

SEC. 608. UTILITY ENERGY SERVICE CONTRACTS.

SA 1415. Mr. INOUEY submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In Division B, on page 263, after line 18, add the following:

SEC. ____ . TREATMENT OF FACILITIES USING BAGASSE TO PRODUCE ENERGY AS SOLID WASTE DISPOSAL FACILITIES ELIGIBLE FOR TAX-EXEMPT FINANCING.

(a) IN GENERAL.—Section 142 (relating to exempt facility bond) is amended by adding at the end the following:

“(l) SOLID WASTE DISPOSAL FACILITIES.—For purposes of subsection (a)(6), the term ‘solid waste disposal facilities’ includes property located in Hawaii and used for the disposal of bagasse.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SA 1416. Mr. FEINGOLD (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1412 proposed by Mr. DOMENICI (for himself, Ms. LANDRIEU, Mr. THOMAS, Ms. MURKOWSKI, Mr. CAMPBELL, Mr. SMITH, Mr. ALEXANDER, Mr. KYL, Mr. NELSON of Nebraska, Mr. HAGEL, Mr. TALENT, Mr. BUNNING, and Mr. COLEMAN) to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 35, strike line 10 and all that follows through page 35, line 10, and insert the following:

SEC. 1156. AFFILIATE, ASSOCIATE COMPANY, AND SUBSIDIARY COMPANY TRANSACTIONS.

Section 204 of the Federal Power Act (16 U.S.C. 824c) is amended by adding at the end the following:

“(i) TRANSACTIONS WITH AFFILIATES AND ASSOCIATED COMPANIES.—

“(1) DEFINITIONS.—In this subsection, the terms ‘affiliate’, ‘associate company’, ‘public utility’, and ‘subsidiary company’ have the meanings given the terms in section 1151 of the Energy Policy Act of 2003.

“(2) REGULATIONS.—

“(A) IN GENERAL.—The Commission shall promulgate regulations that shall apply in the case of a transaction between a public utility and an affiliate, associate company, or subsidiary company of the public utility.

“(B) CONTENTS.—At a minimum, the regulations under subparagraph (A) shall require, with respect to a transaction between a public utility and an affiliate, associate company, or subsidiary company of the public utility, that—

“(i) the affiliate, associate company, or subsidiary company shall be an independent, separate, and distinct entity from the public utility;

“(ii) the affiliate, associate company, or subsidiary company shall maintain separate books, accounts, memoranda, and other records and shall prepare separate financial statements;

“(iii)(I) the public utility shall conduct the transaction in a manner that is consistent with transactions among nonaffiliated and nonassociated companies; and

“(II) shall not use its status as a monopoly franchise to confer on the affiliate, associate

company, or subsidiary company any unfair competitive advantage;

“(iv) the public utility shall not declare or pay any dividend on any security of the public utility in contravention of such rules as the Commission considers appropriate to protect the financial integrity of the public utility;

“(v) the public utility shall have at least 1 independent director on its board of directors;

“(vi) the affiliate, associate company, or subsidiary company shall not acquire any loan, loan guarantee, or other indebtedness, and shall not structure its governance, in a manner that would permit creditors to have recourse against the assets of the public utility; and

“(vii) the public utility shall not—

“(I) commingle any assets or liabilities of the public utility with any assets or liabilities of the affiliate, associate company, or subsidiary company; or

“(II) pledge or encumber any assets of the public utility on behalf of the affiliate, associate company, or subsidiary company;

“(viii)(I) the public utility shall not cross-subsidize or shift costs from the affiliate, associate company, or subsidiary company to the public utility; and

“(II) the public utility shall disclose and fully value, at the market value or other value specified by the Commission, any assets or services by the public utility that, directly or indirectly, are transferred to, or otherwise provided for the benefit of, the affiliate, associate company, or subsidiary company, in a manner that is consistent with transfers among nonaffiliated and non-associated companies; and

“(ix) electricity and natural gas consumers and investors shall be protected against the financial risks of public utility diversification and transactions with and among affiliates and associate companies.

“(3) NO PREEMPTION.—This subsection does not preclude or deny the right of any State or political subdivision of a State to adopt and enforce standards for the corporate and financial separation of public utilities that are more stringent than those provided under the regulations under paragraph (2).

“(4) PROHIBITION.—It shall be unlawful for a public utility to enter into or take any step in the performance of any transaction with any affiliate, associate company, or subsidiary company in violation of the regulations under paragraph (2).”.

SA 1417. Mr. DAYTON (for himself, Ms. CANTWELL, and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 1412 proposed by Mr. DOMENICI (for himself, Ms. LANDRIEU, Mr. THOMAS, Ms. MURKOWSKI, Mr. CAMPBELL, Mr. SMITH, Mr. ALEXANDER, Mr. KYL, Mr. NELSON of Nebraska, Mr. HAGEL, Mr. TALENT, Mr. BUNNING, and Mr. COLEMAN) to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 30 of the amendment, strike line 24 and all that follows through page 36, line 24.

SA 1418. Mr. BINGAMAN proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

On page 9, line 23 through 24, strike “including any rule or order of general applicability within the scope of the proposed rule-making,” and insert: “nor any final rule or

order of general applicability establishing a standard market design.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 29, 2003, at 9:30 a.m., in open session to consider the nominations of General Peter J. Schoemaker (Ret.), USA, for appointment as Chief of Staff, U.S. Army and appointment to the grade of general; and Lieutenant General Bryan D. Brown, USA, for appointment as Commander, U.S. Special Operations Command and appointment to the grade of general.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 29, 2003, at 10 a.m., to conduct a hearing on “Consumer Awareness and Understanding of the Credit Granting Process.”

