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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SWEENEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC, August 1, 2001.

I hereby appoint the Honorable JOHN E. SWEENEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Gregory S. Cox, Senior Pastor, Warwick Assembly of God Church, Hampton, Virginia, offered the following prayer:

Our Lord and our God, we are thankful for Your gracious favor upon this distinguished House. The wisdom and authority You have entrusted to this legislature have helped forge a Nation unparalleled in human history. Every man and woman elected to serve here is important. Each has a part in continuing our heritage. Grant them Your wisdom today.

We are grateful for their selfless and tireless commitment to public service and for the often unheralded sacrifices they make to improve the lives of the American people. Grant them Your strength today.

Be with those gathered in this great hall. Direct their steps. Guide their discussions and debates. Enable them to construct and enact laws that will serve and protect all of the people of this land, from the onset of life to natural death. Help each one to remember their sacred responsibility as guardians of our inalienable rights—life, liberty and the pursuit of happiness—endowed by Your hand, O God. Grant them boldness today.

Bless all assembled here, as well as their families, with Your merciful care and protection. Grant them understanding today, both to know and obey Your will, as they serve the American people with diligence and distinction.

And finally, O God, grant all of us the courage to stand together, as people of goodwill, not driven by the pursuit of our own selfish interests or clamoring for the satisfaction of our own individual desires, but instead motivated by the dream of working together to build a good and just society where people can serve You in freedom and in peace to the glory of Your great name.

This we ask in the name of God, our Father, and his son, the Lord Jesus Christ, our redeemer, and the Holy Spirit, our powerful advocate and counselor. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. Con. Res. 45. Concurrent resolution expressing the sense of the Congress that the Humane Methods of Slaughter Act of 1958 should be fully enforced so as to prevent needless suffering of animals.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 2647. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2647) ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DURBIN, Mr. JOHNSON, Mr. REED, Mr. BYRD, Mr. BENNETT, Mr. STEVENS, and Mr. COCHRAN, to be the conferees on the part of the Senate.

The message also announced that pursuant to section 2761 of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican Leader, appoints

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the Senator from Mississippi (Mr. COCHRAN) as Vice Chairman of the Senate Delegation to the British-American Interparliamentary Group during the One Hundred Seventh Congress.

The message also announced that in accordance with sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Oregon (Mr. SMITH) as Vice Chairman of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the One Hundred Seventh Congress.

PASTOR GREGORY S. COX

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, it is an honor and privilege to welcome Pastor Greg Cox as our guest chaplain this morning. Pastor Cox is the Senior Pastor of Warwick Assembly of God Church in Hampton, Virginia.

Pastor Cox serves as Presbyter of the Tidewater North Section of the Potomac District of the Assemblies of God, and also serves on the board of directors for Youth Challenge and Mid-Atlantic Teen Challenge.

Both of these organizations are dedicated to liberating teens and young adults from drug and alcohol addiction and other life-controlling problems.

Pastor Cox also holds a seat on the Ministry Cabinet of the National Clergy Council, a consortium of thousands of pastors from across the Nation dedicated to liberty and the sanctity of human life.

In 2001, Pastor Cox directed the National Day of Prayer activities in Hampton, Virginia, and has served his denomination in State and national committees.

Pastor Cox, a devoted husband and father of three, is a man of stellar reputation and high ideals. It is an honor to have such a man of integrity and faith represent my district today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Today the Chair will entertain 10 1-minutes for each side.

RECOGNIZING NATIONAL MINORITY DONOR AWARENESS DAY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today is National Minority Donor Awareness Day. Observed every year on August 1, National Minority Donor Awareness Day is an intensive awareness campaign reaching out to minorities of all ethnic groups.

The awareness campaign seeks to address organ and tissue donation fears and obstacles of specific concerns to minorities.

The campaign also promotes healthy living and disease prevention, and seeks to increase the number of people who sign donor cards and actually become donors.

Also, this day increases awareness of behaviors that may lead to the need for transplantation, such as smoking, alcohol and substance abuse, and poor nutrition.

Several communities will be holding activities in observance of National Minority Donor Day, and I support these efforts wholeheartedly.

Over 77,500 patients are currently waiting for an organ transplant. The more donors we can recruit, the more lives we can save.

REPUBLICAN ENERGY POLICY DOES NOTHING ABOUT PRICES

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, the Republican energy bill on the floor today does nothing about the prices, the obscene prices, that we are still paying for electricity in California and the West.

If we had to pay for a loaf of bread what we are paying for energy today, we would be paying the equivalent of $19.99 for this loaf of bread. At times, we have been paying almost $200.

What does this energy bill do for us on the West Coast? Absolutely nothing. It may give us just a few crumbs, and I will tell this body that 65 percent of my small businesses face bankruptcy because of the high prices. When this bill passes, all of my small businesses will be toast.

NOVA SOUTHEASTERN UNIVERSITY MAKES VALUABLE CONTRIBUTIONS TO COMMUNITIES IT SERVES

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I congratulate Nova Southeastern University for striving to make valuable contributions to the communities that it serves. It has made exciting educational partnerships with three south Florida public schools: Miami-Dade, Broward and Palm Beach Counties.

With the help of influential business and educational leaders, South Florida has strengthened its pledge to community service and renewed its commitment to excellence in education.

On September 20 and 21, Nova will build an awareness and support system for local and educational improvement efforts through an ''Educational Express'' Back to School tour.

I congratulate the public/private partnerships and the following participating schools in my congressional district: Dr. Michael Krop High School; Coral Way Bilingual Elementary; and Miami Edison Middle School.

Because of these partnerships, students in these schools will gain more self-esteem, commit to high academic standards, improve their mastery of reading, writing, math and science, and contribute to their communities.

I ask that my colleagues join me in congratulating Nova Southeastern University and all of its partners who are working to prepare our Nation's future leaders.

PENTAGON WAVED OLD GLORY WRONG WAY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, news reports say the Pentagon is stuck with 600,000 black berets made in China, and the Pentagon is storing these Communist hats in a warehouse in Pennsylvania.

If that is not enough to bust your balloons, the Pentagon is trying to sell these Communist hats to foreign countries; and guess what the Pentagon is hearing from these foreign countries. Why would we buy them? Why would we want our troops to wear hats made in China?

Beam me up. The Pentagon just did not wave the Buy American Act, the Pentagon waved Old Glory the wrong way.

Mr. Speaker, I suggest that these Chinese berets be made into suppositories and be used on Pentagon brass.

CONGRESS NEEDS TO WORK HARD TO IMPLEMENT PRESIDENT'S ENERGY PLAN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, every American relies on energy to live a quality life. We need gasoline to get to work or go to the store, take the kids to baseball practice. We need electricity to power up our computers. We need natural gas to heat our hot water and cook our meals.

None of us can do without it, no matter how conservation-minded and frugal we are. That is why Congress needs to work hard to implement the President's energy plan.

Some in Washington have been calling for price caps which will not solve the problem. You cannot ignore the law of supply and demand. Those of us arguing for price caps are ignoring the law of supply and demand, and would actually lead us to a cut in supply if they had their way.

No, only the President's balanced, reasonable and comprehensive approach will work. It is not a quick fix, but that is because there is not one. All the more reason to get started now.

I urge my colleagues to vote to support the President's plan.

510–PAGE ENERGY REPORT MAKES GOOD FIREPLACE FUEL

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, some skeptics say that this extraordinary piece of work, the so-called Securing America's Future Energy Act of 2001, all 510 pages, looks more to the past than to the future. Those skeptics say that the emphasis on dig, drill, burn everywhere and anywhere, including the ANWR, is not forward-looking; that the $44 billion in subsidies, including billions to the cash-rich oil and gas industry, which is already gouging American consumers and cannot spend the money fast enough, is not a good idea.

They think the new push for nuclear power, despite the fact that we have not resolved what to do with the waste we have already created, is a folly. They ignore the tissue of conservation and renewables that has been drawn over this for face-saving on the part of the Republicans.

In fact, they miss the real value of this report. We are going to mail one to every American, all 510 pages, and everybody who has a wood stove or a fireplace will be able to stay warm for a few minutes next winter.

SUPPORT AMERICAN PEOPLE'S RIGHT TO DRIVE SAFER CARS

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, today the House will consider an amendment to the energy bill that will raise CAFE standards. Let us be clear, this amendment will be doing nothing more than punishing the auto industry for the sin of making cars that people want to buy.

If this amendment becomes law, Americans will be forced to drive smaller cars that are less safe than what we drive now, and we will see more traffic fatalities. But do not take my word for it. The recent report by the National Academy of Sciences confirms that the downsizing of vehicles in order to comply with current CAFE standards costs American lives. There is a clear correlation between size and risk.

Mr. Speaker, are we ready to sacrifice safety to reduce consumption? I hope not. I urge my colleagues to oppose any increase in CAFE standards beyond what is already in the bill, and support the American people's right to drive safe cars.

□ 1015

ENERGY POLICY

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute.)

Ms. SANCHEZ. Mr. Speaker, I rise today to talk about the type of energy policy that our great Nation should embrace, not the one that the President has put forward.

We should support plans that recognize the need for new energy production and generation, but will at the same time save consumers money, continue the important work to cut pollutants that affect the health of every American, create real jobs and will reduce our percentage of imported foreign oil.

We should support flexible tax credits and incentives for high-efficiency vehicles, the purchase of energy-efficient homes, home and business improvements that reduce our energy costs, critical improvements to our energy infrastructure and energy produced from renewable resources.

I support an energy plan that will combine improvements to our existing energy processes, the development of new and renewable energy resources and energy conservation which truly does make a difference. In California alone we have seen already a 17 percent decrease in consumption by our retail consumers.

I believe, like most Americans, that a well-balanced energy plan is what we need as a country as we enter the dawn of the 21st century.

EXPLORING THE ARCTIC NATIONAL WILDLIFE REFUGE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise today to make the American people aware of truth about exploring the Arctic National Wildlife Refuge. There is a great misconception perpetuated by the opponents of the President's energy plan, that exploring in ANWR will have an extensive detrimental effect on the wildlife in Alaska. Nothing could be further from the truth.

The proposed area is here in this map. Can anybody find the red dot? This is Alaska. This is the State of Texas. This is the State of South Carolina. That little red dot in there is ANWR.

The land in question is 3.13 square miles. Now, that is a tiny area. It is so small that we can hardly even see it here in the House on this graph. What is more, this 3 square miles is not the ecological wonderland that the opposition has made it out to be. It is a frozen desert with few signs of life.

Mr. Speaker, it is time that the American people cast aside the fabrication of environmental radicalism and explore ANWR's energy resources.

IN SUPPORT OF THE DEMOCRATIC ENERGY PLAN

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the Republican leadership energy bill is nothing more than a grab bag of goodies for the big special interests in the energy industry.

For the first time, it would allow drilling for oil in the pristine Arctic National Wildlife Refuge, while providing numerous kickbacks for the oil and gas industry, up to $34 billion in tax credits and royalties to the industry.

The Bush administration and the House leadership will argue that the revised energy plan is balanced, that it includes conservation measures, but the devil is in the details. Their plan provides a fig leaf towards conservation measures and investments in research and development of renewables. It provides billions in tax provisions without any way to pay for them. Instead of finding the offsets, their plan irresponsibly crosses the threshold into the Medicare trust funds.

In stark contrast is the Democratic plan. It is a balanced approach, talking about both supply and demand. It invests in renewable sources of energy, utilizes new technology, bolsters production without harming the environment and provides pro-consumer, fiscally responsible tax incentives for the use of energy-efficient vehicles and appliances. This is the kind of long-term policy we need.

EXPANDING TRADE PROMOTION AUTHORITY

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, Ralph Waldo Emerson wrote, ''We rail at trade, but the historian of the world will see that it was the principle of liberty; that it settled America, and destroyed feudalism, and made peace and keeps peace.'' I could not agree more.

Trade is not just about exports and imports. It is not solely about opening new markets to American technology and services. Instead, trade is about harnessing the growth and innovation of the American marketplace to improve the quality of life both domestically and internationally.

Trade promotion authority in turn further enables the exchange of services, goods and services, ideas and information. TPA requires a collaborative partnership between the President and the Congress allowing Congress to share concerns, priorities and goals before and throughout negotiations. The House is allowed to express its interest in issues whether they relate to environment or labor that otherwise might not be considered during the negotiation process at all.

The United States must lead by example. On trade, however, we are far behind. Of the more than 130 trade agreements worldwide, the United States is party to only two. TPA will enable the President and the Congress to reverse this trend and ensure that our exports reach the outside world along with our outlook and ideals.

ENERGY BILL BONANZA FOR BIG OIL

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, the energy bill is a bonanza for big oil. It lets them drill in environmentally sensitive lands, gives them $30 billion in tax cuts and another $7 billion of rollbacks and royalties.

Listen to this. They tell us government should act like private business. Would a private businessperson let an oil company drill on his land without getting a royalty? That is what this bill does. It is a bonanza for big oil.

But let us say we like giving the oil companies $37 billion. Should we not at least pay for it? The Committee on Rules has prohibited any amendments to make this bill pay for itself. As a result, all the bonanza for the oil companies comes right out of the Medicare trust fund. Wake up. We have a new economic situation, a new President and there is no surplus except the Medicare surplus.

Finally, the Committee on Rules has decided not even to allow California and the Western states a chance on this floor to ask to change our clocks and use daylight saving time in more creative ways. There is nothing in the bill for conservation and everything for the oil companies.

AMERICA'S NEED FOR A COMPREHENSIVE ENERGY PLAN

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, to this date, America has not had a comprehensive energy policy. The results were expressed last year when President Clinton's Energy Secretary Bill Richardson admitted, ''It is obvious that the Federal Government was not prepared. We were caught napping. We got complacent.''

Mr. Speaker, we all agree that these problems do not happen overnight and they cannot be solved overnight, but with Americans now facing rising utility bills, high gasoline prices and rolling blackouts and brownouts, I believe Congress must act to pass President Bush's far-reaching plan which is balanced and responsive in addressing America's energy needs.

The President's plans offers 105 specific recommendations to address America's current energy shortage and provides reliable and affordable supply for the future. It starts with conversation and includes friendly changes to increase our domestic supply, improve delivery, reform outdated regulations and encourage energy diversity.

It is unnecessary that nearly 60 percent of America's oil is imported. It is unbelievable that large portions of our oil and gas are in hands of Mommar Quadaffi and Saddam Hussein. It is outrageous that Members of this House choose to put politics before the people.

Mr. Speaker, I strongly urge my colleagues to adopt the President's energy plan.

ENERGY SECURITY ACT INCREASES ENERGY PRODUCTION

(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANCREDO. Mr. Speaker, the Energy Security Act helps America address its energy problems by increasing our energy production on existing Federal sites. It helps us get more oil from our existing oil wells, more natural gas from our existing natural gas wells, more hydropower from our existing Federal dams.

It looks for ways to produce more energy from wind, sun and geothermal heat, all from Federal lands. It also allows careful, gentle oil development of 2,000 acres in the Arctic by using the latest technology and adherence to the strictest environmental laws.

The Energy Security Act does what we need to increase our production of energy, and together with bills from other committees, will form a comprehensive package that emphasizes vigorous conservation, more research, more reliance on clean and renewable energies, and the wise increase of energy production. As for California, its problems will not be solved until it changes its attitude with regard to energy production and changes its political leaders.

SUPPORTING A BALANCED AND COMPREHENSIVE ENERGY BILL

(Mrs. WILSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WILSON. Mr. Speaker, today is an important day in the House. We are going to bring forward an energy bill, the first comprehensive energy bill we have had in this country for almost 20 years.

It is a long-term, balanced approach to energy policy that includes increases in both production and conservation. But I have to give credit to both sides of the aisle here because this House decided to start with conservation.

The bill includes a measure that will save 5 billion gallons of gasoline from SUV and light truck production over the next 6 years. That is the equivalent of parking the 1999 production of SUVs for 2 years and not even driving them.

It includes standards for televisions and appliances and energy efficiency, accelerating the clean coal program and tax credits for solar homes. Those tax credits in that bill do not go to big oil. They go to people like me and others like me who live in solar heated homes in the Southwest.

This is a balanced, comprehensive approach that includes input from many rank-and-file Members of this House, and I commend the leadership and the bipartisan majority that will pass it today.

EPA ASSAULT ON HUDSON RIVER COMMUNITIES

(Mr. SWEENEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWEENEY. Mr. Speaker, I rise today on one of the infamous days for the citizens of New York's 22nd congressional district, a district that I represent.

That is because yesterday, regrettably, the EPA Administrator leaked to the press her decision to dredge over 40 miles, 2.6 million cubic yards, 100,000 dump-truck loads of sludge from the bottom of the Hudson River.

□ 1030

This is after much debate and much study but, more importantly, after weeks of negotiation where we sought to bring the parties together so that we could find an amicable and immediate solution.

This decision will wreak havoc on the citizens of the 22nd Congressional District. I would ask my colleagues to imagine, imagine finding out that your life has been turned upside down through a press leak; imagine knowing that this could lead to the seizure of your home, of your property, a change of your quality of life; imagine for 20 years, fighting on an issue in which almost every public-appointed and elected official has abandoned you, and then having this occur to you.

Mr. Speaker, shame on the EPA, shame on the administrator. I vow to continue this fight on behalf of the citizens of the 22nd Congressional District.

PROVIDING FOR CONSIDERATION OF H.R. 4, SECURING AMERICA'S FUTURE ENERGY ACT OF 2001

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 216 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 216

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the

House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 90 minutes, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and 20 minutes equally divided and controlled by the chairman and ranking minority member of each of the following Committees: Science, Ways and Means, and Resources. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. No further amendment to the bill shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon receipt of a message from the Senate transmitting H.R. 4 with Senate amendments thereto, it shall be in order to consider in the House a motion offered by the chairman of the Committee on Energy and Commerce or his designee that the House disagree to the Senate amendments and request or agree to a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, House Resolution 216 is a structured rule providing for the consideration of H.R. 4, the Securing America's Future Energy Act of 2001. The rule provides 90 minutes of general debate, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chairman and ranking minority members of each of the following committees: the Committee on Science, the Committee on Ways and Means, and the Committee on Resources.

The rule waives all points of order against consideration of the bill. It also provides that the amendment printed in part A of the Committee on Rules report accompanying the rule shall be considered as adopted and makes in order only those amendments printed in part B of the Committee on Rules report accompanying the resolution.

The rule further provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a member designated in the report, and shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Finally, the rule waives all points of order against the amendments printed in the report, provides one motion to recommit with or without instructions, and provides authorization for a motion in the House to go to conference with the Senate on the bill H.R. 4.

Mr. Speaker, this morning we have an opportunity to advance the important work of securing America's energy future. Earlier this year when the administration's comprehensive energy plan was unveiled, President George W. Bush said, and I quote, ''America must have an energy policy that plans for the future, but meets the needs of today, and one that develops our natural resources and protects our environment at the same time,'' end quote.

Thanks to extraordinary hard work by the members of four different committees, we have before the House today legislation that accomplishes both of these critically important goals. At a time when America's dependence on foreign resources of oil is at an all-time high and when domestic sources of energy are increasingly off limits, it is important, more important than ever, for this House to face the challenge of reversing these trends in ways that respect the public's understandable desire to protect our country's abundant natural resources. This bill does that.

In addition to increasing our supplies of energy, we must continue to make even greater strides in the area of energy conservation, and H.R. 4 does that also. Greater support for energy-saving technology, as well as tax incentives and other measures aimed at encouraging energy conservation, are among the centerpiece provisions of this bill.

I am particularly pleased that H.R. 4 includes support for the development of proliferation-resistant fuel for the next generation of nuclear reactors. Nuclear energy is a clean energy source that can provide substantial new electrical generation capacity without adversely affecting our air quality. And like hydropower and many other renewables, nuclear energy adds no additional greenhouse gases to the atmosphere.

Specifically, H.R. 4 authorizes R&D to develop a new type of fuel that may be recycled in order to reduce waste and radioactive life of spent nuclear fuel, while ensuring that this new fuel will be proliferation resistant. I believe it is imperative that the administration move ahead aggressively on this new initiative and that it seek to identify as soon as possible an appropriate facility such as, for example, Fast Flux Test Facility at the DOE's Hanford site, that could be used to test and evaluate potential new recyclable fuels.

By including a promising new program to address one of the most substantial objections to additional nuclear power, the authors of this legislation should be commended for taking an important step toward the goal of securing America's energy future.

Mr. Speaker, this is a large and complex piece of legislation reported by four different committees. In seeking to craft a fair rule for its consideration, the Committee on Rules considered a very large number of amendments proposed by Members of the House. My Committee on Rules colleagues and I are pleased to report that we were able to make in order 28 amendments to various sections of the bill. We are particularly pleased to have been able to accommodate almost all of the requests made of the committee by the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader.

In fact, on July 20, the minority leader and the ranking minority member of the Committee on Rules, the gentleman from Texas (Mr. FROST), wrote to the Speaker requesting that when H.R. 4 was brought to the floor, that the Committee on Rules make in order seven specific amendments as well as a Democrat substitute to the bill. I am pleased to report that today, the rule before us makes in order fully five of those seven amendments requested by the minority leader and makes in order no Democrat substitute, simply because none was ever submitted to the Committee on Rules.

Clearly, Mr. Speaker, this is a fair and balanced rule which will provide Members ample opportunity to consider a wide range of proposed changes to the bill. At the same time, it is a rule that ensures that the House can complete action on this important legislation in a timely manner in order to give the American people the balanced energy policy they need and they deserve.

So accordingly, Mr. Speaker, I urge my colleagues to support both House Resolution 216 and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

There are 51 billion reasons to be against this rule. That is how much the Treasury has announced it is borrowing to finance the tax rebate passed by Congress and signed into law by the President. The President and this Congress are now party to borrowing from Peter to pay Paul because we just cannot afford to pay for those $300 and $600 checks that are now in the mail out of the money we have in the bank.

In fact, there are an additional 33 billion reasons to defeat this rule. That is because this rule makes in order $33 billion in energy tax cuts that are not paid for. The Republican majority has, by recommending this rule, begun a head-long rush into a raid on the Medicare Trust Fund. The Republican leadership simply refuses to pay for their policies up front and in cash. Instead, the Republican majority wants to put everything on the national credit card. Mr. Speaker, this is a world turned upside down, because it seems the Republican Party has now become addicted to deficit spending, and it is Democrats who are now the party of fiscal responsibility.

Case in point. Two of the leading conservative Democrats in the House, the gentleman from Texas (Mr. STENHOLM) and the gentleman from Texas (Mr. SANDLIN), joined with the gentleman from Massachusetts (Mr. MARKEY) to ask the Committee on Rules to make in order an amendment to this bill which would pay for those $33 billion in tax cuts. Liberals and conservatives alike understand that if we are to have meaningful energy tax policy, we have to pay for it. We believe the benefits will far outweigh the costs.

So, the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Texas (Mr. SANDLIN), and the gentleman from Texas (Mr. STENHOLM) proposed that the recently passed tax cuts which we are already having trouble paying for, be adjusted to allow for those energy tax incentives to fit into a fiscally responsible framework. They also reformatted the tax incentives to divide them equally between production incentives and conservation initiatives that will benefit consumers rather than tilting the entire tax package towards production and special interest provisions.

But early this morning, again, under the cover of darkness at about 12:30 a.m., the Committee on Rules met and reported a rule that denied the House the right to decide if we should act responsibly when it comes to energy tax policy. At about 1 o'clock this morning, the Committee on Rules reported a rule that specifically denied the Markey-Sandlin-Stenholm amendment the right to be considered on the floor. Thus, the Republican majority on the Committee on Rules and the Republican leadership in the House have chosen to raid the Medicare Trust Fund instead of acting in a fiscally responsible and prudent manner that would allow these tax breaks to be paid for.

Mr. Speaker, the administration of George W. Bush, ably assisted by the Republican majority in this House, is making the exact same mistakes as those made by the first Bush administration. The current Bush administration, just like the last one, is hopelessly addicted to deficit spending.

Mr. Speaker, there are a number of conscientious conservatives on the Republican side of the aisle who do not like deficit spending any more than the gentleman from Texas (Mr. STENHOLM) and the gentleman from Texas (Mr. SANDLIN) and a host of other Democratic Members. Let us hope that today the real fiscal conservatives on the Republican side of this Chamber will stand up to their credit card-wielding leadership and vote to reject this rule.

Mr. Speaker, I reserve the balance of my time.

□ 1045

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5½ minutes to the distinguished gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce.

(Mr. TAUZIN asked and was given permission to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me rise in support of the rule and acknowledge that the Committee on Rules had an awesome task, with as many as 140 requests for amendments on this very comprehensive energy package; and I will acknowledge that the Committee on Rules has literally made in order the most important debates that occurred in the Committee on Energy and Commerce, and which obviously still concern many Members in terms of how this bill will eventually be resolved.

For example, the bill makes in order the contentious debate over CAFE standards. The base bill which we produced contains a remarkable compromise moving forward CAFE standards on SUVs and minivans, but others want to go a lot further. But that amendment will be in order, and we will debate it on the floor.

We will have a very good debate over the question of oxygenates and whether or not oxygenate standards ought to be waived for California. That was a great debate in the committee. It was settled against that amendment, but we will have that debate again on the floor.

There was another contentious debate over price caps, and the gentleman from California (Mr. WAXMAN) will have an opportunity to renew that debate on the floor.

We will have a debate on ANWR, which was voted on in the Committee on Resources by a very large vote in support of that proposition, but we will again debate that proposition on the floor.

The Committee on Rules has made most of the really contentious issues in order for debate here today. In addition, many of the amendments that were suggested have been incorporated in the manager's amendment, which I will offer, if this rule is adopted, as the first item of business.

We have also, in the rule, set the stage for debate on what is the first comprehensive energy package produced by four of our major committees since the Jimmy Carter years, an energy package that deals with all the elements of our energy equation and literally responds to the extraordinary and building crisis in energy in our country that was exhibited last winter when natural gas fuel bills in the Midwest went up 73 percent. They went up 27 percent in the Northeast when gasoline prices shot up 40 cents, 50 cents, in some places 70 cents a gallon this summer, the beginning, if you will, elements of a crisis building in this country's imbalance between supply and demand.

This comprehensive package, with its permanent solutions and short-term solutions, is going to be a major step forward in our time for making sure America's energy future is safe and stabilized for the good of our citizens. Affordable, reliable, dependable energy for the future is what it is all about.

One of the contentious issues in this bill has to do with the nuclear energy issue. There are outstanding issues we have not yet dealt with, such as electric restructuring, which will come in a separate package.

But in the nuclear area, there is something on the nuclear waste trust fund. In the bill, we attempted to take that trust fund off-budget. It will not be off-budget. We will not accomplish that in this rule and in this bill because of a self-executed amendment that has been adopted to the rule by my friend, the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Nevada.

Mr. GIBBONS. Mr. Speaker, I want to thank the chairman of the Committee on Energy and Commerce for yielding to me.

Section 301 of the bill attempts to take that nuclear waste fund off-budget. I want to express my strong support for the rule and the provision which strikes section 301 of H.R. 4.

As the chairman has stated, the Nation has been demanding a national energy policy, and has been for some time. This bill now provides the leadership for that energy policy. We know the previous administration did not have the political will to take on this issue, leaving the current administration with no choice but to act.

President Bush and Vice President CHENEY, as well as this Congress, deserve great praise for doing what is necessary to meet today's and tomorrow's energy needs. This administration has engaged the American public

in this important issue, and I am proud today that the House will finally debate America's energy needs.

Section 301 presents a misguided effort to take the nuclear waste fund off-budget, and I must warn the Members that such action would be irrational and fiscally irresponsible. Taking the nuclear waste fund off-budget will undoubtedly diminish Congress's strong oversight responsibilities over Federal spending.

Further, by taking the nuclear waste fund off-budget, we place the overall budget of this Nation at risk.

If section 301 were allowed to stay, it would allow the Department of Energy to construct and facilitate a permanent high-level nuclear waste dump at Yucca Mountain without the strict oversight that Congress has demanded and that good oversight deserves.

This debate concerning the safe, permanent storage of high-level nuclear waste is as controversial an issue as any other facing this Nation. Removing the nuclear waste fund from the strictest, most ardent congressional oversight would only escalate the controversy surrounding this issue.

Therefore, I strongly support this rule that will take this poison pill out of H.R. 4. By striking 301 from this otherwise good piece of legislation, we will maintain congressional oversight and fiscal responsibility for the taxpayers and the ratepayers of this Nation.

I want to thank again the gentleman from Louisiana (Chairman TAUZIN) for his leadership on this issue, and I want to thank the Committee on Rules for allowing this self-executing portion to take place.

Mr. TAUZIN. Mr. Speaker, I yield to the gentleman from Texas, (Mr. BARTON), chairman of the Subcommittee on Energy and Air Quality.

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from Louisiana for yielding to me.

I am going to support the rule, but I am very opposed to the self-executing portion of the rule that takes the nuclear waste fund and puts it back on-budget.

We passed the nuclear waste fund to take it off-budget, both in the last Congress and again in this Congress in the subcommittee and in the full committee. That fund has $10 billion in it at the current time, and it is adding about $800 million per year. Because of a budget amendment enacted several years ago, only $400 million is available for the fund to be dispersed.

We need access to every penny of the $10 billion if we are going to build and operate a nuclear waste repository in the near future. I am disappointed the rule eliminates the provision that would take the waste fund off-budget. I hope later in this Congress we can put it back on budget.

Mr. TAUZIN. I thank my friend. I want to assure the gentleman that I agree that we need to address this issue very quickly in the Committee on Energy and Commerce in the fall, and I will be assisting him in every way possible to get this off-budget, because we need an energy future dependent upon nuclear energy in the future. I will work with him to accomplish that goal.

Mr. BARTON of Texas. We are going to address this issue again in the very near future.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Texas for yielding time to me.

Mr. Speaker, I rise in opposition to this rule. In my opinion, it represents a gag order on this body's ability to consider H.R. 4 by severely limiting the ability of Members to offer amendments.

For instance, I submitted an amendment, along with the gentleman from Wisconsin (Mr. PETRI), to strike the OCS leasing royalty relief provisions from this bill: up to $7 billion in giveaways at the American taxpayers' expense to oil companies, who do not need any relief whatsoever.

I guess one reason the majority leadership waited until August 1 to bring this bill up was so they could not be accused of giving Christmas to the oil companies in July.

But anyway, this rule does not make that amendment in order. It says that the interests of the American taxpayer in this legislation are not germane and are out of order.

I submitted an amendment to strike the Federal coal leasing giveaway provisions of this bill, provisions not considered by any committee, provisions that would give rise to rank speculation in Federal coal leasing, provisions that would harm consumers and cost coal miners their jobs. This rule does not make that amendment in order. It says that the interests of consumers and coal miners in this bill are nongermane and out of order.

I submitted an amendment to substitute the Committee on Resources provision in H.R. 4 with a more balanced approach. This amendment incorporated concepts of energy development, empowerment and endowment. Yes, we do have an alternative on our side of the aisle. It would have produced real BTUs for the countries while protecting our environment, reclaiming abandoned mines, and providing Native Americans with the tools they need to achieve energy self-sufficiency.

This rule does not make that amendment in order. It says that the interests of Native Americans are nongermane and out of order, and the interests of coal field communities are nongermane and out of order, according to this rule.

The concept of a balanced energy policy is nongermane and out of order, also, according to this rule. I joined our colleagues, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Tennessee (Mr. CLEMENT) in submitting an amendment to strike from this bill a provision that has absolutely nothing to do with energy security. It would simply give the railroads a tax break. Rail labor is strongly opposed to this provision. This rule does not make that amendment in order.

I ask for unanimous opposition to the rule. Fortunately, we do have another body that will consider this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Utah (Mr. HANSEN), the distinguished chairman of the Committee on Resources.

Mr. HANSEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this is really a good rule. This allows for the debate over several issues that are crucial to a successful, long-term and comprehensive energy policy. It gives everyone a fair shot at their amendment and an up-or-down vote on most of these issues.

The Committee on Rules has done a great job to ensure that these important issues are explored in a comprehensive and fair manner. I am very pleased that the committee has taken to heart the suggestion made by the House Democratic leader that was made to the Speaker and the head of the Democratic Caucus. The Democratic leadership asked in a letter for a structured rule that gives the minority an opportunity to have separate votes on several items important to them.

One of these issues is within the jurisdiction of the Committee on Resources, that being oil and gas leasing on the Alaska National Wildlife Refuge. An amendment by the gentleman from Massachusetts (Mr. MARKEY) and the gentlewoman from Connecticut (Mrs. JOHNSON) on this high-profile and very emotional issue has been ruled in order by the committee. I am comfortable with that. It will be a close vote, but I hope the Members will vote responsibly and defeat that amendment.

The rule allows us the opportunity to honestly debate the issue of developing a long-term domestic energy source in an environmentally fair and safe way. The Committee on Rules has crafted a rule that allows us to consider this critical legislation initiative while avoiding nitpicking and amendments designed merely to delay the President's and the Republican leadership's response to the national energy problem.

For the most part, the SAFE Act has been vetted through the committee process. The Committee on Resources spent countless hours and numerous hearings addressing the various provisions in our section of the bill.

The issue of wisely tapping the vast resources of our Federal lands has been discussed for many years. These are not new issues. We have debated long enough. It is time for action. Let us have a civil and a spirited debate. I urge the adoption of the rule.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL).

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, I rise in opposition to the rule this morning because the Committee on Rules did not see fit to allow the Democratic minority to pay for this bill.

What do we mean by that? We mean that the cost of this bill is $33 billion over the next 10-year period. Under normal circumstances, if we did not have the dramatic tax cut that the people did not call for but the Republicans did, this would not have been a problem.

But I can tell the Members that when we had a similar situation in trying to get the money to pay for the charitable contribution bill, the chairman of the Committee on the Budget, the gentleman from Iowa (Mr. NUSSLE), was kind enough to provide the committee with a letter of comfort saying that in the budget there was $500 billion that was there as a contingency fund, some politicians call it, a slush fund, but the proper name is a contingency fund.

That meant that, in cases of emergency, one could go to the contingency fund to get the money, and the first to get there is the first that gets the money. It is almost like having a bank account, where you make a $500 billion deposit, but then you start writing checks on that account. I am telling the Members what we are talking about is a budgetary train wreck that the Republicans are driving us to, and each and every week we will be getting closer to that disaster.

□ 1100

I wish we could see some of the good old days, when Republicans got in the well and said how much they hated Social Security, said how much they hated Medicare, said how much they hated the Federal Government getting involved in education. But they do not do it that way anymore. They are more sophisticated. They say there is no real money at all in the Social Security Trust Fund and that we may have to move into the Medicare Trust Fund. In other words, the way they kill legislation is no longer by voting against it, it is by saying we do not have the money for it, unless of course they have the political courage to increase taxes to pay for it, and we know that is not going to happen in the next 4 years.

So what I am suggesting is this: if my colleagues will not let us actually pay for it, let us see how many checks they intend to write on this $500 billion deposit that they have made in the Federal account, the $300 billion for Medicare prescription drugs and the $134 billion promised to the Secretary of Defense. In other words, to get after Social Security and Medicare they do not even mind holding it hostage on national defense. The $200 billion to $300 billion defense modernization is no longer a priority. The list goes on and on and I have not even started.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. MCCRERY).

Mr. MCCRERY. Mr. Speaker, we Republicans certainly welcome the ranking member of the Committee on Ways and Means and his colleagues to the cause of fiscal discipline. We did not see such rhetoric when we were spending the Social Security surplus when they were in control of the Congress. But now that we want to cut taxes for the American people, now that we want to have a sound energy policy, they are concerned.

We welcome their concern and, in fact, we share their goal. But the fact is that at this point the Congress has not spent or cut taxes to the extent that we encroach upon the surpluses provided by the Social Security Trust Fund or the Medicare Trust Fund. We do not know what the picture will look like at the end of the year.

The responsible thing for this House to do today is to pass this energy bill, which provides this country a sound energy policy for the future, and then as we get toward the end of the year, we see what the fiscal picture looks like, we can put it all together. But do not hold up this bill in the cause of fiscal discipline. Today, let us pass this bill and this rule.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time.

The Republican majority calls this bill the SAFE Act, the Securing America's Future Energy, SAFE, Act. What it does, though, it allows drilling in the Arctic wilderness; it does not really do anything on fuel economy standards in automobiles, which is where we put two-thirds of all oil, into gasoline tanks, and the tax credits are for the biggest oil companies.

Right now this bill should be called UNSAFE, Unkind to nature, Sacrificing the Arctic, Freebies for Energy. UNSAFE.

Now, how was this bill put together? Well, it was put together in four committees, largely along party-line votes. The bill contains many provisions that were added to the bill after the committees finished with it, with no notice or consultation with the minority, with the Democrats, and it strips or guts other provisions of the bill that Members on this side of the aisle had succeeded in adding during the committee markups that would have been fairer to the environment and to consumers and to taxpayers. All that Members on this side of the aisle are looking for is a fair opportunity to put through to the American people a set of alternatives that all Members of Congress would have the opportunity to have voted upon. This rule does not make that possible.

I will provide a highlight of this bill. The gentleman from Texas (Mr. STENHOLM), the gentleman from Texas (Mr. SANDLIN), the leaders of the Blue Dogs, put together an amendment, with me and other Members on our side, that took the $34 billion that the Republicans are going to hand over to the largest energy companies in America, taking that money for that out of the Medicare Trust Fund from our senior citizens and create an alternative, and we would spend the same $34 billion but we would put more of it into renewables, more of it into conservation, more of it into energy efficiency, and fund significant tax breaks for the smaller oil and gas companies across this country. And we would pay for it by increasing by a very small amount, or not increasing, actually, just not allowing to finally go through this huge tax break for the upper 1 percentile in America. And we would not even take back the whole thing, just enough to pay for this tax break for the oil and gas industry that is built into this bill.

They will not even allow us to make that amendment. This is a centrist amendment, a balanced amendment; but it is a gag rule that does not allow us even to debate it. Now, that is wrong.

And the reason they will not allow that amendment to be put in place is they know it would win, because the American people do not want to raid the Medicare Trust Fund and the Social Security Trust Fund to give tax breaks for the wealthiest energy companies in our country. Vote ''no'' on this rule. It is unbalanced, it is unfair, it is bad for the environment, it is bad for consumers, it is bad for taxpayers, and it is bad for our country.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means.

(Mr. THOMAS asked and was given permission to revise and extend his remarks.)

Mr. THOMAS. Mr. Speaker, I really had not planned on speaking on the rule, but when we have finally reached the point of every Democratic Member coming in the well and simply misrepresenting what this bill is in such a gross way, I do think we need to put a little balance into it.

The single biggest portion of the tax area is in reliability. The second largest is conservation. There are a number of renewable requirements for solar and for biomass. There are a number of provisions for individuals to get tax credits on their major appliances, on their homes, major tax credits for fuel cell cars, up to $40,000.

The gentleman from Massachusetts is probably not wanting to listen to this because he said $34 billion went to major oil companies. The fact of the matter is that is not true. Half of it does not go, a quarter of it does not go, 10 percent of it does not go. But it does not make nearly as good a pitch as saying this tax credit goes to big oil and it comes out of Medicare. That is not true, but the truth is not a good story.

The truth is that on a bipartisan basis we are going to conserve, we are going to make our energy source more reliable, and we are going to produce a little bit more. That is a really good mix.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise to oppose the rule.

Today the House takes up legislation that will affect our country's energy policy for years to come. A critical component of the plan is the Low-Income Home Energy Assistance Program, a program which has provided essential heating and cooling assistance to our most vulnerable populations for a quarter of a century; yet this bill attempts to dismantle the Low-Income Energy Assistance Program. It requires the program to do a study to determine whether or not its recipients are conserving energy and engaging in energy-efficiency investments.

They make a false claim here. It also ignores the fact that nearly 80 percent of the LIHEAP recipients who receive heating assistance earn less than the poverty level. I might tell my colleagues that this is from an administration that does not give a hoot about conservation.

I offered an amendment to strike this language. It was not allowed. As a matter of fact, the Democratic alternative was not allowed.

This bill provides billions of dollars in tax credits and royalties to the oil and gas industry, and yet what it would do would be to begin to dismantle the Low-Income Energy Assistance Program. It is wrong. Oppose this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. BOEHLERT), chairman of the Committee on Science.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I rise in support of this rule, which will allow a fair and open debate on many of the key elements of the bill.

I want to thank the gentleman from California (Mr. DREIER) and his staff for working so closely with all of us who contributed to this bill to ensure that the rule would allow for a manageable, yet thorough, debate. I might add that is a tribute to the leadership of the Speaker.

I want to draw attention at this point to two key amendments that have been made in order, the Boehlert-Markey amendment on CAFE standards and the Markey-Johnson amendment on the Arctic National Wildlife Refuge, or ANWR. I think everyone agrees that these will be the two most critical votes today; and this rule, sensibly, allows 40 minutes of debate on each of them, on top of over 2 hours of general debate and an additional 40 minutes of debate on related Arctic amendments. So these issues will be adequately heard.

That is essential, because these two amendments, raising CAFE standards and continuing the ban on drilling in ANWR, these two amendments must pass if H.R. 4 is to be a truly balanced bill. As of now, H.R. 4 is skewed far too heavily toward production, much more so than was in the President's original plan.

The bill includes new subsidies and regulatory relief for the oil, gas, and coal industries without requiring any commensurate improvement on environmental performance. No one doubts that we need to increase our energy supply, but these subsidies go beyond what is necessary to do.

Still, I could support these provisions of H.R. 4 if they were part of an overall plan that was balanced, that ensured that we were doing all that we could to conserve energy and protect the environment. That is the approach we took in the Committee on Science when we unanimously passed the provisions that now make up division B of the bill, a section of the bill that gives great emphasis to conservation and renewable energy while continuing support for research on oil and gas and coal and nuclear energy. For the rest of the bill to reflect that kind of balance, we must raise CAFE standards and prevent drilling in ANWR.

We will get into the details of these later in the day, but let me just point out that transportation accounts for two-thirds of our Nation's oil consumption; yet despite our technological expertise, despite the fact that American industry is far more energy efficient than it was 20 years ago, despite studies showing that we can significantly improve fuel economy, the fuel economy of our Nation's passenger vehicles has dropped over the past generation.

We simply should not, as human beings, be trampling on some of the last pristine places on earth, making irreversible changes to our planet's landscape, when we refuse to take the simplest, most feasible, most responsible steps to reduce our use of fossil fuels, steps that could reduce our dependence on foreign oil and improve the environment without cramping our life-style one little bit.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, it is with a great deal of disappointment that I come to the floor today opposing the rule and opposing a fiscally irresponsible bill. I did not want to be here.

I have been very supportive of the work my good friend, the gentleman from Texas (Mr. BARTON), has done in the areas of energy. But I have been here for 22 years, and I remember when this body used to act like a legislative body. I remember the last time we debated a national energy policy it took weeks, not one day. I remember when we used to allow those who had a difference of opinion an opportunity to come to the floor on their issues and to vote on those issues and let the will of the House, not the will of the leadership, make the determination.

We continue day after day after day to have rules coming out of the Committee on Rules that do not allow those who have a different opinion to bring their ideas to the floor of the House. We had a Democratic alternative. It was put together by the Blue Dogs, and it was then run through our caucus, in which we got not unanimous opinion but we got enough agreement that we wanted to bring it to the floor and perfect the work of the majority; but more significantly, we wanted to pay for it.

To my colleagues in this House on both sides of the aisle who vote for this rule and for this bill, they will be voting to take additional money out of Social Security, which we have said time and time again we are not going to do. Now, my colleague is shaking his head back there now saying that is not true; wait until September when the new estimates are in; wait until we get the letter from the gentleman from Iowa (Mr. NUSSLE) saying we are going to have to cut spending, we are going to have to defense more than we are already cutting defense.

□ 1115

There is not enough money left in the budget to take care of the needed defense.

Mr. MCCRERY. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Louisiana.

Mr. MCCRERY. The gentleman does not mean to imply that we are spending Social Security money?

Mr. STENHOLM. I certainly do.

Mr. MCCRERY. The gentleman knows that we are not. The gentleman, I think, means that we are spending some of the surplus attributable to the Social Security payroll tax, and we are not even doing that.

Mr. STENHOLM. Reclaiming my time because the gentleman has misspoken what I intend to say.

Look me straight in the eye: I believe we are doing that.

Mr. Speaker, what we should have done in this body, we should have started with the reform of the Social Security system first before we had a $1.350 trillion tax cut which is expanded to $2 trillion. The gentleman sits on the Committee on Ways and Means. He knows that we are going to have to face some tough choices.

We are not doing that when we continue to tell the people we are going to eat dessert before we eat spinach. There is much in the bill that I support, but the leadership of this House is misleading the American people when they say we can pass this energy bill

today and have additional tax cuts that do not come out of the Social Security and Medicare trust funds; and it will take until next month and next year until I am proven right.

The gentleman will soon find that I am right.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to respond to my friend from Texas. Does the gentleman realize that repeatedly yesterday and up to midnight last night, we said if there were modifications in what the Blue Dogs had put together and made it a substitute, we would have made it in order; and that was never given? Does the gentleman realize that request was made?

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, all we were asking was that it be pay-for. Did the gentleman allow pay-fors in this bill?

Mr. HASTINGS of Washington. We made the offer that had the other side put it in a different form, we would have made it in order. The gentleman would have had the content. Is the gentleman aware of that?

Mr. STENHOLM. If the gentleman would continue to yield, I was not personally aware of that. Nobody ever called me.

Mr. HASTINGS of Washington. That request was made up to midnight last night.

Mr. FROST. Will the gentleman from Washington yield?

Mr. HASTINGS of Washington. Mr. Speaker, the gentleman from Texas (Mr. FROST) has his own time. I just wanted to ask the gentleman from Texas (Mr. STENHOLM) a question.

Mr. FROST. Mr. Speaker, the gentleman from Washington is asking the gentleman from Texas about actions by the Democrats on the Rules Committee.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) has the time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BARTON), a member of the Committee on Energy and Commerce.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I rise in support of the rule. It does not have everything I want in it. We took the nuclear trust fund off budget in the Energy and Commerce bill, and this bill has a portion that disallows that. I did not get everything that I want.

Mr. Speaker, I am told that over 100 amendments were offered to the Committee on Rules, and either in the manager's amendment or amendments that are going to be debated on the floor, that 28 of those amendments have been incorporated in some fashion.

The Republican leadership is not ducking any of the tough issues. We are going to have an amendment to strike ANWR, the drilling provision up in Alaska. We are going to have an amendment to increase the CAFE standards, which is very controversial. We are going to have several California-specific amendments on price caps and oxygenated fuel.

Mr. Speaker, I think this is a very fair rule. We are going to let the House work its will. I hope when it comes to final passage that a majority will vote for this bill.

Three of the four committees reported their portions of the bill on a bipartisan basis. In the Committee on Science and Technology, it was a voice vote by unanimous consent. In the Committee on Energy and Commerce, it was a 50–5 vote. In the Committee on Resources, it was about a 3-to-2 vote in favor of supporting the bill. Only in the Committee on Ways and Means was it a partisan vote. That came out on a partisan vote, unfortunately.

This is not the only energy package that is going to be on the floor, it is just the first energy package. I plan to put together an electricity restructuring bill, a nuclear waste bill, a pipeline safety bill, a Price-Anderson nuclear insurance indemnification bill, and bring those to the floor this fall or early next spring. I am sure that the other committees with jurisdiction are going to do similar things.

Mr. Speaker, this is a fair bill. Energy is the lifeblood of our country. We need to do something on the demand-and-supply side. There will be a number of amendments that may move it one way or the other. I hope that we have a fair debate, and I hope that we vote for the rule and final passage.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman from Washington made a misstatement. I do not think that it was intentional on his part.

Mr. Speaker, the Democrats on the Committee on Rules made it very clear to the Republicans on the Committee on Rules that we had a large package of amendments. It was not a substitute because everybody agreed from the beginning that there would be separate votes on ANWR and separate votes on CAFE. So we never were going to offer a substitute. We were going to offer a major package of amendments put forward by the Blue Dogs with pay-fors in it.

The Republicans never intended to give the Blue Dogs their package of amendments. They knew there would not be a total substitute because there had to be a separate vote on CAFE and ANWR.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

(Mr. WAXMAN asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. WAXMAN. Mr. Speaker, I am releasing today an important report. It is titled Hitting the Jackpot: How the House Energy Bill (H.R. 4) Rewards Millions in Contributions with Billions in Returns.

Mr. Speaker, what this report indicates is that the cumulative value of campaign contributions from coal, oil, gas, nuclear and electric utility industries in the 2000 election cycle was $69.5 million. The cumulative value of the tax breaks and subsidies for these industries in this energy bill comes to $36.4 billion. If campaign contributions are viewed as a form of investment in the legislative process, the rate of return on this investment is an astounding 52,200 percent.

Mr. Speaker, I want to point out that the majority sets the agenda, and they set an agenda that gave away $2 trillion in tax cuts earlier this year. They are now going to give away $36 billion in tax breaks and subsidies to the energy special interests.

We have a rule before us that will not provide for an opportunity to move to strike these provisions. The American people ought to understand that this is not a balanced bill. This is a special interest bill. It appears to include rewards for the campaign contributions from the energy industry. Boy, are they getting a good return on their money.

Mr. Speaker, I include for the RECORD the following report.

HITTING THE JACKPOT: HOW THE HOUSE ENERGY BILL (H.R. 4) REWARDS MILLIONS IN CONTRIBUTIONS WITH BILLIONS IN RETURNS

(Prepared for Rep. Henry A. Waxman, Minority Staff, Special Investigations Division, Committee on Government Reform)

EXECUTIVE SUMMARY

This report which was prepared at the request of Rep. Henry A. Waxman, compares contributions from the energy industry to provisions in H.R. 4, the energy bill sponsored by the Republican leadership of the U.S. House of Representatives. The report finds that energy interests that gave millions of dollars in campaign contributions during the last election cycle will receive billions of dollars in tax breaks and subsidies under the legislation.

The cumulative value of the campaign contributions of the coal, oil and gas, nuclear, and electric utility industries in the 2000 election cycle was $69.5 million; the cumulative value of the tax breaks and subsidies for these industries in H.R. 4 is $36.4 billion. If the campaign contributions are viewed as a form of ''investment'' in the legislative process, the ''rate of return'' on this investment is an astounding 52,200%. Table 1 shows how much key energy industry sectors contributed to federal campaigns and how much they stand to benefit from H.R. 4.

To put this in perspective, the total $36.4 billion cost of the tax breaks and subsidies in H.R. 4 is equivalent to the federal taxes paid by 9,764,169 typical households in 1998.

TABLE 1.—ENERGY INTERESTS' RETURNS ON INVESTMENT IN H.R. 4

Industry	Total contributions, 1999–2000	Total industry benefits in H.R. 4	Return on investment (percent)
Coal	$3,800,000	$5,844,000,000	153,700
Oil and gas	33,300,000	21,980,000,000	65,900

TABLE 1.—ENERGY INTERESTS' RETURNS ON INVESTMENT IN H.R. 4—Continued

Industry	Total contributions, 1999–2000	Total industry benefits in H.R. 4	Return on investment (percent)
Electric utilities	18,600,000	5,862,000,000	31,400
Nuclear	13,800,000	2,666,000,000	19,200
Totals	69,500,000	36,352,000,000	52,200

I. The coal industry's contributions and returns

The coal mining industry gave $3.8 million in the 2000 election cycle, of which 88% went to Republicans.

Authorizations in H.R. 4 would give the coal industry $1.1 billion in direct subsidies over the next three years, plus an additional $1.4 billion over the following seven years. These subsidies include grants for research and development and commercial applications of technologies for coal-fired electricity generation. In addition, the bill provides tax credits for coal-fired power generation worth an estimated $3.3 billion over ten years. These tax credits subsidize both investment in coal-fired generation technologies and production of electricity from coal-fired generation. In total, this amounts to $5.8 billion in federal funding for coal-fired power generation over the next ten years.

The bill also has many special breaks for the coal industry. For example, it would require the government, not industry, to pay the costs for industry applications to mine coal on federal lands. It would also loosen planning requirements to address environmental damage from coal mining operations.

II. The oil and gas industry's contributions and returns

The oil and gas industry gave $33.3 million in the 2000 election cycle, of which 78% went to Republicans.

The largest tax breaks in H.R. 4 apply to oil and gas production. According to the Joint Committee on Taxation, these tax breaks are worth $12.8 billion over the next ten years. There are at least eleven separate provisions allowing oil and gas producers to reduce their tax payments. For example, the bill would allow oil and gas producers to accelerate depreciation, carry losses back for five years, avoid otherwise applicable alternative minimum tax requirements, and expense various costs.

H.R. 4 further subsidize the industry by suspending royalties for oil and gas lease sales, which is estimated to cost taxpayers around $7.4 billion. H.R. 4 also requires the Interior Department to reduce royalty rates for ''marginal'' oil and gas wells, which are defined so generously as to cover most onshore wells. According to the Congressional Budget Office (CBO), this provision would cost $491 million in lost royalties, based on conservative assumptions. The bill provides an additional $900 million for research and development and demonstration grants for technologies for ultra-deepwater mining. And the bill would require the federal government to reimburse the industry for spending on required environmental analysis. The CBO estimates that this could cost $350 million in forgone royalties over a ten-year period.

In total, these tax breaks and other subsidies for the oil and gas industry amount to $22.0 billion over the next ten years.

In addition to these direct monetary subsidies, the bill would weaken or eliminate environmental protections for federal lands to facilitate oil and gas development. H.R. 4 would open the Arctic National Wildlife Refuge (ANWR) for drilling, a key oil company objective. The bill also waives environmental protections that would otherwise apply to drilling in ANWR. H.R. 4 seriously weakens environmental protections for leasing and drilling on other federal lands as well. For example, the Forest Service will no longer be allowed to stipulate environmental protections in leases for drilling on National Forest lands if the state has not made such stipulations. And federal land management agencies would be largely unable to reject lease offers for drilling on public lands.

H.R. 4 gives the oil and gas industry numerous other benefits as well. The bill would allow the Interior Department to accept royalties in kind (in barrels of oil or units of gas) from leasing federal lands. In the past, the federal government has lost money in converting in-kind oil and gas royalties to revenues. The bill also requires the Department to reimburse the industry for any transportation and processing costs associated with the in-kind royalty payments. The bill authorizes up to 7.5% of total federal income from oil and gas leases from fiscal years 2002–2009 to be used to fund ultra-deepwater research and demonstration projects, potentially diverting substantial funds from other spending priorities. In addition, the bill requires EPA to conduct several rulemakings to consider relaxing regulations that affect the refining industry. It also sets up an interagency task force to expedite permitting of natural gas pipelines.

Highly specific provisions appear to benefit particular companies. For example, one provision would allow the Secretary of Interior to suspend the term of existing subsalt leases, which would benefit Houston-based Anadarko Petroleum Corporation. According to the Center for Responsive Politics, Anadarko contributed $448,529 during the 2000 election cycle, of which 98% was to Republicans. Anadarko also reportedly has connections to Vice President Dick Cheney and his wife.

The tax breaks and subsidies to the oil and gas industry are not justified by economic hardships in the industry. The oil and gas industry has been particularly profitable in recent years. Three major oil and gas companies alone made $309.1 billion in revenues in 2000, which translated to $25.3 billion in profits. A recent front page story in the Wall Street Journal describes a ''big problem'' faced by the oil and gas industry—the companies are ''sitting on nearly $40 billion in cash'' that they are struggling to invest.

III. Electric utilities' contributions and returns

Electric utilities gave $18.6 million in the 2000 election cycle, of which 67% went to Republicans.

Electric utilities would receive several specific tax breaks under H.R. 4, as well as benefiting from many of the subsidies and tax breaks identified in this report for the coal, oil and gas, and nuclear industries. For example, changes to tax laws governing bond issuance would help utilities finance electricity production and cost the Treasury $2.5 billion over ten years. Other provisions relating to sales of electricity transmission lines would cost $2.9 billion over the next five years. These provisions would change the tax treatment of utilities' sales of transmission properties under electricity restructuring policies. Special rules for electric cooperatives would cost $179 million over ten years. And a particular tax exemption for governmental utilities purchasing natural gas would cost $827 million over ten years. In total, this amounts to $5.9 billion for electric utilities over ten years.

IV. The nuclear industry's contributions and returns

The nuclear industry gave more than $13.8 million to federal candidates and committees in the 2000 election cycle, of which more than two-thirds went to Republicans.

H.R. 4 gives tax breaks for nuclear power worth $1.9 billion over the next ten years. It also provides numerous subsidies for nuclear energy, totaling over $633 million over the next three years, and over $100 million more in later years. These provisions would subsidize research and demonstration projects in areas such as uranium mining (through in situ leaching), uranium conversion operations, fuel recycling, plant optimization, and nuclear technologies. In total, H.R. 4 provides almost $1 billion for nuclear power in the next three years alone, and $2.7 billion over the next ten years.

The bill also moves the nuclear waste fund off-budget, which the nuclear industry strongly supports.

V. Auto manufacturers' contributions and returns

The automotive manufacturing industry gave $2.2 million in the 2000 election cycle, of which 69% went to Republicans

The most significant aspects of H.R. 4 regarding motor vehicles is what the bill does not do. In the face of national concern over gas prices and our dependence on oil imports, H.R. 4 does not require any meaningful improvement in motor vehicle fuel efficiency, which is regulated under the Corporate Average Fuel Economy (CAFE) standards. The bill contains a requirement to reduce the amount of gasoline that SUVs and trucks would otherwise use over a six-year period by five billion gallons. Although this figure sounds impressive, it represents only 0.2% of projected petroleum consumption. Moreover, the provision appears to weaken existing requirements for the National Highway Traffic Safety Administration to mandate more stringent reductions. When coupled with the bill's extension of a loophole for vehicles that could be run on ethanol (but almost never are), H.R. 4 will reduce overall motor vehicle fuel economy.

The bill provides numerous other breaks for the auto manufacturers. For example, several provisions to increase use of alternative fuels over dual-fuel vehicles, rather than just dedicated alternative fuel vehicles. This helps auto manufacturers exploit the CAFE loopholes for vehicles that can use alternative fuels, but do not do so. These provisions include an exemption allowing dual fuel vehicles to use HOV lands and federal fleet acquisition requirements.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I want to look at the bill from a different perspective. British-owned BP Amoco has 14,000 outlets in America; Motiva Enterprises, owned by a Dutch company has 14,000 outlets in America; Citgo, owned by a Venezuelan company has 14,000 outlets in America. FINA, a French company, has 2,500 outlets in America. Beam me up. All that is left in America is Budweiser flatulence at a Dodger's game.

Mr. Speaker, this sellout of America is ridiculous, and I believe America will continue to depend on foreign petroleum until we maximize our own resources. Having said that, I want to commend the gentleman from Louisiana (Mr. TAUZIN) and the Republican Party because in the 1970s, there were long lines. The Democrats were in control, and we are now debating it in 2001. Evidently they did nothing, nothing but reward monarchs and dictators.

Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for putting my Buy American amendment in

the manager's bill, and I urge Congress to pass my oil shale, oil trapped in shale rock amendment.

There is enough oil trapped in shale rock in America to fuel America for 300 years without another drop of fuel from anybody. Yes, it will cost a little more per barrel now, at first; but it will create jobs, tax revenues, reduce our dependency on foreign oil, make America free, get us out from under dictators and monarchs that have been rewarded by a do-nothing Congress in the 1970s.

I support this bill. No bill is perfect. This is the way to start, and I commend the chairman, the gentleman from Louisiana (Mr. TAUZIN) and the committee, for bringing us this bill.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, it is good to see a New Yorker in the Speaker's chair.

Mr. Speaker, I rise in opposition to this rule. Day in and day out we have been debating appropriations bills, and we debate them for days on end. Here we have a bill dealing with energy policy, and amendments are denied, and we are doing this in less than one day.

Mr. Speaker, I submitted three amendments to the Committee on Rules, all of which were denied. Our governor in New York, Governor Pataki, has put into effect a ''green energy'' mandate for New York State which would say that 10 percent of the agency's energy consumption comes from renewable energy by 2010 and 20 percent by 2020.

That would be State agencies' energy consumption. I propose to do that for the Federal Government. We should be taking the lead in Federal policy, and the Committee on Rules denied my amendment which would mirror Governor Pataki's New York ''green energy'' mandate.

I also had an amendment to have cool roofing, because in urban areas, heat is trapped on the top floor when roofs are dark; and that was denied. I am a member of the Committee on Energy and Commerce, and that amendment passed the committee and was part and parcel of the bill. And I want to say that I voted for the committee bill, and if that had been here, I would probably vote for the rule; but the rule denied it.

Finally, a demonstration project providing for a Federal match for replacing transmission lines with superconductive transmission lines saving energy losses.

Mr. Speaker, I do not think that this rule is fair. I think it denies too many amendments, and I urge its defeat.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

(Mr. KIND asked and was given permission to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, as ranking member of the Subcommittee on Energy and Mineral Resources of the Committee on Resources, I reluctantly rise in opposition to the rule and the underlying bill. This is a missed opportunity today.

The American people wanted us to work in a bipartisan fashion and develop a long-term, comprehensive and balanced energy policy. This underlying bill does not get us there. The underlying rule that we are debating now does not get us there.

While the rule does make important amendments in order, a discussion whether we should drill in the Arctic National Wildlife Refuge, whether we should increase fuel efficiency standards for our cars and trucks, it also denies an amendment that I offered with the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Committee on Resources, and the gentleman from Wisconsin (Mr. PETRI) that would strike the oil royalty giveback program contained in this bill.

Mr. Speaker, I do not know how many of my colleagues had a chance to see the Wall Street Journal article last Tuesday that talked about the hoards of cash that the oil industry is sitting on, over $40 billion of excess cash reserves. They are swimming in it, and we are about to pass legislation that will give a multi-billion dollar royalty kickback for them to drill on the OCS. This is money that would be used to fund the Land and Water Conservation program for conservation programs and national park enhancement in this country.

Mr. Speaker, this is not a balanced bill. It is not a balanced rule, and I urge ''no'' on both.

□ 1130

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SANDLIN).

(Mr. SANDLIN asked and was given permission to revise and extend his remarks.)

Mr. SANDLIN. Mr. Speaker, the word of the day today is disappointment. Let me ask my friends on the other side of the aisle, what are you afraid of? Once again in the middle of the night, the Republican leadership has produced a rule that blocks numerous Democratic amendments, it blocks discussion, it blocks debate, it blocks a balanced energy plan; and contrary to the representations made on the floor this morning, no Blue Dog perfecting amendment was offered to be in order. No Blue Dog amendment was to be voted on. No Blue Dog amendment is part of our decision this morning. It blocks an alternative for our perfecting amendment, and that is just not fair.

In 1992, the last time Congress considered comprehensive energy legislation, we talked about it for days and for weeks. Congress was given the parameters of this debate only this morning. Now within a few hours we are expected to vote on a national energy policy affecting this country for decades to come. That shows a lack of leadership. It is very disappointing.

The Democratic perfecting amendment includes a balanced, forward-looking energy policy for the country. It includes tax incentives for increased production of domestic, natural gas and oil production by our small, independent producers. It provides access to capital for refining capacity and natural gas distribution. It facilitates construction of the Alaska natural gas pipeline.

But our plan is balanced. It does more:

It requires the Federal Government to buy more energy-efficient central air conditioners;

It strengthens the household appliance standby power efficiency standards;

It directs the DOE to reinstate central air conditioning and heat pump efficiency standards issued by the last administration;

It fully funds research and development of clean coal technology, not a game of bait and switch;

It funds renewable energy at twice the rates of the Republican plan.

Are these good provisions? We think they are. But we will never know because we are not going to debate them because we did not get the opportunity to present amendments. We were shut out from the process, shut out from the debate as the American people have been. I guess the public will never know. Vice President Cheney recently correctly said we cannot conserve our way out of this current problem. But neither can we produce our way out. We have to do both.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. HARMAN).

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I rise in opposition to the rule for a bill that risks raiding our Social Security and Medicare Trust Funds and fails to provide critical relief to electricity ratepayers in Washington, Oregon, and my State of California.

The amendment my Commerce Committee colleagues, the gentlewoman from California (Ms. ESHOO), the gentleman from California (Mr. WAXMAN), the gentlewoman from California (Mrs. CAPPS), and I had planned to offer would require the Federal Energy Regulatory Commission to stop delaying the refunds owed electricity consumers in the western States. These consumers have been grossly overcharged. Not even FERC disputes this fact. It has found on several occasions that ratepayers were charged unjust and unreasonable rates. Yet FERC has adopted an investigate-and-delay approach that has blocked even the first penny in refunds. Our amendment would have forced FERC to act finally in 30 days based on two alternative options for calculating refunds.

Mr. Speaker, electricity consumers deserve refunds promptly. This House deserves the opportunity to debate this issue and FERC's unwillingness and inability to act expeditiously. This rule blocks that debate.

I urge rejection of the rule.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I rise in opposition to the rule. First, this energy bill in my view is about yesterday, not about tomorrow. With its focus on fossil fuels, oil, gasoline and coal, the bill is mired in the Stone Age. When it comes to tax credits for conservation or anything to do with conservation, they are not paid for, so it simply will not happen.

Secondly, the Committee on Rules disallowed a very important amendment that we offered which the gentlewoman from California just described. The FERC has been on a sit-down strike with regard to California's energy crisis. Yet they are responsible for the energy consumer in the country. They acknowledge that the rates that Westerners have paid are unjust and unreasonable; and yet they still side with the gougers, not the consumers. They have left Californians waiting, waiting on interim orders to become final, waiting for FERC to make us whole again, waiting for the FERC to act.

Every day the cash register rings in California out of our general fund up to $50 million a day to pay for electricity. As the fifth largest economy in the world, this administration and this House I think is going to regret this bill, because it does not speak to California and it does not speak to the future of our Nation.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, at the conclusion of the debate, I will urge my colleagues to defeat the previous question. If the previous question is defeated, I will offer an amendment that makes in order the Markey-Sandlin-Stenholm amendment.

This amendment is balanced. It pays for the tax cuts in the underlying bill by paring back the recently enacted tax cut in the top bracket for the richest Americans. Half of the tax credits in the Markey-Sandlin-Stenholm amendment would go to renewables and energy efficiency, but only 17 percent of the Republicans' bill goes to such programs.

Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT).

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I rise to ask Members to vote against this unfair rule which stifles debate and in our view undermines our energy future and undermines our economic future and the future of Medicare and Social Security.

All we asked for was an amendment to deal with the glaring flaws in this bill, for an effort to make the bill better and stronger, more fiscally responsible. All we wanted was an hour. One hour, 60 minutes, is all we asked the Committee on Rules for to put out an alternative vision on energy policy to the American people. That hour request was refused.

This in my view suppresses a free and fair dialogue in this House of what one of our most important policies should be. We have been shut out and shut down, I guess because somebody was worried we might win the amendment.

What was the amendment? We think it is an amendment for a balanced energy policy. We believe in more production. We believe in more oil and natural gas for the American people. We believe, however, that there should be balance. We need renewables, we need solar, we need wind energy, we need incentives for people to buy more energy-efficient cars.

I come from a part of the country where we make a lot of cars. If we are going to talk about increasing efficiency standards, we have got to help the auto companies be able to have demand for the automobiles that increase efficiency. Those kinds of provisions are not in this bill. We wanted to add them to the bill. We get no right to do that. The minority asked for one thing to be put in the bill, this series of amendments that we think brings balance to the bill, and we are shut out.

There is another thing we wanted to do in the bill, and that is pay for it. We have been saying for 6 months that the fiscal road we are on is going to cause us to go into the Medicare and ultimately the Social Security Trust Funds. We come out here every 6 months and pass another lockbox. It is an illusion. It is a deception. It is all designed for consumption of the public when in fact and in truth if this bill passes today, we will be in the Medicare Trust Fund big time. And we are doing it without even a debate about an alternative.

This is an outrage that we should have a rule like this that cuts off debate on the most important energy debate and the most important fiscal debate that this country will ever have. It is a bad rule. It is unfair. It is wrong that this country cannot have the proper debate that we ought to be having on this floor today. It is a shame that this rule is on the floor.

I urge Members to vote against the rule. Let us get a fair rule that is good for the future of this country.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. I thank the gentleman for yielding time.

Mr. Speaker, for 25 years this country has prohibited the commercial reprocessing of spent nuclear fuel. We have prohibited reprocessing because it creates plutonium, and plutonium is the raw material of nuclear bombs. We do not want to proliferate that raw material. This underlying bill reverses that 25-year prohibition and permits what they are calling an advanced fuel recycling technology. That is reprocessing. The Committee on Rules did not make in order an amendment by the gentlewoman from California (Ms. WOOLSEY) that would have permitted a straight vote up or down on whether or not to reverse a 25-year prohibition.

This is a bad rule because of that and because of all the other reasons we have heard this morning, and we should vote ''no'' on the rule. We do not want to add to the proliferation of nuclear weapons in this country and around the world. This is an issue that goes beyond our own national energy policy and affects our international policy. We are reversing with hardly any notice this 25-year policy. It is wrong. The rule is wrong and should be defeated.

Mr. FROST. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Indiana (Ms. CARSON).

(Ms. CARSON of Indiana asked and was given permission to revise and extend her remarks.)

Ms. CARSON of Indiana. Mr. Speaker, I rise in opposition to the rule and my remarks are on Indiana Daylight Savings Time.

Mr. Speaker, I rise to speak against the rule and to deplore the failure to consider an amendment that would make great energy sense for Indiana and for the cities and towns and states that breathe the air emitted by Indiana's smokestacks.

Indiana is mixed up when it comes to time. I offered an amendment to bring the energy-saving benefits of Daylight Saving Time to all of Indiana, repealing the ''Indiana amendment'' to the Uniform Time Act to help my constituents and other Hoosiers be in better touch with the world, build our economy, save money and improve the nation's air.

Energy savings and uniformity of timekeeping through Daylight Saving Time were the aims of the 1966 law. But, since a change in the early 1970s, much of Indiana has been out of synch with the rest of the world in terms of time and as been denied those benefits.

The USDOT put 10 counties on Central Standard Time and the other 82 on Eastern Standard Time. The 10 counties in the Central Time Zone observe DST—and they wouldn't have it any other way—but the other 82 are not permitted to, though some set their own time.

Confusion and waste are the results. Our businesses with relations elsewhere are out of touch and out of synch with the larger world, constrained in communication and growth.

A 1975 DOT study, still cited today, concluded that reduced electricity demand in areas affected by Daylight Saving Time could save consumers $7.5 million, yield reductions in carbon dioxide, nitrogen oxide and sulfur dioxide emissions, and help to clear the air in Indiana and to the east and northeast.

And this was a plan that is sensitive to state government: it gives the Indiana General Assembly the last word to: (1) vote to preserve the status quo; (2) vote to repeal the exemption from DST; or, (3) do nothing and exempt the entire state—including the counties in the

Central Time Zone—from Daylight Saving Time.

An energy bill that does not avail itself of conservation opportunities like Daylight Saving Time for Indiana, a plan with other benefits, as well, is flawed.

Mr. Speaker, I am not done. Indiana's business, our industry, our employers and our workers deserve this leap forward, want to save energy, and need to be in better touch with the nation and the world.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise today in strong opposition to this rule. This energy bill can be summed up in three words: drill, drill, drill. We have heard a lot of other reasons to be opposed to this rule.

I offered an amendment to help do something about this in the Committee on Rules. It deals specifically with North Carolina and the American people to help protect the fragile natural resources, specifically oil and gas drilling off the North Carolina coast. I would urge my colleagues from North Carolina to vote against this rule because it specifically deals with North Carolina but the rest of the country.

For several weeks we have heard a lot of talk about this. Today we have one of the most important issues we will deal with in this country for a long time. As we have already heard, we are not having time to deal with the specific issues that affect us as a whole and bring it to this body.

Mr. Speaker, my amendment would put an end to the question of whether or not the drilling would take place on one of the most fragile, pristine beaches in this country. But the Republican leadership has refused to give us a chance just to debate the issue in the House, have us decide it and have us vote on it.

□ 1145

My State is opposed to it. Tourism, fishing and transportation are important. I urge Members to vote against this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for the time.

Mr. Speaker, I want to say that if rhetoric turned turbines, we would have enough electricity for the next 100 years just listening to the Democrats today. But the truth is, we have got to move on. We do not have an energy policy. Let me give you a quote from Clinton's Energy Secretary Bill Richardson: ''It is obvious that the Federal Government was not prepared. We were caught napping. We got complacent.'' February 16 of last year.

I applaud the Bush Administration for taking the brave steps to say we have got to look ahead. We have a neglected energy infrastructure. Think about this: the last refinery for gasoline was built in Garyville, Louisiana, in 1976. We are dependent on foreign oil. Today 57 percent of our oil comes from other countries. Now, compare that to 1973 during the infamous OPEC oil embargo, when only 35 percent of our oil came from foreign countries. Today, it is 57 percent.

Our national security is vulnerable to the whims of foreign nations. Let us look at the demand. Since 1980, the supply has only increased by 18 percent, but the demand has increased by 24 percent. Think about the number of cars that are on the road today. In 1940 we had 5 million cars on the road. Today we have 130 million cars driving. There is a huge increase in demand.

Think about the environmental question. Everybody wants clean air, everybody. I do not know anybody who does not. We are united on that. But the reality is radical environmental politics have become the rule of the land. Today there are 8,000 environmental organizations. It is a $3.5 billion industry. Greenpeace in Washington, D.C. alone pays $46,000 a month just in rent. It is a big business. They want to have everybody in America convinced the sky is falling if a bill passes.

But, fortunately, mainstream America sees that there are a lot of solutions out there. We can and we will improve our energy infrastructure. We will continue to promote conservation. This bill alone funds $940 million in conservation. Think about the new hybrid car that Honda is developing, 68 miles a gallon, and think about the fuel cell technology which the Republicans are pushing so strongly. This is a battery that, in essence, does not give out. Think of all the alternative sources of energy we support in this Congress, and on the Committee on Appropriations, $440 million will be spent on research and development for hydroelectric power, solar power, wind power, geothermal, and biomass. These are great, positive developments.

And let us be serious about nuclear power, the nuclear energy question. In France, 76 percent of the homes are powered by nuclear energy, in Belgium, 56 percent. In America, already 20 percent is. Yet you listen to some of the rhetoric from my friends, the Democrats, and you would think, oh no, we are getting into some kind of brave new world of nuclear energy. It is not that scary out there. We have the technology to keep up with it.

Mr. Speaker, I support this bill. I think it is a good one. It is responsible. I am glad the Committee on Rules is moving forward.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, I oppose the rule and urge my colleagues to vote against this unfair rule.

Mr. Speaker, thank you for the opportunity to speak on the rule on H.R. 4, the Securing America's Future Energy Act of 2001. I appreciate the opportunity to share my concerns with one section of H.R. 4 as it stands in its current form.

Section 306 authorizes the appropriation of $10 million payment, or subsidies, for three years to domestic uranium producers ''to identify, test, and develop improved in situ leaching mining technologies, including low-cost environmental restoration technologies.''

This legislation is not needed for research and development purposes. In fact, this in-situ leaching process causes radioactive uranium and other toxic chemicals to leach into groundwater, threatening the public health of communities surrounding the mines.

The impact of this legislation could be severe on the Southwest's environment and on the public health of the Native American communities I represent.

Specifically, section 306 of the SAFE Act of 2001 could directly prop up with millions of taxpayer dollars a uranium mining company that proposes in-situ leach uranium mining in the Crownpoint and Church Rock areas of New Mexico.

In the case of the proposed uranium mines in Crownpoint and Church Rock, the mining process would pollute the high-quality aquifer that is the sole source of scarce drinking water for over 10,000 Navajos.

This proposed subsidy for the uranium industry also would lead to unsound fiscal policy. In fact, in addition to a host of environmental and Native American groups—both nationally and in New Mexico—this amendment is supported by the group Taxpayers for Common Sense, which views this as an unfair corporate give-away.

Most importantly to me, however, are the residents in my District in New Mexico. The local Navajo communities have suffered tremendously over this government's past practices and policies regarding uranium mining. My constituents, as well as those in Arizona, Colorado and Utah continue to be negatively affected by the long-term impacts of past uranium development.

We as a nation cannot find the financial resources necessary to fully fund the Radiation Exposure Compensation Act, or RECA, to compensate the victims of past uranium development, but we may put our stamp of approval on this $30 million subsidy for the uranium industry.

I oppose this effort.

It is sadly ironic that just last week we as a Congress paid a long overdue tribute to the contribution that the Navajo Nation made to our country, in the ceremony to grant Congressional Gold Medals to the Navajo Code Talkers of World War II. I was honored to be a part of that effort and shared the stage with President Bush.

However, this week, we are about to ignore them and their pleas for environmental justice again. Section 306 is a slap in the face to the Native Americans in my district that continue to seek justice for the past errors of our energy production policy.

For the record, I'd like to read the organizations that support this effort to amend H.R. 4 and eliminate this uranium industry subsidy.

Eastern Navajo Dine Against Uranium Mining, Southwest Research and Information Center, Physicians Resisting In-Situ Mining,

New Mexico Environmental Law Center, U.S. and New Mexico Public Interest Research Groups, Sierra Club, Natural Resources Defense Council, Mineral Policy Center, Nuclear Information Resource Service, Public Citizen, and Taxpayers for Common Sense.

Mr. FROST. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. FILNER).

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from California is recognized for 1 minute.

Mr. FILNER. Mr. Speaker, this rule does nothing to bring down the obscenely high prices that we have been paying for electricity in California and the rest of the West Coast for the last year. It does nothing. We are being gouged, and the Republicans refuse to do anything.

If we were paying the price for bread that we are paying for electricity, we would be paying $19.99 for this loaf of bread. In fact, the price went up to $190 at some points during the last year. And what does this bill do for us in California and the rest of the coast? Nothing but crumbs. We get crumbs out of this bill.

I will tell Members, many of my constituents have gone out of business during the last year in San Diego and the rest of the West Coast. Sixty-five percent of my constituents face bankruptcy in the next year if the prices do not go down. With this bill, my small business people are toast.

Defeat this rule, defeat this bill. Let us have a real energy policy.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield the balance of my time to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, who has chaired, I think, a very eminently fair rule on this important bill.

The SPEAKER pro tempore. The gentleman from California is recognized for 3 minutes.

Mr. DREIER. Mr. Speaker, first I want to congratulate my friend from Washington, who has worked long and hard to deal with our Nation's energy needs, and specifically raised very important issues that affect the area of the country he represents.

Let me say that there is no group of people who know better how important this is than the people I am privileged to represent in California.

We, for the first time in a quarter century, Mr. Speaker, are moving towards a comprehensive energy package, and the leadership, the President and the Vice President, the Speaker of the House, have been very, very important with regard this issue.

We have worked very closely with our colleagues on the other side of the aisle to fashion a rule that is fair. Contrary to the rhetoric we have heard from virtually everyone on the other side of the aisle, this is a very fair and balanced rule.

We need to move ahead and try to attain energy self-sufficiency. We need to do what we can to encourage conservation. We need to take the kinds of steps that are necessary to increase the energy supply.

I believe that we are going to, in the next 12 hours, have the opportunity to do that. Yes, we are going to have 12 hours of debate. Some people who are trying to claim we shut things down are way off base. We are going to have a full debate.

Mr. Speaker, I would like to, at this point, enter in the RECORD a letter the Speaker received from the minority leader and the ranking Democrat on the Committee on Rules, the Democratic Caucus Chairman, the gentleman from Texas (Mr. FROST).

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, July 20, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: During the past two weeks, the Rules Committee has dealt with major legislation inconsistently and in a manner which seriously undermines open and fair debate, and in doing so, has done serious harm to the practice of affording the minority opportunity to put forward amendments it has sought, both substitute and perfecting. For example, the Rules Committee made in order 14 separate amendments instead of allowing them to be offered as a substitute to the committee-reported campaign finance reform bill while making in order only a substitute instead of allowing individual amendments on the faith-based/charitable choice bill. We want to take this early opportunity to set out exactly what the minority is seeking on any rule relating to energy legislation, which may be sent to the floor before we adjourn for the August District Work Period.

It is our understanding that the Rules Committee may package the various energy bills that have now been reported to the House by four separate committees into one omnibus package to be considered by House. If that is indeed your intention, the Minority hereby requests that the House be given the opportunity to have legitimate up or down individual votes on the various parts of the package as well as the opportunity to offer any substitute that may be drafted. Allowing these votes, rather than just giving the Minority one substitute and a motion to recommit, is particularly important in light of the fact that some of the key provisions in these bills have bipartisan support or bipartisan opposition and thus, should be allowed to be considered and voted on separately. Given the importance of these issues and the magnitude of their impact on the entire Nation, we believe this is the only right way to approach the construction of any rule dealing with the energy issue.

The most important matters that clearly deserve a separate up or down vote include the following:

(1) CAFE standards: The provisions relating to automobile and light truck efficiency standards are controversial and there are Members who wish to have the opportunity to offer a strengthening amendment.

(2) West Coast electricity: As you know, West Coast Members have sought many opportunities to have a vote on this issue and just such an amendment was offered in the Energy and Commerce Committee markup. While that amendment was defeated, this issue is of such great importance to a great many Members and the Inslee bill (H.R. 1468) is certainly deserving of an opportunity to be debated and vote on during the consideration of a major energy package.

(3) Tax-related matters relating to conservation and production: While the Ways and Means Committee has reported a bill which provides for many of the tax incentives Democrats have endorsed to promote conservation, increase efficiency, and promote increased domestic oil and gas production, this bill provides no off-sets for the reduction in revenues that would occur if the package were to become law. Democrats believe strongly that Members must be given the opportunity to offer tax code offsets for these and other provisions and because of the way the bill may be structured. The offsets may require waivers in order to be eligible for consideration.

(4) ANWR: As you know, this is a very controversial issue and Members on both sides of the aisle want to have an opportunity to have a straight up or down vote on the question of ANWR. In addition, there are other issues in the Resources Committee reported bill that Members would like to have the opportunity to amend or delete.

(5) Fuel oxygenates: This is a very controversial issue that has supporters and opponents on both sides of the aisle. Henry Waxman offered an amendment in the Energy and Commerce Committee markup to waive the requirements for California, and while the amendment was defeated, it does deserve to be debated and voted on during the consideration of any omnibus energy package.

(6) Alternative and renewal energy sources: The Science Committee has reported a very solid proposal; however, some Members would like to have the opportunity to offer increases and expansion of these important elements in an overall national energy strategy and to pay for that increased spending with offsets from the tax code. This, of course, would require waivers in the rule.

(7) Appliance standards: Two very important amendments were considered in the Energy and Commerce Committee markup relating to efficiency standards for air conditioners. These amendments, one of which would have required the federal government to purchase only the most energy efficient air conditioning systems and the other which would implement the air conditioning efficiency standards promulgated by the Clinton Administration, were defeated on straight party line votes. We believe these amendments, as well as any other appliance efficiency amendments should certainly be included in any list of amendments allowed under the rule.

We are of the opinion that since this is the first piece of energy legislation the Republican leadership has brought to the floor in the past six and one-half years, these amendments, as well as other important proposals which may be offered by Members, should have the opportunity to be heard. If ultimately the rule reported by the Rules Committee does not give Members the opportunity to take a clean up or down vote on these matters, the rule will fail and the House will never have the opportunity to reach the merits on this legislation that is so vital to the future of this country. We would like to work with you to avoid the fiasco of the campaign finance rule so that we can actually debate, in a fair and democratic fashion, legislation that will affect each and every American citizen now and well into the future.

We look forward to hearing from you at your earliest opportunity.

Sincerely yours,

RICHARD A. GEPHARDT,
House Democratic Leader.

MARTIN FROST,
Chairman, House Democratic Caucus.

The letter basically says that we should make in order almost everything that we have done. Almost every provision that was requested as priorities from the Democratic leadership we have made in order.

We are going to be having a full and fair debate on the Arctic National Wildlife Refuge. We are going to be having a full and fair debate on CAFE standards. And I wanted to congratulate the minority leader, he encouraged in his letter for us to make in order the fuel oxygenate amendment, which is going to be very important to the people I represent in California. Again, I congratulate the gentleman from Missouri (Mr. GEPHARDT) for urging us to make this amendment in order. So, if one looks at the issues that we are going to be addressing, we have got very, very important ones.

I do want to state one concern that I have, however, and that has to do with the exemption for partners in the Energy Star Program. I am concerned about the potential unintended consequences it might have on our technology industry. I am happy to say I have been talking with my friend, the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce; and, as we head into conference, I have every assurance we will be able to effectively address the concerns that have been raised by our friends in the tech sector of the economy.

This is a very fair rule. It represents the priorities that have been set forth by both Democrats and Republicans. So I think the rule, as well as the legislation itself, at the end of the day should enjoy broad bipartisan support.

Mr. HASTINGS of Washington. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. All time for debate having expired, the question is on ordering the previous question.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting if ordered on the question of adoption of the resolution and then on the question of the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 221, nays 208, not voting 4, as follows:

[Roll No. 306]

YEAS—221

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—208

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—4

Hastings (FL)
Hutchinson
Spence
Stark

□ 1216

Mr. GUTIERREZ, Mr. HALL of Texas and Mrs. LOWEY changed their vote from ''yea'' to ''nay.''

Mr. ISSA changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SWEENEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 206, not voting 7, as follows:

[Roll No. 307]

AYES—220

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers

Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—206

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Dingell
Ford
Hastings (FL)
Hutchinson
Smith (MI)
Spence
Stark

□ 1225

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FORD. Mr. Speaker, on rollcall vote 307, I unfortunately missed the vote somehow or another. I wanted to declare that if indeed I would have voted, I would have voted "no" on rollcall 307.

THE JOURNAL

The SPEAKER pro tempore (Mr. OSE). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCNULTY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 343, noes 65, answered "present" 2, not voting 23, as follows:

[Roll No. 308]

AYES—343

Abercrombie
Ackerman
Akin
Allen
Armey
Baca
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
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Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Cox
Coyne
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (IL)
Davis (FL)
Davis, Jo Ann
Davis (CA)
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
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Foley
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Frank
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Gallegly
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Green (TX)
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Hill
Hilleary
Hinojosa
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Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson (CT)
Johnson, Sam
Johnson (IL)
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kind
King (NY)
Kingston
Kirk
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Knollenberg
Kolbe
LaHood
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Larson (CT)
Latham
LaTourette
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Lee
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Lewis (CA)
Lewis (GA)
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Lowey
Lucas (OK)
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Luther
McCarthy (NY)
McCarthy (MO)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
Maloney (NY)
Maloney (CT)
Mascara
Matheson
Matsui
Meehan
Meek
Meeks
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Rehberg
Reyes
Reynolds
Riley
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stump
Sununu
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Upton
Walden
Walsh
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weldon (FL)
Wilson

Wolf	Wu	Young (FL)
Woolsey	Wynn	Young (AK)

NOES—65

Aderholt	Hooley	Schakowsky
Baird	Hulshof	Slaughter
Borski	Jones (OH)	Stenholm
Brady (PA)	Kennedy (MN)	Strickland
Capuano	Kucinich	Stupak
Carson (IN)	Larsen (WA)	Sweeney
Conyers	LoBiondo	Tanner
Costello	McDermott	Taylor (MS)
Cramer	McGovern	Thompson (CA)
Crane	McNulty	Thompson (MS)
Crowley	Markey	Thurman
DeFazio	Menendez	Towns
English	Moore	Udall (CO)
Filner	Moran (KS)	Udall (NM)
Fossella	Oberstar	Velazquez
Gephardt	Pallone	Visclosky
Gillmor	Peterson (MN)	Wamp
Gutknecht	Platts	Waters
Hefley	Ramstad	Weller
Hilliard	Rodriguez	Wexler
Hinchey	Sabo	Wicker
Holden	Schaffer	

ANSWERED ''PRESENT''—2

Tancredo	Whitfield

NOT VOTING—23

Andrews	Hastings (FL)	Manzullo
Baldacci	Honda	Phelps
Brown (FL)	Hutchinson	Regula
Clayton	Jackson-Lee (TX)	Sanders
Dicks	Kilpatrick	Spence
Dingell	LaFalce	Stark
Frost	Lipinski	Stearns
Gilman		Vitter

□ 1232

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. STEARNS. Mr. Speaker, on rollcall No. 308 I was unavoidably detained. Had I been present, I would have vote ''aye.''

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, SEPTEMBER 12, 2001, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING THE HONORABLE JOHN HOWARD, PRIME MINISTER OF AUSTRALIA

Mr. THUNE. Mr. Speaker, I ask unanimous consent that it may in order at any time on Wednesday, September 12, 2001, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting the Honorable John Howard, Prime Minister of Australia.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from South Dakota?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, SEPTEMBER 6, 2001, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY VICENTE FOX, PRESIDENT OF THE UNITED MEXICAN STATES

Mr. THUNE. Mr. Speaker, I ask unanimous consent that it may in order at any time on Thursday, September 6, 2001, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Vicente Fox, President of the United Mexican States.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill H.R. 4.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE SUPPLEMENTAL REPORT ON H.R. 2587, ENERGY ADVANCEMENT AND CONSERVATION ACT OF 2001

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be allowed to file a supplemental report on the bill H.R. 2587, the Energy Advancement and Conservation Act of 2001.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

SECURING AMERICA'S FUTURE ENERGY ACT OF 2001

The SPEAKER pro tempore. Pursuant to House Resolution 216 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4.

□ 1235

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes, with Mr. Bonilla in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 15 minutes.

The gentleman from New York (Mr. BOEHLERT), the gentleman from Texas (Mr. HALL), the gentleman from California (Mr. THOMAS), the gentlewoman from Florida (Mrs. THURMAN), the gentleman from Utah (Mr. HANSEN), and the gentleman from West Virginia (Mr. RAHALL) each will control 10 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Today we do something in this House we have not done in a decade. We enact a comprehensive energy policy for our country. After years of indifference toward America's energy future, we are about to take a giant leap forward.

The bill we are considering today, the Securing America's Future Energy Act, the SAFE Act, will be the first major energy legislation of the 21st century, and it reflects 21st century values and ideas. It advances a balanced approach to energy production and use by encouraging a responsible, diverse mix of energy sources along with a significant investment in conservation and increased efficiency. The SAFE Act charts a path to increased energy security and a cleaner environment; secure, reliable, affordable energy for Americans.

Americans last winter saw their natural gas heating bills rise in the Midwest 73 percent, saw the Northeast heating bills rise 27 percent, saw gasoline prices rise 40 and 50, in some cases 70 cents a gallon. Americans are pleased to know that today we begin a short-term and long-term permanent energy policy to correct those security deficiencies.

I am proud of the bipartisan work our committee did. The core of the bill passed the Committee on Energy and Commerce. It passed subcommittee by a vote of 29 to 1 and the full committee by a vote of 50 to 5. Big bipartisan support for the bulk of this bill.

I owe a great deal of compliments and thanks to my subcommittee chairman, the gentleman from Texas (Mr. BARTON), for helping to craft the legislation, and particularly to ranking members, the gentleman from Michigan (Mr. DINGELL), and the subcommittee ranking member, the gentleman from Virginia (Mr. BOUCHER), for the extraordinary cooperation and assistance and hard work and the willingness to work together they exhibited.

Today I hope this bipartisan spirit continues. This is not traditionally partisan legislation. This is about all Americans having affordable, reliable sources and supplies of energy, and all Americans believing enough in conservation and efficiency to play a role in making sure that our country is safe for the future.

This bill does some amazing things in conservation. First of all, it does something we have not done literally in 17 years. It reduces light truck fuel consumption, the SUVs and minivans, by 5 billion gallons over the next 6 years. That is like parking 2 years' production of minivans and SUVs, for 2 years out of that 6-year period. This increases funding for programs to assist low-income families.

I do not know if my colleagues realize it, but the number of families applying for LIHEAP help to pay their energy bills has been rising dramatically as the costs are going up, and

more and more families are having trouble meeting those costs.

This bill will provide incentives for cleaner energy sources and alternatively fueled vehicles. This bill will promote clean coal technologies. Coal provides 52 percent of our electricity. We want to make it as clean as we can make it, not just for the sake of America's environment but for the global environment.

This bill will set stricter standards on energy use in Federal buildings. We will make the Federal Government a leader by requiring by the year 2020 a 45 percent increase in efficiency in the use of energy in Federal buildings. And we will simplify and streamline the reauthorization, the relicensing of vital plants in the hydroelectric and nuclear area.

This bill will stabilize energy for our country, stabilize supplies, stabilize prices, stabilize markets. This bill is the answer to what is becoming a growing crisis in supply and demand in America, and I am pleased to bring it to the House as the main core of this bill that has been produced with the cooperation of four different committees.

I want to stress one thing more than anything else before I yield my time, and that is over half of our bill deals with conservation, efficiency, and alternative fuels. We lead with this effort because we believe logically Americans need first to control demand. We need to manage the demand of energy in this country first before we know how much more in supplies, how much more in deliverability we need to focus on in subsequent bills.

Later on, we will charge the subcommittee on energy and clean air, led by the gentleman from Texas (Mr. BARTON), to deliver on electricity and nuclear policy for this country. Today we build the broad policy, the permanent policy that stabilizes and protects America's energy future. I commend this bill to my colleagues' attention.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) is recognized for 15 minutes.

Mr. DINGELL. Mr. Chairman, I yield myself 2 minutes.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I rise to support those portions of H.R. 4 reported by the Committee on Energy and Commerce. In that committee, we had a bipartisan process and a bipartisan vote for passage of 50 to 5.

I want to specifically commend my good friend and colleague, the chairman of the committee, the gentleman from Louisiana (Mr. TAUZIN), and the chairman of the subcommittee, the gentleman from Texas (Mr. BARTON), for the way in which our committee addressed these issues. I also want to commend the distinguished ranking member, the gentleman from Virginia (Mr. BOUCHER), for his fine leadership and cooperation in this matter.

It is regrettable that some other provisions from other committees have not met the same high standards of work and bipartisanship that were included in the efforts of the Committee on Energy and Commerce. The tight deadlines imposed by the leadership, when coupled with lack of specific statutory proposals by the administration, meant that it was much more difficult to accomplish this legislation and that our successes were more limited.

Having said this, the Committee on Energy and Commerce has produced proposals well worthy of support in this body. Our bill provided for helpful conservation measures, balanced and targeted hydroelectric licensing reform, important protection of the nuclear waste fund, major incentives for the development and use of clean coal technology, and a needed analysis of the use of boutique fuels, a major problem.

And as a result of the bipartisan amendment adopted in the subcommittee by a vote of 29 to 3, the legislation required significant but prudent savings for light trucks and SUVs. I note that this is a floor, leaving the Department of Transportation to determine if higher standards are needed, with the full ability to exercise these powers through proper and careful rulemaking.

Virtually all of the committee's provisions in H.R. 4 are worthy of our support. I expect each Member will examine carefully other portions of this legislation, some of which are problematic, and see which amendments are to be adopted, if any, before rendering judgment on the entire matter.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I wish to commend the full committee chairman, the gentleman from Louisiana (Mr. TAUZIN); the full committee ranking member, the gentleman from Michigan (Mr. DINGELL); and my ranking member, the gentleman from Virginia (Mr. BOUCHER). A fair amount of the bill before us came out of my subcommittee on a bipartisan basis. I believe that in subcommittee it passed 29 to 1, and in full committee, as amended, it passed 50 to 5.

The bill before us is a balanced approach to our Nation's energy policy. On the supply side we have components of the bill that would address nuclear power in this country, the issue of boutique fuels, some hydroelectric licensing reforms, a significant title on clean coal technology, and obviously a major title on conservation.

Bills that came out of other committees addressed the access issue, specifically the Alaska National Wildlife Reserve. The Committee on Ways and Means put together a tax provision. And I must say I am a little puzzled by some of the opposition to the tax title. Most of the tax extensions are just that, extensions of existing tax credits. To the extent they are new provisions in the tax title, they are for renewable and clean coal technology, which I think we have tremendous bipartisan support on.

The bill that is before us is not the total answer to our Nation's energy policy. It is a good step in the right direction. I hope later in the fall to put together a comprehensive electricity restructuring bill that will come out of subcommittee and full committee and come to the floor on a bipartisan basis.

We want to do something on the nuclear fuel cycle, including Price-Anderson, the insurance fund. And once the President makes a decision on a repository for the high level nuclear waste, we want to put together a nuclear waste bill. We also want to reauthorize and improve and reform our pipeline safety bill.

So the bill that is before us is simply a step in the right direction. This Congress has the opportunity, and I think the obligation, to be known as the energy Congress. We are going to start that today on a bipartisan basis. I urge Members to keep an open mind on the amendments, but on final passage I hope that we will vote in support of the bill.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. BOUCHER).

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

□ 1245

Mr. BOUCHER. Mr. Chairman, as ranking member on the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce, I have had the pleasure of participating actively with other subcommittee members and with the gentleman from Texas (Mr. BARTON), the chairman of the subcommittee, the gentleman from Louisiana (Mr. TAUZIN), chairman of the full committee, and the ranking member, the gentleman from Michigan (Mr. DINGELL) in the construction of the Committee on Energy and Commerce titles in H.R. 4. It is my pleasure today to rise in support of the Committee on Energy and Commerce's provisions. They make a significant contribution to our Nation's energy policy.

I want to commend the process that the Committee on Energy and Commerce employed in writing these titles. It was an open process. Both the gentleman from Texas (Mr. BARTON) and the gentleman from Louisiana (Mr. TAUZIN) welcomed the participation of Democratic members of the committee at every step, and I would note that the

committee approved its titles by the broad bipartisan margin of 50–5.

The Committee on Energy and Commerce usually works in a bipartisan fashion, and this legislation is very much in that tradition, and I want to extend my thanks to the gentleman from Texas (Mr. BARTON) and the gentleman from Louisiana (Mr. TAUZIN) for their cooperative work with us.

The measure before us today does not address every energy-related concern. Some matters were not ripe for resolution given the rapid schedule set for completing work on H.R. 4. But this legislation does make a significant contribution to a strengthened national energy policy. It assures that the entire nuclear waste fund is expended for its intended purpose, the construction of a repository for the permanent storage of nuclear waste. While the Committee on Rules has removed that provision from this legislation, the provision in the original bill makes the important statement that this fund of ratepayer dollars should no longer be diverted to general government purposes.

Another of our committee's titles makes major improvements in the process of relicensing hydroelectric facilities. Another provision embodies a carefully crafted bipartisan compromise on vehicle fuel efficiency standards, and the coal title will promote the introduction of a new generation of advanced clean coal technologies which electric utilities will be incented to use through a range of tax credits.

While I have reservations about some titles in H.R. 4 that were added by other committees, I am pleased to commend the Committee on Energy and Commerce's work to the Members of this House and to urge support for these constructive contributions to a stronger national energy policy.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services.

Mr. OXLEY. Mr. Chairman, let me briefly explain the Committee on Financial Services' contribution to this legislation. Our committee has produced language which furthers an essential element of the President's energy plan, reducing energy consumption, and the idea is to get HUD to improve energy efficiency and conservation.

This legislation will improve the community development block grants program to spur energy conservation, create incentives for energy-efficient single- and multifamily homes, and aid Americans who purchase homes that are energy efficient.

The Committee on Financial Services has worked hard to ensure that American families can live in cost-effective, energy-friendly homes that will both relieve the strain on their pocketbooks and the strain on our energy infrastructure.

Mr. Chairman, H.R. 4 addresses the most critical elements of our energy difficulties. It promotes development of environmentally friendly technology through market competition and not through government mandates. It promotes the wise use of resources without threatening to cripple American businesses. H.R. 4 will lessen our dependence on foreign oil while at the same time leading to lower energy costs for all of us.

Mr. Chairman, I congratulate all of my colleagues on the various committees who have worked on this historic legislation.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I congratulate both the gentleman from Louisiana (Mr. TAUZIN), chairman of the full committee, and the ranking member, the gentleman from Michigan (Mr. DINGELL), and also the subcommittee chairman and ranking member, the gentleman from Texas (Mr. BARTON) and the gentleman from Virginia (Mr. BOUCHER), for putting together what I think is one of the most important pieces of legislation that this Congress can handle this year.

No economic prosperity can thrive and grow without an energy policy in place. I like to describe this situation that we have as Americans that when it deals with energy policy, we have attention deficit disorder. When oil was $10 a barrel and gasoline was 72 cents not very long ago, less than 2 years, energy was not on anyone's radar screen. But now when we have prices of oil that have risen to $30 a barrel, gasoline that reached $2, sometimes we make some hasty decisions.

Mr. Chairman, I think that that in itself should underscore the importance of why we should finally implement a national energy policy. It is something I talked about for many, many years being from the great State of Louisiana, but it is troubling in the times of the peaks and the valleys.

If we just look at USA Today, front page yesterday, it says, Energy Crisis: What Energy Crisis? Well, I can tell Members that my friends in the State of California and some of my friends in the Northeast will look at this a little differently. I believe if it is not a crisis today and we get lower prices in gasoline and natural gas, when is it going to be the next crisis? Next year, 2 years? But it is going to come, that is the history of this industry.

Mr. Chairman, I think it is paramountly important to not just the jobs in my district, and that is something that is important and precious to me, but it is about national security. We must pass this energy policy. It is balanced, and I am very proud to be a cosponsor of it.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. GANSKE), a valuable member of the Committee on Energy and Commerce.

(Mr. GANSKE asked and was given permission to revise and extend his remarks.)

Mr. GANSKE. Mr. Chairman, number one, I think it would be unfortunate and misguided if we were to turn back the clock and grant an exemption from the oxygenate requirements of the Clean Air Act today. Such an amendment would inhibit the use of ethanol and decrease our use of renewable fuels.

Number two, conservation is one of the first avenues we should examine in approaching our energy problems. I support efforts to increase the corporate average fuel economy standards.

Number three, I believe we must have new sources of energy. Last winter, Iowans suffered when their natural gas heating bills spiked. We need to have new sources of natural gas. Therefore, I support provisions in this bill which anticipate drilling in ANWR. It should be done responsibly; and I will also support the Wilson amendments.

Mr. Chairman, I speak in favor of a national energy plan for America. A comprehensive strategy has been decades overdue. I particularly commend those provisions which further our development of renewable fuels, such as the extension of the wind energy tax credit. I believe in the development of renewable fuels . . . such as biodiesel and ethanol. It would be unfortunate and misguided if we were to turn back the clock and grant an exemption from the oxygenate requirements of the Clean Air Act today. Such an amendment would actually inhibit the use ethanol and decrease our use renewable fuels. It would be a huge step backward, which would *increase* our dependence on foreign oil. I urge my colleagues to reject such an amendment.

There are some advocates who believe energy conservation is not important to this debate. I strongly disagree. Conservation is one of the first avenues we should examine in approaching our energy problems. Therefore, it is my intention to support efforts today to increase the Corporate Average Fuel Economy Standards. I believe it is a responsible and appropriate step in increase our energy conservation efforts.

There are others who argue that conservation efforts alone are not enough. I think they are also correct. I also believe we must have new sources of energy. Last winter Iowans suffered when their natural gas heating bills spiked . . . we need to have new sources of natural gas. We could look on the coral reef off the coast of Florida, or under the Great Lakes, or under our national monuments . . . or we could depend on foreign sources to provide it to use . . . at whatever price they chose . . . but I don't believe those are the best options. Therefore, I support the provision in this bill which anticipates drilling in the ANWR. It should be done responsibly . . . and I support the Wilson amendments.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Mr. Chairman, clearly, as in most bills that we have before us, there are some positive provisions. There are some positive provisions in this bill, but we should be very disappointed in the bill before the House today.

Mr. Chairman, the administration has declared that there is an energy

crisis in America. If we are in a crisis, we need a far bolder approach than we are seeing today. This legislation is not an energy package for the 21st century. It focuses on the same old ideas that have led to many of our current problems. It is a plan for the previous century that perpetuates our reliance on dirty, inefficient energy sources while virtually ignoring the ideas of efficiency and renewable energy.

Our country deserves a national energy strategy that promotes energy security by encouraging cleaner renewable sources and increasing energy efficiency. As members of the Committee on Energy and Commerce, many of us have fought for aggressive strategies such as increased air conditioner standards and standards for other appliances that account for a high percentage of energy use. It simply defies common sense not to make these appliances just as efficient as possible.

By not even addressing this issue and many other issues, we are not even scratching the surface in terms of developing a comprehensive approach to our energy needs in this country.

Congress needs to go back to the drawing board and develop a real policy that moves our country toward true energy independence for the future.

Mr. TAUZIN. Mr. Chairman, I yield 30 seconds to myself to respond to the gentleman.

Mr. Chairman, the bill does contain new rulemaking for appliance efficiency. In fact, it requires rulemaking stand-by power standards on a number of home appliances and other large appliances, and it does provide for all Federal agencies to buy a new 20 percent increase in efficiency air conditioner, the CR–12 standard, which was recommended not only by the Department of Justice, but by the DOE in the Clinton administration.

So we have air conditioning efficiency standards, appliance standards, rulemaking for stand-by power to lower the energy use of many appliances. This is a comprehensive bill.

Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. WHITFIELD), another valuable member of the Committee on Energy and Commerce.

Mr. WHITFIELD. Mr. Chairman, as a member of the Committee on Energy and Commerce, I was quite impressed with the way that the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Michigan (Mr. DINGELL), the gentleman from Texas (Mr. BARTON) and the gentleman from Virginia (Mr. BOUCHER) worked to put this bill together. It is an important piece of legislation because it sets out a national energy policy for America, something we have not had in a long time.

It also pays some special attention to coal.

Coal is our most abundant resource. We have 250 years of coal in the ground in America today. It provides 51 percent of all of the electricity produced in America, and it is one of the low-cost fuels which benefits the consumers throughout the country. Not only that, but it is one of the very few fuels that we do not have to import from other countries.

Mr. Chairman, this bill is important because it authorizes $2 billion for research and development of clean coal technology. It provides tax credits for investment in clean coal technology, tax credits for production using clean coal technology, and I would urge everyone on this floor to support this legislation. I, for one, am particularly happy that it does place an emphasis on the importance of coal in America.

□ 1300

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of the manager's amendment and the underlying bill. Is there anyone in the entire Nation who does not believe that the time has come for our Nation to declare independence, to declare independence on foreign oil, on foreign energy sources? Should we not be self-sufficient and independent in providing for the demands of our public, for the energy needs that are part of our everyday standard of living?

That is what was the thrust of a bill that I introduced last term, to call for bringing about all the resources at our command, to focus on energy and to bring about independence of energy on foreign oil within 10 years. We cannot do that unless we buckle down and begin the process of amassing those resources and focusing on these problems, starting with today's legislation. We should be ecstatic at the outset of this endeavor to recognize that whatever we do today is the giant first step towards that total independence that we all crave.

Mr. TAUZIN. Mr. Chairman, I yield 3 minutes to the gentleman from the great State of Texas (Mr. DELAY), the majority whip, who makes almost as much of an energy contribution to America's future as does the great State of Louisiana.

Mr. DELAY. Mr. Chairman, I appreciate the kind words for Texas coming from the gentleman from Louisiana (Mr. TAUZIN). I greatly appreciate it. It is probably the only time we have heard good words about Texas coming from Louisiana. We appreciate that very much, Mr. Chairman.

I congratulate the chairman for bringing this bill to the floor and his participation in it.

I ask the Members, Mr. Chairman, to support this bill because it makes substantial progress towards strengthening America's energy security.

We find ourselves facing energy challenges that we simply cannot ignore any longer. Under the President and Vice President's leadership, the country has taken a hard look at both our short-term energy supply problems and the broader implications of long-term demands mandated by our expanding population and economy.

I want to thank the chairmen of so many committees for doing outstanding jobs in putting together this very important package: the gentleman from New York (Mr. BOEHLERT) of the Committee on Science, the gentleman from Alaska (Mr. YOUNG) of the Committee on Transportation and Infrastructure, the gentleman from California (Mr. THOMAS) of the Committee on Ways and Means, the gentleman from Louisiana (Mr. TAUZIN) of the Committee on Energy and Commerce. I also want to thank the ranking members, particularly the gentleman from Michigan (Mr. DINGELL) from the Committee on Energy and Commerce.

This is a very, very good package. This bill takes important steps to meet both those objectives that I was talking about. The SAFE Act, the Securing America's Future Energy Act, addresses our energy security with a thorough and comprehensive approach. It encourages conservation methods to enhance the dramatic improvements America has made over the past 20 years.

Today we are much more efficient, a much more efficient society than we were only shortly ago. This bill will help us become even better, and it spurs progress by offering incentives that will put our ingenuity and technological prowess to work. We best meet a challenge in this country by identifying the problem and by liberating the American people to solve it with entrepreneurial know-how.

New regulations and measures that deny choices to consumers are the wrong direction. This bill gets it right by offering incentives, not mandates.

The SAFE Act targets a significant problem: our growing dependence on foreign sources of energy. America faces a serious degradation of our national security unless we move at once to reduce our dependence on foreign sources of energy.

This bill takes important steps in that direction by promoting initiatives that will allow us to produce more energy at home. We need to take control of our own destiny, and this bill gives the American people much more control over their energy security.

Members from both parties, I ask support for this bill.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the courtesy of the gentleman from Michigan (Mr. DINGELL) in allowing me an opportunity to address this issue.

I am concerned that a key component of any plan is to chart a course for the future. The energy plan we are debating today and voting on falls terribly short in preparing the United States for the future on a number of

issues: fiscal conservatism, environmental stewardship, and international relations.

This bill costs $34 billion without any offsets to pay for it. Just like the general tax cut from President Bush which primarily benefits the people who need help the least and puts our economic future for the country in a precarious position, this energy bill puts Medicare and Social Security Trust Funds at further risk of being raided.

We need to be focusing first and foremost on conservation and energy efficiency. With all due respect to the Vice President, energy conservation is more than a personal virtue. It should be the cornerstone of a long-term national energy policy. Nor does the bill that we are debating today provide adequate support for those families most in need to meet rising energy costs in the short term or provide incentives and funding for more long-term solutions such as investing in weatherization efforts, more energy-efficient appliances, and building design.

For too many elderly and poor people, we are still asking them to choose between energy and food. With the hot spells we are looking at in the course of the summer, it could, in fact, be a life or death decision for some senior citizens.

The energy bill is a direct assault on the environment by attempting to open up the Arctic Wildlife Refuge by drilling at a tremendous cost of 160 species of migratory birds, caribou, grizzlies, wolves and others that rely on the open space of the refuge.

Finally, it is the slap in the face of our allies around the globe. Earlier this month in Bonn, the international community came to an agreement to address greenhouse gas emissions.

I respect people who disagree, but this administration has been unable to formulate its own approach, leaving America out in the cold. America deserves a bill that balances economic and environmental considerations. I strongly urge a vote against this consideration.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. I thank the gentleman from Michigan for yielding me this time.

Mr. Chairman, I rise today to acknowledge the good work that took place on the committee that I am on. I recognize this is during the time of the Committee on Energy and Commerce, but I am on the Committee on Science. I just want to acknowledge that I think it fits well with this bill, a good bipartisan effort on that committee, an effort to focus a little bit more on the long-term objectives we are trying to do in this energy policy.

In the long run I think technology is going to be a key component of how we address our energy situation, technology that finds better ways for us to make energy from existing sources, technology that finds ways to produce energy from new sources, and technology that helps us use energy more efficiently.

I am particularly pleased in the research and development component. It incorporated a suggestion that I made to study ways to improve use of the electric transmission system to make it more efficient. However we want to produce energy, however we want to use energy, at the end if we can move it across those transmission lines on a more efficient basis, that helps us all.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Chairman, I thank the distinguished ranking member for yielding time. I, too, like the previous speaker had scheduled to speak on behalf of the Committee on Science but want to take advantage of this opportunity.

Mr. Chairman, I rise in opposition to this bill. As I look it over, I am reminded of the old Western movie ''The Good, the Bad and the Ugly.'' There are a few good things in the bill. For example, it includes the text of my three bills dealing with clean school buses, energy-efficient schools, and distributed energy. There are a few other good things as well, but the good things are far outweighed by the bad.

The restrictive rule imposed by the leadership makes it impossible to remove or improve all those things that are bad for the environment, bad for taxpayers, bad for the economy and bad for the country. So even if the House adopts the amendments to protect the Arctic National Wildlife Refuge, as we should, the bill would still be so ugly that it should be rejected by the House.

Let us reject this bill.

Mr. TAUZIN. Mr. Chairman, I would ask the Chair, who has the right to close general debate.

The CHAIRMAN. The gentleman from Louisiana has the right to close.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Chairman, in the final analysis, this bill is less a real energy policy for the next century than it is a scandal. It is an environmental and fiscal Teapot Dome. It is the result of $33 million in campaign contributions by the oil and gas industry which has derived $21 billion in benefits from the Federal taxpayers. Where is that going to come from? It is going to come from the Medicare Trust Fund, because our friends across the aisle are refusing to hue to a policy of fiscal responsibility.

It is also showing an amazing lack of vision. Forty years ago, President Kennedy stood right behind me and challenged Americans, said, this Nation is going to go to the Moon within the decade. President Bush's energy policy says, Let's not go anywhere. Let's rely on what we invented in the early 1900s, oil and gas. That is why 75 percent of all the fiscal benefits in this bill are for fossil fuels and only 17 percent is for the new technology. It is a great energy policy for the last century.

Mr. DINGELL. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank my ranking member and good friend for allowing me to close on our side.

I rise in support of H.R. 4 and want to commend the leaders on both sides, particularly in the Committee on Energy and Commerce that we worked on, what I consider a reasonable energy package. This legislation is long overdue and sorely needed because America has been wracked by unstable energy policies resulting from both internal and external pressures.

The legislation before us today will help stabilize these prices through a combination of exploration and conservation. I am not standing here to pretend that we can drill our way out of our dependence on foreign oil, but we need to do better. However, by more utilization of our domestic energy sources, we can better absorb unexpected price shocks.

In addition, the positive step this bill takes toward conservation will further stretch our energy supply. The bipartisan agreement in our committee between the gentleman from Michigan (Mr. DINGELL) and the gentleman from Louisiana (Mr. TAUZIN) has resulted in the first meaningful increase in the CAFE standard in over 2 decades.

I understand this compromise may not go far enough for some folks, but it is an increase. I am concerned about American jobs. We need to make sure we have production, and exploration. I will have a discussion on this in later amendments.

I am glad to support the bill and look forward to working with my colleagues.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. SAWYER).

(Mr. SAWYER asked and was given permission to revise and extend his remarks.)

Mr. SAWYER. Mr. Chairman, I thank both the gentleman from Louisiana and the gentleman from Michigan for their courtesy.

Mr. Chairman, the bill before us is a modest effort. It bears the earmarks of a rushed process. Energy policy is too important to the well-being of this country to be produced in impromptu committee sessions.

I cannot emphasize strongly enough that no effort to solve this country's energy problems will be effective if we do not also tackle electricity issues. This bill almost entirely ignores the harder questions about electricity restructuring. It is bad enough that this bill turns its back on providing any help to the people of California. But it does nothing to demonstrate

to the American people that Congress is willing to take the steps necessary to provide the kind of Federal framework that will allow the developing electricity markets to work properly.

How can we tell our constituents that we are solving America's energy problems if we do nothing about an electrical transmission system that was designed to meet the needs of America in the 1930's? Several of us will shortly be introducing legislation that will provide for a transmission system appropriate to our new century.

Let us strive to achieve a truly comprehensive and effective solution to our energy problems. That solution is not before us today. Let us commit ourselves to the hard and deliberative work of addressing electrical transmission and generation.

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Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume in closing on our Committee on Energy and Commerce time on this bill.

Mr. Chairman, much has been said in the last 30 minutes about this bill, some of it critical. I want to make a point here that I hope all Members will pay some attention to: this bill does not do everything that this Congress needs to do.

We are going to take up an electricity bill in the fall, we are going to take up a nuclear policy bill in the fall, we will hopefully renew Price-Anderson. We are going to do a number of other things in the fall which may carry forward some of our conservation efforts in this bill. But this bill is a giant step forward to securing America's energy future. I want to focus on two parts of it that I hope Americans will really appreciate.

The first is this awful problem that boutique fuels have caused in our gasoline markets. To all Americans who found themselves, particularly in Chicago and Milwaukee a few years ago, paying incredible prices for gasoline because there was such a shortage, look to the boutique fuel market for your enemy.

The boutique fuel market, designed to help clean air, unfortunately ended up with over 50 different formulations of fuel. It is a dysfunctional market that has raised the price in the Midwest from 30 to 35 cents a gallon. This bill begins to straighten out that dysfunction and sets in place a method to lower the numbers of those reformulations of gasoline, still keeping strict abidance with the clean air requirements of our great Nation.

Secondly, I want to focus on the CAFE standards in this bill. The CAFE standards to be adopted in this bill will require for the first time in 17 years SUVs and minivans to begin saving fuel the way we require it to be saved in the car fleets of America. Today the SUVs and minivans consume about 2.4 billion gallons of gasoline a year.

This bill will require a savings of 5 billion gallons over the next 6 years. That is the equivalent of parking two production years of all the SUVs and minivans that we produce on our highways in America, parking them for 2 years out of that 6. That is a significant floor upon which NHTSA will build its new CAFE requirements.

This is only a floor. This is the minimum NHTSA must do, our National Highway Traffic Safety Administration. They can and should do more. We will be faced with an amendment later by several of our friends to dramatically increase that number in the bill. Let me warn all Americans, all of us in this room, the numbers we have, the report from the NAS, tells us if you move those numbers too fast, just because you want to, if you push those numbers too high, too fast, you will produce lighter vehicles on the road. History tells us you will have more deaths and injury.

The industry can do a great deal with technology to move fuel efficiency up. This bill pushes them hard and we will get new fuel efficiencies in SUVs and minivans. You go too far, and you end up compromising safety.

This a good bill, a great step forward. I commend it to a favorable vote of this body.

The CHAIRMAN. All debate time allotted to the Committee on Energy and Commerce has expired.

The Chair will now recognize for 10 minutes of debate each the gentleman from New York (Mr. BOEHLERT) and the gentleman from Texas (Mr. HALL).

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring before the House the Committee on Science portions of H.R. 4 which are primarily found in division B of the bill. These provisions were originally part of H.R. 2460, which our committee passed unanimously.

I would like to submit for the RECORD at this point materials that were prepared for the report accompanying H.R. 2460, which describe in detail the nature of the provisions that are now in division B.

1. SECTION-BY-SECTION ANALYSIS OF H.R. 4, SECURING AMERICA'S FUTURE ENERGY (SAFE) ACT OF 2001

DIVISION E: CLEAN COAL POWER INITIATIVE ACT OF 2001

Section 5000. Short Title

Subsection 5000 cites the division as the ''Clean Coal Power Initiative Act of 2001.''

Sec. 5001. Findings

Section 5001 contains the eight findings.

Sec. 5002. Definitions

Section 5003 defines the term ''cost and performance-based goals'' to mean the cost and performance-based goals established under section 5004, and the term ''Secretary'' to mean the Secretary of Energy.

Sec. 5003. Clean Coal Power Initiative

Subsection 5003(a) requires the Secretary to carry out the Clean Coal Power Initiative under: (1) this division; (2) the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C.5901 et seq.); (3) the Energy Reorganization Act of 1974 (42 U.S.C.5801 et seq.); and (4) title XIII of the Energy Policy Act of 1992 (42 U.S.C.13331 et seq.), to achieve cost and performance goals established by the Secretary under section 5004.

Sec. 5004. Cost and Performance Goals

Subsection 5004(a) requires the Secretary to perform an assessment that establishes measurable cost and performance goals for 2005, 2010, 2015, and 2020 for the programs authorized by this division. Such assessment must be based on the latest scientific, economic, and technical knowledge.

In establishing the cost and performance goals, subsection 5004(b) requires the Secretary to consult with representatives of: (1) the United States coal industry; (2) State coal development agencies; (3) the electric utility industry; (4) railroads and other transportation industries; (5) manufacturers of advanced coal-based equipment; (6) institutions of higher learning, national laboratories, and professional and technical societies; (7) organizations representing workers; (8) organizations formed to—(A) promote the use of coal; (B) further the goals of environmental protection; and (C) promote the production and generation of coal-based power from advanced facilities; and (9) other appropriate Federal and State agencies.

Under subsection 5004(c), the Secretary shall: (1) not later than 120 days after the date of enactment of this division, issue a set of draft cost and performance goals for public comment; and (2) not later than 180 days after the date of enactment, after taking into consideration any public comments received, submit to the Committee on Energy and Commerce and the Committee on Science of the House of Representatives, and to the Senate, the final cost and performance goals.

Sec. 5005. Authorization of Appropriations

Except as provided in subsection 5005(c), subsection 5005(a) authorizes to be appropriated to the Secretary to carry out the Clean Coal Power Initiative under section 5003 $200.0 million for each of the fiscal years 2002 through 2011, to remain available until expended.

Notwithstanding subsection 5005(a), subsection 5005(b) prohibits the use of funds to carry out the activities authorized by this division after September 30, 2002, unless the Secretary has transmitted to the Committee on Energy and Commerce and the Committee on Science of the House of Representatives, and to the Senate, the report required by this subsection and one month has elapsed since that transmission. The report shall include, with respect to subsection 5005(a), a 10–year plan containing: (1) a detailed assessment of whether the aggregate funding levels provided under subsection 5005(a) are the appropriate funding levels for that program; (2) a detailed description of how proposals will be solicited and evaluated, including a list of all activities expected to be undertaken; (3) a detailed list of technical milestones for each coal and related technology that will be pursued; (4) recommendations for a mechanism for recoupment of Federal funding for successful commercial projects; and (5) a detailed description of how the program will avoid problems enumerated in General Accounting Office reports on the Clean Coal Technology Program, including problems that have resulted in unspent funds and projects that failed either financially or scientifically.

Subsection 5005(c) provides that subsection 5005(b) shall not apply to any project begun before September 30, 2002.

Sec. 5006. Project Criteria

Subsection 5006(a) prohibits the Secretary from providing funding for project that does

not advance efficiency, environmental performance, and cost competitiveness well beyond the level of technologies that are in operation or have been demonstrated as of the date of the enactment of this division.

Subsection 5006(b) contains the technical criteria for the Clean Coal Power Initiative.

Under subsection 5006(b)(1)(A), in allocating the funds authorized under section 5005(a), the Secretary shall ensure that at least 80 percent of the funds are used only for projects on coalbased gasification technologies, including gasification combined cycle, gasification fuel cells, gasification coproduction and hybrid gasification/combustion.

Subsection 5006(b)(1)(B) requires the Secretary to set technical milestones specifying emissions levels that coal gasification projects must be designed to and reasonably expected to achieve. The milestones shall get more restrictive through the life of the program, and such milestones shall be designed to achieve by 2020 coal gasification projects able to: (1) remove 99 percent of sulfur dioxide; (2) emit no more than 0.05 pounds (lbs) of nitrous oxides (NOx) per million British Thermal Unit (BTU); (3) achieve substantial reductions in mercury emissions; and (4) achieve a thermal efficiency of 60 percent (higher heating value).

For projects not described in subsection 5006(b)(1)(A) or subsection 5006(b)(1)(B), subsection 5006(b)(2) requires the Secretary to set technical milestones specifying emissions levels that the projects must be designed to and reasonably expected to achieve. The milestones shall get more restrictive through the life of the program, and such milestones shall be designed to achieve by 2010 projects able to: (1) remove 97 percent of sulfur dioxide; (2) emit no more than 0.08 lbs of NO_X per million BTU; (3) achieve substantial reductions in mercury emissions; and (4) achieve a thermal efficiency of 45 percent (higher heating value).

Subsection 5006(c) prohibits the Secretary from providing a funding award under this division unless the recipient of the award has documented to the satisfaction of the Secretary that: (1) the award recipient is financially viable without the receipt of additional Federal funding; (2) the recipient will provide sufficient information to the Secretary for the Secretary to ensure that the award funds are spent efficiently and effectively; and (3) a market exists for the technology being demonstrated or applied, as evidenced by statements of interest in writing from potential purchasers of the technology.

Subsection 5006(d) requires the Secretary to provide financial assistance to projects that meet the requirements of subsections 5006 (a), (b), and (c) and are likely to: (1) achieve overall cost reductions in the utilization of coal to generate useful forms of energy; (2) improve the competitiveness of coal among various forms of energy in order to maintain a diversity of fuel choices in the United States to meet electricity generation requirements; and (3) demonstrate methods and equipment that are applicable to 25 percent of the electricity generating facilities that use coal as the primary feedstock as of the date of enactment of this division.

Subsection 5006(e) limits the Federal share of the cost of a coal or related technology project funded by the Secretary to not more than 50 percent.

Subsection 5006(f) provides that neither the use of any particular technology, nor the achievement of any emission reduction, by any facility receiving assistance under this division shall be taken into account for purposes of making any determination under the Clean Air Act in applying the provisions of that Act to a facility not receiving assistance under this division, including any determination concerning new source performance standards, lowest achievable emission rate, best available control technology, or any other standard, requirement, or limitation.

Sec. 5007. Study

Under subsection 5007(a), not later than one year after the date of enactment of this division, and once every two years thereafter through 2016, the Secretary, in cooperation with other appropriate Federal agencies, must transmit to the Committee on Energy and Commerce and the Committee on Science of the House of Representatives, and to the Senate, a report containing the results of a study to: (1) identify efforts (and the costs and periods of time associated with those efforts) that, by themselves or in combination with other efforts, may be capable of achieving the cost and performance goals; (2) develop recommendations for the Department of Energy to promote the efforts identified under (1); and (3) develop recommendations for additional authorities required to achieve the cost and performance goals.

In carrying out this section, subsection 5007(b) requires the Secretary shall give due weight to the expert advice of representatives of the entities described in subsection 5004(b).

Sec. 5008. Clean Coal Centers of Excellence

As part of the Clean Coal Power Initiative authorized in section 5003, section 5008, which is included in the manager's amendment, requires the Secretary to award competitive, merit-based grants to universities for the establishment of Centers of Excellence for Energy Systems of the Future. Such centers shall be located at universities with a proven record of conducting research on, developing, or demonstrating clean coal technologies. The Secretary shall provide grants to universities that can show the greatest potential for demonstrating new clean coal technologies.

II. COMMITTEE ON SCIENCE VIEWS ON H.R. 4, SECURING AMERICA'S FUTURE ENERGY (SAFE) ACT OF 2001

DIVISION E: CLEAN COAL POWER INITIATIVE ACT OF 2001

Division E of H.R. 4, the Clean Coal Power Initiative Act of 2001, provides $2 billion over 10 years for the Administration's Clean Coal Power Initiative. Like the Administration, the Committee believes that coal is likely to continue to be a significant source of electric power in the U.S. for years to come, given its domestic abundance. However, if that is to be the case, coal must become a far more efficient and cleaner fuel. Such improvements will require, among other actions, government investment in research, development, demonstration and commercial application of truly advanced coal technologies. Neither the taxpayers nor the coal industry will be well served in the long run if government investments are made in technologies that do not "push the envelope." Moreover, a concerted effort will be needed to strengthen the management of clean coal programs.

With those concerns in mind, division E places a number of requirements and restrictions on the Clean Coal Power Initiative.

First, the Committee is requiring a detailed report on how the Initiative will be organized and implemented. The Committee is disturbed that at Committee hearings, the Administration could neither explain how the $2 billion figure was arrived at nor how the money would be spent. Given the priority the Administration has placed on the Initiative, the Committee will allow the Initiative to begin. However, no funds may be as of October 1, 2002, unless the Administration has submitted the detailed report required by this division and it has been before the Congress for 1 month.

The report must be specific in explaining how the $2 billion figure was developed, the scope of the Initiative, how the Initiative will operate, what technical milestones will be established and how they will be achieved, and how the Initiative can be guided or informed by the successes and failures of past clean coal efforts. The report must also include recommendations for recoupment of federal funds for successful projects.

The division also establishes strict, environmental standards that projects must be designed to meet and reasonably be expected to achieve in order to receive funding. Moreover, at least 80 percent of the funding must be devoted to projects related to gasification technologies that are furthest from development and promise the greatest environmental benefit among economically viable technologies, and, therefore, the ones most deserving of government support.

The Committee intends that the Secretary set strict, achievable, specific environmental milestones to ensure that the projects comply with section 5006. The environmental criteria in this division, which are taken from industry's own technology roadmap, are not mere advisory guidelines. They are precise requirements that the Initiative must be designed to meet.

The Committee intends that the efficiency requirements refer to generation efficiency and that the efficiency numbers apply to plants that are exclusively generating power. The Secretary should issue equivalent efficiency numbers for plants involved in the production of industrial chemicals or other activities.

The division also sets strict financial criteria for participants in the Initiative. These criteria are absolutely essential to the success of the program. The Committee intends that the Secretary require specific, written documentation and audits from the participants to meet the requirements of subsection 5006(c). For example, a market should exist for the technology being demonstrated or applied, as evidenced by statements of interest in writing from potential purchasers of technology.

The Committee recommends that the Secretary consult with objective, outside experts in developing the report, including those from the National Academies of Science and Engineering (who will eventually be reviewing the Initiative, pursuant to section 2616 of H.R. 4) and the General Accounting Office. The Committee also recommends that, in writing the report and carrying out the program, the Secretary consult with environmental groups and other environmental experts (as a primary goal of the program is making coal a more environmentally benign fuel), the coal industry, the utility industry, and the coal equipment manufacturing industry.

The Committee is aware of a proposed dry coal cleaning technology demonstration involving a pulverizer and dry separator operating together to remove impurities from coal and other minerals. The Committee encourages the Secretary to provide assistance for demonstration of such innovative magnetic separator technologies.

Sec. 5008. Clean Coal Centers of Excellence

Section 5008 directs the Secretary to provide grants to universities for the establishment of clean coal centers of excellence. Based on the Subcommittee on Energy's June 12, 2001 hearing on Clean Coal Technology and subsequent discussions and materials, the Committee strongly encourages

the Secretary to consider as potential recipients Southern Illinois University, the University of Pittsburgh, Carnegie-Mellon University, and the Center for Electric Power at Tennessee Technological University.

I. SUMMARY OF MAJOR PROVISIONS OF H.R. 4, SECURING AMERICA'S FUTURE ENERGY (SAFE) ACT OF 2001

DIVISION B: COMPREHENSIVE ENERGY RESEARCH AND TECHNOLOGY ACT OF 2001

Division B of H.R. 4, the Comprehensive Energy Research and Technology Act of 2001, authorizes a total of $16,802,153,000 for the period FY 2002–2009 in five titles for research, development, demonstration, and commercial application programs, projects, and activities of the Department of Energy (DOE) and the Environmental Protection Agency (EPA) Office of Air and Radiation (OAR).

Title I (Energy Conservation and Energy Efficiency) authorizes $3,025,542,000 for FY 2002–FY 2006 in six subtitles, as follows:

1. A—Alternative Fuel Vehicles: $200.0 million for FY 2002 for not more than 15 grants (with a maximum grant size of $20.0 million) to State and local governments, or metropolitan transit authorities for the demonstration and commercial application of alternative fuel and ultra-low sulfur diesel vehicles.

2. B—Distributed Power Hybrid Energy Systems: Section 2125 authorizes $20.0 million for FY 2002 for competitive, merit-based grants for the development of micro-generation energy technology.

3. C—Secondary Electric Vehicle Battery Use: $1.0 million for FY 2002, and $7.0 million for each of FY 2003 and FY 2004 for a research, development, and demonstration (RD&D) program.

4. D—Green School Buses: $40.0 million for FY 2002, $50.0 million for FY 2003, $60.0 million for FY 2004, $70.0 million for FY 2005, and $70.0 million for FY 2006 for competitive grants for the demonstration and commercial application of alternative fuel and ultra-low sulfur diesel school buses.

5. E—Next Generation Lighting Initiative: Authorizes the Secretary of Energy (Secretary) to research, develop, and conduct demonstration activities on advanced lighting technologies, including white light emitting diodes.

6. F—DOE Authorization of Appropriations: In addition to the amounts authorized under subtitle A, section 2125 of subtitle B, and subtitle D, authorizes $625.0 million for FY 2002, $700.0 million for FY 2003, and $800.0 million for FY 2004 for subtitles B, C, E, and for Energy Conservation operation and maintenance (including Building Technology, State and Community Sector (Nongrants), Industry Sector, Transportation Sector, Power Technologies, and Policy and Management).

7. G—EPA OAR Authorization of Appropriations: $121.9 million for FY 2002, $126.8 million for FY 2003, and $131.8 million for FY 2004.

In addition, subtitle H (National Building Performance Initiative) requires the Director of the Office of Science and Technology Policy (OSTP) to establish and Interagency Group responsible for the development and implementation of a National Building Performance Initiative to address energy conservation research and development (R&D) and related issues.

Title II (Renewable Energy) authorizes $2,468,200,000 for FY 2002–FY 2006 in four subtitles, as follows:

1. A—Hydrogen: $60.0 million for FY 2002, $70.0 million for FY 2003, $80.0 million for FY 2004, $90.0 million for FY 2005, and $100.0 million for FY 2006.

2. B—Bioenergy: $148.2 million for FY 2002, $162.9 million for FY 2003, $179.9 million for FY 2004, $199.4 million for FY 2005, and $221.8 million for FY 2006.

3. C—Transmission Infrastructure Systems: Directs the Secretary to develop and implement a comprehensive RD&D and commercial application program to ensure the reliability, efficiency, and environmental integrity of electrical transmission systems.

4. D—DOE Authorization of Appropriations: $535.0 million for FY 2002, $639.0 million for FY 2003, and $683.0 million for FY 2004, $70.0 million for FY 2005, and $70.0 million for FY 2006, including the amounts authorized under subtitle A and subtitle B and for Renewable Energy operation and maintenance, including subtitle C, Geothermal Technology Development, Hydropower, Concentrating Solar Power, Photovoltaic Energy Systems, Solar Building Technology Research, Wind Energy Systems, High Temperature Superconducting Research and Development, Energy Storage Systems, Transmission Reliability, International Renewable Energy Program, Renewable Energy Production Incentive Program, Renewable Program Support, National Renewable Energy Laboratory, and Program Direction.

Title III (Nuclear Energy) authorizes $724,995,000 for FY 2002–FY 2006 in three subtitles, as follows:

1. A—University Nuclear Science and Energy: $30.2 million for FY 2002, $41.0 million for FY 2003), $47.9 million for FY 2004, $55.6 million for FY 2004, and $61.4 million for FY 2005.

2. B—Advanced Fuel Recycling Technology R&D Program: $10.0 million for FY 2002, and such sums as are necessary for each of FY 2003 and FY 2004.

3. C—DOE Authorization of Appropriations: $191.2 million for FY 2002, $199.0 million for FY 2003, and $207.0 million for FY 2004 for nuclear energy operation and maintenance, including subtitle A, the Nuclear Energy Research Initiative ($60.0 million for FY 2002, and such sums as are necessary for each of FY 2003 and FY 2004), the Nuclear Energy Plant Optimization Program ($15.0 million for FY 2002, and such sums as are necessary for each of FY 2003 and FY 2004), Nuclear Energy Technologies ($20.0 million for FY 2002, and such sums as are necessary for each of FY 2003 and FY 2004), Advanced Radioisotope Power Systems, Test Reactor Landlord, and Program Direction. In addition, funds are authorized to complete two construction projects.

Title IV (Fossil Energy) authorizes $5,933,000,000 for FY 2002–FY 2009 in five subtitles, as follows:

1. A—Coal: $172.0 million for FY 2002, $179.0 million for FY 2003, $186.0 million for FY 2005 for coal and related technologies programs.

2. B—Oil and Gas: Authorizes RD&D and commercial application programs on petroleum-oil technology and natural gas technologies.

3. C—Ultra-Deepwater and Unconventional Drilling: $4,516.0 million for the period FY 2002–FY 2009 for RD&D of ultra-deepwater natural gas and other petroleum exploration and production technologies.

4. D—Fuel Cells: Authorizes an RD&D program on fuel cells, including $28.0 million for each of FY 2002–FY 2004 for the demonstration of manufacturing production and processes.

5. E—DOE Authorization of Appropriations: $282.0 million for FY 2002, $293.0 million for FY 2003, and $305.0 million for subtitle B, subtitle D, and for Fossil Energy R&D Headquarters Program Direction, Field Program Direction, Plant and Capital Equipment, Cooperative Research and Development, Import/Export Authorization, and Advanced Metallurgical Processes.

Title V (Science) authorizes $4,541,858,000 for FY 2002–FY 2006 in four subtitles, as follows:

1. A—Fusion Energy Sciences: $320.0 million for FY 2002 and $335.0 million for FY 2003.

2. B—Spallation Neutron Source (SNS): $276.3 million for FY 2002, $201.571 million for FY 2003, $124.6 million for FY 2004, $79.8 million for FY 2005, and $41.1 million for FY 2006 for completion of construction, and $15.353 million for FY 2002 and $103.279 million for FY 2003–FY 2006 for other project costs. Caps the project at $1,192.7 million for costs of construction, $219.0 million for other project costs, and $1,411.7 million for total project cost.

3. C—Facilities, Infrastructure, and User Facilities—Requires the Secretary to develop and implement a least-cost nonmilitary energy laboratory facility and infrastructure strategy, and requires full and open competition for universities and other entities in the establishment or operation of a DOE user facility.

4. E—DOE Authorization of Appropriations: $3,299,558,000 for FY 2002 for Office of Science operation and maintenance (also including Fusion Energy Sciences, SNS, subtitle C, High Energy Physics, Nuclear Physics, Biological and Environmental Research, Basic Energy Sciences (except for the Spallation Neutron Source), Advanced Scientific Computing Research, Energy Research Analysis, Multiprogram Energy Laboratories-Facilities Support, Facilities and Infrastructure, Safeguards and Security, and Program Direction), and including $5.0 million for FY 2002 for research in the use of precious metals in catalysts. Also authorizes funds to complete a number of construction projects.

In addition, subtitle D (Advisory Panel on Office of Science) requires the Director of OSTP to establish an Advisory Panel on the DOE Office of Science.

Title VI (Miscellaneous) contains two subtitles. Subtitle A (General Provisions for the Department of Energy), identifies current statutes that should be used for procedures and guidelines to carry out the Act, limits use of funds, and establishes cost-sharing requirements and reprogramming guidelines. Subtitle B (Other Miscellaneous Provisions) establishes limits on general plant projects and construction projects, provides authority for conceptual and construction design activities, requires that certain reports prepared pursuant to the National Energy Policy Development Group recommendations be transmitted to specific congressional committees, and requires periodic reviews and assessments of the programs authorized by the Act.

Table I summarizes the authorizations for the period FY 2002–2009 for programs, projects, and activities in five titles in Division B. Table 2 summarizes and Table 3 details the division's authorizations for FY 2002–FY 2004.

Table 1. H.R. 4, DIVISION B, Comprehensive Energy Research and Technology Act of 2001
Summary of Authorizations: Fiscal Years 2002-2009
(Dollars in Thousands)

FISCAL YEAR	TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY	TITLE II—RENEWABLE ENERGY	TITLE III—NUCLEAR ENERGY	TITLE IV—FOSSIL ENERGY	TITLE V—SCIENCE	TOTAL
2002	1,006,942	535,000	192,650	1,163,500	3,624,479	**6,522,571**
2003	876,800	639,000	201,700	1,088,500	669,879	**3,475,879**
2004	991,800	683,000	208,746	1,054,500	126,600	**3,064,646**
2005	70,000	289,400	57,799	541,500	79,800	**1,038,499**
2006	80,000	321,800	64,100	508,500	41,100	**1,015,500**
2007				524,500		**524,500**
2008				538,500		**538,500**
2009				513,500		**513,500**
Total	**3,025,542**	**2,468,200**	**724,995**	**5,933,000**	**4,541,858**	**16,693,595**

Table 2. H.R. 4, DIVISION B, Comprehensive Energy Research and Technology Act of 2001, Summary: Fiscal Years 2002-2004
(Dollars in Thousands)

TITLE	FY 2001 Comparable Appropriation	FY 2002 Request	FY 2002 Recommendation	FY 2002 Recommendation Compared With (+ or -) FY 2001 Comparable Appropriation	FY 2002 Recommendation Compared With (+ or -) FY 2002 Request	FY 2003 Recommendation	FY 2003 Recommendation Compared With (+ or -) FY 2002 Recommendation	FY 2004 Recommendation	FY 2004 Recommendation Compared With (+ or -) FY 2003 Recommendation
TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY									
Department of Energy (DOE)	578,605	419,388	885,000	+306,395	+465,612	750,000	-135,000	860,000	+110,000
Environmental Protection Agency (EPA)	122,668	121,942	121,942	-726	0	126,800	+4,858	131,800	+5,000
Total, TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY	701,273	541,330	1,006,942	+305,669	+465,612	876,800	-130,142	991,800	+115,000
TITLE II—RENEWABLE ENERGY	364,610	275,653	535,000	+170,390	+259,347	639,000	+104,000	683,000	+44,000
TITLE III—NUCLEAR ENERGY	120,489	101,942	192,650	+72,161	+90,708	201,700	+9,050	208,746	+7,046
TITLE IV—FOSSIL ENERGY	519,547	434,750	1,163,500	+643,953	+728,750	1,088,500	-75,000	1,054,500	-34,000
Subtotal, Budget Authorization	1,705,919	1,353,675	2,898,092	+1,192,173	+1,544,417	2,806,000	-92,092	2,938,046	+132,046
TITLE V—SCIENCE	3,155,454	3,159,890	3,624,479	+469,025	+464,589	669,879	-2,954,600	126,600	-543,279
Total, Budget Authorization	**4,861,373**	**4,513,565**	**6,522,571**	**+1,661,198**	**+2,009,006**	**3,475,879**	**-3,046,692**	**3,064,646**	**-411,233**
Gas Hydrates Budget Authority/Authorization (P.L. 106-193)	9,938	4,750	7,500	-2,438	+2,750	11,000	+3,500	12,000	+1,000
Total, Budget Authority	**4,871,311**	**4,518,315**	**6,530,071**	**+1,658,760**	**+2,011,756**	**3,486,879**	**-3,043,192**	**3,076,646**	**-410,233**

Table 3. H.R. 4, DIVISION B, Comprehensive Energy Research and Technology Act of 2001: Fiscal Years 2002-2004
(Dollars in Thousands)

Title/Subtitle/Section/Program/Project/Activity	FY 2001 Comparable Appropriation	FY 2002 Request	FY 2002 Recommendation	FY 2002 Recommendation Compared With (+ or -) FY 2001 Comparable Appropriation	FY 2002 Recommendation Compared With (+ or -) FY 2002 Request	FY 2003 Recommendation	FY 2003 Recommendation Compared With (+ or -) FY 2002 Recommendation	FY 2004 Recommendation	FY 2004 Recommendation Compared With (+ or -) FY 2003 Recommendation
TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY									
Subtitle A—Alternative Fuel Vehicles (Section 2105)	0	0	200,000	+200,000	+200,000	0	-200,000	0	0
Subtitle B—Distributed Power Hybrid Energy Systems (Section 2125. Micro-Cogeneration Energy Technology)	0	0	20,000	+20,000	+20,000	0	-20,000	0	0
Subtitle D—Green School Buses (Section 144)	0	0	40,000	+40,000	+40,000	50,000	+10,000	60,000	+10,000
Subtitle F—Department of Energy Authorization of Appropriations									
Subtitle B—Distributed Power Hybrid Energy Systems (Except Section 2125)	0	0							
Subtitle C—Secondary Electric Vehicle Battery Use (Section 2133	0	0	1,000	+1,000	+1,000	7,000	+6,000	7,000	0
Subtitle E—Next Generation Lighting Initiative	0	0							
Building Technology, State and Community Sector (Nongrants)									
Building Research									
Technology Roadmaps and Competitive R&D	6,870	857							
Commercial Buildings Integration	11,536	6,888							
Commercial Buildings Integration	3,891	1,969							
Equipment, Materials and Tools	31,276	17,121							
Total, Building Research	53,573	26,835							
Building Technology Assistance (Nongrants)									
Community Partnerships	18,095	8,488							
Energy Star Program	2,204	2,000							
Total, Building Technology Assistance (Nongrants)	20,299	10,488							

Title/Subtitle/Section/Program/Project/Activity	FY 2001 Comparable Appropriation	FY 2002 Request	FY 2002 Recommendation	FY 2002 Recommendation Compared With (+ or -) FY 2001 Comparable Appropriation	FY 2002 Recommendation Compared With (+ or -) FY 2002 Request	FY 2003 Recommendation	FY 2003 Recommendation Compared With (+ or -) FY 2002 Recommendation	FY 2004 Recommendation	FY 2004 Recommendation Compared With (+ or -) FY 2003 Recommendation
Cooperative Programs with States	1,996	0							
Energy Efficiency Science Initiative	3,891	0							
Management and Planning	14,133	15,090							
Total, Building Technology, State and Community Sector (Nongrants)	93,892	52,413							
Industry Sector									
Industries of the Future (Specific)	72,390	46,424							
Industries of the Future (Crosscutting)	61,719	31,900							
Cooperative Programs with States	1,996	0							
Energy Efficiency Science Initiative	3,891	0							
Management and Planning	8,626	9,400							
Total, Industry Sector	148,622	87,724							
Transportation Sector									
Vehicle Technologies R&D	159,610	126,422							
Fuels Utilization R&D	23,509	20,908							
Materials Technologies	42,223	30,293							
Technology Deployment	5,090	3,300							
Cooperative Programs with States	1,996	0							
Energy Efficiency Science Initiative	3,891	0							
Management and Planning	9,152	10,232							
Total, Transportation Sector Total	245,471	191,155							
Power Technologies									
Distributed Generation Technologies Development	45,899	45,896							
Management and Planning	1,447	1,450							
Total, Power Technologies	47,346	47,346							
Policy and Management	43,274	40,750							
Total, Subtitle C—DOE Authorization of Appropriations	**578,605**	**419,388**	**625,000**	**+46,395**	**+205,612**	**700,000**	**+75,000**	**800,000**	**+100,000**
Total, Title I—DOE	**578,605**	**419,388**	**885,000**	**+306,395**	**+465,612**	**750,000**	**-135,000**	**860,000**	**+110,000**

Title/Subtitle/Section/Program/Project/Activity	FY 2001 Comparable Appropriation	FY 2002 Request	FY 2002 Recommendation	FY 2002 Recommendation Compared With (+ or -) FY 2001 Comparable Appropriation	FY 2002 Recommendation Compared With (+ or -) FY 2002 Request	FY 2003 Recommendation	FY 2003 Recommendation Compared With (+ or -) FY 2002 Recommendation	FY 2004 Recommendation	FY 2004 Recommendation Compared With (+ or -) FY 2003 Recommendation
Subtitle D—EPA Office of Air and Radiation Authorization of Appropriations									
Climate Change Protection Programs									
Buildings	52,535	52,731	52,731	+196	0	54,800	+2,069	57,000	+2,200
Transportation	29,435	32,441	32,441	+3,006	0	33,700	+1,259	35,000	+1,300
Industry	31,930	27,295	27,295	-4,635	0	28,400	+1,105	29,500	+1,100
Carbon Removal	998	1,700	1,700	+702	0	1,800	+100	1,900	+100
State and Local Climate Change Program	2,495	2,500	2,500	+5	0	2,600	+100	2,700	+100
International Capacity Building	5,275	5,275	5,275	0	0	5,500	+225	5,700	+200
Total, Climate Change Protection Programs	**122,668**	**121,942**	**121,942**	**-726**	**0**	**126,800**	**+4,858**	**131,800**	**+5,000**
Total, Subtitle D—EPA Office of Air and Radiation Authorization of Appropriations	**122,668**	**121,942**	**121,942**	**-726**	**0**	**126,800**	**+4,858**	**131,800**	**+5,000**
Total, TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY	**701,273**	**541,330**	**1,006,942**	**+305,669**	**+465,612**	**876,800**	**-130,142**	**991,800**	**+115,000**
TITLE II—RENEWABLE ENERGY									
Subtitle D—DOE Authorization of Appropriations									
Renewable Energy Technologies									
Subtitle A—Hydrogen	**26,881**	**26,881**	**60,000**	**+33,119**	**+33,119**	**70,000**	**+10,000**	**80,000**	**+10,000**
Subtitle B—Bioenergy									
Biopower	39,742	37,754	45,700	+5,958	+7,946	52,500	+6,800	60,300	+7,800
Biofuels	46,526	44,201	53,500	+6,974	+9,299	61,400	+7,900	70,600	+9,200
Integrated Bioenergy R&D	0	0	49,000	+49,000	+49,000	49,000	0	49,000	0
Total, Subtitle B—Bioenergy	**86,268**	**81,955**	**148,200**	**+61,932**	**+66,245**	**162,900**	**+14,700**	**179,900**	**+17,000**

Title/Subtitle/Section/Program/Project/Activity	FY 2001 Comparable Appropriation	FY 2002 Request	FY 2002 Recommendation	FY 2002 Recommendation Compared With (+ or -) FY 2001 Comparable Appropriation	FY 2002 Recommendation Compared With (+ or -) FY 2002 Request	FY 2003 Recommendation	FY 2003 Recommendation Compared With (+ or -) FY 2002 Recommendation	FY 2004 Recommendation	FY 2004 Recommendation Compared With (+ or -) FY 2003 Recommendation
Subtitle C—Transmission Infrastructure Systems	**0**	**0**							
Geothermal Technology Development	26,911	13,900							
Hydropower	4,989	4,989							
Solar									
Concentrating Solar Power	13,710	1,932							
Photovoltaic Energy Systems	75,060	39,000							
Solar Building Technology Research	3,911	2,000							
Total, Solar Energy	92,681	42,932							
Wind Energy Systems	39,553	20,500							
Total, Renewable Energy Technologies	277,283	191,157							
Electric Energy Systems and Storage									
High Temperature Superconducting R&D	36,819	36,819							
Energy Storage Systems	5,987	5,987							
Transmission Reliability	8,940	8,940							
Total, Electric Energy Systems and Storage	51,746	51,746							
Renewable Support and Implementation									
International Renewable Energy Program	4,949	2,500							
Renewable Energy Production Incentive Program	3,991	3,991							
Renewable Program Support	3,991	2,059							
Total, Renewable Support and Implementation	12,931	8,550							
National Renewable Energy Laboratory	3,991	5,000							
Program Direction	18,659	19,200							
Wave Power Electric Generation	0	0							
Total, Subtitle C—DOE Authorization of Appropriations	**364,610**	**275,653**	**535,000**	**+170,390**	**+259,347**	**639,000**	**+104,000**	**683,000**	**+44,000**
Total, TITLE II—RENEWABLE ENERGY	**364,610**	**275,653**	**535,000**	**+170,390**	**+259,347**	**639,000**	**+104,000**	**683,000**	**+44,000**

Title/Subtitle/Section/Program/Project/Activity	FY 2001 Comparable Appropriation	FY 2002 Request	FY 2002 Recommendation	FY 2002 Recommendation Compared With (+ or -) FY 2001 Comparable Appropriation	FY 2002 Recommendation Compared With (+ or -) FY 2002 Request	FY 2003 Recommendation	FY 2003 Recommendation Compared With (+ or -) FY 2002 Recommendation	FY 2004 Recommendation	FY 2004 Recommendation Compared With (+ or -) FY 2003 Recommendation
TITLE III—NUCLEAR ENERGY									
Subtitle C—DOE Authorization of Appropriations									
Operation and Maintenance									
Subtitle A—University Nuclear Research and Engineering									
Graduate and Undergraduate Fellowships	1,374	1,374	3,000	+1,626	+1,626	3,100	+100	3,200	+100
Junior Faculty Research Initiative Grant Program	0	0	5,000	+5,000	+5,000	7,000	+2,000	8,000	+1,000
Nuclear Engineering Education Research Program	5,000	5,000	8,000	+3,000	+3,000	12,000	+4,000	13,000	+1,000
Communication and Outreach Related to Nuclear Science and Engineering	0	0	200	+200	+200	200	0	300	+100
Refueling of Research Reactors and Instrumentation Upgrades	3,700	3,700	6,000	+2,300	+2,300	6,500	+500	7,000	+500
Re-Licensing Assistance	0	0	1,000	+1,000	+1,000	1,100	+100	1,200	+100
Reactor Research and Training Award Program	1,900	1,900	6,000	+4,100	+4,100	10,000	+4,000	14,000	+4,000
University-DOE Laboratory Interactions	0	0	1,000	+1,000	+1,000	1,100	+100	1,200	+100
Total, Subtitle A—University Nuclear Research and Engineering	**11,974**	**11,974**	**30,200**	**+18,226**	**+18,226**	**41,000**	**+10,800**	**47,900**	**+6,900**
Subtitle B—Advanced Fuel Recycling Technology Research and Development Program	**0**	**0**	**10,000**	**+10,000**	**+10,000**				
Nuclear Energy Research Initiative (Section 2341)	34,826	18,079	60,000	+25,174	+41,921				
Nuclear Energy Plant Optimization Program (Section 2342)	4,989	4,500	15,000	+10,011	+10,500				
Nuclear Energy Technologies (Section 2343)	7,483	4,500	20,000	+12,517	+15,500				
Advanced Radioisotope Power Systems	31,794	29,094							
Test Reactor Area	7,399	7,283							
Program Direction	23,042	25,062							
Subtotal, Operation and Maintenance	121,507	100,492	191,200	+69,693	+90,708	199,000	+7,800	207,000	+8,000
Offset from Nuclear Energy Activities	-2,352	0	0	+2,352	0	0	0	0	0
Total, Operation and Maintenance	119,155	100,492	191,200	+72,045	+90,708	199,000	+7,800	207,000	+8,000

Title/Subtitle/Section/Program/Project/Activity	FY 2001 Comparable Appropriation	FY 2002 Request	FY 2002 Recommendation	FY 2002 Recommendation Compared With (+ or -) FY 2001 Comparable Appropriation	FY 2002 Recommendation Compared With (+ or -) FY 2002 Request	FY 2003 Recommendation	FY 2003 Recommendation Compared With (+ or -) FY 2002 Recommendation	FY 2004 Recommendation	FY 2004 Recommendation Compared With (+ or -) FY 2003 Recommendation
Construction									
Project 99-E-200, Test Reactor Area Electric Utility Upgrade, Idaho National Engineering and Environmental Laboratory	877	950	950	+73	0	2,200	+1,250	1,246	-954
Project 95-E-201, Test Reactor Area Fire and Life Safety Improvements, Idaho National Engineering and Environmental Laboratory	457	500	500	+43	0	500	0	500	0
Total, Construction	1,334	1,450	1,450	+116	0	2,700	+1,250	1,746	-954
Total, Subtitle C—DOE Authorization of Appropriations	**120,489**	**101,942**	**192,650**	**+72,161**	**+90,708**	**201,700**	**+9,050**	**208,746**	**+7,046**
Total, TITLE III—NUCLEAR ENERGY	**120,489**	**101,942**	**192,650**	**+72,161**	**+90,708**	**201,700**	**+9,050**	**208,746**	**+7,046**
TITLE IV—FOSSIL ENERGY									
Subtitle A—Coal									
Coal and Related Technologies Programs (Section 2401(a))	269,441	114,677	172,000	-97,441	+57,323	179,000	+7,000	186,000	+7,000
Total, Subtitle A—Coal	**269,441**	**114,677**	**172,000**	**-97,441**	**+57,323**	**179,000**	**+7,000**	**186,000**	**+7,000**
Subtitle C—Unconventional and Ultra-Deep Natural Gas and Petroleum	**0**	**0**	**709,500**	**+709,500**	**+709,500**	**616,500**	**-93,000**	**563,500**	**-53,000**

Title/Subtitle/Section/Program/Project/Activity	FY 2001 Comparable Appropriation	FY 2002 Request	FY 2002 Recommendation	FY 2002 Recommendation Compared With (+ or -) FY 2001 Comparable Appropriation	FY 2002 Recommendation Compared With (+ or -) FY 2002 Request	FY 2003 Recommendation	FY 2003 Recommendation Compared With (+ or -) FY 2002 Recommendation	FY 2004 Recommendation	FY 2004 Recommendation Compared With (+ or -) FY 2003 Recommendation
Subtitle D—Authorization of Appropriations									
Operation and Maintenance									
Subtitle B—Oil and Gas									
Petroleum-Oil Technology (Section 2421)									
Exploration and Production	28,844	20,350							
Reservoir Life Extension/Management	14,662	4,849							
Effective Environmental Protection	10,796	5,300							
Emerging Processing Technology Applications	2,594	0							
Ultra Clean Fuels	9,978	0							
Total, Petroleum-Oil Technology (Section 2421)	66,874	30,499							
Gas (Section 2422)									
Exploration and Production	14,221	9,350							
Infrastructure	8,110	5,050							
Emerging Processing Technology	10,146	250							
Effective Environmental Protection	2,614	1,600							
Total, Gas (Section 2422)	35,091	16,250							
Total, Subtitle B—Oil and Gas	**101,965**	**46,749**							
Subtitle D—Fuel Cells									
Advance Research	2,794	1,000							
Systems Development	30,932	11,500							
Vision 21-Hybrids	14,967	11,500							
Innovative Concepts	3,891	21,124							
Manufacturing Production and Processes (Section 461(b))	0	0	28,000	+28,000	+28,000	28,000	0	28,000	0
Total, Subtitle D—Fuel Cells	**52,584**	**45,124**							
Headquarters Program Direction	16,930	14,700							
Field Program Direction	63,156	55,300							
Plant and Capital Equipment	3,891	2,000							
Cooperative Research and Development	8,071	0							
Import/Export Authorization	2,295	1,000							
Advanced Metallurgical Processes	5,214	5,200							
Total, Subtitle D—Authorization of Appropriations	**254,106**	**170,073**	**282,000**	**+27,894**	**+111,927**	**293,000**	**+11,000**	**305,000**	**+12,000**

Title/Subtitle/Section/Program/Project/Activity	FY 2001 Comparable Appropriation	FY 2002 Request	FY 2002 Recommendation	FY 2002 Recommendation Compared With (+ or -) FY 2001 Comparable Appropriation	FY 2002 Recommendation Compared With (+ or -) FY 2002 Request	FY 2003 Recommendation	FY 2003 Recommendation Compared With (+ or -) FY 2002 Recommendation	FY 2004 Recommendation	FY 2004 Recommendation Compared With (+ or -) FY 2003 Recommendation
Subtotal, TITLE IV—FOSSIL ENERGY	523,547	284,750	1,163,500	+639,953	+878,750	1,088,500	-75,000	1,054,500	+19,000
Use of Prior Year Balances	-4,000	0	0	+4,000	0	0	0	0	0
Total, TITLE IV—FOSSIL ENERGY	**519,547**	**284,750**	**1,163,500**	**+643,953**	**+878,750**	**1,088,500**	**-75,000**	**1,054,500**	**+19,000**
TITLE V—SCIENCE									
Subtitle D—Advisory Panel on Office of Science	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	
Subtitle E—DOE Authorization of Appropriations									
Operation and Maintenance									
Subtitle C—Facilities, Infrastructure, and User Facilities	**0**	**0**							
High Energy Physics									
Research and Technology	242,836	247,870							
High Energy Physics Facilities	436,836	456,830							
Total, High Energy Physics	679,672	704,700							
Nuclear Physics	360,508	360,510							
Biological and Environmental Research	480,025	432,970							
Basic Energy Sciences									
Spallation Neutron Source Other Project Costs (Section 2522(b)	19,179	15,353	15,353	-3,826	0	103,279	+87,926	0	-103,279
Materials Sciences (Non-Spallation Neutron Source)	424,063	419,000							
Chemical Sciences	216,526	218,714							
Engineering and Geosciences	39,766	38,938							
Energy Biosciences	33,216	32,400							
Total, Basic Energy Sciences	732,750	724,405	15,353	-717,397	-709,052	103,279	+87,926	0	-103,279

Title/Subtitle/Section/Program/Project/Activity	FY 2001 Comparable Appropriation	FY 2002 Request	FY 2002 Recommendation	FY 2002 Recommendation Compared With (+ or -) FY 2001 Comparable Appropriation	FY 2002 Recommendation Compared With (+ or -) FY 2002 Request	FY 2003 Recommendation	FY 2003 Recommendation Compared With (+ or -) FY 2002 Recommendation	FY 2004 Recommendation	FY 2004 Recommendation Compared With (+ or -) FY 2003 Recommendation
Advanced Scientific Computing Research	165,750	163,050							
Energy Research Analysis	976	1,000							
Multiprogram Energy Laboratories - Facilities Support									
Infrastructure Support	1,020	1,020							
Oak Ridge Landlord	7,359	7,359							
Total, Multiprogram Energy Laboratories – Facilities Support	8,379	8,379							
Subtitle A—Fusion Energy Sciences	**248,493**	**248,495**	**320,000**	**+71,507**	**+71,505**	**335,000**	**+15,000**		
Facilities and Infrastructure	0	0							
Safeguards and Security	41,569	55,412							
Program Direction									
Field Operations	61,366	64,400							
Program Direction	61,080	73,525							
Science Education	4,460	4,460							
Total, Program Direction	126,906	142,385							
Precious Metal Catalysis Research (Section 2581(b)	0	0	5,000	+5,000	0	0	-5,000	0	0
Subtotal, Operation and Maintenance	2,845,028	2,841,306	3,304,470	+459,442	+463,164	438,279	-2,866,191	0	-438,279
Less Security Charge for Reimbursable Work	-5,122	-4,912	-4,912	+210	0	0	+4,912	0	0
Total, Operation and Maintenance	2,839,906	2,836,394	3,299,558	+459,652	+463,164	438,279	-2,861,279	0	-438,279
Construction									
High Energy Physics									
Project 00-G-307 Research Office Building, Stanford Linear Acceleration Center	5,189	0	0	-5,189	0	0	0	0	0
Project 99-G-306 Wilson Hall Safety Improvements Project, Fermi National Accelerator Laboratory	4,191	0	0	-4,191	0	0	0	0	0
Project 98-G-304 Neutrinos at the Main Injector (NuMI), Fermi National Accelerator Laboratory	22,949	11,400	11,400	-11,549	0	11,400	0	11,400	0
Total, High Energy Physics	32,329	11,400	11,400	-20,929	0	11,400	0	11,400	0

Title/Subtitle/Section/Program/Project/Activity	FY 2001 Comparable Appropriation	FY 2002 Request	FY 2002 Recommendation	FY 2002 Recommendation Compared With (+ or -) FY 2001 Comparable Appropriation	FY 2002 Recommendation Compared With (+ or -) FY 2002 Request	FY 2003 Recommendation	FY 2003 Recommendation Compared With (+ or -) FY 2002 Recommendation	FY 2004 Recommendation	FY 2004 Recommendation Compared With (+ or -) FY 2003 Recommendation
Biological and Environmental Research: Project 01-E-300 Laboratory for Comparative and Functional Genomics, Oak Ridge National Laboratory	2,495	10,000	11,405	+8,910	+1,405	0	-11,405	0	0
Basic Energy Sciences									
Spallation Neutron Source, Oak Ridge National Laboratory (Section 2522(a))	258,929	276,300	276,300	+17,371	0	210,571	-65,729	124,600	-85,971
Project 02-SC-002: Project Engineering Design (PED), Various Locations	0	4,000	4,000	+4,000	0	8,000	+4,000	2,000	-6,000
Total, Basic Energy Sciences	258,929	280,300	280,300	+21,371	0	218,571	-61,729	126,600	-91,971
Multiprogram Energy Laboratories - Facilities Support									
Project 02-SC-002, Multiprogram Energy Laboratories Infrastructure Project Engineering Design (PED), Various Locations	0	3,183	3,183	+3,183	0	0	-3,183	0	0
Project MEL-001, Multiprogram Energy Laboratories, Infrastructure, Various Locations	21,795	18,613	18,633	-3,162	+20	13,029	-5,604	0	-13,029
Total, Multiprogram Energy Laboratories – Facilities Support	21,795	21,796	21,816	+21	+20	13,029	-8,787	0	-13,029
Total, Construction	315,548	323,496	324,921	+9,373	+1,425	231,600	-93,321	126,600	-105,000
Total, Title V, SCIENCE	**3,155,454**	**3,159,890**	**3,624,479**	**+469,025**	**+464,589**	**669,879**	**-2,954,600**	**126,600**	**-543,279**

II. SECTION-BY-SECTION ANALYSIS OF H.R. 4, SECURING AMERICA'S FUTURE ENERGY (SAFE) ACT OF 2001

DIVISION B: COMPREHENSIVE ENERGY RESEARCH AND TECHNOLOGY ACT OF 2001

Section 2001. Short Title

Subsection 2001 cites the division as the ''Comprehensive Energy Research and Technology Act of 2001.''

Sec. 2002. Findings

Section 2003 contains the eight findings.

Sec. 2003. Purposes

Section 2003 contains the eight purposes of the Act.

Sec. 2004. Goals

Subsection 2004(a) states that, subject to subsection 2004(b), the Secretary should conduct a balanced energy RD&D and commercial application portfolio of programs guided by the specific goals listed for each of (1) Energy Conservation and Energy Efficiency, (2) Renewable Energy, (3) Nuclear Energy, (4) Fossil Energy and (5) Science.

Subsection 2004(b) requires the Secretary of Energy, in consultation with others, to perform an assessment that establishes measurable cost and performance-based goals, or that modifies the goals under subsection (a), for 2005, 2010, 2015, and 2020, for each of the programs authorized by this Act, that would enable each such program to meet the purposes under section 2003. The assessment is to be based on the latest scientific and technical knowledge, and shall also take into consideration, as appropriate, the comparative environmental impacts (including emissions of greenhouse gases) of the energy saved or produced by specific programs.

In establishing the measurable cost and performance-based goals under subsection 2004(b), subsection 2004(c) requires the Secretary to consult with the private sector, institutions of higher learning, national laboratories, environmental organizations, professional and technical societies, and any other persons the Secretary considers appropriate.

Subsection 2004(d) requires the Secretary, within 120 days of the date of enactment of this Act, to issue and publish in the Federal Register a set of draft measurable cost and performance-based goals for public comment for those programs established before the date of enactment of this Act. (In the case of a program not established before the date of the enactment of this Act, then not later than 120 days after the date of establishment of the program). Not later than 60 days after the date of publication, after taking into consideration any public comments received, the Secretary is to transmit to the Congress and publish in the Federal Register the final measurable cost and performance-based goals. Such goals must be updated on a biennial basis.

Sec. 2005. Definitions

Section 2005 defines the terms: (1) ''Administrator'' to mean the Administrator of the Environmental Protection Agency (EPA); (2) ''appropriate congressional committees'' to mean (A) the Committee on Science and the Committee on Appropriations of the House of Representatives; and (B) the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate; (3) the ''Department'' to mean the Department of Energy; and (4) the ''Secretary'' to mean the Secretary of Energy.

Sec. 2006. Authorizations

Section 2006 states that authorizations of appropriations under this Act are for environmental R&D, scientific and energy RD&D and commercial application of energy technology programs, projects, and activities. This is consistent with the Science Committee's jurisdiction under rule X, clause I (n) of the Rules of the House.

Sec. 2007. Balance of Funding Priorities

Subsection 2007(a) expresses the sense of the Congress that the funding of the various programs authorized by titles I through IV of this Act should remain in the same proportion to each other as provided in this Act, regardless of the total amount of funding made available for those programs.

If the amounts appropriated in general appropriations Acts for FY 2002, FY 2003, or FY 2004 for the programs authorized in titles I through IV of this Act are not in the same proportion to one another as are the authorizations for such programs in this Act, subsection 2207(b) requires the Secretary and the Administrator, within 60 days after the date of the enactment of the last general appropriations Act appropriating amounts for such programs, to transmit to the appropriate congressional committees a report describing the programs, projects, and activities that would have been funded if the proportions provided for in this Act had been maintained in the appropriations. The amount appropriated for the program receiving the highest percentage of its authorized funding for a fiscal year shall be used as the baseline for calculating the proportional deficiencies of appropriations for other programs in that fiscal year.

TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

Subtitle A—Alternative Fuel Vehicles

Sec. 2101. Short Title

Subsection 2101 cites the subtitle as the ''Alternative Fuel Vehicle Acceleration Act of 2001.''

Sec. 2102. Definitions

Section 2102 defines the terms ''alternative fuel vehicle,'' ''pilot program,'' and ''ultra-low sulfur diesel vehicle.''

Sec. 2103. Pilot Program

Subsection 2103(a) directs the Secretary to establish an alternative fuel and ultra-low sulfur diesel vehicle energy demonstration and commercial application competitive grant pilot program to provide not more than 15 grants to State governments, local governments, or metropolitan transportation authorities to carry out a project or projects for the purposes described in subsection (b).

Subsection 2103(b) defines the purposes for which the grants may be used.

Subsections 2103(c), (d), and (e) set out the grant application requirements, selection criteria, and pilot project requirements, respectively.

Subsection 2103(e) limits: (1) the amount of an award to any one applicant to not more than $20.0 million; (2) the Federal cost share to not more than 50 percent; and (3) the length of the funding period to not more than five years. It also directs the Secretary to assure nationwide deployment of alternative fuel vehicles through broad geographic distribution of project sites; and to establish mechanisms that ensure the dissemination of information gained by the pilot program participants to all interested parties including all other applicants.

Subsection 2103(f) directs the Secretary to publish in the Federal Register, Commerce Business Daily, and elsewhere requests for project grant applications under the pilot program, which shall be due within six months after the notice publication. The Secretary shall select from among the project grant applications by a competitive, peer review process to award grants under the pilot program.

Section 2103(g) mandates that the Secretary shall provide not less than 20 percent and not more than 25 percent of the grant funding for the acquisition of ultra-low sulfur diesel vehicles.

Sec. 2104. Reports to Congress

Section 2104 requires the Secretary to transmit an initial report to the appropriate congressional committees within two months after the grants are awarded detailing the successful applicants' projects, a listing of the applicants and a description of the information dissemination mechanism under 2103(e)(5). Not later than three years after the date of enactment, and annually thereafter until the program ends, the Secretary is required to transmit a report containing an evaluation of the pilot program's effectiveness to the same committees. This evaluation report is to include an assessment of the benefits to the environment derived from the projects included in the pilot program as well as an estimate of the potential benefits to the environment to be derived from widespread application of alternative fuel vehicles and ultralow sulfur diesel vehicles.

Sec. 2105. Authorization of Appropriations

Section 2105 authorizes $200.0 million for FY 2002 for the pilot program, to remain available until expended.

TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

Subtitle B—Distributed Power Hybrid Energy Systems

Sec. 2121. Findings

Section 2121 lists 4 findings.

Sec. 2122. Definitions

Section 2122 defines the terms ''distributed power hybrid system'' and ''distributed power source.''

Sec. 2123. Strategy

Under subsection 2123(a), not later than one year after the date of the enactment of this Act, the Secretary shall develop and transmit to the Congress a distributed power hybrid systems strategy showing: (1) needs best met with distributed power hybrid systems configurations, especially systems including one or more solar or renewable power sources; and (2) technology gaps and barriers (including barriers to efficient connection with the power grid) that impede the use of distributed power hybrid systems.

Subsection 2123(b) specifies five elements the strategy should address, including a comprehensive RD&D and commercial application program to ensure the reliability, efficiency, and environmental integrity of distributed energy resources.

Subsection 2123(c) requires the Secretary to implement the strategy transmitted under subsection 2123(a) and the research program under subsection 2123(b). Activities pursuant to the strategy are to be integrated with other activities of the DOE's Office of Power Technologies.

Sec. 2124. High Power Density Industry Program

Subsection 2124(a) requires the Secretary to develop and implement a comprehensive RD&D and commercial application program to improve energy efficiency, reliability, and environmental responsibility in high power density industries, such as data centers, server farms, telecommunications facilities, and heavy industry.

Subsection 2124(b) provides that in carrying out this section, the Secretary shall consider technologies that provide: (1) significant improvement in efficiency of high power density facilities, and in data and telecommunications centers, using advanced thermal control technologies; (2) significant improvements in air-conditioning efficiency

in facilities such as data centers and telecommunications facilities; (3) significant advances in peak load reduction; and (4) advanced real time metering and load management and control devices.

Subsection 2124(c) requires that activities pursuant to this program be integrated with other activities of the DOE's Office of Power Technologies.

Sec. 2125. Micro-Cogeneration Energy Technology

Section 2125 requires the Secretary to make competitive, merit-based grants to consortia of private sector entities for the development of micro-cogeneration energy technology. The consortia shall explore the creation of small-scale combined heat and power through the use of residential heating appliances. The section also authorizes $20.0 million, to remain available until expended.

Sec. 2126. Program Plan

Section 2126 directs the Secretary to consult with appropriate representatives of the distributed energy resources, power transmission, and high power density industries, other appropriate entities, and Federal, State and local agencies, within four months of enactment, to present to Congress a five-year program plan to guide activities under this subtitle.

Sec. 2127. Report

Section 2127 instructs the Secretary, jointly with other appropriate Federal agencies, to report to Congress within two years of enactment and every two years thereafter for the duration of the program on the program's progress made to achieve the purposes of this subtitle.

Sec. 2128. Voluntary Consensus Standards

Under this section, not later than two years after the date of enactment of this Act, the Secretary, in consultation with the NIST, sball work with the Institute of Electrical and Electronic Engineers and other standards development organizations toward the development of voluntary consensus standards for distributed energy systems for use in manufacturing and using equipment and systems for connection with electric distribution systems, for obtaining electricity from, or providing electricity to, such systems.

TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

Subtitle C—Secondary Electric Vehicle Battery Use

Sec. 2131. Definitions

Section 2131 defines the terms ''battery'' and ''associated equipment.''

Sec. 2132. Establishment of Secondary Electric Vehicle Battery Use Program

Subsection 2132(a) directs the Secretary to establish and carry out a RD&D program for the secondary use of batteries originally used in transportation applications. The program should demonstrate the use of batteries in secondary application, including utility and commercial power storage and power quality and should be structured to evaluate the performance, including longevity of useful service life and costs, of such batteries in field operations, and evaluate the necessary supporting infrastructure, including disposal and reuse of batteries. The Secretary is directed to coordinate with ongoing secondary battery use programs underway at the national laboratories and in industry.

Subsection 2132(b) directs the Secretary, no later than six months after the date of the enactment of this Act, to solicit proposals to demonstrate the secondary use of batteries and associated equipment and supporting infrastructure in geographic locations throughout the United States. The Secretary may make additional solicitations for proposals if the Secretary determines that such solicitations are necessary to carry out this section. Proposals submitted in response to a solicitation under this section shall include: (1) a description of the project, including the batteries to be used in the project; the proposed locations and applications for the batteries; the number of batteries to be demonstrated; and the type, characteristics, and estimated life-cycle costs of the batteries compared to other energy storage devices currently in use; (2) the contribution, if any, of State or local governments and other persons to the demonstration project; (3) the type of associated equipment to be demonstrated and the type of supporting infrastructure to be demonstrated; and (4) any other information the Secretary considers appropriate. If the proposal includes a lease arrangement, the proposal shall indicate the terms of such lease arrangement for the batteries and associated equipment.

Subsection 2132(c) directs the Secretary, no later than three months after the closing date established by the Secretary for receipt of proposals under subsection 2132(b), to select at least five proposals to receive financial assistance under this subsection. No one project selected is permitted to receive more than 25 percent of the funds authorized under this section, and no more than three projects selected under this section shall demonstrate the same battery type.

In selecting a proposal under subsection 2132(c), the Secretary must consider:

(1) the ability of the proposer to acquire the batteries and associated equipment and to successfully manage and conduct the demonstration project, including the reporting requirements;

(2) the geographic and climatic diversity of the projects selected;

(3) the long-term technical and competitive viability of the batteries to be used in the project and of the original manufacturer of such batteries;

(4) the suitability of the batteries for their intended uses;

(5) the technical performance of the battery, including the expected additional useful life and the battery's ability to retain energy;

(6) the environmental effects of the use of and disposal of the batteries proposed to be used in the project selected;

(7) the extent of involvement of State or local government and other persons in the demonstration project and whether such involvement will permit a reduction of the Federal cost share per project or otherwise be used to allow the Federal contribution to be provided to demonstrate a greater number of batteries; and

(8) such other criteria as the Secretary considers appropriate.

The Secretary must require that as a part of a demonstration project, the users of the batteries provide to the proposer information regarding the operation, maintenance, performance, and use of the batteries, and the proposer provide such information to the battery manufacturer, for three years after the beginning of the demonstration project. The Secretary must also require the proposer to provide to the Secretary information regarding the operation, maintenance, performance, and use of the batteries that the Secretary may request during the period of the demonstration project. The proposer must provide at least 50 percent of the costs associated with the proposal.

Sec. 2133. Authorization of appropriations

Section 2133 authorizes (from amounts authorized under section 2161(a)) for purposes of this subtitle $1.0 million for FY 2002, $7.0 million for FY 2003 and $7.0 million for FY 2004, to remain available until expended.

TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

Subtitle D—Green School Buses

Sec. 2141. Short Title

Section 2141 cites the subtitle as the ''Clean Green School Bus Act of 2001.''

Sec. 2142. Establishment of Pilot

Subsection 2142(a) directs the Secretary to establish a pilot 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.

Subsection 2142(b) requires the Secretary, no later than three months after the date of enactment of this Act, to establish and publish in the Federal Register grant requirements on eligibility for assistance, and on implementation of the program established under subsection (a), including certification requirements to ensure compliance with this subtitle.

Subsection 2142(c) requires the Secretary, no later than six months after the date of enactment of this Act, to solicit proposals for grants under this section.

Subsection 2142(d) requires that a grant be awarded, under this section only, to a local governmental entity responsible for providing school bus service for one or more public school systems or, jointly with a contracting entity that provides school bus service to the public school system or systems.

Subsection 2142(e) requires that grants under this section shall be for the demonstration and commercial application of technologies to facilitate the use of alternative fuel school buses and ultra-low sulfur diesel school buses in lieu of buses manufactured before model year 1977 and diesel-powered buses manufactured before model year 1991. 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. When awarding grants, the Secretary shall give priority to applicants who can demonstrate the use of alternative fuel buses and ultra-low sulfur diesel school buses in lieu of buses manufactured before model year 1977.

Subsection 2142(f) requires that 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 five years;

(2) funds provided under the grant may only be used to pay the cost, except as provided in the following paragraph (3), of new alternative fuel school buses or ultra-low sulfur diesel school buses, including State taxes and contract fees to provide-

(i) up to 10 percent of the price of the alternative fuel school 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 school 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 at least the lesser 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 sulfur at not more than 15 parts

per million (PPM) 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.

Subsection 2142(g) requires that funding under a grant made under this section may be used to demonstrate the use only of new alternative fuel school buses or ultra-low sulfur diesel school buses:

(1) with a gross vehicle weight of greater than 14,000 pounds;

(2) that are powered by a heavy duty engine;

(3) that, in the case of alternative fuel school buses, emit not more than—

(A) 2.5 grains per brake horsepower-hour of non-methane hydrocarbons and oxides of nitrogen and 0.01 grains per brake horsepower-hour of particulate matter for buses manufactured in model years 2001 and 2002; and

(B) 1.8 grams per brake horsepower-hour of non-methane hydrocarbons and oxides of nitrogen and 0.01 grains per brake horsepower-hour of particulate matter for buses manufactured in model years 2003 through 2006; and

(4) that, in the case of ultra-low sulfur diesel school buses, emit not more than—

(A) 3.0 grams per brake horsepower-hour of non-methane hydrocarbons and oxides of nitrogen and 0.01 grams per brake horsepower-hour of particulate matter for buses manufactured in model years 2001 through 2003; and

(B) 2.5 grams per brake horsepower-hour of non-methane hydrocarbons and oxides of nitrogen and 0.01 grams per brake horsepower-hour of particulate matter for buses manufactured in model years 2004 through 2006, except that under no circumstances shall buses be acquired under this section that emit non-methane hydrocarbons, oxides of nitrogen, or particulate matter at a rate greater than the best performing technology of ultra-low sulfur diesel school buses commercially available at the time the grant is made.

Subsection 2142(h) requires the Secretary, to the maximum extent practicable, to achieve nationwide deployment of alternative fuel school buses through the program under this section, and to ensure a broad geographic distribution of grant awards, with a goal of no State receiving more than 10 percent of the grant funding made available under this section for a fiscal year.

Subsection 2142(i) requires the Secretary to 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.

Subsection 2142(j) defines the term ''alternative fuel school bus'' to mean a bus powered substantially by electricity (including electricity supplied by a fuel cell), or by liquefied natural gas, compressed natural gas, liquefied petroleum gas, hydrogen, propane, or methanol or ethanol at no less than 85 percent by volume. It also defines the term ''Ultra-low sulfur diesel school bus'' to mean a school bus powered by diesel fuel which contains not more than 15 PPM sulfur.

Sec. 2143. Fuel Cell Development and Demonstration Program

Subsection 2143(a) requires the Secretary to 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 two units of local government using natural-gas-powered school buses and such private sector fuel cell bus developers to demonstrate the use of fuel-cell-powered school buses.

Subsection 2143(b) requires the non-Federal contribution for activities funded under this section to be no less than 20 percent for fuel infrastructure development activities and no less than 50 percent for demonstration activities and for non-fuel infrastructure development activities.

Subsection 2143(c) limits the amount authorized under section 2144 that may be used for carrying out this section for the period encompassing FY 2002 through FY 2006 to no more than $25.0 million.

Subsection 2143(d) requires the Secretary, no later than three years after the date of enactment of this Act, and, again, no later than October 1, 2006, to transmit to Congress a report that evaluates the process of converting natural gas infrastructure to accommodate fuel-cell-powered school buses and assesses the results of the development and demonstration program under this section.

Sec. 2144. Authorization of Appropriations

Section 2144 authorizes $40.0 million for FY 2002, $50.0 million for FY 2003, $60.0 million for FY 2004, $70.0 million for FY 2005, and $80.0 million for FY 2006, to remain available until expended, to carry out this subtitle.

TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

Subtitle E—Next Generation Lighting

Sec. 2151. Short Title

Section 2151 cites the subtitle as ''Next Generation Lighting Initiative Act.''

Sec. 2152. Definition

Section 2152 defines the term ''Lighting Initiative'' to mean the ''Next Generation Lighting Initiative'' established under subsection 2153(a).

Sec. 2153. Next Generation Lighting Initiative

Subsection 2153(a) authorizes the Secretary to establish a Lighting Initiative to be known as the ''Next Generation Lighting Initiative'' to research, develop, and conduct demonstration activities on advanced lighting technologies, including white light emitting diodes.

Subsection 2153(b) states the research objectives of the Lighting Initiative to develop, by 2011, advanced lighting technologies that, compared to incandescent and fluorescent lighting technologies as of the date of the enactment of this Act, are longer lasting, more energy-efficient and cost-competitive.

Sec. 2154. Study

Subsection 2154(a) requires the Secretary, in consultation with other Federal agencies, as appropriate, no later than six months after the date of enactment of this Act, to complete a study on strategies for the development and commercial application of advanced lighting technologies. The Secretary shall request a review by the National Academies of Sciences and Engineering of the study under this subsection, and shall transmit the results of the study to the appropriate congressional committees.

Subsection 2154(b) requires that the study include the development of a comprehensive strategy to implement the Lighting Initiative and identifying the research and development, manufacturing, deployment, and marketing barriers that must be overcome to achieve a goal of a 25 percent market penetration by advanced lighting technologies into the incandescent and fluorescent lighting market by the year 2012.

Subsection 2154(c) requires the Secretary to modify the implementation of the Lighting Initiative, if necessary, to take into consideration the recommendations of the National Academies of Sciences and Engineering, as soon as practicable after the review of the study under subsection 2154(a) is transmitted to the Secretary by the National Academies of Sciences and Engineering.

Sec. 2155. Grant Program

Subsection 2155(a) permits the Secretary to make merit-based competitive grants to firms and research organizations that conduct RD&D projects related to advanced lighting technologies, subject to section 2603 of this Act.

Subsection 2155(b) requires an annual independent review of the grant-related activities of firms and research organizations receiving a grant under this section to be conducted by a committee appointed by the Secretary under the Federal Advisory Committee Act (5 U.S.C. App.), or, at the request of the Secretary, a committee appointed by the National Academies of Sciences and Engineering. Using clearly defined standards established by the Secretary, the review shall assess technology advances and progress toward commercialization of the grant-related activities of firms or research organizations during each fiscal year of the grant program.

Subsection 2155(c) requires the national laboratories and other Federal agencies, as appropriate, to cooperate with and provide technical and financial assistance to firms and research organizations.

TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

Subtitle F—Department of Energy Authorization of Appropriations

Sec. 2161. Authorization of Appropriations

Subsection 2161 (a) authorizes $625.0 million for FY 2002, $700.0 million for FY 2003; and (3) $800 million for FY 2004 for Energy Conservation operation and maintenance (including Building Technology, State and Community Sector, Industry Sector, Transportation Sector, Power Technologies, and Policy and Management), to remain available until expended. These amount are in addition to: (1) $200.0 million authorized for FY 2002 under section 2105 for alternative fuel and ultra-low sulfur diesel vehicles; (2) $20.0 million for FY 2002 authorized under section 2125 for micro-cogeneration energy technology; and (3) $40.0 million for FY 2002, $50.0 million for FY 2003, and $60.0 million for FY 2004 authorized under section 2144 for green school buses.

Subsection 2161(b) provides that none of the funds authorized to be appropriated in subsection 2131(a) may be used for: ''(1) Building Technology, State and Community Sector—(A) Residential Building Energy Codes; (B) Commercial Building Energy Codes; (C) Lighting and Appliance Standards; (D) Weatherization Assistance Program; (E) State Energy Program; or (2) Federal Energy Management Program.'' These limitations are included to preserve the Science Committee's sole jurisdiction over the bill since the jurisdiction of programs under this subsection 2131(b) either resides with the Committee on Energy and Commerce or is shared with that Committee.

TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

Subtitle G—Environmental Protection Agency Office of Air and Radiation Authorization of Appropriations

Sec. 2171. Short Title

Section 2171 cites the subtitle as the ''Environmental Protection Agency Office of Air and Radiation Authorization Act of 2001.''

Sec. 2172. Authorization of Appropriations

Section 2172 authorizes to be appropriated to the Administrator for the Office of Air and Radiation Climate Change Protection Programs $121.942 million for FY 2002, $126.8 million for FY 2003, and $131.8 million for FY 2004, to remain available until expended, of which:

(1) $52.731 million for FY 2002, $54.8 million for FY 2003, and $57.0 million for FY 2004 shall be for Buildings;

(2) $32.441 million for FY 2002, $33.7 million for FY 2003, and $35.0 million for FY 2004 shall be for Transportation;

(3) $27.295 million FY 2002, $28.4 million for FY 2003, and $29.5 million for FY 2004 shall be for Industry;

(4) $1.7 million for FY 2002, $1.8 million FY 2003, and $1.9 million for FY 2004 shall be for Carbon Removal;

(5) $2.5 million for FY 2002, $2.6 million for FY 2003, and $2.7 million for FY 2004 shall be for State and Local Climate; and

(6) $5.275 million for FY 2002, $5.5 million for FY 2003, and $5.7 million for FY 2004 shall be for International Capacity Building.

Sec. 2173. Limits on Use of Funds

Subsection 2173(a) prohibits EPA from using funds to produce or provide articles or services for the purpose of selling the articles or services to a person outside the Federal Government, unless the Administrator determines that comparable articles or services are not available from a commercial source in the United States.

Subsection 2173(b) prohibits EPA from using funds to prepare or initiate Requests for Proposals for a program if Congress has not authorized the program.

Sec. 2174. Cost Sharing

Except as other-wise provided in this subtitle, subsection 2174(a) mandates that for R&D programs carried out under this subtitle, the Administrator shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Administrator may reduce or eliminate the non-Federal requirement under this subsection if the Administrator determines that the R&D is of a basic or fundamental nature.

Similarly, under subsection 2174(b) the Administrator shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this subtitle to be provided from non-Federal sources. The Administrator may reduce the non-Federal requirement under this subsection if the Administrator determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this subtitle.

In calculating the amount of the non-Federal commitment under subsection (a) or (b), subsection 2174(c) permits the Administrator to include personnel, services, equipment, and other resources.

Sec. 2175. Limitations on Demonstrations and Commercial Application of Energy Technology

Section 2175 requires the Administrator to provide funding only for scientific or energy demonstration or commercial application programs, projects or activities for technologies or processes that can reasonably be expected to yield new, measurable benefits to the cost, efficiency, or performance of the technology or process.

Sec. 2176. Reprogramming

Section 2176 prohibits the reprogramming of funds in excess of 105 percent of the amount authorized for a program, project, or activity, or in excess of $0.25 million above the amount authorized for the program, program, project, or activity until the Administrator submits a report to the appropriate congressional committees and a period of 30 days has elapsed after the date on which the report is received. Such reprogramming of funds is limited to no more than the total amount authorized to be appropriated by this subtitle and such funds may not be reprogrammed or used for a program, project, or activity for which Congress has not authorized appropriation.

Sec. 2177. Budget Request Format

Section 2177 requires the Administrator to provide to the appropriate congressional committees, to be transmitted at the same time as the EPA's annual budget request submission, a detailed justification for budget authorization for the programs, projects, and activities for which funds are authorized by this subtitle.

Each such document shall include, for the fiscal year for which funding is being requested and for the two previous fiscal years: (1) a description of, and funding requested or allocated for, each such program, project, or activity; (2) an identification of all recipients of funds to conduct such programs, projects, and activities; and (3) an estimate of the amounts to be expended by each recipient of funds under (2).

Sec. 2178. Other Provisions

Subsection 2178(a) requires the Administrator to provide simultaneously to the Committee on Science: (1) any annual operating plan or other operational funding document, including any additions or amendments thereto; and (2) any report relating to the environmental research or development, scientific or energy research, development, or demonstration, or commercial application of energy technology programs, projects, or activities of the EPA, provided to any committee of Congress.

Subsection 2178(b) requires the Administrator to provide notice to the appropriate congressional committees not later than 15 days before any reorganization of any environmental research or development, scientific or energy research, development, or demonstration, or commercial application of energy technology program, project, or activity of the Office of Air and Radiation.

TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

Subtitle H—National Building Performance Initiative

Not later than three months after the date of the enactment of this Act, subsection 2181(a) requires the Director of the OSTP to establish an Interagency Group responsible for the development and implementation of a National Building Performance Initiative to address energy conservation and R&D and related issues. The NIST shall provide necessary administrative support for the Interagency Group.

Under subsection 2181(b), not later than nine months after the date of the enactment of this Act, the Interagency Group shall transmit to the Congress a multiyear implementation plan describing the Federal role in reducing the costs, including energy costs, of using, owning, and operating commercial, institutional, residential, and industrial buildings by 30 percent by 2020. The plan shall include: (1) RD&D of systems and materials for new construction and retrofit, on the building envelope and components; and (2) the collection and dissemination, in a usable form, of research results and other pertinent information to the design and construction industry, government officials, and the general public.

Subsection 2181(c) requires the establishment of a National Building Performance Advisory Committee to advise on creation of the plan, review progress made under the plan, advise on any improvements that should be made to the plan, and report to the Congress on actions that have been taken to advance the Nation's capability in furtherance of the plan. The members shall include representatives of a broad cross-section of interests such as the research, technology transfer, architectural, engineering, and financial communities; materials and systems suppliers; State, county, and local governments; the residential, multi-family, and commercial sectors of the construction industry; and the insurance industry.

Subsection 2181(d) requires the Interagency Group, within 90 days after the end of each fiscal year, to transmit a report to the Congress describing progress achieved during the preceding fiscal year by goverranent at all levels and by the private sector, toward implementing the plan developed under subsection (b), and including any amendments to the plan.

TITLE II—RENEWABLE ENERGY

Subtitle A—Hydrogen

Sec. 2201. Short Title

Section 2201 cites the subtitle as the ''Robert S. Walker and George E. Brown, Jr. Hydrogen Energy Act of 2001.''

Sec. 2202. Purposes

Section 2202 amends section 102(b) the Spark M. Matsunaga Hydrogen RD&D Act of 1990 (1990 Act) to include RD&D activities leading to the use of hydrogen for commercial applications, information dissemination and education, and development of a hydrogen production methodology that minimizes adverse environmental impacts, including efficient and cost-effective production from renewable and nonrenewable resources.

Sec. 2203. Definitions

Section 2203 amends section 102(c) of the 1990 Act to include the definition of ''advisory committee.''

Sec. 2204. Reports to Congress

Section 2204 amends section 103 of the 1990 Act by requiring the Secretary to submit to Congress a detailed report on the status and progress of the programs and activities authorized under the Act within one year of its enactment, and biennially thereafter.

Sec. 2205. Hydrogen Research and Development

Section 2205 amends section 104 of the 1990 Act by streamlining the text. Also, for R&D programs carried out under this section, the Secretary shall require a commitment from nonFederal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this subsection if the Secretary determines that the R&D is of a basic or fundamental nature.

Sec. 2206. Demonstrations

Section 2206 amends section 105 of the 1990 Act by eliminating the requirement that demonstration of critical technologies and small-scale demonstrations be conducted in or at ''self-contained locations.'' In addition, the small-scale demonstrations are to include a fuel cell bus demonstration program to address hydrogen production, storage, and use in transit bus applications.

Sec. 2207. Technology Transfer

Section 2207 amends section 106 of the 1990 Act by requiring the Secretary to conduct a hydrogen technology transfer program designed to accelerate wider application of hydrogen production, storage, transportation and use technologies, including application in foreign countries to increase the global market for hydrogen technologies and foster global economic development without harmful environmental effects.

Sec. 2208. Coordination and Consultation

Section 2208 amends section 107 of the 1990 Act by requiring the Secretary to establish a central point for coordination of all DOE hydrogen RD&D activities. It also requires the Secretary to consult with other Federal agencies, as appropriate, and the advisory committee established under section 2209.

Sec. 2209. Advisory Committee

Section 2209 amends section 108 of the 1990 Act by requiring the Secretary to enter into arrangements with the National Academies of Sciences and Engineering to establish an advisory committee to replace the current Hydrogen Technical Advisory Panel.

Sec. 2210. Authorization of Appropriations

Subsection 2210 amends section 109 of the 1990 Act to provide authorization of appropriations for the five-year period, FY 2002 through FY 2006.

Subsection 2210(a) authorizes $40.0 million for FY 2002, $45.0 million for FY 2003, $50.0 million for FY 2004, $55.0 million for FY 2005, and $60.0 million for FY 2006 for hydrogen R&D activities and the advisory committee.

Subsection 2210(b) authorizes $20.0 million for FY 2002, $25.0 million for FY 2003, $30.0 million for FY 2004, $35.0 million for FY 2005, and $40.0 million for FY 2006 for hydrogen demonstration activities.

Sec. 2211. Repeal

Section 2211 amends the Hydrogen Future Act of 1996 to repeal title 11 containing the program relating to the integration of fuel cells with hydrogen production systems.

TITLE II—RENEWABLE ENERGY

Subtitle B—Bioenergy

Sec. 2221. Short Title

Section 2221 cites the subtitle as the ''Bioenergy Act of 2001.''

Sec. 2222. Findings

Section 2222 lists five findings.

Sec. 2223. Definitions

Section 2223 defines the terms ''bioenergy,'' ''biofuels,'' ''biopower,'' and ''integrated bioenergy research and development.''

Sec. 2224. Authorizations

Section 2224 authorizes the Secretary to conduct bioenergy-related RD&D and commercial application programs, projects, and activities, including: (1) biopower energy systems, (2) biofuels energy systems, and (3) integrated bioenergy R&D.

Sec. 2225. Authorization of Appropriations

As shown in the following table, subsections 2225(a), 2225(b), and 2225(c) authorize a total of $912.2 million for Biopower Energy Systems, Biofuels Energy Systems, and Integrated Bioenergy R&D for the five-year period, FY 2002 through FY 2006.

BIOENERGY ACT OF 2001 AUTHORIZATIONS: FY 2002–FY 2006

[In thousands of dollars]

Program (subsection)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	Total (FY 2002–FY 2006)
Biopower (2225(a))	45,700	52,500	60,300	69,300	79,600	307,400
Biofuels (2225(b))	53,500	61,400	70,600	81,100	93,200	359,800
Integrated Bioenergy R&D (2225(c))	49,000	49,000	49,000	49,000	49,000	245,000
Total	148,200	162,900	179,900	199,400	221,800	912,200

Also, Integrated Bioenergy R&D activities funded under subsection 2225(c) are to be coordinated with ongoing related programs of other Federal agencies, including the NSF Plant Genome Program.

Subsection 2225(d) authorizes amounts under this subtitle to be used to assist in the planning, design, and implementation of projects to convert rice straw and barley grain into biopower or biofuels.

TITLE II—RENEWABLE ENERGY

Subtitle C—Transmission Infrastructure Systems

Sec. 2241. Transmission Infrastructure Systems RD&D and Commercial Application

Subsection 2241(a) requires the Secretary to develop and implement a comprehensive RD&D and commercial application program to ensure the reliability, efficiency, and environmental integrity of electrical transmission systems. Such program shall include advanced energy technologies and systems, high capacity superconducting transmission lines and generators, advanced grid reliability and efficiency technologies development, technologies contributing to significant load reductions, advanced metering, load management and control technologies, and technology transfer and education.

In carrying out this subtitle, subsection 2241(b) allows the Secretary to include RD&D on and commercial application of improved transmission technologies including the integration of the following technologies into improved transmission systems: (1) high temperature superconductivity; (2) advanced transmission materials; (3) self-adjusting equipment, processes, or software for survivability, security, and failure containment; (4) enhancements of energy transfer over existing lines; and (5) any other infrastructure technologies, as appropriate.

Sec. 2242. Program Plan

Section 2242 requires the Secretary, within four months after the date of the enactment of this Act and in consultation with other appropriate Federal agencies, to prepare and transmit to Congress a five-year program plan to guide activities under this subtitle. In preparing the program plan, the Secretary shall consult with appropriate representatives of the transmission infrastructure systems industry to select and prioritize appropriate program areas. The Secretary shall also seek the advice of utilities, energy services providers, manufacturers, institutions of higher learning, other appropriate State and local agencies, environmental organizations, professional and technical societies, and any other persons as the Secretary considers appropriate.

Sec. 2243. Report

Under section 2243, two years after the date of the enactment of this Act, and at two year intervals thereafter, the Secretary, in consultation with other appropriate Federal agencies, shall transmit a report to Congress describing the progress made to achieve the purposes of this subtitle and identifying any additional resources needed to continue the development and commercial application of transmission infrastructure technologies.

TITLE II—RENEWABLE ENERGY

Subtitle D—Authorization of Appropriations

Sec. 2261. Authorization of Appropriations

Including the amounts authorized for hydrogen R&D under section 2210 and for bioenergy R&D under section 2225, subsection 261(a) authorizes $535.0 million for FY 2002, $639.0 million for FY 2003, and $683.0 million for FY 2004 for Renewable Energy operation and maintenance, including subtitle C (Transmission Infrastructure Systems), Geothermal Technology Development, Hydropower, Concentrating Solar Power, Photovoltaic Energy Systems, Solar Building Technology Research, Wind Energy Systems, High Temperature Superconducting Research and Development, Energy Storage Systems, Transmission Reliability, International Renewable Energy Program, Renewable Energy Production Incentive Program, Renewable Program Support, National Renewable Energy Laboratory, and Program Direction, to remain available until expended.

Subsection 2281(b) requires the Secretary to carry out a research program, in conjunction with other appropriate Federal agencies, on wave powered electric generation within the amounts authorized under subsection 2281(a).

Using funds authorized in subsection 2281(a), subsection 2281(c) requires the Secretary to transmit to the Congress, within one year after the date of the enactment of this Act, an assessment of all renewable energy resources available within the United States. The report shall include a detailed inventory describing the available amount and characteristics of solar, wind, biomass, geothermal, hydroelectric, and other renewable energy sources, and an estimate of the costs needed to develop each resource. The report shall also include such other information as the Secretary believes would be useful in siting renewable energy generation, such as appropriate terrain, population and load centers, nearby energy infrastructure, and location of energy resources. The information and cost estimates in this report shall be updated annually and made available to the public, along with the data used to create the report. This subsection shall expire at the end of FY 2004.

Subsection 2261(d) provides that none of the funds authorized to be appropriated in subsection 2241(a) may be used for: ''(1) Departmental Energy Management Program; or (2) Renewable Indian Energy Resources.'' These limitations are included to preserve the Science Committee's sole jurisdiction over the bill, since the jurisdiction of these programs either resides with the Committee on Energy and Commerce, or is shared with that Committee.

TITLE III—NUCLEAR ENERGY

Subtitle A—University, Nuclear Science and Engineering

Sec. 2301. Short Title

Section 2301 cites the subtitle as the ''Department of Energy University Nuclear Science and Engineering Act.''

Sec. 2302. Findings

Section 2302 lists three findings.

