

carry out this section \$36,000,000, to remain available until expended.

Subtitle B—Insular Energy

SA 794. Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill H.R. 6, Reserved; as follows:

On page 10, strike lines 5 through 8 and insert the following:

(2) **INSTITUTION OF HIGHER EDUCATION.**—

(A) **IN GENERAL.**—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(B) **INCLUSION.**—The term “institution of higher education” includes an organization that—

(i) is organized, and at all times thereafter operated, exclusively for the benefit of, to perform the functions of, or to carry out the functions of 1 or more organizations referred to in subparagraph (A); and

(ii) is operated, supervised, or controlled by or in connection with 1 or more of those organizations.

On page 121, lines 9 and 10, strike “subsection (a)” and insert “paragraph (1)”.

On page 223, line 16, strike “date of enactment of this Act” and insert “effective date of this section”.

On page 225, between lines 4 and 5, insert the following:

(e) **EFFECTIVE DATE.**—This section takes effect on October 1, 2006.

On page 451, line 8, insert “manufacturability,” after “electronic controls”.

On page 452, strike lines 8 and 9 and insert the following:

“(b) **MEMBERSHIP.**—The Task Force shall be

On page 452, line 15, strike “members” and insert “Federal employees”.

On page 452, strike lines 18 through 21.

On page 478, between lines 9 and 10, insert the following:

SEC. 916. BUILDING STANDARDS.

(a) **DEFINITION OF HIGH PERFORMANCE BUILDING.**—In this section, the term “high performance building” means a building that integrates and optimizes energy efficiency, durability, life-cycle performance, and occupant productivity.

(b) **ASSESSMENT.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Institute of Building Sciences to—

(1) conduct an assessment (in cooperation with industry, standards development organizations, and other entities, as appropriate) of whether the current voluntary consensus standards and rating systems for high performance buildings are consistent with the research, development and demonstration activities of the Department;

(2) determine if additional research is required, based on the findings of the assessment; and,

(3) recommend steps for the Secretary to accelerate the development of voluntary consensus-based standards for high performance buildings that are based on the findings of the assessment.

(c) **GRANT AND TECHNICAL ASSISTANCE PROGRAM.**—Consistent with subsection (b), the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 3701 et seq.), and the amendments made by that Act, the Secretary shall establish a grant and technical assistance program to support the development of voluntary consensus-based standards for high performance buildings.

On page 497, line 13, strike “using thermochemical processes”.

On page 505, line 23, strike “proton exchange membrane”.

On page 742, line 8, strike “Power” and insert “Energy Regulatory”.

On page 755, after line 25, insert the following:

SEC. 1329. OVERALL EMPLOYMENT IN A HYDROGEN ECONOMY.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary shall carry out a study of the likely effects of a transition to a hydrogen economy on overall employment in the United States.

(2) **CONTENTS.**—In completing the study, the Secretary shall take into consideration—

(A) the replacement effects of new goods and services;

(B) international competition;

(C) workforce training requirements;

(D) multiple possible fuel cycles, including usage of raw materials;

(E) rates of market penetration of technologies; and

(F) regional variations based on geography.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the findings, conclusions, and recommendations of the study under subsection (a).

SA 795. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 159, after line 23, add the following:

SEC. 211. SENSE OF THE SENATE REGARDING INCLUSION OF LIABILITY WAIVER TO MTBE PRODUCERS.

It is the sense of the Senate that the Senate conferees should not agree to the inclusion of a provision in the conference report that would grant a liability waiver to MTBE producers.

SA 796. Mr. FEINGOLD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 697, between lines 6 and 7, insert the following:

SEC. 127 . FAIR COMPETITION AND FINANCIAL INTEGRITY.

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

“(i)(1) In this subsection, the terms ‘affiliate’, ‘associate company’, and ‘public-utility company’ have the meanings given those terms in section 1272 of the Energy Policy Act of 2005.

“(2)(A) Not later than 1 year after the date of enactment of this subsection, the Commission shall issue regulations to regulate transactions between public-utility companies and affiliates and associate companies of the public-utility companies.

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

“(i) any business activity other than public-utility company business shall be conducted through 1 or more affiliates or associate companies, which shall be independent, separate, and distinct entities from the public-utility company;

“(ii) the affiliate or associate company shall—

“(I) maintain separate books, accounts, memoranda, and other records; and

“(II) prepare separate financial statements;

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

“(II) the public-utility company shall not use its status as a monopoly franchise to confer on its affiliate, or associate company, any unfair competitive advantage;

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

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

“(vi) the affiliate or associate company shall not structure its governance nor shall it acquire any loan, loan guarantee, or other indebtedness in a manner that would permit creditors to have recourse against the tangible or intangible assets of the public-utility company;

“(vii) the public-utility company shall not—

“(I) commingle any tangible or intangible assets or liabilities of the public-utility company with any assets or liabilities of an affiliate, or associate company, of the public-utility company; or

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

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

“(II) the public-utility company shall disclose and fully value, at the market value or other value specified by the Commission, any tangible or intangible assets or services by the public-utility company that, directly or indirectly, are transferred to, or otherwise provided for the benefit of, an affiliate, or associate company of the public-utility company; and

“(ix) electricity and natural gas consumers and investors—

“(I) shall be protected against the financial risks of public-utility company diversification and transactions with and among affiliates and associate companies of public-utility companies; and

“(II) shall not be subject to rates or charges that are not reasonably related to the provision of electricity or natural gas service.

“(3) 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-utility companies that are more stringent than those provided under the regulations issued under paragraph (2).

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

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CRAIG. 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 June 16, 2005, at 10 a.m. to conduct a hearing on "Meeting the Housing and Service Needs of Seniors."

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Science, and Transportation be authorized to meet on Thursday, June 16, 2005, at 10 a.m., on a hearing to Examine Federal Legislative Solutions to Data Breach and Identity Theft.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 16, 2005, at 2:30 p.m. on the nominations of William Jeffrey, to be Director of the National Institute of Standards and Technology, Ashok Kaveeshwar, to be Administrator of the Research and Innovative Technology Administration, Edmund S. Hawley, to be Assistant Secretary of Homeland Security, and Israel Hernandez, to be Assistant Secretary of Commerce and Director General of the U.S. Foreign and Commercial Service.

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

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Thursday, June 16, 2005, at 10:30 a.m., to consider an original bill entitled, "Energy Policy Tax Incentives Act of 2005".

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 16, 2005 at 9:30 a.m. to hold a hearing on Stabilization and Reconstruction.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. CRAIG. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 16, 2005, at 9:30 a.m., in room 485 of the Russell Senate Office Building to conduct an oversight hearing on Indian Education.

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

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 16, 2005, at 9:30 a.m., in Senate Dirksen Office Building room 226. The agenda will be provided when it becomes available today.

Agenda

I. Nominations: Terrence W. Boyle, II, to be U.S. Circuit Judge for the Fourth Circuit; Rachel Brand, to be an Assistant Attorney General for the Office of Legal Policy; Alice S. Fisher, to be an Assistant Attorney General for the Criminal Division.

II. Bills: S. 491, Christopher Kangas Fallen Firefighter Apprentice Act [Specter, Leahy]

III. Matters: Senate Judiciary Committee Rules.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 16, 2005, at 3 p.m., to hold a confirmation hearing.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, June 16, 2005, at 9:30 a.m., for a hearing entitled "Civilian Contractors Who Cheat On Their Taxes And What Should Be Done About It."

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

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. I ask unanimous consent Lydia Olander and Joseph Helble, two fellows from the Office of Senator LIEBERMAN, be granted floor privileges during consideration of this Energy bill.

I also ask that during the pendency of the Energy bill, the following interns from my office be permitted privileges on the floor: Amaris Singer, Jed Drolet, Mike Garcia, Ed Kellum, Katy Sterba, Anna Wadsworth, and Matt Shunkomolah.

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

Mrs. CLINTON. I ask unanimous consent that Melissa Ho, a fellow in my office, be granted the privilege of the floor for the remainder of the debate on the Energy bill.

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Jeff Muhs, a science fellow in my office, be granted the privilege of the floor during the pendency of the energy.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate im-

mediately proceed to executive session to consider the following nominations on today's executive calendar.

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

Mr. FRIST. Calendar 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, and all nominations on the Secretary's desk. I further ask unanimous consent that all of the mentioned nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Jorge A. Plasencia, of Florida, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 2006.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Jay T. Snyder, of New York, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2007. (Reappointment)

OVERSEAS PRIVATE INVESTMENT CORPORATION

Christopher J. Hanley, of Maryland, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2006.

DEPARTMENT OF STATE

Craig Roberts Stapleton, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France.

Eduardo Aguirre, Jr., of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Andorra.

Roger Dwayne Pierce, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Republic of Cape Verde.

Donald E. Booth, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

Molly Hering Bordonaro, of Oregon, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Julie Finley, of the District of Columbia, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador.

Richard J. Griffm, of Virginia, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador during his tenure of service.

Robert Johann Dieter, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

Zalmay Khalilzad, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iraq.

Rodolphe M. Vallee, of Vermont, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Slovak Republic.

Pamela E. Bridgewater, of Virginia, a Career Member of the Senior Foreign Service,