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, July 29 at 9 a.m. to examine climate history and its implications, and the science underlying fate, transport, and health effects of mercury emissions. The hearing will be held in SD 406 (hearing room).

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 29, 2003, at 9:30 a.m., to hold a hearing on “Iraq: Status and Prospects for Reconstruction—Resources.”

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, July 29, 2003, at 9:30 a.m., to consider the nominations of Joe D. Whitley to be General Counsel, Department of Homeland Security; and Penrose C. Albright to be Assistant Secretary for Homeland Security for Plans, Programs, and Budget, Department of Homeland Security.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to

meet on Tuesday, July 29, 2003, to begin immediately following a 9:30 a.m. hearing, to consider the nomination of Joel David Kaplan to be Deputy Director of the Office of Management and Budget.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Howard Radzely, of Maryland, to be Solicitor for the Department of Labor during the session of the Senate on Tuesday, July 29, 2003, at 10 a.m., in SD-430.

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

COMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Tuesday, July 29, 2003, at 9:30 a.m., in Dirksen Room 226. The markup will be a continuation of Committee action on S.J. Res. 1, the victims' rights amendment.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, July 29, 2003, for a hearing on U.S. Army policies on the award of the Combat Medical Badge, and on pending legislation relating to VA-provided health care services including the following:

S. 613, a bill to authorize a construction project at the former Fitzsimmons Army Medical Center, Aurora, CO;

S. 615, a bill relating to the naming of a VA outpatient clinic in Horsham, PA;

S. 1144, a bill relating to the naming of a VA medical center in Chicago, IL;

S. 1156, the proposed "Department of Veterans Affairs Long-Term Care and Personnel Authorities Enhancement Act of 2003";

S. 1213, section 2, a section of a bill relating to eligibility of U.S.-resident Filipino veterans for VA health care benefits;

S. 1283, a bill to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs; and

S. 1289, a bill to name the Department of Veterans Affairs Medical Center in Minneapolis, MN, after Paul Wellstone.

The hearing will take place in room 418 of the Russell Senate Office Building at 3 p.m.

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

SPECIAL COMMITTEE ON AGING

Mr. BOND. Mr. President, I ask unanimous consent that the Special Com-

mittee on Aging be authorized to meet on Tuesday, July 29, 2003, from 10 a.m. to 12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON ENERGY

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Energy of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 29, 2003, at 9:30 a.m. The purpose of this hearing is to highlight the unique role that the DOE's Office of Science plays in supporting basic research in the physical sciences.

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

SUBCOMMITTEE ON IMMIGRATION AND BORDER
SECURITY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration and Border Security be authorized to meet to conduct a joint hearing on "The L1 Visa and American Interests in the 21st Century Global Economy" on Tuesday, July 29, 2003, at 2:30 p.m., in SD226.

Panel I: Patricia Fluno, former Siemens Technologies employee, Lake Mary, FL; Michael W. Gildea, Executive Director, Professional Employees Section, AFL-CIO, Washington, DC; Beth R. Verman, President, Systems Staffing Group, Member, National Association of Computer Consultant Businesses, Bala Cynwyd, PA; Daryl R. Buffenstein, General Counsel, Global Alliance Personnel, Atlanta, GA; Austin T. Fragomen, Jr., Chairman, American Council on International Personnel, Washington, DC; and Stephen W. Yale-Loehr, Adjunct Professor, Cornell Law School, Ithaca, New York.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that the following interns and fellows from the Finance Committee be granted floor privileges for the remainder of the debate on the energy bill: Mick Wiedrick, Constantine Tujios, Matt Linstroth, Jeff Klein, Stephanie Beck, Renee Johnson, Mark Kirbabas, Alisa Blum, and Rhonda Sinkfield.

I also ask that the following staff from the Joint Committee on Taxation be granted floor privileges for the remainder of the debate: George Yin, Thomas Barthold, Ray Beeman, John Bloyer, Nikole Flax, Roger Colinviaux, Harold Hirsch, Deirdre James, Laurelee Matthews, Patricia McDermott, Brian Meighan, John Navratil, Joseph Nega, David Noren, Cecily Rock, Carol Sayegh, Gretchen Sierra, Ron Schultz, Mary Schmitt, Allison Wielobob, Barry Wold, and Tara Zimmerman.

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

Mr. BINGAMAN. I ask unanimous consent that Antonio Gonzales, Daniel Archuleta, Jasmine Fallstitch, Christine Nelson, Ryan Davies, James Guttierrez, Frank Murray, Tara Peterkin, and Scott Pearsall be granted the privilege of the floor during debate on the Energy bill this week.

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

DR. YANG JIANLI

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 233, S. Res. 184.

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

The legislative clerk read as follows:

A resolution (S. Res. 184) calling on the Government of the People's Republic of China immediately and unconditionally to release Dr. Yang Jianli, and for other purposes.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the amendments to the resolution be agreed to; that the resolution, as amended, be agreed; further, that the amendment to the preamble be agreed to, and the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The amendments to the resolution were agreed to.

The resolution (S. Res. 184), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

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

COMMENDING THE SIGNING OF
THE UNITED STATES-ADRIATIC
CHARTER

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 234, H. Con. Res. 209.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 209) commending the signing of the United States-Adriatic Charter, a charter of partnership among the United States, Albania, Croatia, and Macedonia.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations, with amendments, amendments to the preamble, and an amendment to the title, as follows: