and the Association of American Railroads. The initiative shall include developing and demonstrating locomotive technologies that increase fuel economy, reduce emissions, improve safety, and lower costs.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the requirements of this section $800,000,000 for fiscal year 2005 and $750,000,000 for fiscal year 2006.

Subtitle B—Renewable Energy

SEC. 1221. ENHANCED RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.
(a) PROGRAM DIRECTION.—The Secretary shall conduct balanced energy research, development, demonstration, and technology deployment programs to enhance the use of renewable energy.

(b) PROGRAM GOALS.—
(1) WIND POWER.—The goals of the wind power program shall be to develop, in partnership with industry, a variety of advanced wind turbine designs and manufacturing technologies that are cost-competitive with fossil-fuel generated electricity, with a focus on deploying low wind speed technologies that, by 2007, will enable the expanding utilization of widespread class 3 and 4 winds.

(2) PHOTOVOLTAICS.—The goal of the photovoltaic program shall be to develop, in partnership with industry, total photovoltaic systems with installed costs of $600 per peak kilowatt by 2005 and $300 per peak kilowatt by 2015.

(3) SOLAR THERMAL ELECTRIC SYSTEMS.—The goal of the solar thermal electric systems program shall be to develop, in partnership with industry, solar power technologies (including baseload solar power) that are competitive with fossil-fuel generated electricity, including high-efficiency and high-temperature receivers with advanced thermal storage and power cycles.

(4) BIOENERGY SYSTEMS.—The goal of the bioenergy systems program shall be to develop, in partnership with industry, integrated power-generating systems, advanced conversion, and feedstock technologies capable of producing electric power that is cost-competitive with fossil-fuel generated electricity by 2018, together with the production of fuels, chemicals, and other products under paragraphs (5) and (6).

(5) GEOTHERMAL ENERGY.—The goal of the geothermal program shall be to develop, in partnership with industry, technologies and processes based on advanced hydrothermal systems and advanced heat and power systems, including geothermal heat pump technology, with a specific focus on:
(A) improving exploration and characterization technology to increase the probability of drilling successful wells from 20 percent to 60 percent by 2010;
(B) reducing the cost of drilling by 2008 to an average cost of $150 per foot; and
(C) developing enhanced geothermal systems technology with the potential to double the usable geothermal resource base.

(6) BIOFUELS.—The goal of the biofuels program shall be to develop, in partnership with industry, advanced thermochemical conversion technologies capable of making liquid and gaseous fuels from cellulosic feedstocks, that are price-competitive with gasoline or diesel, in either internal combustion engines or fuel cell vehicles, by 2010.

(7) HYDROGEN-BASED ENERGY SYSTEMS.—The goals of the hydrogen program shall be to support research and development on technologies for production, storage, and use of hydrogen, and on hydrogen fuel cells and, specifically, fuel-cell vehicle development activities under section 1211.

(b) HYDROPOWER.—The goal of the hydropower program shall be to develop, in partnership with industry, a new generation of turbine technologies that are less damaging to fish and aquatic ecosystems.

(c) ELECTRICITY AND STORAGE.—The goals of the electric energy and storage program shall be to develop, in partnership with industry:
(A) generators and transmission, distribution, and storage systems that combine high capacity with high efficiency;
(B) technologies to interconnect distributed energy resources with electric power systems, comply with any national interconnection standards, have a minimum 10-year useful life;
(C) advanced technologies to increase the average efficiency of electric transmission facilities in rural and remote areas, giving priority for advanced transmission technologies that are being or have been field tested;
(D) advanced transmission technologies, including composite conductor materials, advanced protection devices, controller, and other cost-effective methods and technologies;
(E) the use of superconducting materials in power delivery equipment such as transmission and distribution cables, transformers, and other components;
(F) energy management technologies for enterprises with aggregated loads and distributed generation, such as power parks; and
(G) economic and system models to measure the costs and benefits of improved system performance;

(1) hybrid distributed energy systems to optimize two or more distributed on-site generation technologies; and
(2) real-time transmission and distribution system control technologies that provide for improved integration between generation, transmission, distribution, and end-user facilities.

(c) SPECIAL PROJECTS.—In carrying out this section, the Secretary shall—
(1) the use of advanced wind power technology, biomass, bioenergy systems, and other renewable energy technologies to assist in delivering electricity to rural and remote locations; and
(2) the continued use of wind power and coal gasification technologies.

(d) FINANCIAL ASSISTANCE TO RURAL AREAS.—In carrying out special projects under subsection (c), the Secretary may provide financial assistance to rural electric cooperatives and other rural entities.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under this subtitle—
(1) $500,000,000 for fiscal year 2003;
(2) $555,000,000 for fiscal year 2004;
(3) $683,000,000 for fiscal year 2005; and
(4) $753,000,000 for fiscal year 2006.

SEC. 1222. BIOENERGY PROGRAMS.
(a) PROGRAM DIRECTION.—The Secretary shall carry out research, development, demonstration, and technology development activities under the bioenergy program as the Secretary determines to be appropriate—

(b) AUTHORIZATION OF APPROPRIATIONS.—
(1) BIOPower energy systems.—From amounts authorized under section 1221(e), there are authorized to be appropriated to the Secretary for bioenergy and power systems—
(A) $50,300,000 for fiscal year 2003;
(B) $58,300,000 for fiscal year 2004;
(C) $78,600,000 for fiscal year 2005; and
(D) $86,250,000 for fiscal year 2006.

(2) Biofuels energy systems.—From amounts authorized under section 1221(e), there are authorized to be appropriated to the Secretary for biofuels energy systems—
(A) $57,500,000 for fiscal year 2003;
(B) $66,125,000 for fiscal year 2004;
(C) $76,000,000 for fiscal year 2005; and
(D) $81,400,000 for fiscal year 2006.

(3) INTEGRATED BIOENERGY RESEARCH AND DEVELOPMENT.—The Secretary funds authorized under paragraph (1) or (2) for programs, projects, or activities that integrate applications for both biopower and biofuels, including cross-cutting research and development in feedstocks and economic analysis.

SEC. 1223. HYDROGEN RESEARCH AND DEVELOPMENT.
(a) SHORT TITLE.—This section may be cited as the “Hydrogen Future Act of 2002.”
(b) PURPOSES.—Section 102(b) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1999 (42 U.S.C. 12402) is amended—
(1) in subsection (a), by striking “January 1, 1999,” and inserting “1 year after the date of enactment of the Hydrogen Future Act of 2002, and biennially thereafter;”;
(2) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:
"(1) an analysis of hydrogen-related activities throughout the United States Government to identify productive areas for increased intragovernmental collaboration;"
"(2) recommendations of the Hydrogen Technology Advisory Panel, as established by section 108 for any improvements in the program that are needed, including recommendations for additional legislation; and"
"(3) to the extent practicable, an analysis of State and local hydrogen-related activities;”;
and
(3) in subsection (c), by striking at the end following:
"(c) COORDINATION PLAN.—The report under subsection (a) shall be based on a comprehensive coordination plan for hydrogen energy systems developed by the Secretary in consultation with other Federal agencies.”.
and
(d) HYDROGEN RESEARCH AND DEVELOPMENT.—Section 104 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1999 (42 U.S.C. 12403) is amended—
(A) in subparagraph (A) (as redesignated by subparagraph (B)), by striking “an inventory” and inserting “an update of the inventory”; and

(i) FUEL CELLS.—

(1) $65,000,000 for fiscal year 2004;

(2) $75,000,000 for fiscal year 2005; and

(3) $90,000,000 for fiscal year 2006.

(2) FOCUS OF PLAN.—The plan shall focus on the role of hydrogen-based infrastructure for hydrogen production, storage, and use in Federal, State, and local government buildings and vehicles.

(3) FUEL CELLS.—

(1) $105,000,000 for fiscal year 2003;

(2) $150,000,000 for fiscal year 2004; and

(3) $200,000,000 for fiscal year 2005.

(4) in subsection (c), by striking “system described in sections (a)(1) and (a)(2)” and inserting “projects proposed”; and

(ii) by striking paragraph (2), by striking “subject to reduction” in the last sentence and inserting “projects proposed”.

(1) in paragraph (8), by striking “and”.

(iii) in paragraph (17), by striking “a demonstration project under this section” and inserting “projects for which an application has been received”.

(3) C HAIRPERSON.—The technical panel shall have a chairperson, and inserting the following:

(1) in paragraph (1), by striking “and” at the end;

(3) in subparagraph (A) (as redesignated by subparagraph (B)), by striking “develop” and inserting “an update of the inventory”.

(2) ACTIVITIES.—The information”;

(2) in paragraph (2), by striking “gas is” and inserting “basis”;

(3) C HAIRPERSON.—The technical panel shall have a chairperson,”; and

(4)(i) in subsection (a), by striking “(a)” and inserting “(b)”;

(2) in subsection (b)(1), by striking “marketplace” and inserting “marketplace, including foreign markets, particularly where an energy infrastructure is not well developed”;

(2) in subsection (e), by striking “this chapter” and inserting “this Act”; and

(3) in subsection (c), by striking the first sentence and inserting the following:

(1) in paragraph (2), by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;

(2) in the matter preceding paragraph (1), by striking “the following”;

(3) C HAIRPERSON.—The technical panel shall have a chairperson,”;

(1) in subparagraph (A) (as redesignated by subparagraph (B)), by striking “an inventory” and inserting “an update of the inventory”;

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

(3) in paragraph (2), by striking the period at the end and inserting “,”; and

(4) by adding the following:

(2) in subparagraph (A) (as redesignated by subparagraph (B)), by striking “an inventory” and inserting “an update of the inventory”;

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

(2) in paragraph (2), by striking “gas is” and inserting “basis”;

(4) in subsection (a), by striking “(a)” and inserting “(b)”;

(2) in paragraph (1), by striking “and” at the end;
“(2) make the information available to all Federal and State agencies for dissemination to all interested persons; and
“(3) foster the exchange of generic, nonproprietary information and technology developed under this title among industry, academia, and Federal, State, and local governments, to help the United States economy attain the economic benefits of the information and technology.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, for activities under this title—

“(1) $25,000,000 for fiscal year 2003;
“(2) $30,000,000 for fiscal year 2004;
“(3) $30,000,000 for fiscal year 2005; and
“(4) $40,000,000 for fiscal year 2006.

Subtitle C—Fossil Energy

SEC. 1231. ENHANCED FOSSIL ENERGY RESEARCH AND DEVELOPMENT.

(a) Program Direction.—The Secretary shall conduct a balanced energy research, development, demonstration, and technology deployment program to enhance fossil energy.

(b) Program Goals.—

(1) Core Fossil Research and Development.—The goals of the core fossil research and development program shall be to reduce emissions from fossil fuel use by developing technologies, including precombustion technologies, by 2015 with the capability of realizing—

(A) electricity generating efficiencies of 60 percent for coal and 75 percent for natural gas;

(B) combined heat and power thermal efficiencies of more than 85 percent;

(C) fuels utilization efficiency of 75 percent for the production of liquid transportation fuels from coal;

(D) near zero emissions of mercury and of emissions that form fine particles, smog, and acid rain;

(E) reduction of carbon dioxide emissions by at least 40 percent through efficiency improvements and 100 percent with sequestration; and

(F) improved reliability, efficiency, reductions of air pollutant emissions, or reductions in solid waste disposal requirements.

(2) Offshore Oil and Natural Gas Resources.—The goal of the offshore oil and natural gas resources program shall be to develop technologies to

(A) extract methane hydrates in coastal waters of the United States, and

(B) develop natural gas and oil reserves in the ultra-deepwater of the Central and Western Gulf of Mexico.

(3) Onshore Oil and Natural Gas Resources.—The goal of the onshore oil and natural gas resources program shall be to advance the science and technology available to domestic onshore petroleum producers, particularly independent operators, through—

(A) advances in technology for exploration and production of domestic petroleum resources, particularly those not accessible with current technology;

(B) improvement in the ability to extract hydrocarbons from known reservoirs and classes of reservoirs; and

(C) development of technologies and practices that reduce the threat to the environment from petroleum exploration and production and decrease the cost of effective environmental cleanup technologies.

(4) Transportation Fuels.—The goals of the transportation fuels program shall be to increase the price elasticity of fuel supply and demand by focusing research on—

(A) reducing the cost of producing transportation fuels from coal and natural gas; and

(B) indirect liquefaction of coal and biomass.

(c) Authorization of Appropriations.—

(1) In General.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and deployment activities under this section—

(A) $485,000,000 for fiscal year 2003;

(B) $500,000,000 for fiscal year 2004;

(C) $550,000,000 for fiscal year 2005; and

(D) $558,000,000 for fiscal year 2006.

(2) Limits on Use of Funds.—

(A) None of the funds authorized in paragraph (1) may be used for—

(i) fossil energy environmental restoration;

(ii) import/export authorization; and

(iii) program direction; or

(B) General plant projects.

(3) Coal-Based Technologies.—The coal-based projects funded under this section shall be consistent with the goals in subsection (b).

The program shall emphasize carbon capture and sequestration technologies and gasification technologies, including gasification combined cycle, gasification fuel cells, gasification co-production, hybrid gasification/combustion, or other technology with the potential to address the goals in subparagraphs (D) or (E) of subsection (b)(1).

SEC. 1232. POWER PLANT IMPROVEMENT INITIATIVES.

(a) Program Direction.—The Secretary shall conduct a balanced energy research, development, demonstration, and technology deployment program to improve the efficiency of existing and new coal-based technologies applicable to new or existing power plants (including co-production plants) that advance the efficiency, environmental performance, and cost-competitiveness substantially beyond technologies that are in operation or have been demonstrated by the date of enactment of this subtitle.

(b) Technical Milestones.—

(1) In General.—The Secretary shall set technical milestones specifying efficiency and emissions levels that projects shall be designed to achieve. The milestones shall become more restrictive over the life of the program.

(2) 2010 Efficiency Milestones.—The milestones shall be designed to achieve by 2010 intermediate thermal efficiency of—

(A) 45 percent for coal of more than 9,000 Btu;

(B) 44 percent for coal of 7,000 to 9,000 Btu; and

(C) 42 percent for coal of less than 7,000 Btu.

(3) 2020 Efficiency Milestones.—The milestones shall be designed to achieve by 2020 thermal efficiency of—

(A) 60 percent for coal of more than 9,000 Btu;

(B) 59 percent for coal of 7,000 to 9,000 Btu; and

(C) 57 percent for coal of less than 7,000 Btu.

(4) Emissions Milestones.—The milestones shall include near zero emissions of mercury and greenhouse gases, and of emissions that form fine particles, smog, and acid rain.

(c) Regional Differences.—The Secretary may consider regional and quality differences in developing the efficiency milestones.

(d) Study.—The Secretary shall carry out a study to—

(1) evaluate the potential for coal-based technologies to meet, for example, future national or regional requirements and commitments to reduction of greenhouse gases and of emissions that form fine particles, smog, and acid rain;

(2) evaluate the potential for coal-based technologies to provide substantial energy security for the United States through the production of electricity, use as a chemical feedstock, and use as a transportation fuel; and

(3) make a preliminary determination of the overall potential for coal-based technologies to meet energy and environmental goals.

SEC. 1233. RESEARCH AND DEVELOPMENT FOR ADVANCED SAFE AND EFFICIENT COAL MINING TECHNOLOGIES.

(a) Establishment.—The Secretary of Energy shall establish a competitive research program to develop and demonstrate advanced coal mining technologies, equipment, and practices that—

(1) develop mining research priorities identified by the Mining Industry of the Future Program and in the recommendations from the relevant reports of the National Academy of Sciences on mining technologies;

(2) establish a process for conducting joint industry-government research and development; and

(3) expand mining research capabilities at institutions of higher education.

(b) Authorization of Appropriations.—

(1) In General.—There are authorized to be appropriated to carry out activities under this section $12,000,000 in fiscal year 2003 and $15,000,000 in fiscal year 2004.

(2) Limit on Use of Funds.—Not less than 20 percent of any funds appropriated in a
given fiscal year under this subsection shall be dedicated to research carried out at institutions of higher education.

SEC. 1234. ULTRA-DEEPWATER AND UNCONVENTIONAL ENERGY—EXPLORATION AND PRODUCTION TECHNOLOGIES.

(a) DEFINITIONS.—In this section:

(1) ULTRA-DEEPWATER.—The term "ultra-deepwater" means a water depth that is greater than 1,500 meters but less than 1,500 meters.

(2) DEEPWATER.—The term "deepwater" means a water depth that is greater than 200 meters.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(4) ELIGIBLE AWARD RECIPIENT.—The term "eligible award recipient" includes:

(A) a research institution;
(B) an institution of higher education;
(C) a corporation; and
(D) a managing consortium formed among entities described in subparagraphs (A) through (C).

(5) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(6) MANAGING CONSORTIUM.—The term "managing consortium" means an entity that—

(A) exists as of the date of enactment of this subsection;
(B)(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986; and
(ii) is exempt from taxation under section 501(a) of that Code;
(C) is experienced in planning and managing programs in natural gas or other petroleum resources by lowering the cost and improving the efficiency of exploration and production technologies; and
(D) has demonstrated capabilities and experience representing the views and priorities of industry, institutions of higher education and other research institutions in formulating comprehensive research and development plans and programs.

(7) PROGRAM.—The term "program" means the program of research, development, and demonstration established under subsection (c).

(8) ULTRA-DEEPWATER.—The term "ultra-deepwater" means a water depth that is equal to or greater than 1,500 meters.

(9) ULTRA-DEEPWATER ARCHITECTURE.—The term "ultra-deepwater architecture" means the development and demonstration of, technologies to maximize the value of the ultra-deepwater resource exploration and production technologies.

(10) ULTRA-DEEPWATER RESOURCE.—The term "ultra-deepwater resource" means natural gas or any other petroleum resource (including methane hydrate) located in an ultra-deepwater area.

(11) UNCONVENTIONAL RESOURCE.—The term "unconventional resource" means natural gas or any other petroleum resource located in a formation on physically or economically inaccessible land currently available for lease for purposes of natural gas or other petroleum exploration or production.

(b) ULTRA-DEEPWATER AND UNCONVENTIONAL EXPLORATION AND PRODUCTION PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish a program of research into, and development and demonstration of, ultra-deepwater resource and unconventional resource exploration and production technologies.

(B) ADMINISTRATION.—The program under this subsection shall be carried out—

(i) in areas on the Continental Shelf that, as of the date of enactment of this section, are available for leasing; and

(ii) on unconventional resources.

(2) COMPONENTS.—The program shall include one or more programs for long-term research into—

(A) new ultra-deepwater ultra-deepwater resource and unconventional resource exploration and production technologies; or
(B) environmental technologies for production of ultra-deepwater resource and unconventional resource.

(3) ADVISORY COMMITTEE.—

(A) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this section, the Secretary shall establish an advisory committee to be known as the "Ultra-Deepwater and Unconventional Resource Technology Advisory Committee".

(B) MEMBERSHIP.—The membership of the advisory committee shall be composed of 7 members appointed by the Secretary that—

(i) have extensive knowledge of and experience in the natural gas and other petroleum exploration and production industry; and
(ii) are not Federal employees or employees of contractors to a Federal agency.

(C) ADVISORY COMMITTEE.—Of the members of the advisory committee appointed under subparagraph (A), the advisory committee shall be composed of 7 members appointed by the Secretary that—

(i) have extensive knowledge of and experience in the natural gas and other petroleum exploration and production technologies.
Year 2001 (P.L. 106–398) such sums as may be necessary, but not to exceed $25,000,000 for each of fiscal years 2003 through 2011.

Subtitle D—Nuclear Energy

SEC. 1241. ENHANCED NUCLEAR ENERGY RESEARCH AND DEVELOPMENT.

(a) PROGRAM DIRECTION.—The Secretary shall conduct an energy research, development, demonstration, and technology deployment program to enhance nuclear energy.

(b) PROGRAM GOALS.—The program shall—

(1) support research related to existing United States nuclear power reactors to extend their lifetimes and increase their reliability while optimizing their current operations and performance;

(2) examine advanced proliferation-resistant and passively safe reactor designs, new reactor designs with higher efficiency, lower cost, and improved safety, proliferation-resistant and high burn-up fuels, minimization of generation of radioactive materials, improved nuclear waste management technologies, and improved instrumentation science;

(3) attract new students and faculty to the nuclear sciences and nuclear engineering and related fields (including health physics and nuclear and radiochemistry) through—

(A) university-based fundamental research for existing faculty and new junior faculty;

(B) support for the re-licensing of existing training reactors at universities in conjunction with industry; and

(C) completing the conversion of existing training reactors to low-enrichment fuels that are low enriched and to adapt those reactors to new investigative uses;

(4) maintain a national capability and infrastructure to produce medical isotopes and ensure a well trained cadre of nuclear medicine specialists in partnership with industry;

(5) provide sponsorship for the research of National Laboratory staff acting as a mentor.

(e) OPERATING AND MAINTENANCE COSTS.—Funding for a research project provided under this section may be used to offset a portion of the operating and maintenance costs of a university research reactor used in the research project, on a cost-shared basis with the university.

(f) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1241(c), the following amounts are authorized for activities under subsection (b)(1) through (3)—

(A) $100,000,000 for fiscal year 2003;

(B) $105,000,000 for fiscal year 2004;

(C) $120,000,000 for fiscal year 2005; and

(D) $130,000,000 for fiscal year 2006.

(b) SUPPORTING NUCLEAR ACTIVITIES.—There are authorized to be appropriated to the Secretary for carrying out activities under subsection (b)(4) through (6), as well as nuclear facilities management and program direction—

(A) $300,000,000 for fiscal year 2003;

(B) $200,000,000 for fiscal year 2004;

(C) $220,000,000 for fiscal year 2005; and

(D) $221,000,000 for fiscal year 2006.

SEC. 1242. UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING SUPPORT.

(a) ESTABLISHMENT.—The Secretary shall support a program to maintain the nation’s human resource investment and infrastructure in the nuclear sciences and engineering and related fields (including health physics and nuclear and radiochemistry), consistent with departmental missions related to civilian nuclear research and development.

(b) PROGRAM DIRECTION.—The program under this section, the Secretary shall—

(1) develop a graduate and undergraduate fellowship program to attract new and talented students;

(2) support both individual investigators and multidisciplinary teams of investiga-
(2) pursuant to subsection (c), develop, plan, construct, acquire, or operate special equipment or facilities for the use of investigators conducting research and development in nanoscience and nanotechnology; and
(3) support technology transfer activities to benefit industry and other users of nanoscience and nanotechnology; and
(4) research and development activities with industry and other federal agencies.
(c) NANOINVESTMENT AND NANOENGINEERING RESEARCH CENTERS AND MAJOR INSTRUMENTATION.—
(1) AUTHORIZATION.—From amounts authorized under section 1251(b), the amounts specified under subsection (d)(2) shall, subject to appropriations, be available for projects to develop, plan, construct, acquire, or operate special equipment, instrumentation, or facilities for investigators conducting research and development in nanoscience and nanotechnology.
(2) PROJECTS.—Projects under paragraph (1) may include the measurement of properties at the scale of 1 to 100 nanometers, manipulation at such scales, and the integration of nanoscience and nanotechnology into bulk materials or other technologies.
(3) FACILITIES.—Facilities under paragraph (1) may include electron microcharacterization facilities, microlithography facilities, scanning probe facilities and related instrumentation science.
(4) COLLABORATION.—The Secretary shall encourage collaborations among universities, laboratories and industry at facilities under this subsection. At least one facility under this subsection shall have a specific mission of technology transfer to other institutions and to industry.
(d) HEPERTHROUGH SOFTWARE DEVELOPMENT APPROPRIATIONS.—
(1) TOTAL AUTHORIZATION.—From amounts authorized under section 1251(b), the amounts authorized for activities under this section—
(A) $270,000,000 for fiscal year 2003;
(B) $350,000,000 for fiscal year 2004;
(C) $310,000,000 for fiscal year 2005; and
(D) $330,000,000 for fiscal year 2006.
(2) NANOSCIENTIFIC AND NANOENGINEERING RESEARCH CENTERS AND MAJOR INSTRUMENTATION.—Of the amounts under paragraph (1), the following amounts are authorized to carry out subsection (c)—
(A) $150,000,000 for fiscal year 2003;
(B) $150,000,000 for fiscal year 2004;
(C) $120,000,000 for fiscal year 2005; and
(D) $120,000,000 for fiscal year 2006.
SEC. 1253. ADVANCED SCIENTIFIC COMPUTING FOR ENERGY MISSIONS.
(a) ESTABLISHMENT.—The Secretary, through the Office of Science, shall support a program to advance the Nation’s computing capability across a diverse set of grand challenge computationally based science problems related to departmental missions.
(b) DUTIES OF THE OFFICE OF SCIENCE.—In carrying out the program under this section, the Office of Science shall—
(1) enhance the capabilities for scientific computing by developing the basic mathematical and computing systems software needed for the design, development, and deployment of computing capabilities of computers with peak speeds of 100 teraflops or more, some of which may be unique to the scientific problem domain;
(2) enhance the foundations for scientific computing by developing software to solve grand challenge science problems on new generations of computing platforms;
(3) enhance national collaborative and networking capabilities by developing software to integrate geographically separated research teams and to facilitate access to and movement and analysis of large (petabyte) data sets, and
(4) maintain a robust scientific computing hardware infrastructure to ensure that the computing resources needed to address DOE missions are available; explore new computer architectures, algorithms, and provision of facilities that promise to advance scientific computing.
(c) HIGH-PERFORMANCE COMPUTING ACT PROGRAM.—Section 208(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—
(1) in paragraph (3), by striking “and”;
(2) in paragraph (4), by striking the period and inserting “,”; and
(3) by adding after paragraph (4) the following: “(5) conduct an integrated program of research, development, and provision of facilities to develop and deploy to scientific and technical users the high-performance computing and collaboration tools needed to plan, carry out, and operate missions of the Department of Energy in conducting basic and applied energy research.”.
(d) COORDINATION WITH THE DOE NATIONAL Nuclear Security Agency Accelerated Strategic Computing Initiative and Other National Computing Programs.—The Secretary shall ensure that this program, to the extent consistent feasible, is integrated and consistent with—
(1) the Accelerated Strategic Computing Initiative of the National Nuclear Security Administration; and
(2) other national efforts related to advanced scientific computing for science and engineering.
(e) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1251(b), the following amounts are authorized for activities under this section—
(1) $285,000,000 for fiscal year 2003;
(2) $300,000,000 for fiscal year 2004;
(3) $320,000,000 for fiscal year 2005; and
(4) $330,000,000 for fiscal year 2006.
SEC. 1254. FUSION ENERGY SCIENCES PROGRAM AND PLANNING.
(a) OVERALL PLAN FOR FUSION ENERGY SCIENCES PROGRAM.—
(1) IN GENERAL.—Not later than 6 months after the date of enactment of this subtitle, the Secretary, after consultation with the High-Performance Computing and Arsenals Advisory Committee, shall develop and transmit to the Congress a plan to advance scientific computing resources needed to address DOE missions for the purpose of accelerating scientific understanding of fusion plasmas. The Secretary shall request a review by the National Academy of Sciences of the plan and the review to the Congress by July 1, 2004.
(b) PROGRAM SCOPE.—The program under subsection (a) shall include research, development, demonstration, deployment, and technology deployment activities needed to advance fusion energy sciences, consistent with the roles and missions outlined for the Secretary in Presidential Decision Directive 63, entitled “Critical Infrastructure Protection”. The program shall have the following goals:
(1) Increase the understanding of physical and information system disruptions to the energy infrastructure that could result in cascading or widespread regional outages.
(2) Develop energy infrastructure assurance “best practices” through vulnerability and risk assessments.
(3) Protect against, mitigate the effect of, and improve the ability to recover from disruptive incidents within the energy infrastructure.
(b) PROGRAM SCOPE.—The program under subsection (a) shall include research, development, demonstration, deployment, and technology deployment activities for—
(1) analysis of energy infrastructure interdependencies to quantify the impacts of system vulnerabilities in relation to each other; and
(2) assess the vulnerability of the energy infrastructure to account for unconventional and terrorist threats;
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(3) incident tracking and trend analysis tools to assess the severity of threats and reported incidents to the energy infrastructure; and

(4) integrated multi-sensor, warning and mitigation technologies to detect, integrate, and localize events affecting the energy infrastructure, including real time control to permit the reconfiguration of energy delivery systems.

(c) Regional Coordination.—The program under this section shall cooperate with Departmental activities to promote regional coordination under section 102 of this Act, to ensure that the technologies and assessments developed by the program are transferred in a timely manner to State and local authorities, and to the energy industries.

(d) Coordination With Industry Research Organizations.—The Secretary may enter into grants, contracts, and cooperative agreements with industry research organizations to facilitate industry participation in research under this section and to fulfill applicable cost-sharing requirements.

(e) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this program:

(1) $25,000,000 for fiscal year 2003; (2) $26,000,000 for fiscal year 2004; (3) $27,000,000 for fiscal year 2005; and (4) $28,000,000 for fiscal year 2006.

(f) Critical Energy Infrastructure Facility Defined.—For purposes of this section, the term "critical energy infrastructure facility" means a physical or cyber-based facility for the generation, transmission or distribution of electrical energy, or the production, refining, transportation, or storage of petroleum, natural gas, or petroleum product, the incapacity or destruction of which would have a debilitating impact on the defense or economic security of the United States. The term shall not include facilities licensed by the Nuclear Regulatory Commission under section 103 or 104b of the Atomic Energy Act of 1954 (42 U.S.C. 2133 and 2134(b)).

SEC. 1292. PIPELINE INTEGRITY, SAFETY, AND RELIABILITY RESEARCH AND DEVELOPMENT.

(a) In General.—The Secretary of Energy, in coordination with the Secretary of Transportation, shall develop and implement an accelerated cooperative program of research and development to enhance the integrity of natural gas and hazardous liquid pipelines. This research and development program shall include materials inspection techniques, sensor systems, real-time leak detection systems, and methods to evaluate the structural integrity of pipelines, including methods that do not require internal inspection of existing pipelines. The Secretary of Energy shall report to the Congress on the progress of this program plan. The report shall be submitted to the Secretary to carry out this section through 2006.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for carrying out this section such sums as may be necessary for each of the fiscal years 2003 through 2006.

TITLE XIII—CLIMATE CHANGE-RELATED RESEARCH AND DEVELOPMENT

Subtitle A—Department of Energy Programs

SEC. 1391. PROGRAM GOALS.

The goals of the research, demonstration, and technology deployment programs under this subtitle shall be to:

(1) provide a sound scientific understanding of the human and natural forces that influence the Earth’s climate system, particularly those forces related to energy production and use;

(2) help mitigate climate change from human activities related to energy production and use; and

(3) reduce, avoid, or sequester emissions of greenhouse gases in furtherance of the goals of the United National Framework Convention on Climate Change, done at New York on May 9, 1992, in a manner that does not result in serious harm to the U.S. economy.
and methods of carbon sequestration; terrestrial ecosystems and the atmosphere; or change of carbon dioxide between major terrestrial systems.

The relationship between energy and climate change simulations to researchers and policy makers interested in assessing climate change; and

clouds in climate models;

corporate improved understanding of such factors in climate modeling;

(C) improve the treatment of aerosols and clouds in climate models;

(D) reduce the uncertainty in decade-to-century model-based projections of climate change; and

(E) increase the availability and utility of climate change simulations to researchers and practitioners interested in assessing the relationship between energy and climate change.

(2) CARBON CYCLE.—The Secretary shall

(A) conduct observational and analytical research to acquire and interpret the data needed to describe the radiation balance from the surface of the Earth to the top of the atmosphere;

(B) determine the factors responsible for the Earth's radiation balance and incorporate improved understanding of such factors in climate modeling;

(C) improve the treatment of aerosols and clouds in climate models;

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(C) improve the treatment of aerosols and clouds in climate models;

(D) reduce the uncertainty in decade-to-century model-based projections of climate change; and

(E) increase the availability and utility of climate change simulations to researchers and practitioners interested in assessing the relationship between energy and climate change.
(D) agencies of the Department of Agriculture;

(E) research centers of the National Aeronautics and Space Administration and the Department of Energy;

(F) other Federal agencies;

(G) representatives of agricultural businesses and organizations with demonstrated expertise; and

(H) representatives of the private sector with demonstrated expertise in these areas.

(3) REPORT.—Not later than 3 years after the date of enactment of this subtitle, the Secretary of Agriculture, acting through the Agricultural Research Service and in consultation with the Natural Resources Conservation Service, shall convene a conference of key scientific experts on carbon sequestration and measurement techniques from various sectors (including the government, academic, and private sectors) to—

(A) discuss benchmark standards of precision for measuring soil carbon content and net ecosystem carbon dioxide emissions; and

(B) designate packages of measurement techniques and modeling approaches to achieve a level of precision agreed on by the participants;

and

(C) evaluate results of analyses on baseline, permanence, and leakage issues.

(2) DEVELOPMENT OF BENCHMARK STANDARDS.—

(A) IN GENERAL.—The Secretary shall develop benchmark standards for measuring the carbon content of soils and plants (including trees) based on—

(i) information from the conference under paragraph (1);

(ii) research conducted under this section; and

(iii) other information available to the Secretary.

(B) OPPORTUNITY FOR PUBLIC COMMENT.—The Secretary shall provide an opportunity for the public to comment on benchmark standards developed under subparagraph (A).

(C) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this section, the Secretary of Agriculture shall instruct the Conservation Service, acting through the Farm Service Agency, the Cooperative State Research, Education, and Extension Service, the Economic Research Service, the Agricultural Research Service and the Farm Service Agency to—

(iii) other information available to the Secretary.

(1) ESTABLISHMENT.—Not later than 2 years after the date of enactment of this section, the Secretary of Agriculture, acting through the Farm Service Agency, shall establish a program under this section which projects developed under subparagraph (A) shall strive to achieve benchmark levels of precision in measurement in a cost-effective manner.

(2) PROJECTS.—

(A) IN GENERAL.—The Secretary of Agriculture, acting through the Farm Service Agency, shall establish a program under this section which projects developed under subparagraph (A) shall strive to achieve benchmark levels of precision in measurement in a cost-effective manner.

(B) BENCHMARK LEVELS OF PRECISION.—The Secretary shall provide an opportunity for public comment on the results of the conference.

(C) SUBMISSION OF PROPOSALS.—Proposals for projects under subparagraph (A) shall include the following:

(i) a description of projects and techniques included in the projects;

(ii) a description of the methods used to measure and assess carbon dioxide emissions and greenhouse gas leakage, and permanence of sequestration;

(iii) other information available to the Secretary;

and

(iv) a description of the methods used to measure and assess carbon dioxide emissions and greenhouse gas leakage, and permanence of sequestration;

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make recommendations to heads of appropriate Federal agencies on ways to streamline federal programs and policies improve each agency’s role in the international development of clean energy, including policies and programs to promote clean energy deployment through international energy deployment projects and assistance measures.

...
year period beginning in 2002 and submit the plan to the Congress within 180 days after the date of enactment of the Global Climate Change Act of 2002. The Chairman, through the Office shall submit a revised implementation plan under subsection (a)."

SEC. 1335. INTEGRATED PROGRAM OFFICE.
Section 105 (15 U.S.C. 2985) is amended—
(1) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively; and
(2) inserting before subsection (b), as redesignated, the following:
"(a) INTEGRATED PROGRAM OFFICE.—
"(1) ESTABLISHMENT.—There is established in the Office of Science and Technology Policy an integrated program office for the global climate research program.
"(2) ORGANIZATION.—The integrated program office established under paragraph (1) shall be headed by the associate director with responsibility for climate change science and technology and shall include a representative from each Federal agency participating in the global change research program.
"(3) FUNCTION.—The integrated program office shall—
"(A) manage, working in conjunction with the Committee, interagency coordination and participation in all elements of the global change research activities and budget requests;
"(B) ensure that the activities and programs of each Federal agency or department participating in the program address the goals and objectives identified in the strategic research plan and interagency implementation plans;
"(C) ensure program and budget recommendations of the Committee are communicated to the President and are integrated into the climate change action strategy;
"(D) review, solicit, and identify, and allocate funds for, partnership projects that address critical research objectives or operational goals of the program, including projects that would fill research gaps identified by the program, and for which project resources are shared among at least 2 agencies participating in the program;
"(E) review and provide recommendations on, in conjunction with the Committee, all annual appropriations requests from Federal agencies or departments participating in the program.
"(4) GRANT AUTHORITY.—The Integrated Program Office may authorize 1 or more of the departments participating in the program to enter into contracts and make grants, using funds appropriated for use by the Office of Science and Technology Policy, for carrying out the responsibilities of that Office.
"(5) FUNDING.—For fiscal year 2003, and each fiscal year thereafter, not less than $13,000,000 shall be made available to the Integrated Program Office for—
"(A) a program to develop and maintain a method to guide national, regional, and local planning and decision-making on land use, water hazards, and related issues; and
"(B) a program to develop and maintain a "collection," in paragraph (5), as redesignated;
"(6) by striking "experimental" each place it appears in paragraph (9), as redesignated;
"(b) STRIKING "PRELIMINARY" IN PARAGRAPH (10), AS REDesignATED;
"(c) by striking "this Act," the first place it appears in paragraph (10), as redesignated;
"(7) mechanisms to coordinate among Federal agencies, State, and local governments for the purposes of enhancing the climate research program, and of obtaining input from and disseminating information to the public;
"(8) The United States lacks adequate infrastructure and research to meet national climate monitoring and prediction needs.
"SEC. 1335. TOOLS FOR REGIONAL PLANNING.
Section 5(d) (15 U.S.C. 2986(d)) is amended—
(1) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;
(2) by inserting after paragraph (3) the following:
"(4) methods for improving modeling and prediction of preindustrial and developing assessment methods to guide national, regional, and local planning and decision-making on land use, water hazards, and related issues;
"(5) by striking "experimental" in paragraph (5), as redesignated;
"(6) by striking "this Act," the first place it appears in paragraph (9), as redesignated;
"(b) STRIKING "PRELIMINARY" IN PARAGRAPH (10), AS REDesignATED;
"(7) by striking "this Act," the first place it appears in paragraph (10), as redesignated;
"SEC. 1334. AUTHORIZATION OF APPROPRIATIONS.
Section 9 (15 U.S.C. 2989) is amended—
(1) by striking "1979," and inserting "2002,"
(2) by striking "1980," and inserting "2003,"
(3) by striking "1981," and inserting "2004,"
(4) by striking "$25,500,000" and inserting "$25,500,000,000.

SEC. 1345. NATIONAL CLIMATE SERVICE PLAN.
The Act (15 U.S.C. 2901 et seq.) is amended by inserting after section 5 the following:
"SEC. 6. NATIONAL CLIMATE SERVICE PLAN.
Within one year after the date of enactment of the Global Climate Change Act of 2002, the Secretary of Commerce shall submit to the Senate Committee on Commerce, Science, and Transportation and the House Science Committee a plan of action for a National Climate Service under the National Climate Program. The plan shall set forth recommendations and funding estimates for—
"(1) a national center for operational climate monitoring and predicting with the functional capacity to monitor and adjust observing systems as necessary to reduce bias;
"(2) the design, deployment, and operation of an adequate national climate observing system for system that builds upon existing environmental monitoring systems and closes gaps in coverage by existing systems;
"(3) the establishment of a national coordinated modeling strategy, including a national climate modeling center to provide a dedicated capability for climate modeling from global to local scales at a range of long and short term time schedule and at a range of spatial scales;
"(4) improvements in modeling and assessment capabilities needed to integrate information to predict regional and local climate changes and impacts;
(5) in coordination with the private sector, improving the capacity to assess the impacts of predicted and projected climate changes and variations;
(a) a program for long term stewardship, quality control, development of relevant climate products, and efficient access to all relevant climate data, products, and critical model simulations;
"(7) mechanisms to coordinate among Federal agencies, State, and local government for the purposes of enhancing the climate research program, and of obtaining input from and disseminating information to the public;
"(8) The United States lacks adequate infrastructure and research to meet national climate monitoring and prediction needs.
"SEC. 1334. CHANGES IN FINDINGS.
Section 2 (15 U.S.C. 2901) is amended—
(1) by striking "Weather and climate change affect" in paragraph (1) and inserting "Weather, climate change, and variability affect public safety, environmental security, human health;"
(2) by striking "changes and variability affect public safety, environmental security, human health," in paragraph (5) and inserting "climate, including seasonal and decadal fluctuations,;"
(3) by striking changes and variability affect public safety, environmental security, human health." in paragraph (9) and inserting changes and variability affect public safety, environmental security, human health." in paragraph (10) and inserting changes and variability affect public safety, environmental security, human health." in paragraph (11) and inserting changes and variability affect public safety, environmental security, human health." in paragraph (12) and inserting changes and variability affect public safety, environmental security, human health." in paragraph (13) and inserting changes and variability affect public safety, environmental security, human health." in paragraph (14) and inserting changes and variability affect public safety, environmental security, human health.
"SEC. 1345. INTERNATIONAL, PACIFIC RESEARCH AND COOPERATION.
The Secretary of Commerce, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall conduct international research in the Pacific region that will increase understanding of the nature and predictability of climate variability in the Asia-Pacific region and funding regional aspects of global environmental change. Such research activities shall be conducted in cooperation with other nations of the region. The amounts shall be appropriated for purposes of this section $1,500,000 to the National Oceanic and Atmospheric Administration, $1,500,000 to the National Aeronautics and Space Administration, and $500,000 for the Pacific ENSO Application Center.
"SEC. 1347. REPORTING ON TRENDS.
(a) ATMOSPHERIC MONITORING AND VERIFICATION PROGRAM.—The Secretary of Commerce, in coordination with all Federal agencies, shall, as part of the National Climate Service, establish an atmospheric monitoring and verification program utilizing aircraft, satellite, ground sensors, and modeling capabilities to monitor, measure, and verify atmospheric greenhouse gas emissions, trends, and sources. Wherever possible, the program shall measure emissions from identified sources participating in the reporting system for verification purposes. The program shall use measurement standards that are consistent with those utilized in the greenhouse gas measurement and reporting system established under subsection (a) and the registry established under section 1102.
(b) ANNUAL REPORTING.—The Secretary of Commerce shall issue such regulations as identifies greenhouse emissions and trends on a local, regional, and national level. The report shall also identify emissions or reductions attributable to individual or multiple sources covered by the greenhouse gas measurement and reporting system established under section 1102.

PART III—OCEAN AND COASTAL OBSERVING SYSTEM.
SEC. 1351. OCEAN AND COASTAL OBSERVING SYSTEM.
(a) ESTABLISHMENT.—The President, through the National Ocean Research Leadership Council, established by section 7052(a) of title 10, United States Code, shall establish and maintain an integrated ocean and coastal observing system that provides for long-term, continuous, and real-time observations of the oceans and coasts for the purposes of—
(1) understanding, assessing, and responding to human-induced and natural processes of global change;
(2) improving weather forecasts and public warning systems; and
(3) strengthening national security and military preparedness.
(4) enhancing the safety and efficiency of marine operations;
(5) supporting efforts to restore the health of and manage coastal and marine ecosystems and habitats;
(6) monitoring and evaluating the effectiveness of ocean and coastal environmental policies;
(7) reducing and mitigating ocean and coastal pollution; and
(8) providing information that contributes to public awareness of the state and importance of the oceans.

(b) COUNCIL FUNCTIONS.—In addition to its responsibilities under section 7902(a) of such title, the Council shall be responsible for planning and coordinating the observing system and in carrying out this responsibility shall—

(1) develop and submit to the Congress, within 6 months after the date of enactment of this Act, a plan for implementing a national ocean and coastal observing system that—

(A) uses an end-to-end engineering and development approach to develop a system design and schedule for operational implementation;

(B) determines how current and planned observing activities can be integrated in a cost-effective manner;

(C) provides for regional and concept demonstration projects;

(D) describes the role and estimated budget of each Federal agency in implementing the plan;

(E) contributes, to the extent practicable, to the national Global Change Research Plan under section 101 of the Global Change Research Act of 1990 (15 U.S.C. 2934); and

(F) makes recommendations for coordination of observing activities of the United States with those of other nations and international organizations;

(2) serve as the mechanism for coordinating Federal ocean observing requirements and activities;

(3) work with academic, State, industry and other actual and potential users of the observing system to make effective use of existing capabilities and incorporate new technologies;

(4) develop standards and protocols for the administration of the system, including—

(A) a common set of measurements to be collected and distributed routinely and by uniform methods;

(B) standards for quality control and assessment of data;

(C) design, testing and employment of forecast models in conditions;

(D) data management, including data transfer protocols and archiving; and

(E) designation of coastal ocean observing regions; and

(5) in consultation with the Secretary of State, provide representation at international meetings on ocean observing programs and coordinate relevant Federal activities with those of other nations.

(c) SYSTEM ELEMENTS.—The integrated ocean and coastal observing system shall include the following elements:

(1) A nationally coordinated network of regional coastal ocean observing systems that measure and disseminate a common set of ocean observations and related products in a uniform manner and according to sound scientific practice, but that are adapted to local and regional needs.

(2) Ocean sensors for climate observations, including the Arctic Ocean and sub-polar seas.

(3) Coastal, relocatable, and cabled sea floor observatories.

(4) Broad bandwidth communications that are capable of transmitting high volumes of data from open ocean locations at low cost and in real time.

(5) Ocean data management and assimilation systems that ensure full use of new sources of data from space-borne and in situ sensors.

(6) Focused research programs.

(7) Technology development program to develop new observing technologies and techniques, including data management and dissemination.

(8) Public outreach and education.

SEC. 1352. AUTHORIZATION OF APPROPRIATIONS.

For development and implementation of an integrated ocean and coastal observing system under this title, including financial assistance to regional coastal ocean observing systems, there are authorized to be appropriated—

$235,000,000 in fiscal year 2000;

$315,000,000 in fiscal year 2001;

$390,000,000 in fiscal year 2002;

$430,000,000 in fiscal year 2003;

$450,000,000 in fiscal year 2004;

$475,000,000 in fiscal year 2005; and

$500,000,000 in fiscal year 2006.

Subtitle E—Climate Change Technology

SEC. 1361. NIST GREENHOUSE GAS FUNCTIONS.

Section 1361 of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(1) striking “and” after the semicolon in paragraph (22);

(2) by redesigning paragraph (22) as paragraph (23); and

(3) by inserting after paragraph (21) the following:

“(22) perform research to develop enhanced measurements, calibrations, standards, and technologies which will enable the reduction of greenhouse gases associated with global warming, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, sulfur hexafluoride; and’’.

SEC. 1362. DEVELOPMENT OF NEW MEASUREMENT TECHNOLOGIES.

(a) IN GENERAL.—The Secretary of Commerce shall initiate a program to develop, with technical assistance from appropriate Federal agencies, innovative standards and measurement technologies (including technologies to improve accuracy and cost effectiveness for measuring greenhouse gases and the measurement of progress reductions for which no accurate or reliable measurement technologies (including technologies to measure carbon changes due to changes in land use cover) to calculate—

(1) greenhouse gas emissions and reductions from agriculture, forestry, and other land use; and

(2) non-carbon dioxide greenhouse gas emissions from transportation;

(3) greenhouse gas emissions from facilities or sources using remote sensing technology; and

(4) any other greenhouse gas emission or reductions for which no accurate or reliable measurement technology exists.

(b) Research Program.—The National Institute of Standards and Technology shall conduct research under this subsection that include software to assist designers in selecting alternate building materials, performance data on materials, artificial intelligence based design procedures for building subsystems and ‘smart buildings’, and improved test methods and rating procedures for evaluating the energy performance of residential and commercial buildings and products.

(c) National Measurement Laboratoriness.—The National Institute of Standards and Technology shall conduct research under this subsection that will help incorporate low or no-emissions technologies into building designs.

(d) Standards and Tools.—The National Measurement Laboratories shall develop standards and tools under this subsection that include software to assist designers in selecting alternate building materials, performance data on materials, artificial intelligence based design procedures for building subsystems and ‘smart buildings’, and improved test methods and rating procedures for evaluating the energy performance of residential and commercial buildings and products.

SEC. 1363. ENHANCED ENVIRONMENTAL MEASUREMENTS AND STANDARDS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by redesigning sections 17 through 32 as sections 18 through 33, respectively; and

(2) by inserting after section 16 the following:

“SEC. 17. CLIMATE CHANGE STANDARDS AND PROCESSES.

(a) IN GENERAL.—The Director shall establish within the Institute a program to perform and support research on global climate change standards and processes, with the goal of providing scientific and technical knowledge applicable to the reduction of greenhouse gases (as defined in section 4 of the Global Climate Change Act of 2002).

(b) RESEARCH PROJECTS.—The specific content and priorities of the research program shall be determined in consultation with appropriate Federal agencies, including the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. The program generally shall include basic and applied research—

(A) to develop and provide the enhanced measurement, calibrations, data, models, and reference material standards which will enable the monitoring of greenhouse gases;

(B) to assist in establishing of a baseline reference point for future trading in greenhouse gases and the measurement of progress reductions; and

(C) that will be exchanged internationally as scientific or technical information which has the stated purpose of developing mutually recognized measurements, standards, and procedures for reducing greenhouse gases; and

(D) to assist in developing improved industrial processes designed to reduce or eliminated greenhouse gases.

‘‘(c) NATIONAL MEASUREMENT LABORATORIES.—

(1) IN GENERAL.—In carrying out this section, the Director shall utilize the collective skills of the National Measurement Laboratoraries of the National Institute of Standards and Technology to develop and establish the accuracy of measurements that will permit better understanding and control of these industrial chemical processes and result in the reduction or elimination of greenhouse gases.

‘‘(2) MATERIAL, PROCESS, AND BUILDING RESEARCH.—The National Measurement Laboratories shall conduct research under this subsection that includes—

(A) developing material and manufacturing processes which are designed for energy efficiency and reduced greenhouse gas emissions into the environment;

(B) developing environmentally-friendly, ‘green’ chemical processes to be used by industry; and

(C) enhancing building performance with a focus in developing standards or tools which will help incorporate low or no-emission technologies into building designs.

‘‘(3) STANDARDS AND TOOLS.—The National Measurement Laboratories shall develop standards and tools under this subsection that include software to assist designers in selecting alternate building materials, performance data on materials, artificial intelligence based design procedures for building subsystems and ‘smart buildings’, and improved test methods and rating procedures for evaluating the energy performance of residential and commercial buildings and products.

(d) NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM.—The Director shall utilize the National Voluntary Laboratory Accreditation Program under this section to establish a program to include specific calibration or test standards and related methods and protocols as necessary to meet the unique needs for accreditation in measuring the production of greenhouse gases. In carrying out this subsection the Director may cooperate with other departments and agencies of the Federal Government, State and local governments, and private organizations.’’.

SEC. 1364. TECHNOLOGY DEVELOPMENT AND DIFFUSION.

(a) ADVANCED TECHNOLOGY PROGRAM COMPEETITIONS.—The Director of the National Institute of Standards and Technology, through the Advanced Technology Program, may hold a portion of the Institute’s competitions in thematic areas, selected after consultation with industry, academia, and other Federal Agencies, designed to develop and commercialize enabling technologies to
address global climate change by significantly reducing greenhouse gas emissions and concentrations in the atmosphere.

(b) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—The Director of the National Institute of Standards and Technology, through the Manufacturing Extension Partnership Program, shall establish a program to support the implementation of new “green” manufacturing technologies and techniques by the more than 580,000 small manufacturers.

SEC. 1371. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director to carry out this section $4,500,000 to support the implementation of new “green” manufacturing technologies and techniques by the more than 580,000 small manufacturers.

Subtitle F—Climate Adaptation and Hazards Prevention

PART I—ASSESSMENT AND ADAPTATION

SEC. 1371. REGIONAL CLIMATE ASSESSMENT AND ADAPTATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and implement a Regional Climate Adaptation and Assessment Program for regional impacts associated with greenhouse gases in the atmosphere and climate variability.

(b) COORDINATION.—In designing such program, the Secretary shall—

(1) work closely and coordinate with the Federal Emergency Management Agency, the Environmental Protection Agency, the Army Corps of Engineers, the Department of Transportation, other Federal agencies, and State and local government entities; and

(2) to the extent consistent with the Federal Assistance Act of 1972 (16 U.S.C. 1451 et seq.), coordinate with coastal zone management programs.

(c) VULNERABILITY ASSESSMENTS.—The plan shall—

(1) evaluate, based on predictions developed under this Act and the National Climate Change Program Act (15 U.S.C. 2901 et seq.), regional vulnerability to phenomena associated with climate change and climate variability, including—

(A) increases in severe weather events;

(B) increases in sea level rise and shifts in the hydrological cycle;

(C) natural hazards, including tsunami, drought, flood and fire; and

(D) alteration of ecological communities, including at the ecosystem or watershed level; and

(2) build upon predictions and other information included in the National Assessments prepared under the Global Change Research Act of 1990 (15 U.S.C. 2901 et seq.), regional vulnerability to phenomena associated with climate change and climate variability, including—

(A) increases in severe weather events;

(B) sea level rise and shifts in the hydrological cycle;

(C) natural hazards, including tsunami, drought, flood and fire; and

(D) alteration of ecological communities, including at the ecosystem or watershed level; and

(3) coordinate with the United States Global Change Research Program to address coastal hazards associated with climate change, sea level rise, natural hazards, and coastal erosion and mapping, and specifically address impacts on Arctic regions and the Great Central, Western, and South Pacific regions.

(d) PREPAREDNESS RECOMMENDATIONS.—The plan shall—

(1) recommend adaptation strategies to address regional adaptation needs associated with climate change, sea level rise, natural hazards, and climate variability, including—

(A) economic planning for small communities dependent upon affected coastal resources, including fisheries; and

(B) vulnerability assessments conducted under section (e)

(2) identify the need for increased coordination among Federal, State, and local government entities for the purposes of developing regional adaptation strategies and plans.

(3) Economic Planning for Small Communities.—The plan shall include economic planning for small communities dependent upon affected coastal resources, including fisheries, and other related infrastructure.

(4) Economic Planning for Other Interests.—The plan shall also include planning for other interests in coastal areas, such as recreation, tourism, and property, and shall address economic planning for small communities dependent upon affected coastal resources, including fisheries, and other related infrastructure.

(5) Mitigation incentives.—The plan shall include incentives for the adoption of mitigation strategies that reduce the impact of climate change on coastal areas, such as the development of new “green” manufacturing technologies and techniques by the more than 580,000 small manufacturers.

(6) Technical Planning Assistance.—The Secretary shall establish a program to provide technical planning assistance to coastal communities to develop and implement adaptation strategies and plans.

(7) Information and Technology.—The Secretary shall establish a program to provide technical assistance to coastal communities to develop and implement adaptation strategies and plans.

(8) Coordination.—The Secretary shall establish a program to provide technical assistance to coastal communities to develop and implement adaptation strategies and plans.

(9) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Commerce $4,500,000 to implement the plan established under this section.

SEC. 1372. COASTAL VULNERABILITY AND ADAPTATION.

(a) COASTAL VULNERABILITY.—Within 2 years after the date of enactment of this Act, the Secretary shall—

(1) establish a program to support the implementation of new “green” manufacturing technologies and techniques by the more than 580,000 small manufacturers.

(2) establish a program to support the implementation of new “green” manufacturing technologies and techniques by the more than 580,000 small manufacturers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce $4,500,000 to implement the plan established under this section.

SEC. 1373. ASSESSMENT AND ADAPTATION PROGRAM.

(a) IN GENERAL.—The President shall establish within the Department of Commerce a National Climate Change Vulnerability and Adaptation Program for regional impacts associated with greenhouse gases in the atmosphere and climate variability.

(b) PREPAREDNESS RECOMMENDATIONS.—The plan shall—

(1) evaluate, based on predictions developed under this Act and the National Climate Change Program Act (15 U.S.C. 2901 et seq.), regional vulnerability to phenomena associated with climate change and climate variability, including—

(A) increases in severe weather events;

(B) sea level rise and shifts in the hydrological cycle;

(C) natural hazards, including tsunami, drought, flood and fire; and

(D) alteration of ecological communities, including at the ecosystem or watershed level; and

(2) build upon predictions and other information included in the National Assessments prepared under the Global Change Research Act of 1990 (15 U.S.C. 2901 et seq.), regional vulnerability to phenomena associated with climate change and climate variability, including—

(A) increases in severe weather events;

(B) sea level rise and shifts in the hydrological cycle;

(C) natural hazards, including tsunami, drought, flood and fire; and

(D) alteration of ecological communities, including at the ecosystem or watershed level; and

(3) coordinate with the United States Global Change Research Program to address coastal hazards associated with climate change, sea level rise, natural hazards, and coastal erosion and mapping, and specifically address impacts on Arctic regions and the Great Central, Western, and South Pacific regions.

(c) VULNERABILITY ASSESSMENTS.—The plan shall—

(1) evaluate, based on predictions developed under this Act and the National Climate Change Program Act (15 U.S.C. 2901 et seq.), regional vulnerability to phenomena associated with climate change and climate variability, including—

(A) increases in severe weather events;

(B) sea level rise and shifts in the hydrological cycle;

(C) natural hazards, including tsunami, drought, flood and fire; and

(D) alteration of ecological communities, including at the ecosystem or watershed level; and

(2) build upon predictions and other information included in the National Assessments prepared under the Global Change Research Act of 1990 (15 U.S.C. 2901 et seq.), regional vulnerability to phenomena associated with climate change and climate variability, including—

(A) increases in severe weather events;

(B) sea level rise and shifts in the hydrological cycle;

(C) natural hazards, including tsunami, drought, flood and fire; and

(D) alteration of ecological communities, including at the ecosystem or watershed level; and

(3) coordinate with the United States Global Change Research Program to address coastal hazards associated with climate change, sea level rise, natural hazards, and coastal erosion and mapping, and specifically address impacts on Arctic regions and the Great Central, Western, and South Pacific regions.

(d) PREPAREDNESS RECOMMENDATIONS.—The plan shall—

(1) evaluate, based on predictions developed under this Act and the National Climate Change Program Act (15 U.S.C. 2901 et seq.), regional vulnerability to phenomena associated with climate change and climate variability, including—

(A) increases in severe weather events;

(B) sea level rise and shifts in the hydrological cycle;

(C) natural hazards, including tsunami, drought, flood and fire; and

(D) alteration of ecological communities, including at the ecosystem or watershed level; and

(2) build upon predictions and other information included in the National Assessments prepared under the Global Change Research Act of 1990 (15 U.S.C. 2901 et seq.), regional vulnerability to phenomena associated with climate change and climate variability, including—

(A) increases in severe weather events;

(B) sea level rise and shifts in the hydrological cycle;

(C) natural hazards, including tsunami, drought, flood and fire; and

(D) alteration of ecological communities, including at the ecosystem or watershed level; and

(3) coordinate with the United States Global Change Research Program to address coastal hazards associated with climate change, sea level rise, natural hazards, and coastal erosion and mapping, and specifically address impacts on Arctic regions and the Great Central, Western, and South Pacific regions.

(e) INFORMATION AND TECHNOLOGY.—The Secretary shall establish a program to provide technical planning assistance to coastal communities to develop and implement adaptation or mitigation strategies and plans.

(f) TECHNICAL PLANNING ASSISTANCE.—The Secretary shall establish a program to provide technical planning assistance to coastal communities to develop and implement adaptation or mitigation strategies and plans.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce $4,500,000 to implement the plan established under this section.

SEC. 1381. REMOTE SENSING PILOT PROJECTS.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall establish, through the National Oceanic and Atmospheric Administration’s Coastal Services Center, a program of grants for competitively awarded pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal needs for coastal area management.

(b) PREFERRED PROJECTS.—In awarding grants under this section, the Administrator shall—

(1) give preference to projects that—

(A) focus on areas that are most sensitive to the consequences of global climate change or climate variability;

(B) use multiple sources of geospatial information, such as geographic information system data, satellite-provided positioning data, and remotely sensed data, in innovative ways.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce $3,000,000 annually for regional assessments under subsection (a), and $5,000,000 annually for coastal adaptation grants under subsection (d).

PART II—FORECASTING AND PLANNING PILOT PROGRAMS

SEC. 1382. FORECASTING AND PLANNING PILOT PROGRAMS.

(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration shall establish, through the National Oceanic and Atmospheric Administration’s Coastal Services Center, a program of grants for competitively awarded pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal needs for coastal area management.

(b) PREFERRED PROJECTS.—In awarding grants under this section, the Administrator shall—

(1) give preference to projects that—

(A) focus on areas that are most sensitive to the consequences of global climate change or climate variability;

(B) use multiple sources of geospatial information, such as geographic information system data, satellite-provided positioning data, and remotely sensed data, in innovative ways.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce $3,000,000 annually for regional assessments under subsection (a), and $5,000,000 annually for coastal adaptation grants under subsection (d).
future coordinated framework for planning strategies for adaptation to coastal zone and land use changes related to global climate change or climate variability;
(5) the scientific and in-kind contributions from non-Federal sources;
(6) involve the participation of commercial entities that process raw or lightly processed data, often merging that data with other geospatial information, to create data products that have significant value added to the original data; and
(7) include efforts to demonstrate as diverse a set of public sector applications as possible.
(c) OPPORTUNITIES.—In carrying out this section, the Center shall seek opportunities to assist:
(1) in the development of commercial applications potentially available from the remote sensing industry; and
(2) State, local, regional, and tribal agencies in applying remote sensing and other geospatial information technologies for management and adaptation to coastal and land use consequences of global climate change or climate variability.
(d) DURATION.—For a pilot project under subsection (a) shall be provided for a period of not more than 3 years.
(e) RESPONSIBILITIES OF GRANTSEES.—Within 180 days after completion of a grant project, each grantee under subsection (a) shall submit a report to the Center on the results of the pilot project and conduct at least one workshop for potential users to disseminate lessons learned from the pilot project as widely as feasible.
(f) REGULATIONS.—The Center shall issue regulations establishing application, selection, and implementation procedures for pilot projects, and guidelines for reports and workshops required by this section.
SEC. 1382. DATABASE ESTABLISHMENT.
The Center shall establish and maintain an electronic, Internet-accessible database of the results of each pilot project completed under section 1381.
SEC. 1383. DEFINITIONS.
In this subtitle:
(1) CENTER.—The term ‘‘Center’’ means the Coastal Services Center of the National Oceanic and Atmospheric Administration.
(2) GEOGRAPHIC INFORMATION.—The term ‘‘geospatial information’’ means knowledge of the nature and distribution of physical and cultural features on the landscape based on analysis of data from airborne or spaceborne platforms or other types and sources of data.
(3) INSTITUTION OF HIGHER EDUCATION.—The term ‘‘institution of higher education’’ has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).
SEC. 1384. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated to the Administrator to carry out the provisions of this subtitle:
(1) $17,500,000 for fiscal year 2003;
(2) $20,000,000 for fiscal year 2004;
(3) $22,500,000 for fiscal year 2005; and
(4) $25,000,000 for fiscal year 2006.
TITLE XIV—MANAGEMENT OF DOE SCIENCE AND TECHNOLOGY PROGRAMS
SEC. 1401. DEFINITIONS.
In this title:
(a) ABBREVIATION OF DEFINITIONS.—The definitions in section 1203 shall apply.
(b) SINGLE-PURPOSE RESEARCH FACILITY.—The term ‘‘single-purpose research facility’’ means any of the following primarily single purpose entities owned by the Department of Energy—
(A) Ames Laboratory;
(B) Idaho National Technology Park;
(C) Environmental Measurement Laboratory;
(D) Fernald Environmental Management Project;
(E) Fermi National Accelerator Laboratory;
(F) Kansas City Plant;
(G) Nevada Test Site;
(H) New Brunswick Laboratory;
(I) Pantex Weapons Facility;
(J) Princeton Plasma Physics Laboratory;
(K) Savannah River Technology Center;
(L) Stanford Linear Accelerator Center;
(M) Thomas Jefferson National Accelerator Facility;
(N) Y–12 facility at Oak Ridge National Laboratory;
(O) Waste Isolation Pilot Plant;
(P) other similar organization of the Department designated by the Secretary that engages in technology transfer, partnering, or licensing activities;
SEC. 1402. AVAILABILITY OF FUNDS.
Funds authorized to be appropriated to the Department of Energy under title XII, title XIII, and title XV shall remain available until expended.
SEC. 1403. COST SHARING.
(a) RESEARCH AND DEVELOPMENT.—For research and development projects funded from appropriations authorized under subtitles A through D of title XII, the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project.
(b) DEMONSTRATION AND DEPLOYMENT.—For demonstration and technology deployment activities funded from appropriations authorized under subtitles A through D of title XII, the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the costs of the project directly or specifically related to any demonstration or technology deployment activity. The Secretary may reduce or eliminate the non-Federal requirement under this subsection if the Secretary determines that the research and development is of basic or fundamental nature.
(c) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Secretary shall consider non-Federal personnel, services, equipment, and other resources.
SEC. 1404. MERIT REVIEW OF PROPOSALS.
Awards of funds authorized under title XII, subtitle B of title XV shall be made only after an independent review of the scientific and technical merit of the proposals for such awards has been made by the Department.
SEC. 1405. EXTERNAL TECHNICAL REVIEW OF DEPARTMENTAL PROGRAMS.
(a) NATIONAL ENERGY RESEARCH AND DEVELOPMENT ADVISORY BOARDS.—(1) The Secretary shall establish an advisory board to oversee Department research and development programs in each of the following areas—
(A) energy efficiency;
(B) renewable energy;
(C) fossil energy;
(D) nuclear energy; and
(E) climate change technology, with emphasis on integration, collaboration, and other special features of the cross-cutting technologies supported by the Office of Climate Change Technology.
(2) The Secretary shall designate an existing advisory board under the Department to fulfill the function of the advisory board under this subsection, or may enter into appropriate arrangements with the National Academy of Sciences to establish such an advisory board.
(b) UTILIZATION OF EXISTING COMMITTEES.—The Secretary of Energy shall continue to utilize scientific and technical advisory committees chartered under the Federal Advisory Committee Act by the Office of Science to oversee research and development programs under the Department.
(c) MEMBERSHIP.—Each advisory board under this section shall consist of experts drawn from industry, academia, federal laboratories, research institutions, state, local, or tribal governments, as appropriate.
(d) MEETINGS AND PURPOSES.—Each advisory board under this section shall meet at least semi-annually to review and advise on the progress made by the respective research, development, demonstration, and technology deployment programs. The advisory board shall also review the adequacy and relevance of the goals established for each program by Congress and the President, and may otherwise advise on promising future directions in research and development that should be considered by each program.
SEC. 1406. IMPROVED COORDINATION AND MANAGEMENT OF CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS.
(a) EFFECTIVE TOP-LEVEL COORDINATION OF RESEARCH AND DEVELOPMENT PROGRAMS.—(1) The Energy and Environmental Research Organization Act (42 U.S.C. 7132(b)) is amended to read as follows:
‘‘(b)(1) There shall be in the Department an Under Secretary for Energy and Science, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall be appointed at the rate provided in level III of the Executive Schedule under section 5314 of title 5, United States Code.
‘‘(2) The Under Secretary for Energy and Science shall be appointed from among persons who—
(A) have extensive background in scientific or engineering fields; and
(B) are well qualified to manage the civilian research and development programs of the Department of Energy.
‘‘(3) The Under Secretary for Energy and Science shall—
(A) serve as the Science and Technology Advisor to the Secretary; and
(B) monitor the Department’s research and development programs in order to advise the Secretary with respect to any undesirable duplication or gaps in such programs; advise the Secretary with respect to the well-being and management of the multi-purpose laboratories under the jurisdiction of the Department;
(C) advise the Secretary with respect to education and training activities required for effective short- and long-term basic and applied research activities of the Department; and
(D) advise the Secretary with respect to grants and other forms of financial assistance required for effective short- and long-term basic and applied research activities of the Department; and
(E) exercise authority and responsibility over Assistant Secretaries carrying out energy research and development and energy technology functions under sections 203 and 209, as well as other elements of the Department assigned by the Secretary;
(2) RECONFIGURATION OF POSITION OF DIRECTOR OF THE OFFICE OF SCIENCE.—Section 209 of the Department of Energy Organization Act (42 U.S.C. 7132(b)) is amended to read as follows:
‘‘(a) There shall be within the Department an Office of Science, to be headed by an Assistant Secretary for Science, who shall be appointed by the President, by and with the advice and consent of the Senate, and who
shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) The Assistant Secretary of Science shall appoint the Assistant Secretaries for the Development Program to perform the duties described in section 203 of this Act.

"(c) It shall be the duty and responsibility of the Assistant Secretary of Science to carry out the fundamental science and engineering research functions of the Department, including responsibility for policy and management of such research, as well as other functions vested in the Secretary which he may assign to the Assistant Secretary.

"(d) ADDITIONAL ASSISTANT SECRETARY POSITION TO ENABLE IMPROVED MANAGEMENT OF NUCLEAR ENERGY ISSUES.—(1) Section 209(a) of the Department of Energy Organization Act (42 U.S.C. 7139(a)) is amended by striking “there shall be in the Department six Assistant Secretaries” and inserting “Except as provided in subsection (e), there shall be in the Department seven Assistant Secretaries”.

(2) It is the Sense of the Senate that the leadership for departmental missions in nuclear energy should be at the Assistant Secretary level.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 202 of the Department of Energy Organization Act (42 U.S.C. 7132) is further amended by adding the following at the end:

"(d) There shall be in the Department an Under Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions and duties as the Secretary shall prescribe, consistent with this section. The Under Secretary shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(e) There shall be in the Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions and duties as the Secretary shall prescribe, consistent with this section. The General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) Section 5314 of title 5, United States Code, is amended by striking “Under Secretary of Energy (2)” and inserting “Under Secretaries of Energy (3)”.

(3) Section 5311 of title 5, United States Code, is amended by—

(A) striking “Director, Office of Science, Department of Energy”; and

(B) striking “Assistant Secretaries of Energy (6)” and inserting “Assistant Secretaries of Energy (7)”.

(b) TECHNOLOGY PARTNERSHIP WORKING GROUP.—The Secretary shall establish a Technology Partnership Working Group, which shall consist of representatives of the National Laboratories and single-purpose research facilities, to—

(1) coordinate technology transfer activities occurring at National Laboratories and single-purpose research facilities; and

(2) exchange information about technology transfer practices; and

(3) develop and disseminate to the public and prospective technology partners information about opportunities and procedures for technology transfer with the Department.

SEC. 1408. TECHNOLOGY INFRASTRUCTURE PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a Technology Infrastructure Program in accordance with this section.

(b) PURPOSE.—The purpose of the Technology Infrastructure Program shall be to improve the ability of National Laboratories or single-purpose research facilities to support departmental missions by—

(1) stimulating the development of technology clusters that can support departmental missions; National Laboratories or single-purpose research facilities; and

(2) improving the ability of National Laboratories or single-purpose research facilities to support departmental missions.

(c) TECHNOLOGY INFRASTRUCTURE PROGRAM PLAN.—(1) M INIMUM PARTICIPANTS.—Each project shall at a minimum include—

(A) institutions of higher education,

(B) technology-related businesses, and

(C) nonprofit institutions, and

(D) agencies of State, tribal, or local government.

(2) MINIMUM AMOUNT.—Not less than 50 percent of the costs of each project shall be funded from non-Federal sources.

(3) PURPOSE.—The purpose of the Technology Infrastructure Program shall be to—

(A) make available under this section for—

(i) a business, and

(ii) an institution of higher education, and

(B) the extent to which the project is likely to improve the ability of the National Laboratory or single-purpose research facility to achieve technical success in meeting departmental missions.

(2) ADDITIONAL CRITERIA.—The Secretary shall require the Director of the National Laboratory or single-purpose research facility managing a project under this section to consider the following criteria in selecting a project to receive Federal funds:

(A) the potential of the project to succeed, based on its technical merit, team members, management approach, resources, and project plan;

(B) the potential of the project to promote the development of a commercially sustainable technology cluster, which will derive most of the demand for its products or services from the private sector, and which will support departmental missions at the participating National Laboratory or single-purpose research facility;

(C) the potential of the project to promote the use of commercial research, technology, processes, and services to the participating National Laboratory or single-purpose research facility to achieve its departmental mission or the commercial development of a technology cluster that will be made available under this section.

(D) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the missions of the participating National Laboratory or single-purpose research facility and that will make substantive contributions to achieving the goals of the project;

(E) the extent of participation in the project by agencies of State, tribal, or local government; and

(F) the extent to which the project focuses on or promotes the development of technologically related business concerns that are small business concerns or involves such small business concerns substantively in the project.

(iii) No funds or other resources expended either before the start of a project under this section or outside the project’s scope of work shall be credited toward the costs paid by the Federal government, except as provided in this section.

(j) no funds or other resources expended either before the start of a project under this section or outside the project’s scope of work shall be credited toward the costs paid by the Federal government, except as provided in this section.

(3) COMPETITIVE SELECTION.—All projects in which a party other than the Department, a National Laboratory, or a single-purpose research facility receiving funds under this section shall, to the extent practicable, be competitively selected by the Secretary or facility using procedures determined to be appropriate by the Secretary.

(k) ACCOUNTING STANDARDS.—Any participant that receives funds under this section, other than a National Laboratory or single-purpose research facility managing a project under this section, shall maintain and account for funds received under this section in accordance with generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(3) COMPETITIVE SELECTION.—All projects in which a party other than the Department, a National Laboratory, or a single-purpose research facility receiving funds under this section shall, to the extent practicable, be competitively selected by the Secretary or facility using procedures determined to be appropriate by the Secretary.

(l) no funds or other resources expended either before the start of a project under this section or outside the project’s scope of work shall be credited toward the costs paid by the Federal government, except as provided in this section.

(3) COMPETITIVE SELECTION.—All projects in which a party other than the Department, a National Laboratory, or a single-purpose research facility receiving funds under this section shall, to the extent practicable, be competitively selected by the Secretary or facility using procedures determined to be appropriate by the Secretary.

(m) no funds or other resources expended either before the start of a project under this section or outside the project’s scope of work shall be credited toward the costs paid by the Federal government, except as provided in this section.

(3) COMPETITIVE SELECTION.—All projects in which a party other than the Department, a National Laboratory, or a single-purpose research facility receiving funds under this section shall, to the extent practicable, be competitively selected by the Secretary or facility using procedures determined to be appropriate by the Secretary.
(f) REPORT TO CONGRESS.—Not later than January 1, 2004, the Secretary shall report to Congress on whether the Technology Infrastructure Program should be continued and, if so, how it should be managed.

(g) DEFINITIONS.—In this section:

1. TECHNOLOGY CLUSTER.—The term “technology cluster” means a concentration of: (A) technology-related business concerns; (B) institutions of higher education; or (C) other nonprofit institutions, that reinforce each other’s performance in the advancement of technological development through formal or informal relationships.

2. TECHNOLOGY-RELATED BUSINESS CONCERN.—The term “technology-related business concern” means a for-profit corporation, firm, partnership, or small business concern that—

(a) conducts scientific or engineering research;

(b) develops new technologies, (c) manufacturers products based on new technologies, or (d) performs technological services.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for activities under this section $10,000,000 for each of fiscal years 2003 and 2004.

SEC. 1409. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) SMALL BUSINESS ADVOCATE.—The Secretary shall require the Director of each National Laboratory, and may require the Director of a single-purpose research facility, to appoint a small business advocate to—

1. increase the participation of small business concerns, including socially and economically disadvantaged small business concerns, in Department contracts, cooperative research agreements, research, technology licensing, and technology transfer activities conducted by the National Laboratory or single-purpose research facility;

2. report to the Director of the National Laboratory or single-purpose research facility on the actual participation of small business concerns in procurement and collaborative research along with recommendations, if appropriate, on how to improve participation;

3. be available to small business concerns training, mentoring, and clear, up-to-date information on how to participate in the procurement and collaborative research, including contract opportunities;

4. increase the awareness inside the National Laboratory or single-purpose research facility of the capabilities and opportunities presented by small business concerns; and

5. establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or single-purpose research facility.

(b) ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.—The Secretary shall require each National Laboratory, and may require the director of a single-purpose research facility, to establish a program to provide small business concerns with—

1. assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or single-purpose research facility; or

2. general technical assistance, the cost of which shall not exceed $10,000 per instance of assistance, to improve the small business concern’s products or services.

(c) USE OF FUNDS.—None of the funds expended under subsection (b) may be used for direct grants to the small business concerns.

(d) REPORT.—In this section:

1. SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632).

2. SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERN.—The term “socially and economically disadvantaged small business concern” has the meaning given such term in section 5(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)).

SEC. 1410. OTHER TRANSACTIONS.

(a) IN GENERAL.—Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following:

“(g) OTHER TRANSACTIONS.—(1) In addition to other authorities granted to the Secretary for carrying out cooperative research contracts, leases, cooperative agreements, grants, and other similar arrangements, the Secretary may enter into cooperative transactions with public agencies, private organizations, or persons on such terms as the Secretary may deem appropriate in furtherance of basic, applied, and advanced research functions now or hereafter vested in the Secretary. Such other transactions shall not be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5968).

“(2) The Secretary of Energy shall ensure that—

1. the maximum extent practicable, no transaction entered into under paragraph (1) provides for research that duplicates research activities being conducted under existing programs carried out by the Department of Energy; and

2. to the extent that the Secretary determines practicable, the funds provided by the Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction.

“(B) A transaction authorized by paragraph (1) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

“(A) The Secretary shall not disclose any trade secret or commercial or financial information submitted by a non-Federal entity under paragraph (1) that is privileged and confidential.

“(B) The Secretary shall not disclose, for five years after the date the information is received, any unclassified information submitted by a non-Federal entity under paragraph (1), including any proposal, proposal abstract, document supporting a proposal, business plan, or technical information that is privileged and confidential.

“(C) The Secretary may protect from disclosure, for up to five years, information developed pursuant to a transaction under paragraph (1) that would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a Federal agency.

“(d) IMPLEMENTATION.—Not later than six months after the date of enactment of this section, the Department shall establish guidelines for the use of other transactions.

SEC. 1411. MOBILITY OF SCIENTIFIC AND TECHNICAL PERSONNEL.

Not later than two years after the enactment of this section, the Secretary, acting through the Technology Transfer Coordination Office, shall—

1. determine whether each contractor operating a National Laboratory or single-purpose research facility has policies and procedures that do not create barriers to the transfer of scientific and technical personnel among the contractor-operated National Laboratories and the Government contract-operated single-purpose research facilities.

SEC. 1412. NATIONAL ACADEMY OF SCIENCES REPORT.

Within 90 days after the date of enactment of this Act, the Secretary shall contract with the National Academy of Sciences to—

1. conduct a study on the obstacles to accelerating the innovation cycle for energy technology, and

2. report to the Congress recommendations for shortening the cycle of research, development, and deployment.

SEC. 1413. REPORT ON TECHNOLOGY READINESS AND BARRIERS TO TECHNOLOGY TRANSFER.

(a) IN GENERAL.—The Secretary, acting through the Technology Partnership Working Group and in consultation with representatives from universities, and small business concerns, shall—

1. assess the readiness for technology transfer of energy technologies developed through projects funded from appropriations under titles A through D of this Act.

2. identify barriers to technology transfer and cooperative research and development agreements between a National Laboratory and a non-federal person;

3. make recommendations for administrative or legislative actions needed to reduce or eliminate such barriers.

(b) REPORT.—The Secretary shall provide a report to Congress and the President on activities carried out under this section not later than one year after the date of enactment of this section, and shall update such report on a bimonthly basis, taking into account particular barriers to technology transfer identified in previous reports under this section.

TITLE XV—PERSONNEL AND TRAINING

SEC. 1501. WORKFORCE TRENDS AND TRAINEESHIP GRANTS.

(a) WORKFORCE TRENDS.—

1. MONITORING.—The Secretary of Energy shall, acting through the Administrator of the Energy Information Administration, in consultation with the Secretary of Labor, shall monitor trends in the workforce of skilled technical personnel supporting energy technology industries, including renewable energy industries, companies developing and commercializing devices to increase energy efficiency, the oil and gas industry, nuclear power industry, the coal industry, and other industrial sectors as the Secretary may deem appropriate.

2. ANNUAL REPORTS.—The Administrator of the Energy Information Administration shall include statistics on energy industry workforce trends in the annual reports of the Energy Information Administration.

(b) TRAINEESHIP GRANTS FOR TECHNICALLY SKILLED PERSONNEL.

1. GRANT PROGRAMS.—The Secretary shall establish grant programs in the appropriate offices of the Department to enhance training of technically skilled personnel for which a shortfall is determined under subsection (a).

2. ELIGIBLE INSTITUTIONS.—As determined by the Department to be appropriate for the particular workforce shortfall, the Secretary shall make grants under paragraph (1) to—

(A) an institution of higher education;

(B) a postsecondary educational institution providing vocational educational education (within the meaning given those terms in section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2903));

(C) appropriate agencies of State, local, or tribal governments; or
(D) joint labor and management training organizations with state or federally recognized apprenticeship programs and other employee-based training organizations as the Secretary considers appropriate.
(c) DEFINITION.—For purposes of this section, the term ‘skilled technical personnel’ means scientific and technical employees who are in or have completed at least one year of recognized technical training and who are employed by an entity.

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DIVISION F—TECHNOLOGY ASSESSMENT AND STUDIES

TITLE XVI—TECHNOLOGY ASSESSMENT SERVICE
SEC. 1601. NATIONAL SCIENCE AND TECHNOLOGY ASSESSMENT SERVICE.

The National Science and Technology Policy Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following:

"TITLE VII—NATIONAL SCIENCE AND TECHNOLOGY ASSESSMENT SERVICE"

"SEC. 701. ESTABLISHMENT.

"There is hereby created a National Science and Technology Assessment Service (hereinafter referred to as the ‘Service’), which shall be within and responsible to the legislative branch of the Government.

"SEC. 702. COMPOSITION.

"The Service shall consist of a Science and Technology Board (hereinafter referred to as the ‘Board’) which shall formulate and promulgate the policies of the Service, and a Director who shall carry out such policies and administer the operations of the Service.

"SEC. 703. FUNCTIONS AND DUTIES.

"The Service shall coordinate and develop information for Congress relating to the use of Federal and non-Federal funds and resources for science and technology. The Service shall, through continually actuarial and statistical assessments, develop and maintain a national science and technology policy issues. In developing such technical assessments for Congress, the Service shall utilize, to the extent practicable, experts selected in coordination with the National Research Council.

"SEC. 704. INITIATION OF ACTIVITIES.

"(a) Science and technology assessment activities undertaken by the Service may be initiated upon the request of—

"(1) the Chairman of any standing, special, or joint committee of either House of Congress, acting for himself or at the request of any joint committee of the Congress, acting for himself or at the request of any joint committee of the Congress, acting for himself or at the request of any joint committee of the Congress, acting for himself or at the request of the ranking minority member on a majority, or any joint committee's member;

"(2) the Board;

"(3) the Director.

"SEC. 705. ADMINISTRATION AND SUPPORT.

"The Director of the Science and Technology Assessment Service shall be appointed by the Board and shall serve for a term of 5 years unless sooner removed by the Board or by resignation. The Director shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. The Director shall be supported administratively from the Library of Congress.

"SEC. 706. AUTHORITY.

"The Service shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this section, including, but without being limited to, the authority to—

"(1) make full use of competent personnel and organizations outside the Office, public or private, and form special ad hoc task forces or make other arrangements when appropriate;

"(2) enter into contracts or other arrangements as may be necessary for the conduct of the work of the Office with any agency or instrumentality of the United States, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with reimbursement, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 51); and

"(3) accept and utilize donations of voluntary and uncompensated personnel necessary for the conduct of the work of the Service and provide transportation and subsistence allowances authorized by section 207 of title 5, United States Code, for persons serving without compensation; and

51, United States Code, for persons serving without compensation; and

"(b) Personnel.—The Secretary may enter into appropriate arrangements with the National Academy of Sciences to help administer the program.

"(c) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1241(c), there are authorized to be appropriated the sums as necessary to carry out this section such sums as may be necessary for each fiscal year.

SEC. 1502. POSTDOCTORAL AND SENIOR RESEARCH FELLOWSHIPS IN ENERGY RESEARCH.
(a) POSTDOCTORAL FELLOWSHIPS.—The Secretary shall establish a program of fellowships to encourage outstanding young scientists and engineers to pursue postdoctoral research appointments in energy research and development at institutions of higher education of their choice. In establishing a program under this subsection, the Secretary may enter into appropriate arrangements with the National Academy of Sciences to help administer the program.
(b) SENIOR RESEARCH FELLOWSHIPS.—The Secretary shall establish a program of fellowships to encourage outstanding senior researchers in energy research and development at institutions of higher education of their choice. In establishing a program under this subsection, the Secretary may enter into appropriate arrangements with the National Academy of Sciences to help administer the program.
(c) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1241(c), there are authorized to be appropriated the sums as necessary to carry out this section such sums as may be necessary for each fiscal year.

SEC. 1503. TRAINING GUIDELINES FOR ELECTRIC ENERGY INDUSTRY PERSONNEL.
(a) MODEL GUIDELINES.—The Secretary shall, in cooperation with electric generation, transmission, and distribution companies and recognized representatives of employees of those entities, develop model employee training guidelines to support electric supply generation, transmission, and distribution companies as may be necessary for the conduct of the work of the Office with any agency or public or private, and form special ad hoc task forces or make other arrangements when appropriate;

"(2) enter into contracts or other arrangements as may be necessary for the conduct of the work of the Office with any agency or public or private, and form special ad hoc task forces or make other arrangements when appropriate;
(4) prescribe such rules and regulations as it deems necessary governing the operation and organization of the Service.

SEC. 707. BOARD.

(a) Establishment.—The Board shall consist of 13 members as follows—

(1) 6 Members of the Senate, appointed by the President pro tempore of the Senate, 3 from the majority party and 3 from the minority party; and

(2) 6 Members of the House of Representatives appointed by the Speaker of the House of Representatives, 3 from the majority party and 3 from the minority party; and

(3) the Director, who shall not be a voting member.

(b) Membership.—The President pro tempore of the Senate, 3 Members of the House of Representatives, the Majority Leader of the Senate, the Majority Leader of the House of Representatives, and the Director of the Office of Science and Technology Policy shall report to the Congress on the implementation of the requirement of this title.

(c) Meetings.—The Board shall meet at least once each year.

SEC. 708. REPORT TO CONGRESS.

(a) The Service shall submit to the Congress an annual report which shall include, but not be limited to, an evaluation of technology assessment techniques and identification, insofar as may be feasible, of technological areas and programs requiring future analysis. The annual report shall be submitted not later than March 15 of each year.

SEC. 709. AUTHORIZATION OF APPROPRIATIONS.

(a) Basic Authorization.—There are authorized to be appropriated to the Service such sums as may be necessary to fulfill the requirements of this title.

(b) Unobligated Balances.—Any appropriation made to the Service under this title shall remain available until expended.

TITLES XVII—STUDIES

SEC. 1701. REGULATORY REVIEWS.

(a) Research and Development.—Not later than one year after the date of enactment of this section and every five years thereafter, each Federal agency shall review relevant regulations and standards to identify—

(1) existing regulations and standards that act as barriers to—

(A) market entry for emerging energy technologies (including fuel cells, combined heat and power, distributed power generation, and small-scale renewable energy), and

(B) market development and expansion for existing energy technologies (including combined heat and power, small-scale renewable energy, and energy recovery in industrial processes), and

(2) actions the agency is taking or could take to—

(A) remove barriers to market entry for emerging energy technologies and to market expansion or existing technologies,

(B) increase energy efficiency and conservation, or (C) encourage the use of new and existing processes to meet energy and environmental goals.

(b) Report to Congress.—Not later than 18 months after the date of enactment of this section, and every five years thereafter, the Director of the Office of Science and Technology Policy shall report to the Congress on the results of the agency reviews conducted under subsection (a).

(c) CONTENTS OF THE REPORT.—The report shall—

(1) identify all regulatory barriers to—

(A) the development and commercialization of emerging energy technologies and processes, and

(B) the further development and expansion of existing energy conservation technologies and processes,

(2) actions taken, or proposed to be taken, to remove such barriers, and

(3) recommendations for changes in laws or regulations as may be necessary to carry out the purposes of this section.

SEC. 1702. ASSESSMENT OF DEPENDENCE OF HAWAII ON OIL.

(a) Study.—Not later than 60 days after the enactment of this Act, the Secretary of Energy shall initiate a study that assesses the economic risk posed by the dependence of Hawaii on oil as the principal source of energy.

(b) Scope of the Study.—The Secretary shall assess—

(1) the short- and long-term threats to the economy of Hawaii posed by insufficient supply and volatile prices;

(2) the impact on availability and cost of refined petroleum products if oil-fired electric generating sources; including—

(A) the availability of supply,

(B) economics,

(C) environmental and safety considerations,

(D) technical limitations,

(E) infrastructure and transportation requirements,

(F) siting and facility configurations, including—

(i) onshore and offshore alternatives, and

(ii) environmental and safety considerations of both onshore and offshore alternatives.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Service such sums as may be necessary to carry out the purposes of this section.

SEC. 1703. STUDY OF SITING AN ELECTRIC TRANSMISSION SYSTEM ON AMTRAK RIGHT-OF-WAY.

(a) Study.—The Secretary of Energy shall contract with an independent analysis firm to conduct a study of the feasibility of building and operating a new electric transmission system on the Amtrak right-of-way in the Northeast Corridor.

(b) Scope of the Study.—The study shall focus on siting the new system on the Amtrak right-of-way within the Northeastern Corridor between Washington, D.C., and New Rochelle, New York, including the Amtrak right-of-way between Philadelphia, Pennsylvania and Harrisburg, Pennsylvania.

(c) Contents of the Study.—The study shall consider—

(1) alternative geographic configuration of a new electric transmission system on the Amtrak right-of-way;

(2) alternative technologies for the system;

(3) the estimated costs of building and operating each alternative;

(4) alternative means of financing the system;

(5) the environmental risks and benefits of building and operating each alternative as well as the environmental risks and benefits of building and operating the system on the Northeast Corridor rather than at other locations;

(6) engineering and technological obstacles to building and operating each alternative; and

(7) the extent to which each alternative would enhance the reliability of the electric transmission grid and enhance competition in the sale of electric energy at wholesale within the Northeast Corridor.

(d) Recommendations.—The study shall recommend the optimal geographic configuration, the optimal technology, the optimal expansion strategy, and other means of financing for the new system from among the alternatives considered.

(e) Report.—The Secretary of Energy shall submit the completed study to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Energy and Commerce of the House of Representatives not later than 270 days after the date of enactment of this section.

(f) Definitions.—For purposes of this section—

(1) the term “Amtrak” means the National Railroad Passenger Corporation established under chapter 243 of title 49, United States Code; and

(2) the term “Northeast Corridor” shall have the meaning given such term under section 24102(7) of title 49, United States Code.

DIVISION G—ENERGY INFRASTRUCTURE SECURITY

TITLE XVIII—CRITICAL ENERGY INFRASTRUCTURE

Subtitle A—Department of Energy Programs

SEC. 1801. DEFINITIONS.

(a) In General.—The term “critical energy infrastructure” means a physical or cyber-based system or service for—

(i) the generation, transmission or distribution of electric energy; or 

(ii) production, refining, or storage of petroleum, natural gas, or petroleum products.

(b) Scope.—The term shall not include a facility that is licensed by the Nuclear Regulatory Commission under section 103 or 104 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133 and 2134(b)).

(c) Department; National Laboratory; Secretary.—The terms “Department”, “National Laboratory”, and “Secretary” have the meaning given such terms in section 1033.

SEC. 1802. ROLE OF THE DEPARTMENT OF ENERGY.

(a) Programs.—In addition to the authorities otherwise provided by law (including section 1261), the Secretary is authorized to establish programs of financial, technical, or administrative assistance, including—

(1) the enhancement of critical energy infrastructure in the United States; and

(2) the development of public outreach and education programs in cooperation with industry, best practices for critical energy infrastructure assurance; and

(b) Research and Development.—The Secretary shall—

(1) enhance the security of critical energy infrastructure in the United States; and

(2) protect against, mitigate the effect of, and improve the ability to recover from disruptive incidents affecting critical energy infrastructure.
(b) REQUIREMENTS.—A program established under this section shall—

(1) be undertaken in consultation with the advisory committee established under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335, 1337) for the purpose of drilling for, developing, and producing oil or natural gas resources; and

(2) have available to it the scientific and technical resources of the Department, including resources at a National Laboratory; and

(3) be consistent with any overall Federal plan for national infrastructure security developed by the President or his designee.

SEC. 1804. ADVISORY COMMITTEE ON ENERGY INFRASTRUCTURE SECURITY.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee, or utilize an existing advisory committee within the Department, to advise the Secretary on policies and programs related to the security of U.S. energy infrastructure.

(b) BALANCED MEMBERSHIP.—The Secretary shall ensure that the advisory committee established or utilized under subsection (a) has a membership with an appropriate balance among the various interests related to energy infrastructure security, including—

(1) scientific and technical experts;

(2) industrial managers;

(3) worker representatives;

(4) insurance companies or organizations;

(5) environmental organizations;

(6) representatives of State, local, and tribal governments; and

(7) such other interests as the Secretary may deem appropriate.

(c) ANNUAL BUDGET.—Each member of the advisory committee established or utilized under subsection (a) shall serve without compensation, and shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home of such member or place of business of the member in the performance of the duties of the committee.

SEC. 1805. BEST PRACTICES AND STANDARDS FOR ENERGY INFRASTRUCTURE SECURITY.

The Secretary, in consultation with the advisory committee under section 1804, shall enter into appropriate arrangements with one or more standard-setting organizations, or similar organizations, to assist the development of industry best practices and standards that may be necessary to protect critical energy infrastructure.

Subtitle B—Department of the Interior Programs

SEC. 1811. OUTER CONTINENTAL SHELF ENERGY INFRASTRUCTURE SECURITY.

(a) DEFINITIONS.—In this section:

(1) APPROVED STATE PLAN.—The term ‘approved State plan’ means a State plan approved by the Secretary under subsection (c)(3).

(2) COASTLINE.—The term ‘coastline’ has the same meaning as the term ‘coast line’ as defined in section 3(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

(3) CRITICAL OCS ENERGY INFRASTRUCTURE FACILITY.—The term ‘critical OCS energy infrastructure facility’ means—

(A) a facility located in an OCS Production State or in the waters of such State related to the production of oil or gas on the Outer Continental Shelf; and

(B) a related facility located in an OCS Production State or in the waters of such State that carries out a public service, transportation and storage activity critical to the operation of an Outer Continental Shelf energy infrastructure facility, as determined by the Secretary.

(4) ‘MINIMUM GREAT CIRCLE DISTANCE’—‘Distance’ means the minimum great circle distance, measured in statute miles.

(5) LEASED TRACT.—

(A) IN GENERAL.—The term ‘leased tract’ means a tract that—

(i) is subject to a lease under section 6 or 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335, 1337) for the purpose of drilling for, developing, and producing oil or natural gas resources; and

(ii) consists of a block, a portion of a block, a combination of blocks or portions of blocks, or a combination of portions of blocks, as—

(I) specified in the lease; and

(II) depicted on an outer Continental Shelf official projection diagram.

(B) EXCLUSION.—The term ‘leased tract’ does not include a tract described in subparagraph (A)(i) that is located in a coastal area subject to a leasing moratorium on January 1, 2001, unless the lease was in production on that date.

(6) OCS POLITICAL SUBDIVISION.—The term ‘OCS political subdivision’ means a county, parish, borough or any equivalent subdivision of an OCS Production State all or part of which subdivision lies within the coastal zone (as defined in section 309(1) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1535(1))).

(7) OCS PRODUCTION STATE.—The term ‘OCS Production State’ means the State of—

(A) Alaska;

(B) Alabama;

(C) California;

(D) Florida;

(E) Louisiana;

(F) Mississippi; or

(G) Texas.

(8) PRODUCTION.—The term ‘production’ has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(9) PROGRAM.—The term ‘program’ means the Outer Continental Shelf Energy Infrastructure Security Program established under subsection (b).

(10) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—The term ‘qualified Outer Continental Shelf revenues’ means all amounts received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any State, including bonus bids, rents, royalties (including payments for royalties taken in kind and sold), net profit share payments, and related late payment interest. Such term does not include any revenues from a leased tract or portion of a leased tract that is included within the area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2001, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2001.

(11) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

(12) STATE PLAN.—The term ‘State plan’ means a State plan described in subsection (b).

(b) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the “Outer Continental Shelf Energy Infrastructure Security Program,” under which the Secretary shall provide funds to OCS Production States on the basis of the proximity of each OCS Production State to offshore locations at which oil and gas are being produced.

(c) STATE PLANS.—(1) INITIAL PLAN.—Not later than 180 days after the date of enactment of this Act, to be eligible to receive funds under such program, the Governor of an OCS Production State shall submit to the Secretary a plan to provide security against hostile and natural threats to critical energy infrastructure facilities in the OCS Production State and to support any of the necessary public service or transportation activities that are needed to support any of the necessary public service or transportation activities. Such plan shall include—

(A) the name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this section;

(B) a program for the implementation of the plan, which describes how the amounts provided under this section will be used;

(C) a contact for each OCS political subdivision and description of how such political subdivisions will use amounts provided under this section, including a certification by the Governor that such uses are consistent with the requirements of this section; and

(D) Measures for taking into account other relevant Federal resources and programs.

(2) ANNUAL REVIEWS.—Not later than 2 years after the date of submission of the plan and annually thereafter, the Governor of an OCS Production State shall—

(A) review the approved State plan; and

(B) submit to the Secretary any revised State plan resulting from the review.

(3) APPROVAL OF PLAN.—(A) IN GENERAL.—In consultation with appropriate Federal security officials and the Secretaries of Commerce and Energy, the Secretary shall—

(i) approve each State plan; or

(ii) recommend changes to the State plan.

(B) RESUBMISSION OF STATE PLANS.—If the Secretary recommends changes to a State plan under subparagraph (A)(ii), the Governor of the OCS Production State may resubmit a revised State plan to the Secretary for approval.

(4) AVAILABILITY OF PLANS.—The Secretary shall provide to Congress a copy of each approved State plan.

(5) CONSULTATION AND PUBLIC COMMENT.—(A) CONSULTATION.—The Governor of an OCS Production State shall develop the State plan in consultation with Federal, State, and local law enforcement and public safety officials, industry, Indian tribes, the scientific community, and other persons as appropriate.

(B) PUBLIC COMMENT.—The Governor of an OCS Production State may solicit public comments on the State plan to the extent the Governor determines to be appropriate.

(d) ALLOCATION OF AMOUNTS.—(1) GENERAL.—Notwithstanding section 8(g) of the Outer Continental Shelf Lands Act, the Governor of an OCS Production State shall apportion amounts made available for the purposes of this section among OCS Production States on the basis of the proximity of each OCS Production State to offshore locations at which oil and gas are being produced.

(2) PERCENTAGE.—For purposes of this section, the percentage amount for each OCS Production State under paragraph (d)(1) shall be calculated based on the ratio of
required OCS revenues generated off the coast of the OCS Production State to the qualified OCS revenues generated off the coastlines of all OCS Production States for the period. Where more than one OCS Production State within 200 miles of a leased tract, the amount of each State's share pursuant to paragraph (d)(2) for each leased tract shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of such leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as determined by the Secretary. (2) Leased Tract or Portion.—A leased tract or portion of the leased tract shall be excluded if the tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2001, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2001.

(f) Payments to OCS Political Subdivisions.—Thirty-five percent of each OCS Production State's allocable share as determined under subsection (e) shall be paid directly to the OCS political subdivisions by the Secretary based on the following formula:

(1) 25 percent shall be allocated based on the ratio of such OCS political subdivision's population to the population of all OCS political subdivisions in the OCS Production State.

(2) 25 percent shall be allocated based on the ratio of such OCS political subdivision's coastline miles to the coastline miles of all OCS political subdivisions in the OCS Production State. For purposes of this subsection, political subdivisions without coastlines shall be considered to have a coastline that is the average length of the coastlines of all political subdivisions in the state.

(3) 50 percent shall be allocated based on the relative distance of such OCS political subdivision from any leased tract used to calculate that OCS Production State's allocation using ratios that are inversely proportional to the distance between the point in the coastal political subdivision closest to the geographic center of each leased tract or portion, as determined by the Secretary. For purposes of the calculations under this subparagraph, a coastal political subdivision without coastlines shall be considered to have a coastline that is the average length of the coastlines of all political subdivisions in the state.

(g) Failure to Have Plan Approved.—Any amount allocated to an OCS Production State or OCS political subdivision but not disbursed because of a failure to have an approved Plan under this section shall be allocated equally by the Secretary among all other OCS Production States in the OCS Production State's allocable share in effect on January 1, 2001, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2001.

(h) Use of Amounts Allocated by the Secretary.—(1) General.—Allocations made by the Secretary under subsection (d) may be used only in accordance with a plan approved pursuant to subsection (e) for:

(A) support of any necessary public service or transportation activities that are needed to maintain the safety and operation of critical OCS energy infrastructure facilities; and

(B) support of any necessary public service or transportation activities that are needed to maintain the safety and operation of critical OCS energy infrastructure facilities.}

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**CONGRESSIONAL RECORD — SENATE**

**S969**

**February 15, 2002**

**TITLE —PIPETLINE SAFETY**

**SEC. 01. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE.**

(a) Short Title.—This title may be cited as the “Pipeline Safety Improvement Act of 2002.”

(b) Amendment of Title 49, United States Code.—Except as otherwise expressly provided, whenever in this title an amendment on repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision of title 49, United States Code, such amendment is designed to enhance the qualifications of pipeline personnel and to reduce the likelihood of accidents and injuries. The plan shall be made available not more than 6 months after the date of enactment of this Act, and every 90 days thereafter until the final resolution of any appeal regarding the use of the funds.

(c) Authorization of Appropriations.—If the Secretary determines that any expenditure made by an OCS Production State or an OCS political subdivision is not consistent with the uses authorized in subsection (h), the Secretary shall disburse any further amounts under this section to that OCS Production State or OCS political subdivision until the amounts used for the inconsistent expenditure have been repaid or obligated for authorized uses.

(d) Rulemaking.—The Secretary may promulgate such rules and regulations as may be necessary to carry out the purposes of this section, including rules and regulations setting forth an appropriate process for appeals.

(e) Authorization of Appropriations.—There are hereby authorized to be appropriated $50,000,000 for each of the fiscal years 2003 through 2008 to carry out the purposes of this section.

**SA 2918. Mr. McCaIN (for himself, Mr. Hollings, Mrs. Murray, Mr. Bingaman, Mr. Breaux, Mr. Smith of Oregon, Mr. Domenici, Mrs. Hutchison, and Mr. Wyden) submitted an amendment intended to be proposed by him to the bill S. 317, to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows: At the end of the amendment, add the following:**

**TITLE —PIPETLINE SAFETY**

**SEC. 31. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS.**

(a) In General.—Except as otherwise required by this title, the Secretary shall implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report (RT-2000-069).

(b) Report to the Secretary.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until each of the recommendations referred to in subsection (a) has been implemented, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation, the Committee on Commerce, Science, and Transportation and Infrastructure of the House of Representatives a report on the specific actions taken to implement such recommendations.

**REPORTS BY THE INSPECTOR GENERAL.**

The Inspector General shall periodically report to the Committees referred to in subsection (a) a report assessing the Secretary's progress in implementing the recommendations referred to in subsection (a) and in making recommendations to the Secretary for consideration in accelerating recommendation implementation.

**SEC. 32. NTSB SAFETY RECOMMENDATIONS.**

The Secretary of Transportation, the Administrator of Research and Special Program Administration, and the Director of the Office of Pipeline Safety shall fully comply with section 1135(a) of title 49, United States Code, to ensure timely responsiveness to National Transportation Safety Board recommendations about pipeline safety.

**SEC. 33. QUALIFICATIONS OF PIPELINE PERSONNEL.**

**QUALIFICATION PLAN.**—Each pipeline operator shall make available to the Secretary of Transportation, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, a plan that is designed to enhance the qualifications of pipeline personnel and to reduce the likelihood of accidents and injuries. The plan shall be made available not more than 6 months after the date of enactment of this Act, and the operator shall revise or update the plan as appropriate.

**REQUIREMENTS.**—The enhanced qualification plan shall include, at a minimum, criteria to demonstrate the ability of an individual to safely and properly perform tasks identified under sections 1135(a) and (b) of title 49, United States Code. The plan shall also provide for training, periodic reexamination of pipeline personnel qualifications and provide for requalification as appropriate. The Secretary, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, may review and certify the plans to determine if they are sufficient to provide a safe operating environment and shall periodically review the plans to ensure the continuation of a safe operation. The Secretary may establish minimum standards for pipeline personnel training and evaluation, which may include written examination, oral examination, work performance history review, observation during performance on the job, on the job training, simulations, or other forms of assessment.

**REPORT TO CONGRESS.**

In general.—The Secretary shall submit a report to the Congress evaluating the effectiveness of operating the pipeline in the Scantic and training efforts, including—

(A) actions taken by inspectors;

(B) recommendations to inspectors for changes to operator qualification and training programs; and
(C) industry and employee qualification responses to those actions and recommendations.

(2) CRITERIA.—The Secretary may establish criteria for use in evaluating and reporting on operator qualification and training for purposes of this subsection.

(3) REPORT.—The Secretary shall submit the report required by paragraph (1) to the Congress 3 years after the date of enactment of this Act.

SEC. 34. PIPELINE INTEGRITY INSPECTION PROGRAM

Section 60109 is amended by adding at the end the following:

"(c) SCHOOL MANAGEMENT.—"(1) GENERAL REQUIREMENT.—The Secretary shall promulgate regulations requiring operators of hazardous liquid pipelines and natural gas transmission pipelines to evaluate the risks to the operator’s pipeline facilities in areas identified pursuant to subsection (a)(1), and to adopt and implement a program for integrity management that reduces the risk of an incident in those areas.

The regulations shall be issued no later than one year after the date of enactment of this Act and shall include the following:

"(A) periodic assessment of the integrity of the pipeline through methods including internal inspection, pressure testing, direct assessment, or other effective methods. The assessment period shall be no less than every 5 years unless the Department of Transportation Inspector General, after consultation with the Secretary determines there is not a sufficient risk. It is deemed necessary because of more technically appropriate monitoring or creates undue interruption of necessary supply to fulfill the requirements under this subsection;

"(B) clearly defined criteria for evaluating the results of the periodic assessment methods carried out under subparagraph (A) and procedures for identifying problems are corrected in a timely manner;

"(C) measures, as appropriate, that prevent and respond to unintended releases, such as leak detection, integrity evaluation, restrictive flow devices, or other measures.

(2) STANDARDS FOR PROGRAM.—In promulgating regulations under this section, the Secretary shall require an operator’s integrity management program to be based on risk analysis and each plan shall include, at a minimum—

"(A) a periodic assessment of the integrity of the pipeline through methods including internal inspection, pressure testing, direct assessment, or other effective methods. The assessment period shall be no less than every 5 years unless the Department of Transportation Inspector General, after consultation with the Secretary determines there is not a sufficient risk. It is deemed necessary because of more technically appropriate monitoring or creates undue interruption of necessary supply to fulfill the requirements under this subsection;

"(B) clearly defined criteria for evaluating the results of the periodic assessment methods carried out under subparagraph (A) and procedures for identifying problems are corrected in a timely manner; and

"(C) measures, as appropriate, that prevent and respond to unintended releases, such as leak detection, integrity evaluation, restrictive flow devices, or other measures.

(3) CRITERIA FOR PROGRAM STANDARDS.—In deciding on the standards for the integrity management methods carried out under paragraph (2)(A) must be conducted, an operator shall take into account the potential for new defects developing or previously identified structural defects caused by construction or installation, the operational characteristics of the pipeline, and leak history. In addition, the Secretary may establish a minimum testing requirement for operations of pipelines to conduct internal inspections.

"(4) STATE AUTHORITY.—A State authority that has an agreement in effect with the Secretary under section 60106 is authorized to review and assess an operator’s risk analyses and integrity management plans required under this section for interstate pipelines located in that State. The reviewing State authority shall provide the Secretary with a written report of the State’s proposals and work in consultation with the States and operators to address safety concerns.

SEC. 35. ENFORCEMENT.

(a) IN GENERAL.—Section 60112 is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL AUTHORITY.—After notice and an opportunity for a hearing, the Secretary of Transportation may decide a pipeline facility is hazardous if the Secretary decides that—

"(1) operation of the facility is or would be hazardous to life, property, or the environment;

"(2) the facility is, or would be, constructed or operated, or a component of the facility is, or would be, constructed or operated with existing material, or a technique that the Secretary decides is hazardous to life, property, or the environment; and

"(2) by striking "is hazardous," in subsection (d) and inserting "is, or would be, hazardous."

SEC. 36. PUBLIC EDUCATION, EMERGENCY PREPAREDNESS, AND COMMUNITY RIGHT TO KNOW.

(a) Section 60116 is amended to read as follows:

"§ 60116. Public education, emergency preparedness, and community right to know.

"(a) PUBLIC EDUCATION PROGRAMS.—

"(1) Each owner or operator of a gas or hazardous liquid pipeline facility shall carry out an existing public education program or, in the event of a pipeline release, and how to report such an event.

"(2) Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2002, each owner or operator of a gas or hazardous liquid pipeline facility shall provide an existing public education program for effectiveness and modify the program as necessary. The completed program shall include activities to advise affected municipal schools, school districts and residents of pipeline facility locations. The completed program shall be submitted to the Secretary or, in the case of an intrastate pipeline facility owner, the appropriate State agency and shall be periodically reviewed by the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency.

"(3) The Secretary may issue standards prescribing the elements of an effective public education program. The Secretary may also develop material for use in the program.

"(b) EMERGENCY PREPAREDNESS.—

"(1) OPERATOR LIABILITY.—Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2002, an operator of a gas transmission or hazardous liquid pipeline facility shall initiate and maintain liaison with the State emergency response commissions, and local emergency planning committees in the areas of pipeline right-of-way, established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001) in each State in which it operates.

"(2) INFORMATION.—The operator shall, upon request, make available to the State emergency response commissions and local emergency planning committees, and shall make available to the Office of Pipeline Safety in a standardized form for the purpose of providing the information to the public, the information described in section 60110(d), the operator’s program for integrity management, and information about implementation of that program. The information about the facility shall also include, at a minimum—

"(A) the business name, address, telephone number of the owner, including a 24-hour emergency contacting number; and

"(B) a description of the facility, including pipe diameter, the product or products carried, and the operating pressure;

"(3) SMALLER COMMUNITIES.—In a community without a local emergency planning committee, the operator shall maintain liaison with the local government, and other emergency response agencies.

"(4) PUBLIC ACCESS.—The Secretary shall promulgate regulations, as appropriate, to this information, including a requirement that the information be made available to the public by widely accessible computerized databases.

"(c) COMMUNITY RIGHT TO KNOW.—Not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2002, the operator shall provide the local government and, as appropriate, the public with information on the use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what to do in the event of a pipeline release, and how to report such an event.
to the governing body of each municipality in which the pipeline facility is located, a map identifying the location of such facility. The map may be provided in electronic form. The Secretary shall provide technical assistance to the pipeline industry on developing public safety and public education program content and best practices for program delivery, and monitor the effectiveness of the programs. The Secretary may also provide technical assistance to State and local officials in applying practices developed in these programs to their activities to promote pipeline safety.

``(d) Public Availability of Reports.—The Secretary shall—

``(1) make available to the public—

``(A) a safety-related condition report filed by an operator under section 60102(b);

``(B) a report of a pipeline incident filed by an operator;

``(C) the results of any inspection by the Office of Pipeline Safety or a State regulatory official; and

``(D) a description of any corrective action taken in response to a safety-related condition reported under subparagraph (A), (B), or (C); and

``(2) prescribe requirements for public access, as appropriate, to integrate management program information prepared under this chapter, requiring requirements that will ensure data accessibility to the greatest extent feasible.

``(3) CONSTRUCTION REPORTS.—Section 60102(b)(2) is amended by striking “authorities,” and inserting “officials, including the local emergency responders.”.

``(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 61 is amended by striking the item relating to section 60116 and inserting the following:

``60116. Public education, emergency preparedness, community right to know.”.

``SEC. 37. PENALTIES.

``(a) Civil Penalties.—Section 60122 is amended—

``(1) by striking “$25,000” in subsection (a)(1) and inserting “$500,000”; and

``(2) by inserting “$500,000” in subsection (a)(1) and inserting “$1,000,000”; and

``(3) by adding at the end of subsection (a)(1) the following: “The preceding sentence does not apply to judicial enforcement action under section 60121.”; and

``(b) MANDATORY TERMINATION OF AGREEMENT.—The Secretary shall terminate an agreement under this chapter when there have been two or more violations of any of the requirements prescribed under this chapter, including section 60112 of this chapter, or a regulation prescribed or order issued under this chapter.

``(C) continued participation by the State authority in the oversight of interstate pipeline transportation would not promote pipeline safety.

``(d) PEDRO AND DATA AND DATA AVAILABILITY.—

``(1) In General.—Within 12 months after the date of enactment of this Act, the Secretary shall develop and implement a comprehensive plan and methodology for the collection and use of gas and hazardous liquid pipeline data to revise the causal categories on the incident report forms to eliminate overlapping and confusing categories and include subcategories. The plan shall include components to provide capability to analyze incident trend analysis and evaluations of pipeline operator performance using normalized accident data.

``(2) REPORT OF RELEASES EXCEEDING 5 GALLONS.—Section 6017(b) is amended—

``(1) by inserting “1” before “To”;

``(2) redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

``(3) inserting before the last sentence the following:

``(2) A person owning or operating a hazardous liquid pipeline facility shall report to the Secretary each release to the environment greater than five gallons of the hazardous liquid or carbon dioxide transported. This section applies to releases from pipeline facilities regulated under this chapter. A report must include the location of the release, fatalities and personal injuries, type of product, amount of product released, cause or causes of the release, extent to damage to property, and any other information required by the Secretary. The Secretary shall ensure that this information is available to the Secretary within the time limits prescribed in a written request.”; and
SEC. 40. RESEARCH AND DEVELOPMENT.

(a) INNOVATIVE TECHNOLOGY DEVELOPMENT.—

(1) IN GENERAL.—As part of the Department of Transportation’s research and development program, the Secretary of Transportation shall establish a national depository of data on events and conditions, including spill histories and corrective actions for specific incidents, that may be relied upon to evaluate the risk of, and to prevent, pipeline failures and releases. The Secretary shall administer the program through the Bureau of Transportation Statistics, in cooperation with the Research and Special Programs Administration, and shall make such information available for use by State and local planning and emergency response authorities and the public.

(b) PIPELINE SAFETY AND RELIABILITY RESEARCH AND DEVELOPMENT.—

(1) ESTABLISHMENT.—The Secretary shall establish a national depository of data on events and conditions, including spill histories and corrective actions for specific incidents, that may be relied upon to evaluate the risk of, and to prevent, pipeline failures and releases. The Secretary shall administer the program through the Bureau of Transportation Statistics, in cooperation with the Research and Special Programs Administration, and shall make such information available for use by State and local planning and emergency response authorities and the public.

(c) PENALTY AUTHORITIES.—(1) Section 60122(a) is amended by striking “60114(c)” and inserting “60117(b)(3).”

(2) Section 60123(a) is amended by striking “60114(c),” and inserting “60117(b)(3).”

(d) COOPERATIVE.—The Secretary may participate in additional technological development through cooperative agreements with public research organizations, pipeline research institutions, national laboratories, universities, and industries.

(e) PIPELINE SAFETY AND RELIABILITY RESEARCH AND DEVELOPMENT.—

(1) ESTABLISHMENT.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program shall—

(A) include materials inspection techniques, risk assessment methodology, and information systems for materials inspection; and

(B) shall complement, and not replace, the research and demonstration program of the Department of Energy addressing natural gas pipeline issues existing on the date of enactment of this Act.

(2) PURPOSE.—The purpose of the cooperative research program shall be to promote pipeline safety research and development to—

(A) improve the capability, reliability, and practicality of external leak detection devices;

(B) identify underground environments that might lead to shortened service life;

(C) enhance safety in pipeline siting and land use;

(D) minimize the environmental impact of pipelines;

(E) demonstrate technologies that improve pipeline safety, reliability, and integrity; and

(F) provide tools for optimizing risk mitigation strategies; and

(L) provide highly secure information systems for controlling the operation of pipelines.

(3) AREAS.—In carrying out this subsection, the Secretary of Transportation, in coordination with the Secretary of Energy, shall—

(A) expand the capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(B) test pipelines that cannot accommodate internal inspection devices available on the date of enactment;

(C) test innovative techniques for measuring the structural integrity of pipelines; and

(D) develop and implement alternative technologies to identify and monitor outside force damage to pipelines.

(4) COOPERATIVE.—The Secretary may participate in additional technological development through cooperative agreements with public research organizations, pipeline research institutions, national laboratories, universities, and industries.

(5) INSPECTION DEVICES.—The Secretary may participate in arrangements for the development and application of pipeline safety research organizations.

(6) IMPETUS.—The Secretary of Transportation shall have the primary responsibility for ensuring the 5-year plan provided for in paragraph (5) is implemented as intended. In carrying out the research, development, and demonstration activities under this paragraph, the Secretary of Transportation shall consult with appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to identify and develop near-term programs for the purpose of advising the Secretary on the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Department of Transportation, the National Academy of Sciences, the Pipeline Research Institute, and any other research organizations, including industry research organizations.

SEC. 41. PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Energy on the development and implementation of the 5-year research, development, and demonstration program plan to guide activities under this section. The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee, shall ensure that the Committee possesses the necessary qualifications to perform the duties and responsibilities required under this section, and shall...
SEC. 4. OPERATOR ASSISTANCE IN INVESTIGATIONS.

(a) In General.—If the Department of Transportation or the National Transportation Safety Board investigate an accident, the operator of the pipeline or any other person who may reasonably be expected to have knowledge of the accident shall be made available to the representative of the Department or the Board all records and information that in any way pertain to the accident (including intelligence information) and shall afford all reasonable assistance in the investigation of the accident.

(b) Corrective Action Orders.—Section 6012(a) is amended—

(1) by inserting “(1)” after “Corrective Action Orders.—”; and

(2) by adding at the end the following:

“(2) If, in the case of a corrective action order issued following an accident, the Secretary determines that the actions of an employee or contractor may have contributed substantially to the cause of the accident, the Secretary shall direct the operator to relieve the employee from performing those activities, reassign the employee, or place the employee on leave until the earlier of the date on which such employee has made a prima facie showing that any behavior described in paragraphs (1) has occurred, the Secretary shall conduct an investigation and determine whether there is reasonable cause to believe that the employee (or any employee carrying out an activity regulated by the Department of Labor) or cause to be provided to the employer, or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Research and Special Programs Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;”

(3) There are authorized to be appropriated to the Secretary of Energy for carrying out sections 40(b) and 41 of this title $3,000,000 to be transferred from user fees for fiscal years 2003 through 2007.

(4) There are authorized to be appropriated to the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), $3,000,000 shall be transferred from user fees for each of the fiscal years 2003 through 2007.

(5) There are authorized to be appropriated to the Oil Spill Liability Trust Fund, $8,000,000 shall be transferred to the Secretary of Transportation, as provided in appropriation Acts, to carry out programs authorized in this title for each of fiscal years 2003, 2004, and 2005.

(6) OIL SPILL LIABILITY TRUST FUND.—Of the amounts available in the Oil Spill Liability Trust Fund, $8,000,000 shall be transferred to the Secretary to carry out section 60107—

(a) In General.—Chapter 601 is amended by adding at the end the following:

“§ 60129. Protection of employees providing pipeline safety information.

(1) DISCRIMINATION AGAINST PIPELINE EMPLOYEE.—No pipeline operator or contractor or subcontractor of a pipeline may discharge an employee or otherwise discriminate against an employee to compensate, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

“(1) provided, caused to be provided, or is about to provide with any knowledge of the employer or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Research and Special Programs Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;”

(2) has filed, caused to be filed, or is about to file a complaint charging or otherwise discriminated against an employee (or any person acting pursuant to a request of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

(3) testified or is about to testify in such a proceeding;

(4) assisted or participated or is about to assist or participate in such a proceeding.

(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such person has knowledge of such violation, file with the Secretary of Labor a written complaint alleging that a violation has occurred.

(2) INVESTIGATION; PRELIMINARY ORDER.—

(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint.

(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed the violation to—

(i) take affirmative action to abate the violation;

(ii) restate the complaint to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing
the complaint upon which the order was issued.

"(C) FROWLING COMPLAINTS.—If the Secretary of Labor finds that a complaint paragraph (d) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney’s fee not exceeding $1,000.

"(4) Review.—

"(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order under paragraph (d) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation occurred, to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed within 60 days after the date of issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

"(B) LIMITATION ON COLLISIONAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

"(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant such appropriate relief, including, but not to be limited to, injunctive relief and compensatory damages.

"(6) LIMITATION ON ORDER BY PARTIES.—

"(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

"(B) ATTORNEY FEES.—The court, in issuing any order under this paragraph, may impose reasonable attorney fees to any party whenever the court determines such award are appropriate.

"(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforced in proceedings brought under section 1361 of title 28, United States Code.

"(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of a pipeline, contractor or subcontractor who, acting without direction from the pipeline contractor or subcontractor (or such person’s agent), deliberately causes a violation of any requirement relating to pipeline safety under this chapter or any other law of the United States.

"(e) CONTRACTOR DEFINED.—In this section, the term ‘contractor’ means a company that performs pipeline safety functions by contract for a pipeline.’’

SEC. 45. STATE PIPELINE SAFETY ADVISORY COMMITTEE.

Within 30 days after receiving recommendations for improvements to pipeline safety from an advisory committee appointed by the Governor of any State, the Secretary of Transportation shall, on the recommendation of the Advisory Committee, within 30 days after the date of enactment of this Act, submit to Congress a report on the implementation of the recommendations.

SEC. 46. FINES AND PENALTIES.

The Inspector General and the Department of Transportation shall conduct an analysis of the Department’s assessment of fines and penalties on gas transmission and hazardous liquid pipelines; including the cost of corrective actions required by the Department in lieu of fines, and, no later than 6 months after the date of enactment of this Act, shall report to Congress on the analysis, and its recommendations for actions or not acting upon any of the recommendations.

SEC. 47. STUDY OF RIGHTS-OF-WAY.

The Secretary of Transportation is authorized to conduct a study on how best to preserve environmental resources in conjunction with rights-of-way. The study shall recognize pipeline operators’ regulatory obligations to maintain rights-of-way and to protect public safety.

SEC. 48. STUDY OF NATURAL GAS RESERVE.

(a) FINDINGS.—Congress finds that:

(1) In the last few months, natural gas prices across the country have increased twenty-fold, from $3 per million British thermal units to nearly $60 per million British thermal units.

(2) One of the major causes of these price increases is a lack of supply, including a lack of natural gas reserves.

(3) The lack of a reserve was compounded by the rupture of an El Paso Natural Gas Company pipeline in Carlsbad, New Mexico on August 26, 2000.

(4) Improving pipeline safety will help prevent similar accidents that interrupt the supply of natural gas and will help save lives.

(5) It is also necessary to find solutions for the lack of natural gas reserves that could be used during natural gas shortages.

(b) STUDY BY THE NATIONAL ACADEMY OF SCIENCES.—The Secretary of Energy shall request the National Academy of Sciences to conduct a study to:

(1) Determine the causes of recent increases in the price of natural gas, including whether the increases have been caused by problems with the supply of natural gas or by problems with the natural gas transmission system;

(2) Determine the necessity of a Federal or State strategic natural gas reserve system; and

(c) REPORT TO CONGRESS.—The Secretary shall provide an annual report to Congress on the study conducted under this subsection.

SEC. 49. STUDY AND REPORT ON NATURAL GAS PIPELINE AND STORAGE FACILITIES.

(a) STUDY.—The Federal Energy Regulatory Commission, in consultation with the Department of Energy, shall conduct a study on the natural gas pipeline transmission network in New England and natural gas storage facilities associated with that network. Within 30 days after the date of enactment of this Act, the Federal Energy Regulatory Commission shall prepare and submit to the Senate Committee on Energy and Natural Resources and the House Committee on Commerce, Science, and Transportation a report containing the results of the study conducted under this subsection, including recommendations for actions addressing potential natural gas transmission and storage capacity problems in New England.

Subtitle B—Pipeline Security

SEC. 51. MEETING COMMUNITY RIGHT TO KNOW WITHOUT SECURITY RISKS.

Section 60117 is amended by adding at the end the following:

"(1) WITHHOLDING CERTAIN INFORMATION.—

"(a) IN GENERAL.—Notwithstanding any other provision of this chapter requiring the Secretary to provide information obtained by the Secretary or an officer, employee, or agent in carrying out this chapter to State or local government officials, the public, or any other person, the Secretary shall withhold such information if it is information that is described in section 552(b)(1)(A) of title 5, United States Code.

"(b) RELEASE.—Notwithstanding paragraph (1), upon the receipt of assurances satisfactory to the Secretary that the information will be handled appropriately, the Secretary may provide information permitted to be withheld under that paragraph to:

(A) To the owner or operator of the affected pipeline system;

(B) To an employee, officer, or agent of a Federal, State, Tribal, or local government, including a volunteer fire department, concerned with carrying out this chapter, with protecting the facilities, with protecting public safety, or with national security issues;

(C) In an administrative or judicial proceeding brought under this chapter or an administrative or judicial proceeding that addresses terrorist actions or threats of such actions; or

(D) To such other persons as the Secretary determines necessary to protect public safety and security.

"(2) REQUIRE TO CONGRESS.—The Secretary shall provide an annual report to the Congress, in appropriate form as determined by the Secretary, containing a summary of determinations made by the Secretary during the preceding year to withhold information from release under paragraph (1).

SEC. 52. TECHNICAL ASSISTANCE FOR SECURITY OF PIPELINE FACILITIES.

The Secretary of Transportation may provide technical assistance to an operator of a pipeline facility or to State, Tribal, or local government officials concerned with preventing acts of terrorism that may impact the pipeline facility, including—
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(1) actions by the Secretary that support the use of National Guard or State or Federal personnel to provide additional security for a pipeline facility at risk of terrorist attack or in response to such an attack;

(2) use of resources available to the Secretary to develop and implement security measures for a pipeline facility;

(3) identification of security issues with respect to the operation of a pipeline facility; and

(4) the provision of information and guidance on security practices that prevent damage to pipeline facilities from terrorist attacks.

SA 2919. Mr. REID (for Mr. HOLLINGS) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal election, and for other purposes; as follows:

On page 10, strike lines 7 through 24, and insert the following:

(1) IN GENERAL.—Not later than January 1, 2004, the Director of the Office of Election Administration of the Federal Election Commission, in consultation with the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)) and the Director of the National Institute of Standards and Technology, shall promulgate standards revising the voting systems standards issued and maintained by the Director of such Office so that such standards meet the requirements established under subsection (a).

(2) QUADRENNIAL REVIEW.—The Director of the Office of Election Administration of the Federal Election Commission, in consultation with the Director of the National Institute of Standards and Technology, shall review the voting systems standards revised under paragraph (1) no less frequently than once every 4 years.

SA 2920. Mr. REID (for Mr. COCHRAN) proposed an amendment to the bill S. Res. 44, designating March 2002 as ‘‘Arts Education Month’’; as follows:

On page 2, lines 4 and 5, strike ‘‘each of March 2001, and March 2002,’’ and insert ‘‘March 2002’’.

SA 2921. Mr. REID (for Mr. COCHRAN) proposed an amendment to the bill S. Res. 44, designating March 2002 as ‘‘Arts Education Month’’; as follows:

Amend the title so as to read: ‘‘Designating March 2002 as ‘‘Arts Education Month’’.’’

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full committee of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, February 26, 2002, at 9:00 a.m. in room 205 Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on the nomination of Raymond L. Orbach to be Director of the Office of Science, Department of Energy.

Those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, Attn: Majority Staff, 364 Dirksen Senate Office Building, United States Senate, Washington, D.C. 20510.

For further information, please contact Sam Fowler on 202–224–7571 or Amanda Goldman on 202–224–6836.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, February 27, 2002, at 2 p.m. in room 106 of the Dirksen Senate Building to conduct an oversight hearing on the management of Indian trust funds.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

The PRESIDING OFFICER. Without objection, the resolution be agreed to, as follows:

(Purpose: To designate March 2002 as ‘‘Arts Education Month’’)

On page 2, lines 4 and 5, strike ‘‘each of March 2001, and March 2002,’’ and insert ‘‘March 2002’’.

The resolution (S. Res. 44), as amended, was so ordered.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

WHEREAS the Congressional Recognition for Excellence in Arts Education Act (Public Law 106–533) was approved by the 106th Congress by unanimous consent;

WHEREAS arts literacy is a fundamental purpose of schooling for all students;

WHEREAS arts education stimulates, develops and refines many cognitive and creative critical thinking processes in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy and communication, and the capacity for problem posing and problem-solving;

WHEREAS arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy;

WHEREAS arts education improves teaching and learning;

WHEREAS parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions are actively engaged in instructional programs in arts education and arts education advocacy;

WHEREAS effective teachers of the arts should be encouraged to continue to learn...
and grow in mastery of their art form as well as in their teaching competence;
Whereas educators, schools, students, and other community members recognize the importance of arts education; and
Whereas arts programs, arts curriculum, and other arts activities in schools across the Nation should be encouraged and publicly recognized: Now, therefore, be it
Resolved,
SECTION 1. DESIGNATION OF ARTS EDUCATION MONTH.
The Senate—
(1) designates each of March 2001, and March 2002, as “Arts Education Month”; and
(2) encourages schools, students, educators, parents, and other community members to engage in activities designed to—
(A) celebrate the positive impact and public benefits of the arts;
(B) encourage all schools to integrate the arts into the school curriculum;
(C) spotlight the relationship between the arts and student learning;
(D) demonstrate how community involvement in the creation and implementation of arts policies enriches schools;
(E) recognize school administrators and faculty who provide quality arts education to students;
(F) provide professional development opportunities in the arts for teachers;
(G) create opportunities for students to experience the relationship between participation in the arts and developing the life skills necessary for future personal and professional success;
(H) increase, encourage, and ensure comprehensive, sequential arts learning for all students;
(I) honor individual, class, and student group achievement in the arts;
(J) spotlight the relationship between the arts and economic success;
(K) spotlight the relationship between the arts and developing the life skills necessary for future personal and professional success;
(L) spotlight the relationship between the arts and educational success; and
(M) spotlight the relationship between the arts and student learning.

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

PROGRAM

Mr. REID. Madam President, there will be no roll call votes on Monday, February 25. The next roll call vote will occur on Tuesday, February 26, at 10 a.m.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 25, 2002

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:46 p.m., adjourned until Monday, February 25, 2002, at 12 noon.

NOMINATIONS

Mr. REID. Madam President, I ask unanimous consent that when the Senate adjourns today, it adjourn under the provisions of S. Con. Res. 97 until the hour of 12 noon, Monday, February 25; that following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and Senator Corzine be recognized to read President Washington’s Farewell Address; that following the address there shall be a period of one hour and thirty minutes until 2 p.m., with Senators permitted to speak for up to 10 minutes each; further, that at 2 p.m. the Senate resume consideration of the election reform bill.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. Madam President, I ask unanimous consent, notwithstanding the recess or adjournment of the Senate, that Senate committees may report Legislative and Executive Calendar business on Wednesday, February 20, from 10 a.m. to 12 noon.

ORDER FOR THE RECORD TO REMAIN OPEN UNTIL 2 P.M.
Mr. REID. Madam President, I ask unanimous consent the Record remain open today until 2 p.m. for the introduction of legislation and the submission of statements.

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

APPOINTMENT OF CONFERENCE—H.R. 2646
The Chair has the authority to appoint the conferees on H.R. 2646.

The Presiding Officer appointed Mr. HARKIN, Mr. LEAHY, Mr. CONRAD, Mr. DASCHEL, Mr. LUGAR, Mr. HELMS, and Mr. COCHRAN conferees on the part of the Senate.

ORDER FOR THE RECORD TO REMAIN OPEN UNTIL 2 P.M.
Mr. REID. Madam President, I ask unanimous consent the Record remain open today until 2 p.m. for the introduction of legislation and the submission of statements.

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

APPOINTMENT OF CONFERENCE—H.R. 2646
The Chair has the authority to appoint the conferees on H.R. 2646.

The Presiding Officer appointed Mr. HARKIN, Mr. LEAHY, Mr. CONRAD, Mr. DASCHEL, Mr. LUGAR, Mr. HELMS, and Mr. COCHRAN conferees on the part of the Senate.

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


DEPARTMENT OF JUSTICE

GREGORY ALLYN FORREST, of NORTH CAROLINA, to be United States Marshal for the Western District of North Carolina for the term of four years. Vice Walter Baker Edminster. Term expired.

IN THE COAST GUARD

The following named officers for appointment to the grade indicated in the United States Coast Guard Reserve under title 14, U.S.C., section 1210:

To be captains

DAVID M BUTLER, 0000
DAVID S EILLEY, 0000
DAVID M SHIPPERT, 0000
STANLEY D SMITH, 0000
DONALD P FERBU, 0000
JAMES J COREY, 0000
LONNIE L DAVIS, 0000
WILLIAM D HUSTON, 0000
STEVEN S DAY, 0000
KINDRICE R HARRISON, 0000
EDWARD A KUHNEREK, 0000
ROBERT D FASHERINO, 0000
TIMOTHY J SPANGGLER, 0000
ROBERT C WEIL, 0000
ROBERT M GAUVIN, 0000
LAUREN.C.MERCER, 0000
STEVEN S O'ORMS, 0000
JOHN D FILIPOWICZ, 0000
KAREN L TAYLOR, 0000
JOHN S LEYTHII, 0000

The following named officers to the grade indicated in the United States Coast Guard Reserve under title 14, U.S.C., section 211:

To be ensigns

BRENTON ALBERT, 0000
CRAIG B ALLEN, JR., 0000
SAMUEL L J ALVORD, 0000
NICKOLAS B ANDERSON, 0000
BRAD J ANDERSON, 0000
KARL M ANFORTH, 0000
CASSANDRA R ARAMBURU, 0000
NEAL E ARMSTRONG, 0000
RICHARD P ARMSTRONG, 0000
JOHN P BUCKUS, 0000
MARK A BURCH, 0000
BRIAN K BARTLETT, 0000
MALCOLM D KELT, 0000
EMILY L BERGMAN, 0000
DOROTHY J BENDRICK, 0000
KATHERINE D BISH, 0000
WILLIAM B BLUMSHIILDE, 0000
ROBERT D BOSCH, 0000
PETE B BOSMA, 0000
JASON W BRUCK, 0000
CHRISTOPHER B BRUINO, 0000
ADAM G BURFINGTON, 0000
SARAH J BUNY, 0000
JONATHAN W BURBEE, 0000
JOSHD B DURCH, 0000
BRENTON M BUDD, 0000
RICHARD M BURDICK, 0000
ROBERT L BYRD II, 0000
BRIAN D BARR, 0000
SCOTT P BRENNER, 0000
KELLY L BRENNER, 0000
EMILIE F COBELL, 0000
ROBERT J COLE, 0000
BRIAN T CONLEY, 0000
MOLLY J CONLOON, 0000
JAMES T COBBETT, 0000
CHRISTOPHER A CULPEPPER, 0000
CHRISTOPHER J DAVIES, 0000
BRIAN J DUDARE, 0000
WILLIAM G DUCKETT, 0000
JASON W DURAND, 0000
REBECCA L DWAYER, 0000
JONATHAN D EWEN, 0000
STEVEN J EZZITT, 0000
MICHAEL E FIERST, 0000
MARK D FOLGE, 0000
MEREDITH D FOREST, 0000
NATE D FORMAN, 0000
WILLIAM W FORD, 0000
GREGORY A FORSTER, 0000
JENNIFER B FOSTER, 0000
STEPHEN E FRIESE, 0000
LATCH ENK, 0000
JESSICA L FONTAINE, 0000
PHILIP J FERRENTI, 0000
JACOB A FIRESTONE, 0000
JESSICA L FONTAIN, 0000
CHERYL A FORGUS, 0000
TOMAS P FIDEMERI, 0000
KELLER M GADAMESI, 0000
HARRIE R GATTS, 0000
BRENDA C GAVIN, 0000
MATTHEW D GIBSON, 0000
GLADDING J Hailer, 0000
KEVIN R GARRETT, 0000
BRIAN W GAVIN, 0000
MELISSA Y GERTEN, 0000
WILFRED P GHANY, 0000
MICHAEL C GISS IN, 0000
MATTHEW C GROVES, 0000
JACOB L GUSTAFSON, 0000
JASON W HALL, 0000
PATRICIA A HAKE, 0000
ERIK D HALVORSON, 0000
DAVID M HARRISON, 0000
BRANDI J HASERIS, 0000
LEE J HARTRIN, 0000
KEVIN M HASKELL, 0000
JASON M HERRING, 0000

The following named officers for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., Section 601:

To be general

Robert W. Rosa Jr., 0000
Joseph P. Straini, 0000
Mark A. Welsh III, 0000
Stephen G. Wood, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., Section 601:

To be lieutenant colonel
IN RECOGNITION OF AMERICAN HEART MONTH

HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Mr. DAVIS of Illinois. Mr. Speaker, today is Valentine's Day—a day when we celebrate matters of the heart. It is, therefore, quite appropriate that we recognize February as American Heart Month.

Over 61 million Americans—1 in 5 adults—have one or more types of cardiovascular disease (CVD). CVD is a leading cause of long-term disability. Since 1990, CVD has been the number one killer in the United States every year but one. Every 33 seconds an American dies of cardiovascular disease. Forty percent of all deaths in the United States and in my home state of Illinois are due to CVD. Although we used to think of CVD as a man’s disease, it is now the leading cause of death for American women—and in 1999, more women than men died of CVD—over one half million deaths. This is a terrible health crisis that demands immediate attention.

According to American Heart Association President Dr. David Faxon, “For each minute that passes without defibrillation and CPR, the chance of survival for a cardiac arrest victim decreases by 7 to 10 percent. In order to battle this disease, more Americans have to arm themselves with the knowledge that is crucial to saving lives.”

Let’s mount a public awareness campaign so that Americans can reduce their individual CVD risk factors, and recognize and respond promptly to cardiac emergencies. If we can do this, we can really have a Happy Valentine’s Day.

STEEL 201 REMEDY

HON. STEPHANIE TUBBS JONES
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Mrs. JONES of Ohio. Mr. Speaker, today is Valentine’s Day. But for thousands of American steelworkers whose jobs have been lost, this is a day filled with bitterness. I stand here today in protest of the low-priced steel imports that have ravaged the American Steel industry and the 3,800 LTV steelworkers in my district whose lives have been devastated as a result of these imports.

Today I urge the administration to take decisive action against the cheap imports that are destroying the U.S. steel industry. This is an industry that has been a cornerstone of our economy and national security over the last 100 years.

The administration, as part of its steel plan, has taken the important step of initiating a section 201 investigation to examine the devastating impact that steel imports have had on the American steel industry. The International Trade Commission found, unanimously, that American steel companies and thousands of American workers and their communities have been seriously injured by these imports. I say, and know firsthand, that they have been devastating. The ball now is in the President’s hands. He must decide what measures his administration will take to correct the wrong that has been caused by low-priced imports. I urge the administration, in the strongest possible terms, to impose strong and effective tariff-based relief. The President must impose a tariff of at least 40 percent against all foreign low-priced steel imports.

I urge the President to impose this tariff for at least 4 years, as the law allows. Most importantly, I urge the President not to waiver from his commitment to the American steel industry and its workers because strong tariff-based relief is the only remedy that can realistically assist the industry.

It is no secret that low-priced imports are due to excessive global steel production. The Department of Commerce released a study showing that global steel overcapacity results from subsidization and anticompetitive practices around the world. We must not allow steel imports that originate from such distorted markets to destroy a vital component of our economy. We must not allow these foreign producers to destroy thousands of good American jobs and the financial security that those jobs represent. Families depend on these jobs. Cities and communities depend on these jobs. Workers in my district depend on these jobs.

Thousands of American steelworkers are anxiously awaiting a trade remedy decision in the current 201 investigation. Their future depends on strong and effective trade relief and an administration that will be unrelenting in reducing global excess steel capacity. I urge the President to impose a strong tariff-based remedy against all foreign steel imports over the next 4 years.

DOMESTIC STEEL INDUSTRY

HON. JERRY F. COSTELLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to comment on the status of the domestic steel industry.

Our domestic steel industry is currently in a crisis situation. The fundamental cause of this crisis is massive foreign overcapacity, which has caused the United States to become the dumping ground for world excess steel products. As a result of this, since 1987, 31 steel companies have filed for bankruptcy, affecting over 62,000 American steel workers.

In my home State of Illinois, four steel companies have filed for bankruptcy, including Laclede Steel, which is in the congressional district I represent. Approximately 5,000 steel workers have lost their jobs in Illinois alone.

Last year, I joined my colleagues on the Congressional Steel Caucus in urging the President to implement a section 201 investigation by the International Trade Commission to determine if our domestic markets had been harmed by illegal dumping. In the fall, I testified before the ITC to express my concerns regarding the steel crisis. The ITC ruled unani-

While strong, decisive and quick action from the President, thousands more steel workers are at a very real risk of losing their jobs, at an economic time when our nation can least afford it.

Mr. Speaker, I urge my colleagues to join me in asking the President to help our domestic steel industry by implementing tariffs on foreign steel. Anything less would be a disservice to the hardworking men and women who are counting on the President to stand up for them.

RECOGNIZING FEBRUARY AS AMERICAN HEART MONTH

HON. GENE GREEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Mr. GREEN of Texas. Mr. Speaker, I rise today to join my colleagues in recognizing February as American Heart Month. Heart disease is the nation’s leading cause of death. It is estimated about 1 in 5 American adults suffer from some form of cardiovascular disease, or CVD. Before I even finish this statement, two Americans will die of cardiovascular disease. By the end of the hour, we will have lost 120 friends, family members, neighbors and coworkers. By the end of the day, more than 2,600 Americans will die from CVD.

While heart disease is a problem for all racial, ethnic, and socio-economic groups, certain groups are disproportionately affected. For example, while heart disease affects only thirty percent of white males, forty percent of African American males will suffer. Minority women also have higher risk of cardiovascular disease.

Mr. Speaker, as troubling as these statistics are, there is great hope that we can win the battle against heart disease. Some of the major causes of heart disease—tobacco use, physical inactivity, obesity, high cholesterol and high blood pressure—can all be treated or prevented. According to the World Health Organization, one year after quitting smoking,
the risk of heart disease decreases by fifty percent. Study after study concludes that moderate-intensity physical activity such as walking can substantially reduce the risk of heart disease and stroke. And new and improved pharmaceutical treatments can help people control their blood pressure and lower their cholesterol.

Mr. Speaker, by recognizing February as American Heart Month, we are raising awareness about heart disease, including its symptoms, its treatments, and ways to prevent it. The more Americans know about heart disease, the more they will seek treatment when they need it—before a heart attack strikes.

AMERICAN HEART MONTH
HON. LOIS CAPPS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Mrs. CAPPS. Mr. Speaker, on this day devoted to affairs of the heart I want to remind my colleagues that February is American Heart Month. Right now, over 61 million Americans are suffering from cardiovascular diseases. And by the time I finish this statement, another two Americans will have died from those causes.

This is why I introduced the community Access to Emergency Defibrillation Act with Representative SHIMkus and the STOP Stroke Act with Representative PICKERING. The Community AED Act would provide funding to localities for them to purchase Automatic External Defibrillators and place them in public buildings, so that emergency care for cardiac arrest is only seconds away. And the STOP Stroke Act will help states develop better stroke treatment programs because immediate treatment can make the difference between near total recovery and death.

Both of these bills were passed by the other body recently without objection and I hope that the House can also do so quickly. I urge my colleagues to support these and other efforts to address the scourge of cardiovascular diseases. Let's have a heart! Happy Valentine's Day!

STATEMENT REGARDING CARDIOVASCULAR DISEASE
HON. LYNN N. RIVERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Ms. RIVERS. Mr. Speaker, I rise today to express my support for initiatives to prevent cardiovascular disease.

While Valentine's Day gives us the chance to think about the people we love, it also is a good time to focus on the health of our hearts. Unfortunately, the hearts of Americans are a major source of illness, and we can expect 1 million of our citizens to suffer a heart attack this year. Approximately one in five Americans suffers from some form of cardiovascular disease.

Cardiovascular disease is both painful for families affected and costly for society: heart disease, stroke, and other cardiovascular diseases cost the United States nearly $330 billion in medical expenses and lost productivity in 2002, more than any other disease. Preventing these diseases could save families from loss and could save public resources by keeping people in the workplace and minimizing medical costs.

I applaud both the work of health care providers and researchers who fight these diseases and the efforts to raise awareness of cardiovascular diseases during American Health Month. I strongly support initiatives to educate Americans about cardiovascular disease and to encourage healthy lifestyles that will prevent or limit the incidence of these illnesses. We can do no less for the people we love.

THE KIDNEY DISEASE EDUCATIONAL BENEFITS ACT OF 2002
HON. PHILIP M. CRANE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Mr. CRANE. Mr. Speaker, I am pleased to rise today with colleagues to introduce the Kidney Disease Educational Benefits Act of 2002. This legislation is designed to improve patient outcomes by providing appropriate education before Medicare eligible kidney patients undergo dialysis.

Each year, approximately 80,000 Americans develop chronic kidney failure, or end stage renal disease (ESRD), and require either regular kidney dialysis treatments or a transplant to survive. Medicare covers dialysis for most Americans and requires that kidney patients receive information on treatment options, but not until the patient is under the care of a dialysis clinic. Studies have shown that earlier access to information about kidney failure and treatment options can reduce complications associated with dialysis and can improve patient outcomes and potentially reduce costs over the long term.

The Kidney Disease Educational Benefits Act provides reimbursement for up to six educational sessions performed by kidney care professionals. These educational sessions will consist of an overview of kidney function and complications that accompany kidney failure; information on hemodialysis, peritoneal dialysis, and transplantation; discussion of payment for dialysis treatment and transplantation; and information regarding vascular access options. Providing earlier access to educational services by qualified kidney care professionals will help ensure that Medicare eligible kidney patients receive critical information prior to undergoing dialysis or transplantation. This will improve the lives of those suffering from kidney disease. Mr. Speaker, I ask for my colleagues for their consideration and support of the Kidney Disease Educational Benefits Act.

RANDY GERBER: A MAN TO CALL IN AN EMERGENCY
HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor Randy Gerber for his many years of hard work, initiative and dedication to the advancement of rural emergency medical services in the Thumb of Michigan as Vice President of Mobile Medical Response, Inc., in Tuscola County.

Randy began his career in 1983 as a volunteer ambulance technician for the Vassar Area Ambulance Service and the former Saginaw Mercy Ambulance and later as Regional Director and now Vice President of Mobile Response, Inc., that have cemented his unparalleled reputation in the field. Moreover, Randy’s role as a state evaluator and instructor for new emergency medical technicians has further improved rural emergency medical services throughout Michigan.

Throughout his career, Randy has successfully and consistently identified needs and taken fast action to improve emergency services. He was instrumental in upgrading emergency medical services from basic life support units to advance life support units and in putting at least one paramedic and one emergency medical technician on each of the two units in Cass City and Caro. He also led efforts to bring automatic external defibrillators to Tuscola County for use by the fire and police departments which significantly improved the odds for survival for cardiac arrest patients. Additionally, Randy has been a leader in expanding educational programs on child safety, injury prevention and other vital issues.

Mr. Speaker, I ask my colleagues to join me in expressing gratitude to Randy and his entire staff at Mobile Medical Response, Inc., for going the extra mile for the residents of Tuscola County. I am confident Randy and his staff will continue to answer the call.

THE DATE CERTAIN TAX CODE REPLACEMENT ACT
HON. STEVE LARGENT
OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Mr. LARGENT. Mr. Speaker, since I have come to Congress, bringing fundamental tax reform has been one of my top priorities. While the tax reform community is free to debate what the best policy solution is, we all must come together and agree that the first step is to scrap the current tax code. In the 105th Congress, I introduced the Tax Code Termination Act to accomplish which was passed in the House. In the 106th Congress, I introduced a similar bill which was again passed, this time by a vote of 229–187. The purpose of the legislation is to spark the debate and force Congress to take reform proposals seriously, and at the very least reauthorize the current tax code. In the current tax code. In the current tax code.
representative D E M INT in advancing the this bill again to demonstrate consistent support for bringing common sense to our tax system. As I retire from Congress to run for Governor of Oklahoma, it is my hope that this legislation will be passed again, and to that end I am turning over sponsorship of this bill to a long-standing activist for tax reform, Representative Jim DeMint. I urge all reformers to join with DeMint in advancing the cause of reform by working to pass this bill.

TRIBUTE TO MR. JOHN BRIGANCE

HON. PETE SESSIONS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. SESSIONS. Mr. Speaker, after over 61 years of federal service, an icon of an exemplified, dedicated civil service has just retired. Mr. John Brigance, the former Director of Contracting for all of Southwestern Division, U.S. Army Corps of Engineers, known as “Mr. Procurement” for his valued expertise in contracting, was recognized throughout the Corps. Underlining his commitment is the fact that in addition to his duties as a federal employee, he retired with over 5,100 hours of unused sick leave, about two and a half years’ worth.

During his career, Mr. Brigance has been called upon to accomplish many significant projects for the Corps of Engineers. A former Chief of Engineers dubbed him “Mr. Procurement” because he said Brigance quite literally wrote the book on contracting. That is a true statement. Between 1982 and 1995, he chaired a Headquarters task force and penned many of the regulations governing Corps contract procurement procedures. He has risen from an under clerk typist in the Corps’ Galveston District, when he started on January 6, 1941, to a GS 14 in charge of all contracting for the Southwestern Division. In the late 1970s, he was a guest lecturer on small business education at Syracuse University. In that same time frame, because of his reputation in emergency contracting procedures, he also prepared and taught the first-ever Corps contracting course on emergency management operations. Called to duty on November 27, 1942, Brigance served 3 years with the Army—18 months Stateside in training, and 18 months in the Pacific Theater working with an engineer parts supply outfit.

Mr. Brigance has also been noted as a wonderful colleague and fellow human being. A former colleague called him “a role model for courtesy, professionalism. He is, quite simply, the most decent man I have met in my career, and a living example of what has made the Corps of Engineers a great organization.” Col. Carla Coulson, former Deputy Division Commander, called Brigance’s career a “lifetime of selfless service,” commended his personal courage and commitment, and acclaimed him as “a dedicated professional with wisdom to spare.” Former co-worker Hector Vela, retired Division Counsel said, “I’ve never known John to lie about anything, even his golf game.” Vela described Brigance as one who “never speaks bad about anybody” and added, “John made working for the Corps a pleasure.” Brigance has been called a “whirlwind” for fast action and for wearing multiple hats—contracting, small business advisor, inspector general and equal employment opportunity officer. Those people he has mentored have echoed the same sentiments. All speak admiringly of John Brigance.

His life has been well rounded by the many avocations he enjoys—from a love of golf, to his deep respect and love for Texas hill country, collecting stamps, coins and proof sets, and dancing with his wife of 60 years, Peggy. He shows enthusiasm for each and every activity he pursues, his pronounced activity inspiring others to greater accomplishments.

For his farewell luncheon, his friends and colleagues recognized him with numerous awards and mementos. Among those were the congratulatory letter from President Bush and a presentation by Texas Governor Rick Perry making Brigance an “Admiral of the Texas Navy,” an honorary position to recognize his contributions. Perry also named Peggy Brigance a “Yellow Rose of Texas,” an honor bestowed only on native Texans.

None of that outdid what the U.S. Army Corps of Engineers gave Brigance after 61 years of service. The Corps’ Principal Assistant Responsible for Contracting made the first-ever presentation of the highest Corps award for contracting, the A-F-I-R-E, which stands for “Adaptive, Flexible, Innovative, Responsive and Effective/Efficient,” to Brigance. Brig. Gen. David F. Melcher, Southwestern Division commander, also hanged the U.S. Army Engineer Regiment Silver Order of the de Fleury medal around Brigance’s neck. Honoring John as the 35th inductee into Southwest Division Gallery of Distinguished Civilians rounded out the retirement accolades made in recognition of his commitment, leadership and excellence.

Other awards he received throughout his career include the Decoration for Exceptional Civilian Service award granted by the Secretary of the Army, the Meritorious Civilian Service Award, the Assistant Secretary of the Army Coin and others too numerous to mention.

Mr. John Brigance and his daily contributions to the United States as a loyal, outstanding and dedicated federal civil servant serve as an inspiration to us all.

EXEMPLARY HONORS FOR SOUTH TEXAS SCHOOLS

HON. SOLOMON P. ORTIZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. ORTIZ. Mr. Speaker, I want to share with my colleagues the incredible pride in my heart, pride for two schools in my hometown of Robstown, TX, the biggest little town in Texas. The Solomon P. Ortiz Intermediate School and the San Pedro Elementary School in the Robstown Independent School District were chosen by the Texas Education Agency (TEA) as “Exemplary” schools under the State analysis of individual schools in each school district in the state.

Each year, the TEA ranks the state’s schools as low-performing, acceptable, recognized, and exemplary. The Solomon P. Ortiz Intermediate School and the San Pedro Elementary School in the Robstown Independent School District were chosen by the Texas Education Agency (TEA) as “Exemplary” schools under the State Analysis of Individual Schools in each school district in the state.

Both the Ortiz Intermediate School and San Pedro Elementary are schools with large Hispanic student populations. Since largely Hispanic schools often have to do more with less money, their challenge is greater to compete on a more difficult playing field.

These two schools have worked the secret to success. They know that students cannot just up and pass a difficult test—it takes the whole effort of every person who works at each school. It takes teachers, counselors, cafeteria workers, teacher’s aids, and school administrators to make the very most of a child’s educational experience.

I want to thank each and every staff member for their vision on helping students on their journey to higher education.

These schools capitalized on every single opportunity, every strength, they had to build a team that helped the children of Robstown find the very best in them. Let’s not underestimate the stress associated with the TAAS.

There is great pressure on the children, on the schools, on the employees—judges on the school staff is based on the results young people achieve on TAAS.

Teaching children what they need to know to pass the tests, inspiring them to come to school every day, inspiring them to stay in school when they despair, is a monumental task. So the House of Representatives should know that these schools have achieved a great deal.

I ask my colleagues to join me today in commending the Ortiz Intermediate School and San Pedro Elementary School of Robstown, TX, for excellence in education.

TRIBUTE TO SONOMA STATE UNIVERSITY

HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of the finest universities in the great State of California as it celebrates its 40th anniversary.

Located in the heart of the Wine Country, Sonoma State University has over 7,500 students and 1,600 faculty and staff members. Originally established in 1964 as a satellite teaching campus of San Francisco State University, SSU became a member of the California State College System in 1961 and attained University status in 1978. The idyllic campus, set at the base of Sonoma Mountain, now offers over 41 baccalaureate and 14 masters degree programs.

The small liberal arts university has made Sonoma County proud many times over the years. It has been home to Mario Savio, a leader of the Free Speech Movement in Berkeley and a professor in the Physics Department until he passed on in 1996. For the past 25 years, Project Censored, the yearly publication that covers the top underreported news stories of the year, has brought national acclaim to SSU’s Sociology department. Most recently, the unveiling of the Environmental Technology Center brought international praise. “The building That Teaches” combines state-of-the-art energy efficiency and environmental responsibility and is one of only a few like it in the world.
Mr. Speaker, these are only a few of the reasons that I am pleased to pay tribute to Sonoma State University. The most notable reason, however, is the pride I take in the students and the contribution they will make to our future.

Congratulations Sonoma State University on your 40 years and best wishes for many, many more.

INTRODUCTION OF THE PENSION SECURITY ACT

HON. JOHN A. BOEHNER
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. BOEHNER. Mr. Speaker, I am joined today my many of my colleagues in the introduction of the Pension Security Act. President Bush has sent a clear message to Congress that he is committed to addressing the Enron collapse by calling for new safeguards to help workers preserve and enhance their retirement savings. I am pleased to introduce his proposal today.

One of the tragic realities of the Enron collapse is that it has rattled the confidence of American workers in the country’s pension system—a system that by and large has served employees and their families well. Even more tragic is the possibility that much of it could have been avoided. At least some of Enron’s workers might have been able to preserve their nest eggs if Washington had taken some basic steps to update our nation’s pension laws. For example, many Enron workers might have had access to a professional investment advisor who could have warned them they had too many eggs in one basket. Current law, enacted more than a quarter-century ago before the advent of 401(k) accounts, denies workers this opportunity.

That is why today, my colleague SAM JOHN- son, chairman of the Employer-Employee Relations Subcommittee, and I are introducing the President’s proposal as the first step toward a consensus product that can be signed into law. The Pension Security Act ensures parity between senior corporate executives and rank-and-file workers by prohibiting executives from selling company stock during “blackout” periods when workers are unable to change investments in their plans. The bill also requires companies to give 30-day notice before a blackout period begins.

Lastly, the bill clarifies that companies have a fiduciary responsibility to look after workers’ investments during a blackout period. Under current law, employers are not responsible for the results of workers’ investment decisions. This “safe harbor” from liability will no longer apply during a blackout period. Under the Pension Security Act, employers will be responsible for the consequences of the workers’ inability to control their investments if they violate their fiduciary duty to act in the interests of the workers during blackout periods.

Congress has taken some positive steps in the recent past to update our nation’s pension laws, and this committee has been central to those efforts. We passed the landmark reforms authored by my friend and colleague, Representative ROB PORTMAN, that gave workers more pension portability, faster vesting, and a host of other needed changes. We passed the Retirement Security Act to give rank-and-file workers the same access to professional investment advice that wealthy executives have. But in spite of these efforts, a lot of work still lies ahead. And in the aftermath of Enron, Congress must now confront this modernization effort with a new urgency.

I am optimistic that common ground can be reached with Democrats because there is bipartisan support in Congress for the reforms I have just outlined. All are key elements of President Bush’s proposal. The nation’s private pension system is essential to the security of American workers, retirees, and their families. Congress should more decisively to restore worker confidence in the nation’s retirement security and pension system, and President Bush’s reform proposal will do just that. I urge my colleagues to respond to the needs of America’s workers by supporting the Pension Security Act.

RECOGNITION FOR THE FIRST AFRICAN-AMERICAN FIREFIGHTER, CLARENCE “GATOR” JONES

HON. ALCEE L. HASTINGS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. HASTINGS of Florida. Mr. Speaker, today I rise to congratulate the service of Clar- ence “Gator” Jones on recently being honored as Dania Beach, Florida’s first African-American firefighter. Mr. Jones became the first African-American firefighter in Dania Beach in 1975 and continued to serve this city for more than two decades. Of course, serving as Dania’s first African-American firefighter was no easy task. During his tenure, Clarence Jones braved a burden that few would accept and less would bear. A bitter sweet burden of disparities and degradation, while simultaneously becoming a trailblazer in his craft, establishing the standard for all firefighters to follow.

While serving the city of Dania Beach, Mr. Jones received many accolades, some of which include a Medal of Honor and the prestigious Firefighter of the Year Award. Mr. Jones was also recognized for the care and compassion he exhibited when performing rescue calls, working above and beyond the call of duty, and participating in charitable activities. I am sure that when Mr. Jones became a firefighter at the age of 21, he simply saw this as a way to sustain his livelihood after serving in the Navy during the Vietnam War. Not realizing that by doing this, he did so much more, he saved lives. He became a hero.

Most people take for granted those brave few that walk amongst us. The brave few that put concern for others before themselves. It is these few people that we must honor and celebrate for they are the ones that truly make the difference. Therefore, Mr. Speaker, I would like to extend my appreciation and respect for Clarence Jones’ commitment to the community of Dania Beach. Mr. Jones has served the noble profession of fire rescue for 26 years. Twenty-six years of fortitude and selfless sacrifice that the Dania Beach community and I will always remember.

IWAKURA MISSION

HON. JIM MATHESON
OF UTAH
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. MATHESON. Mr. Speaker, I had a wonderful opportunity to be present at an event honoring the 130-year friendship between the State of Utah and Japan. As many know, during the Meiji Revolution in the 1870’s, the Japanese government sent the Iwakura Mission throughout the United States to gather information and ideas for use in modernizing Japan.

One of the less well-known stories of the Iwakura Mission took place in Utah. While unexpectedly stranded while awaiting the melt of a heavy winter snow, the 111-person delegation stayed in Salt Lake City, UT. They met the people, learned the culture, and experienced the American West. On February 10, I was able to celebrate that 1872 winter with Japanese Consul-General Koichiro Seki, members of his staff, officials from the State of Utah, and historians. At the conclusion of the program a memorial plaque, which will be hung at the place where the Japanese entered the city, was unveiled.

Although the Iwakura Mission moved on to Washington, DC after the snows melted in 1872, its member’s presence was felt long after they left. The Japanese toured Utah
BIPARTISAN CAMPAIGN REFORM ACT OF 2001

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

The House in Committee of the Whole on the State of the Union had under consideration the H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform:

Mr. MEEEKS of New York. Mr. Chairman, I stand here today in support of H.R. 2356, the Bi-Partisan Campaign Finance Reform Act.

Over time, Americans have become a group very skeptical of politics, pleading for reform—reform that would enable them to participate in the political process. While there are many opinions on how to fix our system, what is clear is that Americans need reassurance that they have a voice in our political process. A perfect illustration may be that which has become a major headline in today’s news—Enron. I am not advocating that if campaign finance had already been implemented the Enron debacle never would have occurred, but I will say that the recent collapse of Enron has only further illustrated the extent of corporations’ political spending and furthered people’s cynicism about big money and politics. Today, I am glad to say after a long fight, we are able to offer the American people an opportunity to once again become involved in a political system that promises a voice and vote for everyone.

H.R. 2356 takes so many steps to improve the current political process. It invites all American voters to participate in the political system by completely banning soft money contributions to the national political parties, prohibits federal officeholders and candidates from soliciting soft money in connection with Federal elections, and requires state and local parties to spend hard money on activities that influence federal elections. Not only does this legislation stop the ever increasing and powerful flow of money, but it also reins in sham independent expenditures that mention a Federal candidate within sixty days of a general election.

H.R. 2356 would require any organizations that make Federal election expenditures to identify the person or persons paying for the expenditures. These reforms would also require a Federal candidate to file a report with the Federal Election Commission within thirty days of a primary election, and would be targeted in the candidate’s electorate, among other provisions—such as allowing state parties to use funds to conduct voter registration and get-out-the-vote efforts. Finally, we, those who are chosen to represent the American people, are able to offer the American voters a reform bill that strengthens our nation and allows all its citizens to actively participate.

Now that we have made considerable steps in providing all Americans with an opportunity to participate in the political process, no matter their income, it is important that we continue this fight for the right of all Americans to have a guaranteed protected vote. Americans must be reassured that what occurred in the 2000 election may not have occurred again. Not only will they have an opportunity to actively participate in the election process, but also a right to have their voices heard when it is time to cast their votes. Mr. Chairman, reforming our campaign laws is an important step toward renewing public confidence in our American system and now we must continue this fight and ensure that their right to vote is just as great.

During this vote on final passage of H.R. 2356, we, my colleagues, have an opportunity to inevitably shape the course that we follow as a nation. Now is the time to make change, now is the time to offer opportunity, now is the time to engage those who have been disengaged for far too long. Remember when people go to the polls they cast one vote, when we vote on the House floor, we vote for all those we represent. My dear colleagues, I urge you to represent them now, represent all those who are so often unheard, let them know they soon can and will be heard—today, tomorrow, and forever.

I urge my colleagues to support final passage of H.R. 2356, the Bi-Partisan Campaign Finance Reform Act.

A TRIBUTE TO A YOUNG HERO,
WILBERT GILLASPIE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. TURNER. Mr. Speaker, I would like to acknowledge the heroic deeds of a young hero from Walker County, Texas, who displayed enormous courage and capability in the face of danger.

Wilbert Gillaspie, a 4th grader at Stewart Elementary School in the Huntsville School District, saved himself and his elderly grandmother from a burning fire that might have destroyed his home had it not been for his quick thinking.

On Sunday, January 13, Wilbert noticed smoke coming from an electrical ceiling box where his uncle was planning to put a ceiling fan. After seeing the smoke, Wilbert led his grandmother out of the building and called 911. Wilbert helped the emergency dispatcher find out what electric company serviced his home so the power could be shut off. When Wilbert noticed smoke coming from his roof, he grabbed a water hose and sprayed the roof from the outside.

Because of the distance between Wilbert’s home and the Huntsville fire station, it took firefighters nine critical minutes to get to his house. Wilbert was told by a firefighter on the scene that if it had not been for his quick thinking and know-how, the house would have burned to the ground.

Wilbert learned about fire safety from members of the Huntsville Fire Department, who teach thousands of children and adults about fire safety every year. I commend the hardworking men and women of the Huntsville Fire Department for sacrificing their lives everyday and serving as community leaders to teach our children about fire safety.

Young Wilbert Gillaspie is a true hero and we join in thanking him for his courage and bravery in the face of danger.

THE PRESIDENT’S UPCOMING TRIP TO THE PEOPLE’S REPUBLIC OF CHINA (PRC)

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. McKEON. Mr. Speaker, I am pleased to see that President George W. Bush will be
I have always, and will continue to believe that a total ban on soft money is necessary to reform our campaign financing system, and I will cast my vote to ban soft money again. Likewise, I believe that we must practice what we preach, and so I will vote to make these reforms effective today, not more than two days from now, so that the American people will know that we are all bought and sold! I reject that thinking—I reject that label, I am not, and neither are far too many of my colleagues in this House, to let that label stand. We, as a collective body, are too good to let that perception be taken for granted by our fellow Americans.

For my votes on principle today, I will no doubt be raked over the coals by editorial boards, and people on both sides of the issue, and that’s fine. I can take the heat because I know I am sailing against the tide, and that is every one’s best interests. I wish President Bush the best of luck in his journey to China.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

SPRECH OF
HON. RODNEY P. FRELINGHUYSEN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, February 13, 2002

The House in Committee of the Whole House on the State of the Union had under consideration H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform:

Mr. FRELINGHUYSEN. Mr. Chairman, I come to the floor today to ask my colleagues, what are we doing here? We are playing games, and I, for one, did not come to this body to play games. America is being misled. We are being misled. Who is telling the truth? To those of you outside this hall that think this is a game, think this is just a process, to you it is as bad as the current situation—and that makes it worse, doesn’t it? It’s worse because you truly believe that this bill represents real reform. It doesn’t. And to those of you who stand in the way of real reform, I say to you, move aside.

All of these arguments on the process are lost on the American people who just want reform, pure and simple. We are playing a game with those who have more vested in the process, than they do in principle. And when principles lose, what does that say about us?

Never did I think that my vote on dearly held principles would doom reform. But that is the conundrum that has been handed to me—those who would choose to kill reform and those who would choose “less reform” as “good enough” have boxed me into a corner. Who would have ever thought that “doing the right thing” may be the wrong move?

Many of my colleagues and my constituents alike know that I am a long-time supporter of campaign finance reform. I have been a strong supporter since I first began this struggle for real reform three years ago, and my party’s opposition then and since has never stopped me from voting my conscience, holding to my principles.

I hope that President Bush will stand firm on the issue for real reform in discussions with the Chinese. The United states and Taiwan have been maintaining strong relations for decades. In recent years, despite the lack of formal diplomatic relations between the U.S. and Taiwan, Taiwan has been unwavering in its support of United States in all areas. In the wake of the Twin Towers tragedy, Taiwan went into deep mourning and its government ordered all flags lowered at half-staff for two days.

Taiwan stands with the United States on nearly all issues including safeguarding human rights and fighting terrorism around the globe. Mr. Speaker, Taiwan is not an issue that divides the United States from China. As long as we stand firm on our principles of providing what Taiwan needs militarily, there will be stability in built and that is in everyone’s best interests. I wish President Bush the best of luck in his journey to China.

H.R. 3733, THE VETERANS’ CLAIMS CONTINUATION ACT

HON. LANE EVANS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Mr. EVANS. Mr. Speaker, recently I introduced H.R. 3733, the Veterans’ Claims Continuation Act. This important measure would allow the families of veterans to continue claims for benefits which are pending at the time of a veteran’s death. This measure would also allow for continuation of other claims, such as a claim for Dependency and Indemnity Compensation (DIC) by surviving spouses or claims by children eligible for benefits because of birth defects attributable to their parent’s military service during the Vietnam War.

This important legislation would assure that families receive the full benefits which would have been paid, if the claimant had survived. Currently, if a veteran or other claimant dies while a claim is pending, the claim is extinguished. Under some circumstances, a new claim can be filed for “accrued benefits.” However, payment of accrued benefits is extremely limited. Benefits can only be paid to a limited number of beneficiaries, so that the evidence supporting the claim is in the claimant’s file at the time of death. No more than two years of retroactive benefits can be paid.

The need for a change in law has been recognized by the United States Court of Appeals for Veterans’ Claims. In a particularly egregious case, Marlow v. West, 12 Vet. App. 548 (1999), the court noted that the daughter of a combat wounded World War II veteran who had been erroneously denied benefits between 1946 and 1988 was pursuing his claim because the claim terminated at the veteran’s death. In its decision the Court noted that the original decision in the case was a clear and unmistakable error, but because of the veteran’s death, benefits otherwise due weren’t paid. The Court stated: “This is a case that causes one to understand the frustration of Charles Dickens’ character Mr. Bumble, when he proclaimed, ‘The law is an ass, an idiot.’” 12 Vet App. at 551.

Veterans and their families are not served well by idiotic laws.

Currently, the Veterans’ Benefits Administration has a backlog of almost 600,000 claims and another 100,000 appeals to the Board of Veterans’ Appeals are awaiting action. While efforts are underway to reduce this backlog, it is inevitable that some claimants will die while their claims or appeals are pending. In some cases, veterans’ families have incurred substantial expenses and suffered financial hardship while the claims have been pending. If benefits are justified, these families should be made whole.

Older veterans have expressed concern that VA uses delaying tactics, hoping that the veteran will die before the claim is allowed. I have no evidence that this is so. However the inability of family members to continue the claim and the limitation on any benefits payable to a two-year period in current law, may erroneously give veterans this impression. Claims for other government benefits, such as Social Security benefits are not extinguished when a claimant dies. The families of veterans, who have served our Nation honorably, deserve no lesser rights than Social Security claimants.

Mr. Speaker, I also note that the Independent Budget for Fiscal Year 2003 had called upon Congress to eliminate the restriction on payment of accrued benefits. The Veterans’ Claims Continuation Act will accomplish that end and I strongly encourage my colleagues to cosponsor and support H.R. 3733.

WORKER RE-TRAINING INCENTIVE ACT OF 2002

HON. JOHN ELIAS BALDACCI
OF MAINE
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Mr. BALDACCI. Mr. Speaker, America’s workers are facing tremendous pressures. Import competition continues to erode vital industries that are the economic foundation of communities across the country. At the same time, new jobs are increasingly hard to come by in the midst of a recession, especially jobs with good wages.

The Trade Adjustment Assistance Program was designed to help workers who are caught up in these forces and lose their jobs. It provides workers with the education and training opportunities they may seek training to gain new skills, and launch themselves onto a more stable and prosperous career path. This program serves a
MINNESOTA STATE REPRESENTATIVE DARLENE LUTHER, WHO PASSED AWAY JANUARY 30, 2002

HON. BILL LUTHER OF MINNESOTA IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Mr. LUTHER. Mr. Speaker, I want to express our family’s most sincere thanks to the hundreds of people who have sent cards, flowers, memorials, e-mails and so many other demonstrations of sympathy. This tremendous outpouring of affection and love for Darlene has genuinely touched us and we deeply appreciate all of the memories, feelings, and prayers that help to make this difficult time more bearable.

This outpouring of affection has, I believe, also been appreciated by the public at large, people who maybe didn’t know Darlene but who have seen the news coverage. We continue to get comments from people who never knew her but are obviously struck by the way in which a public official can be admired, respected, and loved.

I often said that to meet Darlene was to immediately like her, and to get to know her was to love her. The truth of that became so clear in the outpouring of grief that united us all in visitation and funeral. Everyone loved Darlene and they let me know it. It really was a wonderful, wonderful outpouring of love and support.

Losing a cherished member of a family is something all of us have in common and the shared experience of grief unites us as human beings. Darlene would probably be embarrassed by all of the attention she has received. She was both a private person and a public servant, but she would be pleased that so many different people form all political persuasions have honored her. It would be her hope that this would be a small step forward in her life-long effort to unite people.

Our family has lost a daughter, sister, mother, and wife. Our lives, though they will never be the same, have been tremendously enriched by having Darlene with us for as long as she did. In fact, out of all of the campaigns for office in which I’ve been involved, my favorite was when Darlene was first elected to the Minnesota House of Representatives. I was in the Minnesota State Senate then, which included the district where she was running, and I was also up for reelection. While campaigning, people would tell me, “I just love your wife,” and, of course, the best part of the campaign was when she got more votes than her husband. I always joked with her that if she ran against me, it would certainly end my political career.

Darlene was especially blessed with a generous spirit. Her favorite time of the year was the holidays because that gave her an additional reason to give gifts. She always had a little something during the holidays for anyone who touched our family during the year. We would tease her when we heard a car drive by, “Darlene’s home; she’s getting ready.” This outpouring of love from even more people touched our family during the year. We would tell her when we heard a car drive by that we were coming for their Christmas gift. But her generosity encompassed so much more than gift giving. Darlene was generous with her smile, with her time, and with her love for her family, friends and her community.

God gave Darlene the gift of physical beauty, but she possessed other qualities that made her even more lovely within—kindness, generosity, a passion for justice and a commitment to helping others. Darlene was truly a beautiful person in every sense of the word. Her life has impacted so many people, and I hope and pray that her example continues to touch and guide each of us.

As we look to the future it is my hope that we will all remember the things that Darlene’s life was truly about—family, friends, faith, the pursuit of opportunities for all and the understanding that a life committed to public service is one of the highest callings. Losing Darlene is immensely difficult, but we know that we do not grieve alone. Our state has lost a genuinely compassionate public servant—someone who was absolutely committed to helping those who need help and to creating equal opportunities for all.

There’s a saying: “It matters not how long a star shines, what is remembered is the brightness of its light.” Our children, Alex and Alicia, and I thank everyone who helped make Darlene’s light shine very bright.

INTRODUCTION OF THE INSIDER TRADING FULL DISCLOSURE ACT

HON. KEN BENTSEN OF TEXAS IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. BENTSEN. Mr. Speaker, I rise today to introduce legislation, the Insider Trading Full Disclosure Act of 2002. This measure would ensure that consumers have adequate information about affiliate security transactions made by officers, directors, and board members with public companies.

As we have learned through the recent Enron collapse, it is critically important that investors have sufficient information about trades made by officers and directors of companies. With this information, investors will better understand the fiscal health of public companies in which they are investing.

Under current law, these insider trades can be disclosed many days after a transaction has occurred. I believe we must act to reduce the time delay between these transactions and the protections made to the public. In fact, some of these transactions can be reported to the Securities and Exchange Commission up to 45 days after the calendar year in which the transaction occurred. In this Information Age, we should require better, real-time disclosure of these transactions.

My legislation would require these specified individuals to electronically file their disclosures one day after the transaction into the electronic database maintained by the Securities and Exchange Commission (SEC). This database called EDGAR will be searchable and would permit investors to quickly ascertain whether officers and directors are making trades related to their public company. These disclosures include all types of affiliate security transactions, including stock sales by an officer and inside trades of securities by an officer to their respective company. With better warning, I believe that the public will be better served and we will be able to restore investor confidence in public companies.

Yesterday, the Securities and Exchange Commission proposed new steps to reform corporate governance rules. As a senior member of the House Financial Services Committee, I believe it is necessary for the Congress to adopt stronger measures mandatorily. Without required disclosures, I believe many officers and directors will simply wait to inform the public about the transactions made on their own behalf.

In order to prevent conflict-of-interest actions, we need to provide full disclosure about affiliate security transactions to protect investors and to ensure that transactions are benefiting public companies. I urge my colleagues to support this effort to require new timely disclosures of affiliate transactions related to public companies.

HON. BILL LUTHER OF MINNESOTA IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. LUTHER. Mr. Speaker, I rise today to introduce legislation, the Insider Trading Full Disclosure Act of 2002. This measure would ensure that consumers have adequate information about affiliate security transactions made by officers, directors, and board members with public companies.

As we have learned through the recent Enron collapse, it is critically important that investors have sufficient information about trades made by officers and directors of companies. With this information, investors will better understand the fiscal health of public companies in which they are investing.

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AMERICAN HORSE SLAUGHTER PREVENTION ACT

HON. CONSTANCE A. MORELLA
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mrs. MORELLA. Mr. Speaker, today I join my colleagues, Mr. GILMAN, Mr. CHRIS SMITH, Mr. JONES, Mr. PALLONE, and Mr. LANTOS to introduce the American Horse Slaughter Prevention Act. This bill will prevent the cruel and senseless slaughter of American horses simply to satisfy the culinary desires of consumers in Canada, Europe, Japan, and elsewhere. According to the U.S. Department of Agriculture, 55,776 horses were slaughtered in the United States last year for their meat, which was then sent overseas for human consumption. Thousands more were shipped live across the boarders to Canada and Mexico for slaughter there.

The American public is largely unaware that our horses are slaughtered for human consumption, and the three foreign-owned slaughterhouses operating on U.S. soil would like to keep it that way. As Canadian slaughterhouse operator Claude Bouvry said, “People in the horse-meat industry don’t like talking about slaughtering horses for food because of the horse’s almost mythical place in Western culture.”

Horses have played an important role in American history, and continue to do so through their use in agriculture, transportation, law enforcement, military service and as companion animals. American culture is peppered with famous equines, including Paul Revere’s Brown Beauty, General Robert E. Lee’s Traveller, and General George Armstrong Custer’s horse, Comanche—the sole surviving member of Custer’s 7th Calvary at Little Big Horn. Other cultural icons of the equine persuasion include the Pony Express, the Lone Ranger’s faithful mount Silver, Roy Rogers’ Trigger, famed Triple Crown winners Citation and Secretariat, Flicka of My Friend Flicka and Mr. Ed, Danielle Slanton and Aly Wagner both took sports for their best. In 2001, with a season record of 23 wins and only 2 losses, they went on to defeat North Carolina for the national title in a 1–0 victory on December 9, 2001, in Dallas, Texas.

Santa Clara University, through its educational and athletic programs, fosters the development of scholar-athletes into outstanding leaders. The leadership skills that these scholar-athletes develop through the mentorship of Head Coach Jerry Smith, Assistant Coach Rich Manning, Assistant Coach Eric Yamamoto, and Assistant Coach Sean Purcell are strengths for the Bronco women’s soccer program and throughout the season. Players Danielle Stanton and Aly Wagner both took the initiative to provide their team with the calm and confidence that only a peer can provide. Aly Wagner has earned the distinction of being named 2001 Female Collegiate Athlete of the Year by the Bay Area Sports Hall of Fame.

It is with great pleasure that I honor all of the members of the Santa Clara University Women’s Soccer team: Erin Sharpe, Tailine Tahmassin, Zepeda Zepesa, Alyssa Sobolik, Kerry Cathcart, Jaclyn Campi, Aly Wagner, Anna Kraus, Lana Bowen, Leslie Osborne, Jessica Ballweg, Emma Borst, Devynn Hawkins, Bree Horvath, Katie Sheppard, Allie Teague, Danielle Stanton, Sonya Poole, Kristi Candau, Holly Azevedo, Erin Pearson, and Ynez Carrasco. The teamwork and dedication of these athletes has made the Santa Clara University community, and the entire State of California, proud. I would also like to acknowledge the Santa Clara University Bronco’s Athletic Staff, Lisa Eskey, Carrie Rubertino, Jonathan Clough and Cheryl Levick.

Mr. Speaker, it is my honor to commend and congratulate the Santa Clara University Women’s Soccer Team, 2001 National Champions. Go Broncos!

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

SPEECH OF
HON. MARTIN T. MEEHAN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

Mr. MEEHAN. Mr. Chairman, last night, the House passed H.R. 2356 as amended, the Bipartisan Campaign Reform Act of 2002.

I would like to speak today to provide guidance to the Federal Election Commission regarding its future interpretation of one of the provisions of H.R. 2356.

H.R. 2356 sets forth a definition of “electioneering communications” in Title II. Certain exceptions to this definition are set out in Section 2013(3)(B) of the bill, and include (i) news distributed by broadcast stations that are not owned or controlled by a candidate, (ii) independent expenditures, (iii) candidate debates and forums and (iv) “any other communication exempted under such regulations as the Commission may promulgate . . . to ensure appropriate implementation of this paragraph.”

Specifically, I wish to address some questions that have been raised about the purpose of the fourth exception.

The definition of “electioneering communications” is a bright line test covering all broadcast, satellite and cable communications that refer to a clearly identified federal candidate and that are made within the immediate pre-election period of 60 days before a general election or 30 days before a primary. But it is possible that there could be some communications that will fall within this definition even though they are plainly and unquestionably not related to the election.

Section 2013(3)(B)(iv) was added to the bill to provide the Commission with some limited discretion in administering the statute so that
it can issue regulations to exempt such communications from the definition of “electioneering communications” because they are wholly unrelated to an election.

For instance, if a church that regularly broadcasts its religious services does so in the pre-election period and mentions in passing and at the request of an elected official who is also a candidate, and the Commission can reasonably conclude that the routine and incidental mention of the official does not promote his candidacy, the Commission could promulgate a rule to exempt that type of communication from the definition of “electioneering communications.” There could be other examples where the Commission could conclude that the broadcast communication in the immediate pre-election period does not in any way promote or support any candidate, or oppose his opponent.

Charities exempt from taxation under Section 501(c)(3) of the Internal Revenue Code are prohibited by existing tax law from supporting or opposing candidates for elective office. Notwithstanding this prohibition, some such endowments have run ads in the guise of so-called “issue advocacy” that clearly have had the effect of promoting or opposing federal candidates. Because of these cases, we do not intend that Section 201(3)(B)(iv) be used by the FEC to create any per se exemption from the definition of “electioneering communications” for speech by Section 501(c)(3) charities. Nor do we intend that Section 201(3)(B)(iv) apply only to communications by section 501(c)(3) charities.

But we do urge the FEC to take cognizance of the standards that have been developed by the IRS in administering the law governing Section 501(c)(3) charities, and to determine the standards, if any, that can be applied to exempt specific categories of speech where it is clear that such communications are made in a manner that is neutral in nature, wholly un-related to an election and cannot be used to promote or attack any federal candidate.

We urge the Commission to exercise this rulemaking power consistent with the time frame specified in the bill for the promulgation of new regulations to implement the provisions of H.R. 2356, and also expect the Commission to use its Advisory Opinion process to address these situations both before and after the issuance of regulations.

TRIBUTE TO KANSAS CITIANS’ RESPONSE TO OUR RECENT ICE STORM

HON. DENNIS MOORE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. MOORE. Mr. Speaker, we rise today to pay tribute to the thousands of Kansas City-area residents who over the past weeks rose to the challenge posed by the worst ice storm to hit the Kansas City metropolitan area in decades.

The storm, which struck our area with unprecedented fury on January 29th and 30th, cut electric power to over 450,000 area residents and left over 250,000 area residents without power. The power outage resulted in millions of dollars in damage to Missouri and approximately $47 million plus worth of damage in Kansas. Seven deaths were attributed to the storm.

As the Kansas City Star described it, the storm “blasted through [and] left most of the metropolitan area a dangerous tangle of downed trees, felled power lines and snarled traffic . . . During an intense 12 hours, from 7 p.m. Wednesday to 7 a.m. Thursday, [for example,] Johnson County emergency dispatchers took 420 calls from people reporting tree limbs pulling down overhead lines. The Kansas City Fire Department dispatchers took 1,100 emergency calls in a 12-hour period; ordinarily they receive 1,400 in a month.”

Mr. Speaker, our constituents dealt heroically with this unforeseen calamity and we want to take special note of the outstanding contributions made by those whose job it was to respond to this crisis: police, firefighters, 911 operators, KCI airport employees, and members of the Missouri and Kansas National Guard, to note just some of them.

Medical teams dealt with cases of carbon monoxide poisoning, exposure, and injuries due to falling tree limbs and falls on ice. Homeless shelters opened their doors to neighbors left without heat and electricity and church groups, the Salvation Army, the Red Cross and municipal emergency services worked overtime and went the extra mile to help those in need in the time of crisis. Countless community volunteers including AmeriCorps, the Boy Scouts, and United Way gave their time to assist in the recovery process.

Whether you were in Rosedale or Brookside, Independence or Overland Park, the “Kansas City Spirit” prevails when neighbors helping neighbors to cope with the devastation.

Most notably, hundreds of repair crews from area utilities—including Kansas City Power and Light, Missouri Public Service, the Kansas City, Kansas, Board of Public Utilities, Independence Power and Light, Westar Energy, and SBC—worked around the clock, along with 400 out-of-state repair crews and 350 out-of-state tree trimming crews, to replace lines, repair blown fuses and clear ice-laden trees that had cut off power lines and created fire and injury hazards. In fact, it is estimated that 20 percent of Kansas City’s streets, 10 percent of them will be gone when the cleanup is complete and over 10 percent of the city’s privately owned trees also will have perished. To these utility workers, the people of the Kansas City area owe a special debt of gratitude.

We also applaud the leadership of our Governor Bill Graves and Bob Holden of Missouri along with the countless local elected officials who worked in tandem with state and federal emergency management officials in compiling the damage assessments so that our Governors could request the Federal Emergency Disaster Declaration. The President and Federal Emergency Management Agency (FEMA) acted quickly to start the process of bringing federal relief to our community so that now the full recovery can occur.

Mr. Speaker, we have proven once again Kansas City truly is the heartland of America—when our friends and neighbors are in trouble, our community comes together to do the necessary job done—quickly, efficiently and effectively. We have never been prouder to represent the Kansas City metropolitan area.

THE OTHER HALF OF THE JOB: FINANCING OUR FOREIGN POLICY

TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. LANTOS. Mr. Speaker, in a recent hearing with Secretary of State Colin Powell, I raised concerns about how we are financing the War on Terrorism. While there is no doubt that there is a need for increased defense spending, I worry that many of the resources available to finance our diplomatic and development programs overseas. As this war proceeds, it will be our responsibility to establish stable democracies to fill the vacuum left by fallen regimes. It is therefore necessary to properly fund related assistance programs.

Dr. Michael McFaul wrote an article entitled “The Other Half of the Job” in the February fifth edition of the Washington Post that deals with this very issue. He contends that if we intend to urge governments to promote liberty and freedom, it is our responsibility to provide assistance to those nations to establish stable democracies, and thereby create friendly allied states. He cites the examples of Germany and Japan. Just sixty years ago they were the greatest security threat to this nation, and today, after sustained support, they are among our strongest allies.

Dr. McFaul is an expert in the area of international relations and deserves recognition for his work in promoting world peace. He is a professor of political science at Stanford University and a senior associate at the Carnegie Endowment for International Peace. His outstanding scholarship has raised awareness and given light to this, among other important issues. His insights are valuable and worthy of consideration.

Mr. Speaker, I urge my colleagues to read Dr. McFaul’s thought provoking article and request that it be included in the RECORD.

(from the Washington Post, Tuesday, Feb. 5, 2002)

THE OTHER HALF OF THE JOB
(By Michael McFaul)

The United States is at war. President Bush therefore has correctly asked for Congress to approve additional resources to fight this war. The new sums requested—$48 billion for next year alone—are appropriately large. Bush and his administration have astutely defined this new campaign as a war for civilization itself, and have wisely cautioned that the battle lines will be multi-faceted and untraditional.

So why are the new supplemental funds earmarked to fight this new war largely conventional and single-faceted—i.e., money for the armed forces? Without question, the Department of Defense needs and deserves new resources to conduct the next phase of the war on terrorism. The Department of Defense may even need $38 billion for next year. What is disturbing about President Bush’s new budget, though, is how little creative attention or new resources have been devoted to the other means for winning the war on terrorism. The Bush budget is building greater American capacity to destroy bad states, but it adds hardly any new capacity to construct new good states.

We should have learned the importance of following state destruction with state construction, since the 20th century offers up
both positive and negative lessons. Many have commented that our current war is new and unprecedented, but it is not. Throughout the 20th century, the central purpose of America must be to defend against and, when possible, destroy tyranny.

American presidents have been at their best when they have embraced the mission of defending freedom at home and abroad. This was the task during World War II. This was the objective (or should have been the mission) during the Cold War. It must be our mission again.

The process of defeating the enemies of liberty is twofold: Crush their regimes or the regime that harbors them and then fund new democratic, pro-Western regimes in the vacuum.

In the first half of the last century, imperial Japan and fascist Germany constituted the greatest threats to American national security. The destruction of these dictatorships, followed by the imposition of democratic regimes in Germany and Japan, helped make these two countries American allies.

In the second half of the last century, Soviet communism and its supporters represented the greatest threat to American national security. The collapse of Communist autocracies in Eastern Europe and then the Soviet Union greatly improved American national security. The emergence of democratic regimes in east Central Europe a decade ago and the fall of dictators in southeast Europe more recently have radically improved the European security climate, and therefore U.S. national security interests. Democratic consolidation in Russia, still an unfinished project, is the best antidote to a return of U.S.-Russian rivalry.

The Cold War, however, also offers sad lessons of what can happen when the United States abandons the destruction of anti-Western, autocratic regimes without following through with state construction of pro-Western, democratic regimes. President Reagan rightly understood that the United States had an interest in overthrowing Communist regimes around the world. The Reagan doctrine channeled major resources to this aim and achieved some successes, including most notably in Afghanistan. State construction there, however, did not follow state destruction. The consequences were tragic for national security.

So why is the Bush administration not devoting greater capacity for state construction in parallel to increasing resources for state destruction? The administration’s pledge of $8 billion for Afghanistan for next year is commendable, but this one-time earmark does not constitute a serious, comprehensive strategy for state construction in Afghani- stan or the rest of the despotic world that currently threatens the United States.

On the contrary, in the same year that the Department of Defense is receiving an extra $48 billion, many U.S. aid agencies will suffer budget cuts. Moreover, the experience of the past decade in Afghanistan shows that aid works best in democratic regimes. Yet budgets for democracy assistance in South Asia and the Middle East are still minuscule. Strikingly, the theme of democracy promotion was absent in President Bush’s otherwise brilliant State of the Union speech.

It is absolutely vital that the new regime in Afghanistan succeed. Afghanistan is our new West Germany. The new regime there must stand as a positive example to the rest of the region of how rejection of tyranny and alliance with the West can translate into democratic governance and economic growth. And the United States must demonstrate to the Muslim world that we take state construction—democratic con- struction—as seriously as we do state de-

truction. Beyond Afghanistan, the Bush admin- istration must develop additional, non- military tools for fighting the new war. ‘To succeed, the United States will need its full arsenal of political, diplomatic, economic and military weapons. Bush’s statements suggest that he understands this imperative. Bush’s budget, however, suggests a divide be- tween rhetoric and policy.

RECOGNITION OF MR. BOB BAKER
HON. DARRELL E. ISSA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Mr. ISSA. Mr. Speaker, I rise today to recog- nize Mr. Bob Baker of San Diego, Cali- fornia. I would like to join with the Muscular Dystrophy Association in honoring him as the recipient of the inaugural Joseph L. Hertel Me- morial Award. Joseph Hertel, Mr. Baker’s son- in-law, inspired this award. It is a tribute to his exceptional life and his courageous battle against Lou Gehrig’s Disease.

Mr. Baker has been marked with great success. As a member for Saint Vincent de Paul.

TRIBUTE TO JOSE A. CACHADINHA
HON. JAMES H. MALONEY
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Mr. MALONEY of Connecticut. Mr. Speaker, on Sunday, January 13, a celebration will occur that honors a man most deserving of our praise, respect and congratulations. Reverend Monsignor Jose A. Cachadinha of Danbury, Connecticut will be honored for his Gold- en Jubilee in the Priesthood.

Monsignor Cachadinha was ordained into the Priesthood in Luanda, Angola on January 13, 1952. After being ordained, Monsignor Cachadinha served the Diocese of “Nova Lisboa-Huambo” where he played an instru- mental role in meeting the community’s past- toral needs. In addition to his pastoral duties at the Diocese, Monsignor Cachadinha served as a Chief Chaplain in the Portuguese Army. Monsignor Cachadinha emigrated to the United States in 1978. Since then he has been active in organizing numerous religious and cultural services for Danbury’s Portuguese Community.

Monsignor Cachadinha served the Diocese of the Immaculate Heart of Mary Parish and Community Center in 1982. The parish and community center play a pivotal role in main- taning and celebrating Portuguese language and culture, as well as serving the spiritual needs of the community.

Mr. Speaker, over the past 50 years Monsignor Cachadinha has dedicated himself to his church, the Lord, and the preservation of the Portuguese Catholic Community. On behalf of the 5th District of Connecticut and the United States House of Representa- tives, I commend Monsignor Jose A. Cachadinha on his continuous religious, spir- itual, cultural and civic leadership of the people of Danbury.

IN HONOR OF POLICE CHIEF DEL HANSON
HON. Doug OSE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Mr. OSE. Mr. Speaker, I rise today to honor a law enforcement professional that is retiring after 28 years of dedicated public service. Police Chief Del Hanson, Woodland Police De- partment, in a career that began as a sworn patrol officer and ended as a police chief, will be honored by his department and the citizens of Yolo County on March 1, 2002 in Woodland California.

Chief Hanson began his law enforcement career in 1974 in Waukegan, Illinois, a suburb of Chicago and joined the Woodland Police Department in June of 1985 as a sworn patrol officer. Since then, Chief Hanson was pro- moted through the ranks of the Woodland Po- lice Department and was sworn in as Police Chief in June of 1999. Chief Hanson’s belief in continuing edu- cation can be seen in his impressive edu- cational achievements. Chief Hanson gradu- ated with honors from St. Mary’s College with a bachelor's degree in 1991 and in 1995 re- ceived a masters degree from Cal-Poly Po- mona. In addition, Chief Hanson graduated from the FBI National Academy in 1988. He is also a graduate of the Command College, which is sponsored by the California Commis- sion on Peace Officer Standards and Training.

As a peace officer, Chief Hanson’s career has been marked with great success. As a strong supporter of the School Resource Offi- cer Program, Chief Hanson worked to acquire funding for two officers and created a very successful program that establishes preven- tion and intervention techniques on school campuses to help curb juvenile criminal be- havior before it becomes more serious. Re- cently, Chief Hanson spearheaded the effort to acquire funding to construct a new state of the art police facility to meet the needs of the growing city of Woodland. The voters ap- proved the funding in 2000 and the new facil- ity will be open in late 2003 or early 2004.

Chief Hanson’s law enforcement colleagues have recognized him with many awards and commendations including being named the Yolo County Bar Association’s Officer of the Year in 1998 and was selected Chairman of the California Police Chiefs Association’s Standards and Ethics Committee for 2001.

Chief Hanson is more then a peace officer, he is a community leader. Chief Hanson serves as a board member for the Yolo Coun- ty Sexual Assault and Domestic Violence Cen- ter. In addition, he serves as a member of the
Woodland Beautification Committee, which is a volunteer organization formed to facilitate murals in places previously plagued with graffiti.

I am honored to recognize an individual who has committed his life to the protection of his fellow citizens. Men and women who put their lives in harms way every day on our streets and cities merit our admiration, and deserve our appreciation. Please join me in congratulating Chief Del Hanson for a lifetime of hard work and a job well done.

THE PRESIDENT’S VISIT TO CHINA

HON. DONALD M. PAYNE
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. PAYNE. Mr. Speaker, as the President makes his first state visit to China later this month, I wish him well and a productive trip. The United States and China will have many issues to discuss, such as counter-terrorism, human rights, arms proliferation, Tibet and Taiwan. It is my hope that President Bush will stand on his principles regarding Taiwan. As a long time observer of the Republic of China on Taiwan, I have noted that Taiwan is a country that has taken great strides towards democracy. With U.S. assistance, Taiwan is now a major economic power in the world, and a member of the World Trade Organization. Although it has embraced democracy, it faces a formidable adversary—the People’s Republic of China. From time to time, China threatens Taiwan militarily. It is important that Taiwan has the capability to defend itself against outside forces. Therefore, I consider President Bush’s trip to China vital, but believe that Taiwan’s interests must not be compromised.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

SPRIECH OF
HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform:

Mr. GILMAN. Mr. Chairman, I rise in support of the Shays-Meehan Bipartisan Campaign Reform Act of 2001. This legislation will close the soft money loophole which currently allows unlimited and regulated funds from corporations, labor unions, and wealthy individuals to be funneled into Federal election campaigns. In addition, it will require the clear and full disclosure of those who sponsor election-related advertisements.

As a member of the Government Reform Committee, I have watched with growing concern the insidious influence that soft money plays in our Nation’s election process. The questionable fund-raising activities of the 1996 elections and the record levels of money spent in 2000 points toward a disturbing trend that should be addressed and brought under control.

It has been nearly 30 years since Congress last corrected the abuses of the campaign finance system. In those 30 years, political loophole artists have learned how to exploit the shortcomings of our Nation’s current campaign laws. It is therefore our duty to revise and adapt those laws to current realities and ensure that the intentions of our laws are upheld.

The Shays-Meehan bill is our best hope for true and meaningful campaign reform. It is time for the Congress to act in the best interest of our Nation. Accordingly, I urge my colleagues to support the Shays-Meehan bill.

INSURANCE INDUSTRY MODERNIZATION AND CONSUMER PROTECTION ACT

HON. JOHN J. LaFAULCE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. LaFAULCE. Mr. Speaker, today I am introducing the Insurance Industry Modernization and Consumer Protection Act. This legislation will give insurance companies the ability to overcome the cumbersome inefficiencies of the current system and enable them to compete with Federal and Federal insur er. Companies that choose the optional federal charter will be able to bring new, innovative insurance products to our national markets much more quickly, giving consumers and businesses more choices in insurance. It will also incorporate strong federal oversight and consumer protections that should be required for an industry of such economic importance.

Importantly, for the first time in over half a century, the Insurance Industry Modernization and Consumer Protection Act will make the Federal antitrust laws generally applicable to the business of insurance, something I first called for in the 1970s. This will greatly enhance the ability of consumers and regulators to ensure a fair and evenhanded insurance market.

The domestic insurance industry, with assets of over $4 trillion held by both life and property and casualty insurers, plays a major and central role in the U.S. economy. All businesses depend on insurance for protection from both known and unknown hazards. Without insurance, banks and other lenders would have to bear the risks of the hazards that befall their customers. Credit would be both harder to obtain and more expensive.

The events of September 11th underscore the crucial part that insurance plays in ensuring U.S. domestic economic security and stability. Without an estimated $40 to $70 billion in insurance benefits, the businesses and individuals affected by the terrorists attacks could not begin to rebuild their financial lives.

The health of the U.S. insurance market has a significant global impact as well. The U.S. represents over one-third of the world’s insurance market. In the year 2000, U.S. consumers and companies paid $840 billion of the world’s $2.4 trillion in premiums.

Despite the industry’s central role in the national and global economy, the business of insurance, as regulated by state regulators, my legislative history suggests that many states do not adequately ensure that all state-regulated insurers meet certain standards that the Act applies to federally chartered insurers. The Insurance Industry Modernization and Consumer Protection Act currently requires all state-regulated insurers to meet the same market conduct standards that the Act applies to federally chartered insurers. The intention is my intention to expand these minimum standards to other areas, including adequate information disclosure and effective means of redress for...
consumers who have been harmed by illegal practices. I do not view optional federal chartering as a means to escape vigorous state regulation of the insurance industry. The last thing I want is to encourage a “race to the bottom,” as state and federal regulators compete for the participation of insurance companies by progressively weakening the quality and effectiveness of their oversight. I have indicated to the National Association of Insurance Commissioners that this bill should not be used as an excuse to weaken existing state consumer protections or to scuttle attempts to improve these protections.

Establishment of an optional federal charter is intended to provide for a strong, efficient, and effective insurance regulatory system. Providing for Federal oversight of the insurance industry will lead to a healthy regulatory competition that can enhance efficiency, spur innovation and expand consumer protection in a way that will benefit both the insurance industry and its customers.

Mr. Speaker, the current, state-based system of insurance regulation is inadequate—and it is in the best interests of insurers and their consumers that it be augmented. Failure to enhance insurance regulation will keep in place a system that could threaten the viability of the insurance industry in an increasingly competitive marketplace. I urge my colleagues to join with me in taking this important step toward facilitating the modernization of the insurance industry. It is decades long overdue.

PRESIDENT BUSH’S VISIT TO CHINA

HON. STEVEN R. ROTHMAN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Mr. ROTHMAN. Mr. Speaker, I am pleased to see that President Bush will be making a state visit to the People’s Republic of China in late February. As Secretary of State Colin Powell has said, the United States and China have many common interests. Among several large and continuing disagreements are religious freedom and the issue of Taiwan. I hope that President Bush will urgently raise the issues of freedom and the issue of Taiwan. I hope that President Bush will best of luck in his journey to China.

Regarding Taiwan, the United States and the Republic of China on Taiwan have been maintaining strong relations for decades. In recent years, despite the lack of formal diplomatic relations between the United States and Taiwan, Taiwan has been unwavering in its support of the United States. In the wake of September 11, Taiwan stood by us and its government ordered all flags lowered at half staff for two days. Taiwan stands with the United States on nearly all issues including safeguarding human rights and fighting terrorism around the globe.

Mr. Speaker, Taiwan is not an issue that divides the United States from China. As long as we stand firm on our principles of providing what Taiwan needs militarily, there will be stability in the Taiwan Strait and that is in everyone’s best interests.

I wish President Bush best of luck in his journey to China.

RECOGNITION OF MS. ROSEANNE LUTH

HON. DARRELL E. ISSA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Mr. ISSA. Mr. Speaker, I rise today to recognize Ms. Roseanne Luth of San Diego, California. I would like to join with the Muscular Dystrophy Association in honoring her as the recipient of the inaugural Joseph L. Hertel Memorial Award. This award was inspired by Joseph Hertel and is a tribute to his exceptional life and his courageous battle against Lou Gehrig’s Disease.

Roseanne Luth is a successful business owner in San Diego. Roseanne was the first elected president of the 70-year-old Executive Association and the San Diego Book of Lists ranks her custom research company, Luth Research, among the top 25 San Diego Women-Owned Businesses. She also served a five-year term as a board member of the San Diego Better Business Bureau that served as the Bureau’s first woman chairman in 1998. In addition, to being an extraordinarily successful entrepreneur she is also an asset to the community.

I would like to wish Ms. Luth continued success as she continues to team with the Muscular Dystrophy Association and her brother, Bob Baker, to work towards the elimination of Lou Gehrig’s Disease.

WRITING OF ASHLEY HECKER

HON. JAMES H. MALONEY
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Mr. MALONEY of Connecticut. Mr. Speaker, it is truly an honor for me today to bring to the attention of my colleagues in the U.S. House of Representatives the writings of Ms. Ashley Hecker. Ashley is a fifth grade student at Doolittle Elementary School in Cheshire, Connecticut. She composed this poignant poem just moments after the terrorist attack on September 11th.

We stand strong
As the cry of American reaches my ears
I must try to hold back my tears.
The plane crashed along with the crew
You may have lost someone too.
Under the rubble some lived, many died.
Your heart may hurt but do not blame
Don’t give into this twisted game.
New York will never be the same.
The terrorists will live with a life of shame.
Please don’t give up on the Red, White and Blue.
We’ll keep on fighting through and through.

Ashley’s poem came to my attention shortly after Veterans Affairs Commissioner Eugene McHale Jr. awarded her a citation for her “dedication, expression and patriotic views.”

Mr. Speaker, it is both a personal pleasure and privilege to honor Ashley Hecker, a young lady who’s writings exemplify the American spirit.

IN RECOGNITION OF OPERATION COOKIE BAKE

HON. DOUG OSER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 14, 2002

Mr. OSE. Mr. Speaker, I rise today to honor the hard work and thoughtfulness of many of my constituents for their involvement in organizing and carrying out a mass donation of baked goods, “Operation Cookie Bake”, for the active duty, reserves and civilian employees at Travis Air Force Base in Vacaville, California.

Operation Cookie Bake, originally sponsored by the American Legion Auxiliary Unit 165 of Vacaville, was created as one way in which the local community could show support for the hardworking men and women who defend our freedom around the world and at home.

On October 22, 2001, the community hosted the first phase of Operation Cookie Bake, resulting in the donation of twenty-one large and medium sized boxes or approximately 5,000 cookies and another 1,500 brownies, fudge and other treats. The second phase of Operation Cookie Bake, on December 11, 2001, produced over 10,000 cookies and 3,000 brownies, fudge and breads, or approximately 800 individual bags of goodies.

I would like to recognize the hard work of so many of my constituents who have truly made me proud: the ladies of the American Legion Auxiliary Unit 165 who sponsored the first phase of the project and supported it; as well as the ladies of the Disabled American Veterans Auxiliary Unit 84 and the Veterans of Foreign Wars Auxiliary Unit 7244; the employees, students and members of Children’s Hospital, Central Billing Office, Meek’s Lumber, St. Mary’s Parish, Rainbow Girls, Vacaville Bible Church, Boy Scout Troop 195, Girl Scout Troops 80 and 93, Vanden High School Interact Club, Will C. Wood Culinary Club, Faith Academy, Xi Tau Delta of Beta Sigma Phi, American Legion Auxiliary 500 of Vallejo, American Legion Post 165, Brotherhood of Vietnam Veterans, Disabled American Veterans Chapter 84, United Veterans Memorial Association, and Veterans of Foreign Wars Post 7244.

I would also like to recognize the Veteran Liaison for the 60th Air Wing, Airman first Class Brooke Gardner, for her efforts in facilitating the smooth operation and delivery of the
donations, and Captain Christopher Stratford, Executive for the Director of Staffs office at Travis Air Force Base, who helped coordinate the delivery of these gifts for the troops. In addition, I would like to offer my sincere appreciation for Kelli Germeraad for her coordination of the entire project; without her countless hours dedicated to this endeavor, this venture would not have succeeded.

TRIBUTE TO NEGRO LEAGUE BASEBALL

HON. DONALD M. PAYNE
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. PAYNE. Mr. Speaker, as we celebrate Black History Month, I want to call to the attention of my colleagues here in the United States House of Representatives an event that will be held in Newark, New Jersey, a Tribute to Negro League Baseball. Six months before the Confederate attack on Fort Sumter, on April 12, 1861, two Black baseball teams played in Brooklyn, New York. Throughout the 1860s amateur Black baseball clubs sprang up around the North and Midwest. Players for the United States Army included Black baseball players.

During 1902, in an attempt to circumvent the professional Negro teams barnstorming the country, the Chicago Unions and the Columbia Giants. In 1886, the Southern League of Colored Base Ball Clubs was formed and the Kansas City Monarchs won five of the first six Negro American League pennants. The Negro National League Home- stead Grays won eight pennants between 1920–1946 with John Gibson, the greatest hitter of the Negro Leagues (962 career home runs). In 1945 Kansas City Monarchs rookie shortstop Jackie Robinson signed to play for the Brooklyn Dodgers at $600 per month, thereby breaking the color barrier in major league baseball. Since baseball's integration from 1947 to 1953, six of the seven National League Rookie of the Year were former Negro League players, including Jack Robin- son, Don Newcombs, Sam Jethrol, Willie Mays, Joe Black and Jim Gilliam. After the inte- gration of baseball, the Negro leagues began to decline in 1948, due to the fact that its best players were now signing with major league teams. The Negro American League fi- nally dissolved in 1953. Sixteen Negro League baseball stars have been inducted into the Hall of Fame including former Newark Eagles and local Major League players, such as Larry Doby, Monte Irvin and Ray Dandridge. From 1920–1955 over 30 communities located throughout the Midwest, Northeast and the South were home franchises comprised of the Negro National League, Eastern Colored League, East-West League, Negro Southern League and the Negro American League. The City of Newark, New Jersey was the home of the Newark Browns, Newark Dodgers, Newark Eagles and the Newark Stars. Of all the Newark teams, the Newark Eagles were the most memorable. The team was managed by a woman, Mrs. Elfa Manley, who along with her husband Abe Manley owned the team. They were also entrepreneurs, owning Club 83 on New Street in Newark. I had the privilege of attending Newark Eagles games as a younger. The games were very memorable occa- sions.

There was great excitement in the air when the Newark Eagles won the 1946 Negro League World Championship over the Kansas City Monarchs in the seventh and final game of the series held at Newark's Ruppert Stadium on September 29. Mr. Speaker, it is with much pride that we remember and pay tribute to the athletes of Negro League Baseball during Black History Month. I know my colleagues here in the United States Congress join me in sending best wishes as the City of Newark pays homage to those who made history and made us proud.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

SPEECH OF
HON. DONALD M. PAYNE
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Mr. Chair, I rise in support of the Shays-Meehan amendment to the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform:

Mr. FALEOMAVAEGA. Mr. Chair, federal campaign law currently specifies that U.S. citizens and perma- nent resident foreign nationals may make contributions to candidates for federal office. Although there is an advisory opinion from the Federal Election Commission which interprets current law to allow U.S. nationals to contribute to federal elections, a federal court could at any time interpret the law to exclude U.S. nationals. Our failure to amend current law could also be interpreted to mean that Congress originally intended to prohibit U.S. nationals from contributing to federal elections. Mr. Chair, I do not believe it was or is the intent of Congress, or the law, to exclude U.S. nationals from contributing to federal campaigns. Congress simply enacted a law before American Samoa had representation in the U.S. Congress and current law fails to address the issue of contributions from U.S. nationals.

Mr. FALEOMAVAEGA. Mr. Chair, federal campaign law currently specifies that U.S. citizens and perma- nent resident foreign nationals may make contributions to candidates for federal office. Although there is an advisory opinion from the Federal Election Commission which interprets current law to allow U.S. nationals to contribute to federal elections, a federal court could at any time interpret the law to exclude U.S. nationals. Our failure to amend current law could also be interpreted to mean that Congress originally intended to prohibit U.S. nationals from contributing to federal elections. Mr. Chair, I do not believe it was or is the intent of Congress, or the law, to exclude U.S. nationals from contributing to federal campaigns. Congress simply enacted a law before American Samoa had representation in the U.S. Congress and current law fails to address the issue of contributions from U.S. nationals.

Mr. LUTHER. Mr. Chair, federal campaign law currently specifies that U.S. citizens and permanent resident foreign nationals may make contributions to candidates for federal office. Although there is an advisory opinion from the Federal Election Commission which interprets current law to allow U.S. nationals to contribute to federal elections, a federal court could at any time interpret the law to exclude U.S. nationals. Our failure to amend current law could also be interpreted to mean that Congress originally intended to prohibit U.S. nationals from contributing to federal elections. Mr. Chair, I do not believe it was or is the intent of Congress, or the law, to exclude U.S. nationals from contributing to federal campaigns. Congress simply enacted a law before American Samoa had representation in the U.S. Congress and current law fails to address the issue of contributions from U.S. nationals.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

SPEECH OF
HON. BILL LUTHER
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES

Mr. LUTHER. Mr. Chair, federal campaign law currently specifies that U.S. citizens and permanent resident foreign nationals may make contributions to candidates for federal office. Although there is an advisory opinion from the Federal Election Commission which interprets current law to allow U.S. nationals to contribute to federal elections, a federal court could at any time interpret the law to exclude U.S. nationals. Our failure to amend current law could also be interpreted to mean that Congress originally intended to prohibit U.S. nationals from contributing to federal elections. Mr. Chair, I do not believe it was or is the intent of Congress, or the law, to exclude U.S. nationals from contributing to federal campaigns. Congress simply enacted a law before American Samoa had representation in the U.S. Congress and current law fails to address the issue of contributions from U.S. nationals.

Mr. Chair, I rise in support of the Shays-Meehan amendment to the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform:
the big donors to derail our elections takes power away from the voters and threatens our democracy itself. Cleaning up our campaigns should be an issue we all support. Supporters of clean campaigns in both parties have stepped up to the plate to bring this important issue to a vote, and the time has come to give the American people the victory they deserve by passing the Shays-Meehan bipartisan reform bill.

Good government watchdog groups have consistently recognized my home state of Minnesota as having some of the strongest clean campaign laws in the country. I am proud of those laws, which have increased the power of smaller donors, allowed the average citizen to have a prominent voice, reduced the influence of wealthy special interests, and restored confidence in the political process. I now urge my fellow representatives to implement tough campaign reform measures for federal elections.

The key provision in the Shays-Meehan proposal is a ban on “soft money”—the unregulated, unlimited donations from individuals and political action committees that are often used to run shady and misleading campaign commercials before an election. Eliminating the corrupting influence of soft money is the most basic reform we can make to begin cleaning up our election system and the Shays-Meehan bill is the only measure on the table today that addresses this pervasive problem.

Our nation owes a debt to the authors of this legislation—Representatives Shays and Meehan and Senators McCain and Feinstein—for their tireless commitment to reform. I believe a basic turning point in this effort occurred during last year’s presidential election when the public rallied around John McCain’s message of reform. The public sent a strong message to the political establishment: they are tired of the current system that gives the advantage to large wealthy special interests. They are tired of the current system and will continue to drown out the concerns of working families in Minnesota and all America. Their opinions are being lost in the flood of big campaign checks from special interests.

Mr. Chairman, we should be encouraging political participation, not discouraging it. I’ve heard from too many people across this district that our campaign finance system is broken. It’s now time this unbalanced system be fixed.

Shays-Meehan will prohibit national parties, officeholders and candidates from raising unregulated soft money for political parties at all levels. State and local parties can continue with voter registration and get-out-the-vote activities. This bill would also require sham issue ads be treated like all campaign ads right before an election—to be paid for with regulated money that requires full disclosure.

With Minnesota’s unique system of public financing and contribution rebates, we have shown the nation how to run clean elections. Where else could the non-partisan campaign control the House of Representatives, the Democratic party control the Senate and there be an Independent in the Governor’s mansion? Minnesota’s are used to campaigns that are open, honest and competitive and it shows in voter turnouts that lead the nation year after year.

Campaign finance reform is critical, but we must also learn to control how much is spent on elections as well. I’ve introduced legislation that model’s Minnesota’s campaign finance system and will continue to work hard to take the next step in campaign finance reform limiting the hundreds of millions of dollars that are spent on our elections.

It is not a mistake that we are considering real campaign finance reform today. The discharge petition I signed last year finally forced the Republican leadership of the House to recognize that a majority of Americans had finally been joined by a majority of this House in the fight for real campaign finance reform. We must begin now to clean our campaign finance system.

Shays-Meehan will help to clean up our campaign finance system. By eliminating soft money, America’s confidence in our political system will be restored.
Mr. OBERSTAR. Mr. Speaker, on May 4–6, 2002, more than 1200 students from across the United States will visit Washington, D.C. to compete in the national finals of the We the People . . . The Citizen and the Constitution program, the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights.

I am proud to announce that the class from Duluth Central High School from Duluth will represent the state of Minnesota in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The three-day national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students’ testimony is followed by a period of questioning by the judges who probe their depth of understanding and ability to apply their constitutional knowledge.

Administered by the Center for Civic Education, the We the People . . . program has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide. The program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities.

It is inspiring to see these young people advocate the fundamental ideals of principles of our government in the aftermath of the tragedy on September 11. These are ideas that identify us as a people and bind us together as a nation. It is important for our next generation to understand these values and principles which we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy.

The class from Duluth Central High School is currently conducting research and preparing for their upcoming participation in the national competition in Washington, D.C. I wish these young “constitutional experts” the best of luck at the We the People . . . national finals. They represent the future leaders of our nation.

Mr. PALLONE. Mr. Speaker, President George W. Bush is making his first state visit to China and I would like to take this opportunity before his departure to China to express my concern regarding Taiwan. I hope that President Bush will stand firm on the issue of Taiwan in his discussions with the Chinese and I encourage him not to comply with any demands from the Chinese government that affect the best interests of Taiwan.

The United States and the Republic of China on Taiwan have been maintaining strong relations for decades. In recent years, despite the lack of formal diplomatic relations between the United States and Taiwan, Taiwan has been unwavering in its support of the United States in all areas.

In the aftermath of the tragedies of September 11, Taiwan was one of the first countries to give its unflinching support to the United States and has also been extremely cooperative in providing information and resources to the United States to combat terrorism. Taiwan has been enormously supportive in other areas as well, such as reducing its trade surplus with the United States and promoting U.S. goods and services in its domestic market.

As we all know, Taiwan is a small country, yet it faces a formidable adversary in the People’s Republic of China. Despite all odds, and with U.S. assistance, Taiwan has been able to enjoy great economic success, significant political reforms, freedom and democracy. As a new member of the World Trade Organization and the world’s 17th largest economy, Taiwan has a major economic presence in the world. Its 23 million people enjoy a high standard of living and will continue to do so as long as there is peace in the Taiwan Strait.

Peace in the Strait depends in large part on American support. I hope President Bush will give a message to Chinese leaders that peace in the Taiwan Strait will lead to greater prosperity for both Taiwan and the Chinese mainland, and that Taiwan and the PRC should begin serious discussions about economic cooperation and other issues of mutual interest.

I wish the President a safe and productive trip.
Chamber Action

Routine Proceedings, pages S879–S977

Measures Introduced: Seven bills and two resolutions were introduced, as follows: S. 1957–1963, S. Res. 211, and S. Con. Res. 98.

Measures Reported:

- Report to accompany S. 1857, to Encourage the Negotiated Settlement of Tribal Claims. (S. Rept. No. 107–138)

Measures Passed:

- Arts Education Month: Committee on the Judiciary was discharged from further consideration of S. Res. 44, designating March 2002 as “Arts Education Month”, and the resolution was then agreed to, after agreeing to the following amendments: Pages S975–76
  - Reid (for Cochran) Amendment No. 2920, to designate March 2002 as “Arts Education Month”.
  - Reid (for Cochran) Amendment No. 2921, to amend the title.

Election Reform: Senate continued consideration of S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, and to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, taking action on the following amendments proposed thereeto:

  - Adopted:
    - Reid (for Hollings) Amendment No. 2919, to require the Office of Election Administration to consult with the National Institute of Standards and Technology when promulgating or reviewing voting systems standards.

Pending:

- Clinton Amendment No. 2906, to establish a residual ballot performance benchmark.
- Dayton Amendment No. 2898, to establish a pilot program for free postage for absentee ballots cast in elections for Federal office.
- Dodd (for Harkin) Amendment No. 2912, to provide funds for protection and advocacy systems of each State to ensure full participation in the electoral process for individuals with disabilities.
- Dodd (for Harkin/McCain) Amendment No. 2913, to express the sense of the Congress that curbside voting should be only an alternative of last resort when providing accommodations for disabled voters.
- Dodd (for Schumer) Modified Amendment No. 2914, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.
- Dodd (for Kennedy) Amendment No. 2916, to clarify the application of the safe harbor provisions.

A unanimous-consent agreement was reached providing for further consideration of the bill at 2 p.m., on Monday, February 25, 2002.

National Laboratories Partnership Improvement Act: Senate began consideration of S. 517, to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, taking action on the following amendment proposed thereeto:

Pending:

- Daschle/Bingaman Amendment No. 2917, in the nature of a substitute.

Authority for Committees: All committees were authorized to file legislative and executive reports during the adjournment of the Senate on Wednesday, February 20, 2002, from 10 a.m. to 12 noon.

Farm Aid—Conference: The Chair was authorized to appoint the following conferees on the part of the Senate to H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2011

Nominations Received: Senate received the following nominations:
Richard Monroe Miles, of South Carolina, to be Ambassador to Georgia.
Peter Terpeluk, Jr., of Pennsylvania, to be Ambassador to Luxembourg.
Don V. Cogman, of Connecticut, to be a Member of the National Council on the Arts for a term expiring September 3, 2006.
Katharine DeWitt, of Ohio, to be a Member of the National Council on the Arts for a term expiring September 3, 2006.
David Gelernter, of Connecticut, to be a Member of the National Council on the Arts for a term expiring September 3, 2006.
Teresa Lozano Long, of Texas, to be a Member of the National Council on the Arts for a term expiring September 3, 2006.
Maribeth McGinley, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2006.
Amy Apfel Kass, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.
Andrew Ladis, of Georgia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Wright L. Lassiter, Jr., of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.
James R. Stoner, Jr., of Louisiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.
Gregory Allyn Forest, of North Carolina, to be United States Marshal for the Western District of North Carolina for the term of four years.
25 Air Force nominations in the rank of general.
Routine lists in the Army, Coast Guard.

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Notices of Hearings/Meetings:

Adjournment: Senate met at 10 a.m. and, pursuant to the provisions of S. Con. Res. 97, adjourned at 1:46 p.m., until 12 noon, on Monday, February 25, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S976).

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action
The House was not in session today. It has adjourned for the President's Birthday District Work Period. Pursuant to the provisions of S. Con. Res. 97, the House will next meet at 2 p.m. on Tuesday, February 26.

Committee Meetings

PRESIDENT'S MANAGEMENT AGENDA

Committee on Government Reform, Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations held a hearing on "The President's Management Agenda: Getting Agencies from Red to Green." Testimony was heard from J.

Joint Meetings

INTERNATIONAL MONETARY FUND

Joint Economic Committee: On Thursday, February 14, committee concluded hearings to examine reform of the International Monetary Fund and the World Bank, after receiving testimony from John Taylor, Under Secretary of the Treasury for International Affairs.
Next Meeting of the SENATE
12 noon, Monday, February 25

Senate Chamber

Program for Monday: Senator Corzine will read Washington’s Farewell Address; following which, Senate will be in a period of morning business (not to extend beyond 2 p.m.).

At 2 p.m., Senate will continue consideration of S. 565, Election Reform.

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Tuesday, February 26

House Chamber

Program for Tuesday: To be announced.

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