Sec. 2303. Department of Energy Program

Subsection 2303(a) directs the Secretary, through the Office of Nuclear Energy, Science and Technology (Office) to maintain the Nation's human resource investment and infrastructure related to civilian nuclear R&D.

Subsection 2303(b) requires the Director of the Office to: (1) develop a robust graduate and undergraduate program to attract new students; (2) develop a Junior Faculty Research Initiation Grant to recruit and maintain new faculty; (3) maintain investment in the Nuclear Engineering Education Research Program; (4) encourage collaborative nuclear research between industry, national labs and universities through Nuclear Energy Research Initiative (NERI); (5) support public outreach regarding nuclear science and engineering; and (6) support communication and outreach related to nuclear science and engineering.

Subsection 2303(c) directs the Office to provide for: (1) university research reactor refueling with low enriched fuels, operational

instrumentation upgrading, and reactor sharing among universities; (2) assistance in relicensing and upgrading university training reactors as part of a student training program in collaboration with the U.S. nuclear industry; and (3) awards for reactor improvements for research, training and education.

Subsection 2303(d) directs the Secretary to develop a program in the Office for: nuclear science and technology sabbatical fellowships for university professors at the Department labs and for student fellowships at Department labs; and a visiting scientist program for Department lab staff to visit universities' nuclear science programs to work with faculty and staff.

Subsection 2303(e) requires the host institution to provide at least 50 percent of the cost of a university research reactor's operation when funds authorized under this subtitle are used to supplement operation of such research reactor.

Subsection 2303(f) requires that all grants, contracts, cooperative agreements or other financial assistance awards under this Act be made based on independent merit review.

Subsection 2303(g) requires the Secretary to prepare a report within six months of enactment of this Act, laying out a five-year plan on the programs authorized in this section. This report is to be delivered to the appropriate congressional committees.

Sec. 2304. Authorization of Appropriations

Subsection 2304(a) authorizes total appropriation of funds to carry out the purposes of this subtitle and for all funds to remain available until expended: $30.2 million for FY 2002; $41.0 million for FY 2003; $47.9 million for FY 2004; $55.6 million for FY 2005; and $64.1 million for FY 2006.

For the Graduate and Undergraduate Fellowships to carry out subsection 2303(b)(1) from the funds authorized in subsection 2304(a), subsection 2304(b) authorizes $3.0 million for FY 2002, $3.1 million for FY 2003, $3.2 million for FY 2004, $3.2 million for FY 2005, and $3.2 million for FY 2006.

For the Junior Faculty Research Initiation Grant Program to carry out subsection 2303(b)(2) from the funds authorized in subsection 2304(a), subsection 2304(c) authorizes $5.0 million for FY 2002, $7.0 million for FY 2003, $8.0 million for FY 2004, $9.0 million for FY 2005, and $10.0 million for FY 2006.

For the Nuclear Engineering and Education Research Program to carry out subsection 2303(b)(3) from the funds authorized in subsection 2304(a), subsection 2304(d) authorizes $8.0 million for FY 2002, $12.0 million for FY 2003, $13.0 million for FY 2004, $15.0 million for FY 2005, and $20.0 million for FY 2006.

For Communication and Outreach Related to Nuclear Science and Engineering to carry out subsection 2303(b)(5) from the funds authorized in subsection 2304(a), subsection 2304(e) authorizes $0.2 million for each of FY 2002 and FY 2003, and $0.3 million for each of FY 2004 through FY 2006.

For Refueling of Research Reactors and Instrumentation Upgrades to carry out subsection 2303(c)(1) from the funds authorized in subsection 2304(a), subsection 2304(f) authorizes $6.0 million for FY 2002, $6.5 million for FY 2003, $7.0 million for FY 2004, $7.5 million for FY 2005, and $8.0 million for FY 2006.

For Relicensing Assistance to carry out subsection 2303(c)(2) from the funds authorized in subsection 2304(a), subsection 2304(g) authorizes $1.0 million for FY 2002, $1.1 million for FY 2003, $1.2 million for FY 2004, and $1.3 million for each of FY 2005 and FY 2006.

For the Reactor Research and Training Award Program to carry out subsection 2303(c)(3) from the funds authorized in subsection 2304(a), subsection 2304(h) authorizes $6.0 million for FY 2002, $10.0 million for FY 2003, $14.0 million for FY 2004, $18.0 million for FY 2005, and $20.0 million for FY 2006.

For University-Department Laboratory Interactions to carry out subsection 2303(d) from the funds authorized in subsection 2304(a), subsection 2304(i) authorizes $1.0 million for FY 2002, $1.1 million for FY 2003, $1.2 million for FY 2004, and $1.3 million for each of FY 2005 and FY 2006.

TITLE III—NUCLEAR ENERGY

Subtitle B—Advanced Fuel Recycling Technology Research and Development Program

Sec. 2321. Program

Section 2321(a) requires the Secretary, through the Director of the Office, to conduct an advanced fuel recycling technology R&D program to further the availability of proliferation resistant fuel recycling technologies as an alternative to aqueous reprocessing in support of evaluation of alternative national strategies for spent nuclear fuel and the Generation IV advanced reactor concepts, subject to annual review by the Secretary's Nuclear Energy Research Advisory Committee or other independent entity, as appropriate.

Section 2321(b) requires the Secretary to report on the activities of the advanced fuel recycling technology R&D program as part of the Department's annual budget submission.

Section 2321(c) authorizes: (1) $10.0 million for FY 2002, and (2) such sums as are necessary for FY 2003 and FY 2004.

TITLE III—NUCLEAR ENERGY

Subtitle C—Department of Energy Authorization of Appropriations

Sec. 2341. Nuclear Energy Research Initiative

Subsection 2341(a) requires the Secretary, through the Office, to conduct a Nuclear Energy Research Initiative for grants to be competitively awarded and subject to peer review for research relating to nuclear energy.

Subsection 2341(b) mandates that the program be directed toward accomplishing the objectives of: (1) developing advanced concepts and scientific breakthroughs in nuclear fission and reactor technology to address and overcome the principal technical and scientific obstacles to the expanded use of nuclear energy in the United States; (2) advancing the state of nuclear technology to maintain a competitive position in foreign markets and a future domestic market; (3) promoting and maintaining a United States nuclear science and engineering infrastructure to meet future technical challenges; (4) providing an effective means to collaborate on a cost-shared basis with international agencies and research organizations to address and influence nuclear technology development worldwide; and (5) promoting United States leadership and partnerships in bilateral and multilateral nuclear energy research.

Subsection 2341(c) authorizes to be appropriated to the Secretary to carry out this section: (1) $60.0 million for FY 2002; and (2) such sums as are necessary for FY 2003 and FY 2004.

Sec. 2342. Nuclear Energy Plant Optimization Program

Subsection 2342(a) requires the Secretary to conduct a Nuclear Energy Plant Optimization R&D program jointly with industry and cost-shared by industry by at least 50 percent and subject to annual review by the Secretary's Nuclear Energy Research Advisory Committee or other independent entity, as appropriate.

Subsection 2342(b) states the program shall be directed toward accomplishing the following technical objectives: (1) managing long-term effects of component aging; and (2) improving efficiency and productivity of existing nuclear power stations.

Subsection 2342(c) authorizes to be appropriated to the Secretary to carry out this section: (1) $15.0 million for FY 2002; and (2) such sums as are necessary for FY 2003 and FY 2004.

Sec. 2343. Nuclear Energy Technologies

Subsection 2343(a) requires the Secretary to conduct a study of Generation IV nuclear energy systems, including development of a technology roadmap and performance of R&D necessary to make an informed technical decision regarding the most promising candidates for commercial application.

Under subsection 2343(b), to the extent practicable, in conducting the study under subsection 2343(a), the Secretary shall study nuclear energy systems that offer the highest probability of achieving the goals for Generation IV nuclear energy systems, including: (1) economics competitive with any other generators; (2) enhanced safety features, including passive safety features; (3) substantially reduced production of high-level waste, as compared with the quantity of waste produced by reactors in operation on the date of enactment of this Act; (4) highly proliferation-resistant fuel and waste; (5) sustainable energy generation including optimized fuel utilization; and (6) substantially improved thermal efficiency, as compared with the thermal efficiency of reactors in operation on the date of enactment of this Act.

In preparing the study under subsection 2343(b), subsection 2343(c) requires the Secretary to consult with appropriate representatives of industry, institutions of higher education, Federal agencies, and international, professional and technical organizations.

Subsection 2343(d) requires that, not later than December 31, 2002, the Secretary shall transmit to the appropriate congressional committees a report describing the activities of the Secretary under this section, and plans for R&D leading to a public/private cooperative demonstration of one or more Generation IV nuclear energy systems. The report shall contain: (A) an assessment of all available technologies; (B) a summary of actions needed for the most promising candidates to be considered as viable commercial options within the five to ten years after the date of the report, with consideration of regulatory, economic, and technical issues; (C) a recommendation of not more than three promising Generation IV nuclear energy system concepts for further development; (D) an evaluation of opportunities for public/private partnerships; (E) a recommendation for the structure of a public/private partnership to share in development and construction costs; (F) a plan leading to the selection and conceptual design, by September 30, 2004, of at least one Generation IV nuclear energy system concept recommended under subparagraph (C) for demonstration through a public/private partnership; (G) an evaluation of opportunities for siting demonstration facilities on DOE land; and (H) a recommendation for appropriate involvement of other Federal agencies.

Subsection 2343(e) authorizes to be appropriated to the Secretary to carry out this section: (1) $20.0 million for FY 2002; and (2) such sums as are necessary for FY 2003 and FY 2004.

Sec. 2344. Authorization of Appropriations

Subsection 2344(a) authorizes activities under this title for nuclear energy operation

and maintenance, including amounts authorized under sections 2304(a) (University Nuclear Science and Engineering), 2321(c) (Advanced Fuel Recycling Technology R&D Program), 2341(c) (Nuclear Energy Research Initiative), 2342(c) (Nuclear Energy Plant Optimization Program), and 2343(e) (Nuclear Energy Technologies), and including Advanced Radioisotope Power Systems, Test Reactor Landlord, and Program Direction, $191.2 million for FY 2002, $199.0 million for FY 2003, and $207.0 million for FY 2004, to remain available until expended.

Subsection 2344(b) authorizes:

(1) $0.95 million for FY 2002, $2.2 million for FY 2003, $1.246 million for FY 2004, and $1.699 million for FY 2005 for completion of construction of Project 99–E–200, Test Reactor Area (TRA) Electric Utility Upgrade, Idaho National Engineering and Environmental Laboratory (INEEL); and

(2) $0.5 million for each of FY 2002 through FY 2005 for completion of construction of Project 95–E–201, TRA Fire and Life Safety Improvements, INEEL.

Subsection 2344(c) provides that none of the funds authorized to be appropriated in subsection 2481(a) may be used for: ''(1) Nuclear Energy Isotope Support and Production; (2) Argonne National Laboratory-West Operations; (3) Fast Flux Test Facility; or (4) Nuclear Facilities Management.'' These limitations are included to preserve the Science Committee's sole jurisdiction over the bill since the jurisdiction of programs under this subsection either resides with the Committee on Energy and Commerce or is shared with that Committee.

TITLE IV—FOSSIL ENERGY

Subtitle A—Coal

Sec. 2401. Coal and Related Technologies Programs

Subsection 2401(a) authorizes to be appropriated to the Secretary $172.0 million for FY 2002, $179.0 million for FY 2003, and $186.0 million for FY 2004, to remain available until expended, for other coal and related technologies programs, which shall include: (1) Innovations for Existing Plants; (2) Integrated Gasification Combined Cycle; (3) advanced combustion systems; (4) Turbines; (5) Sequestration Research and Development; (6) innovative technologies for demonstration; (7) Transportation Fuels and Chemicals; (8) Solid Fuels and Feedstocks; (9) Advanced Fuels Research; and (10) Advanced Research.

Notwithstanding subsection 2401(a), subsection 2405(b) prohibits the use of funds to carry out the activities authorized by this subtitle after September 30, 2002, unless the Secretary has transmitted to the appropriate congressional committees the report required by this subsection and one month have elapsed since that transmission. The report must include a plan containing: (1) a detailed description of how proposals will be solicited and evaluated, including a list of all activities expected to be undertaken; (2) a detailed list of technical milestones for each coal and related technology that will be pursued; and (3) a description of how the programs authorized in this section will be carried out so as to complement and not duplicate activities authorized under division E (Clean Coal Power Initiative).

TITLE IV—FOSSIL ENERGY

Subtitle B—Oil and Gas

Sec. 2421. Petroleum-Oil Technology

Section 2421 directs the Secretary to conduct a RD&D and commercial application program on petroleum-oil technology. The programs shall address: (1) Exploration and Production Supporting Research; (2) Oil Technology Reservoir Management/Extension; and (3) Effective Environmental Protection.

Sec. 2422. Gas

Section 2422 directs the Secretary to conduct a program of RD&D and commercial application on natural gas technologies. The program shall address: (1) Exploration and Production; (2) Infrastructure; and (3) Effective Environmental Protection.

TITLE IV—FOSSIL ENERGY

Subtitle C—Ultra-Deepwater and Unconventional Drilling

Sec. 2441. Short Title

Section 2441 cites the subtitle as the ''Natural Gas and Other Petroleum Research, Development, and Demonstration Act of 2001.''

Sec. 2442. Definitions

Section 2442 defines six terms, including the terms ''deepwater'' to mean water depths greater than 200 meters but less than 1,500 meters, ''ultra-deepwater'' to mean water depths greater than 1,500 meters, and ''unconventional'' to mean located in heretofore inaccessible or uneconomic formations on land.

Sec. 2443. Ultra-Deepwater Program

Section 2443 requires the Secretary to establish a program of RD&D of ultra-deepwater natural gas and other petroleum exploration and production technologies, in areas currently available for Outer Continental Shelf leasing. The program shall be carried out by the Research Organization as provided in this subtitle.

Sec. 2444. National Energy Technology Laboratory

The National Energy Technology Laboratory (NETL) and the U.S. Geological Survey (USGS), when appropriate, shall carry out programs of long-term research into new natural gas and other petroleum exploration and production technologies and environmental mitigation technologies for production from unconventional and ultra-deepwater resources, including methane hydrates. NETL shall conduct a program of RD&D of new technologies for the reduction of greenhouse gas emissions from unconventional and ultra-deepwater natural gas or other petroleum exploration and production activities, including sub-sea floor carbon sequestration technologies.

Sec. 2445. Advisory Committee

Within six months after the date of the enactment of this Act, subsection 2445(a) requires the Secretary to establish an Advisory Committee consisting of seven members, each having extensive operational knowledge of and experience in the natural gas and other petroleum exploration and production industry who are not Federal Government employees or contractors. A minimum of four members shall have extensive knowledge of ultra-deepwater natural gas or other petroleum exploration and production technologies, a minimum of two members shall have extensive knowledge of unconventional natural gas or other petroleum exploration and production technologies, and at least one member shall have extensive knowledge of greenhouse gas emission reduction technologies, including carbon sequestration.

Subsection 2445(b) defines the function of the Advisory Committee to be to advise the Secretary on the selection of an organization to create the Research Organization and on the implementation of this subtitle.

Under subsection 2445(c), members of the Advisory Committee shall serve without compensation but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

Subsection 2445(d) provides that the costs of activities carried out by the Secretary and the Advisory Committee under this subtitle shall be paid or reimbursed from the Fund established in section 2450.

Under subsection 2455(e), Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

See. 2446. Research Organization

Subsection 2446(a) requires the Secretary, within six months after the date of the enactment of this Act, to solicit proposals from eligible entities for the creation of the Research Organization, and within three months after such solicitation, to select an entity to create the Research Organization.

Under subsection 2446(b), entities eligible to create the Research Organization shall: (1) have been in existence as of the date of the enactment of this Act; (2) be entities exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986; and (3) be experienced in planning and managing programs in natural gas or other petroleum exploration and production RD&D.

Subsection 24246(c) requires that a proposal from an entity seeking to create the Research Organization shall include a detailed description of the proposed membership and structure of the Research Organization.

The functions of the Research Organization, as defined in subsection 2446(c) are to: (1) award grants on a competitive basis to qualified research institutions, institutions of higher education, companies, and consortia of same for the purpose of conducting RD&D of unconventional and ultra-deepwater natural gas or other petroleum exploration and production technologies; and (2) review activities under those grants to ensure that they comply with the requirements of this subtitle and serve the purposes for which the grants were made.

Sec. 2447. Grants

Subsection 2447(a) provides for three types of grants: (1) unconventional, for RD&D of technologies aimed at unconventional reservoirs; (2) ultra-deepwater, for R&D of technologies aimed at ultra-deepwater areas; and (3) ultra-deepwater architecture. In the case of ultradeepwater architecture, the Research Organization shall award a grant to one or more consortia for the purpose of developing and demonstrating the next generation architecture for ultradeepwater production of natural gas and other petroleum.

Subsection 2447(b) provides that grants under this section shall contain seven specific conditions:

1. If the grant recipient consists of more than one entity, the recipient shall provide a signed contract agreed to by all participating members clearly defining all rights to intellectual property for existing technology and for future inventions conceived and developed using funds provided under the grant, in a manner that is consistent with applicable laws.

2. There shall be a repayment schedule for Federal dollars provided for demonstration projects under the grant in the event of a successful commercialization of the demonstrated technology. Such repayment schedule shall provide that the payments are made to the Secretary with the express intent that these payments not impede the adoption of the demonstrated technology in the marketplace. In the event that such impedance occurs due to market forces or other factors, the Research Organization shall renegotiate the grant agreement so that the acceptance of the technology in the marketplace is enabled.

3. Applications for grants for demonstration projects shall clearly state the intended commercial applications of the technology demonstrated.

4. The total amount of funds made available under a grant provided under subsection

2447(a)(3) for ultra-deepwater architecture shall not exceed 50 percent of the total cost of the activities for which the grant is provided.

5. The total amount of funds made available under a grant provided either under subsection 2447(a)(1) for unconventional reservoirs or under subsection 2447(a)(2) for ultradeepwater areas shall not exceed 50 percent of the total cost of the activities covered by the grant, except that the Research Organization may elect to provide grants covering a higher percentage, not to exceed 90 percent, of total project costs in the case of grants made solely to independent producers.

6. An appropriate amount of funds provided under a grant shall be used for the broad dissemination of technologies developed under the grant to interested institutions of higher education, industry, and appropriate Federal and State technology entities to ensure the greatest possible benefits for the public and use of government resources.

7. Demonstrations of ultra-deepwater technologies for which funds are provided under a grant may be conducted in ultra-deepwater or deepwater locations.

Subsection 2447(c) requires that funds available for grants under this subtitle be allocated as follows: (1) 15 percent shall be for grants under subsection 2447(a)(1) for unconventional reservoirs; (2) 15 percent shall be for grants under subsection 2447(a)(2) for ultra-deepwater areas; (3) 60 percent shall be for grants under subsection 2447(a)(3) for ultra-deepwater architecture; and (4) 10 percent shall be for the NETL and the USGS, when appropriate, for carrying out section 2444.

Sec. 2448. Plan and Funding

Subsection 2448(a) requires the Research Organization to transmit to the Secretary an annual plan proposing projects and funding of activities under each paragraph of section 2447(a).

Under subsection 2448(b), the Secretary shall have one month to review the annual plan, and shall approve the plan, if it is consistent with this subtitle. If the Secretary approves the plan, the Secretary shall provide funding as proposed in the plan. If the Secretary does not approve the plan, subsection 2448(c) provides that the Secretary shall notify the Research Organization of the reasons for disapproval and shall withhold funding until a new plan is submitted which the Secretary approves, Within one month after notifying the Research Organization of a disapproval, the Secretary shall notify the appropriate congressional committees of the disapproval.

Sec. 2449. Audit

Section 2449 requires the Secretary to retain an independent, commercial auditor to determine the extent to which the funds authorized by this subtitle have been expended in a manner consistent with the purposes of this subtitle. The auditor must transmit a report annually to the Secretary, who shall transmit the report to the appropriate congressional committees, along with a plan to remedy any deficiencies cited in the report.

Sec. 2450. Fund

Subsection 2450(a) establishes a fund to be known as the ''Ultra-Deepwater and Unconventional Gas Research Fund'' (Fund) in the United States Treasury (Treasury), which shall be available for obligation to the extent provided in advance in appropriations Acts for allocation under section 2447(c) above.

Subsection 2450(b) specifies the Fund's three funding sources:

1 . Loans from the Treasury—Subsection 2450(b)(1) authorizes to be appropriated to the Secretary $900.0 million for the period encompassing FY 2002 through FY 2009. Such amounts shall be deposited by the Secretary in the Fund, and shall be considered loans from the Treasury. Income received by the United States in connection with any ultra-deepwater oil and gas leases shall be deposited in the Treasury and considered as repayment for the loans under this paragraph.

2. Additional Appropriations—Subsection 2450(b)(2) authorizes to be appropriated to the Secretary such sums as may be necessary for FY 2002 through FY 2009, to be deposited in the Fund.

3. Oil and Gas Lease Income—To the extent provided in advance in appropriations Acts, not more than 7.5 percent of the income of the United States from Federal oil and gas leases may be deposited in the Fund for FY 2002 through FY 2009. The Congressional Budget Office estimates these amounts to total $3.616 billion.

Sec. 2451. Sunset

Under section 2451, no funds are authorized to be appropriated for carrying out this subtitle after FY 2009, and the Research Organization is terminated when it has expended all funds made available pursuant to this subtitle.

TITLE IV—FOSSIL ENERGY

Subtitle D—Fuel Cells

Sec. 2461. Fuel Cells

Section 2461(a) requires the Secretary to conduct a program of research, development, RD&D and commercial application on fuel cells. The program shall address: (1) Advanced Research; (2) Systems Development; (3) Vision 21-Hybrids; and (4) Innovative Concepts.

In addition to the program under subsection 2461(a), subsection 2461(b) requires the Secretary, in consultation other Federal agencies, as appropriate, to establish a program for the demonstration of fuel cell technologies, including fuel cell proton exchange membrane technology, for commercial, residential, and transportation applications. The program shall specifically focus on promoting the application of and improved manufacturing production and processes for fuel cell technologies.

Under subsection 2461(c), within the amounts authorized to be appropriated under subsection 2481(a), there are authorized to be appropriated to the Secretary for the purpose of carrying out subsection 2461 (b) $28.0 million for each of FY 2002, 2003, and 2004.

TITLE IV—FOSSIL ENERGY

Subtitle E—DOE Authorization of Appropriations

Sec. 2481. Authorization of appropriations

Subsection 2481 (a) authorizes appropriations for subtitle B (Oil and Gas) and subtitle D (Fuel Cells), and for Fossil Energy Research and Development Headquarters Program Direction, Field Program Direction, Plant and Capital Equipment, Cooperative Research and Development, Import/Export Authorization, and Advanced Metallurgical Processes $282.0 million for FY 2002, $293.0 million for FY 2003, and $305.0 million for FY 2004.

Subsection 2481(b) provides that none of the funds authorized to be appropriated in subsection 2481(a) may be used for: ''(1) Gas Hydrates; (2) Fossil Energy Environmental Restoration; or (3) RD&D and commercial application on coal and related technologies, including activities under subtitle A.'' The first limitation is imposed because the Methane Hydrate Act of 2000 has been recently enacted and has its own separate authorization. The second limitation is included to preserve the Science Committee's sole jurisdiction over the bill, since the jurisdiction of Fossil Energy Environmental Restoration is shared with the Committee on Energy and Commerce. The third limitation is imposed to limit the amount of coal funding to that contained in subtitle A.

TITLE V—SCIENCE

Subtitle A—Fusion Energy Sciences

Sec. 2501. Short Title

Section 2501 cites the subtitle as the ''Fusion Energy Sciences Act of 2001.''

Sec. 2502. Findings

Section 2502 lists nine findings.

Sec. 2503. Plan for Fusion Experiment

Subsection 2503(a) requires the Secretary, in full consultation with the Fusion Energy Sciences Advisory Committee and the Secretary of Energy Advisory Board as appropriate, to develop a plan for construction in the United States of a magnetic fusion burning plasma experiment for the purpose of accelerating scientific understanding of fusion plasmas. The Secretary shall request a review of the plan by the National Academy of Sciences (NAS), and shall transmit the Department plan and the NAS review to the Congress by July 1, 2004.

Subsection 2503(b) requires the plan to: (1) address key burning plasma physics issues; and (2) include specific information on the scientific capabilities of the proposed experiment, the relevance of these capabilities to the goal of practical fusion energy, and the overall design of the experiment including its estimated cost and identifying potential construction sites.

Subsection 2503(c) authorizes the Secretary, in full consultation with the Fusion Energy Sciences Advisory Committee and the Secretary of Energy Advisory Board as appropriate, to develop a plan for the United States participation in an international burning plasma experiment for the purpose of accelerating scientific understanding of fusion plasmas, whose construction is found by the Secretary to be highly likely and where the United States participation is cost effective relative to the cost and scientific benefits of a domestic experiment described in subsection 2503(a). If the Secretary elects to develop a plan under this subsection, the Secretary shall include the information described in subsection 2503(b), and an estimate of the cost of United States participation in such an international experiment. The Secretary shall request a review by the NAS of any such plan, shall transmit the plan and the review to the Congress by July 1, 2004.

Subsection 2503(d) authorizes the Secretary, through the Department's Fusion Energy Sciences Program, to conduct any R&D necessary to fully develop the plans described in this section.

Sec. 2504. Plan for Fusion Energy Sciences Program

Section 2504 requires that within six months after the enactment of this Act, the Secretary, in full consultation with the Fusion Energy Sciences Advisory Committee, to develop and transmit to the Congress a plan for the purpose of ensuring a strong scientific base for the Fusion Energy Sciences Program and to enable the burning plasma experiment described in section 2503. Such plan shall ensure: (1) that existing fusion research facilities and equipment are more fully utilized with appropriate measurements and control tools; (2) a strengthened fusion science theory and computational base; (3) that the selection of and funding for new magnetic and inertial fusion research facilities is based on scientific innovation and cost effectiveness; (4) improvement in the communication of scientific results and methods between the fusion science community and the wider scientific community; (5)

that adequate support is provided to optimize the design of the magnetic fusion burning plasma experiment referred to in section 2503; (6) that inertial confinement fusion facilities are utilized to the extent practicable for the purpose of inertial fusion energy R&D; (7) the development of a roadmap for a fusion-based energy source that shows the important scientific questions, the evolution of confinement configurations, the relation between these two features, and their relation to the fusion energy goal; (8) the establishment of several new centers of excellence, selected through a competitive peer-review process and devoted to exploring the frontiers of fusion science; (9) that the NSF, and other agencies, as appropriate, play a role in extending the reach of fusion science and in sponsoring general plasma science; and (10) that there be continuing broad assessments of the outlook for fusion energy and periodic external reviews of fusion energy sciences.

Sec. 2505. Authorization of Appropriations

Section 2505 authorizes—for ongoing activities in Department's Fusion Energy Sciences Program and for the purpose of planning activities under section 2503, but not for implementation of such plans—$320.0 million for FY 2002 and $335.0 million for FY 2003 of which up to $15 million for each of FY 2002 and FY 2003 may be used to establish several new centers of excellence under section 2504(8).

TITLE V—SCIENCE

Subtitle B—Spallation Neutron Source

Sec. 2521. Definition

Section 2521 defines the term ''Spallation Neutron Source'' to mean Department Project 99E–334, Oak Ridge National Laboratory, Oak Ridge, Tennessee.

Sec. 2522. Authorization of Appropriations

Subsection 2522(a) authorizes to be appropriated to the Secretary for construction of the Spallation Neutron Source (SNS): (1) $276.3 million for FY 2002, (2) $210.571 million for FY 2003, (3) S 124.6 million for FY 2004, (4) $79.8 million for FY 2005, and (5) $41.1 million for FY 2006 for completion of construction.

Subsection 2522(b) authorizes appropriation for other SNS project costs (including R&D necessary to complete the project, preoperations costs, and capital equipment not related to construction) $15.353 million for FY 2002 and $103.279 million for FY 2003 through 2006, to remain available until expended through September 30, 2006.

Sec. 2523. Report

Section 2523 requires the Secretary to report on the SNS as part of Department's annual budget submission, including a description of the achievement of milestones, a comparison of actual costs to estimated costs, and any changes in estimated project costs or schedule.

Sec. 2524. Limitations

Section 2524 limits the total amount obligated for the SNS by the Department, including prior year appropriations, to not more than: (1) S1,192.7 million for costs of construction; (2) $219.0 million for other project costs; and (3) $1,411.7 million for total project cost.

TITLE V—SCIENCE

Subtitle C—Facilities, Infrastructure, and User Facilities

Sec. 2541. Definition

Subsection 2541(1) defines the term ''nonmilitary energy laboratory'' to mean: (A) Ames Laboratory; (B) Argonne National Laboratory; (C) Brookhaven National Laboratory; (D) Fermi National Accelerator Laboratory; (E) Lawrence Berkeley National Laboratory; (F) Oak Ridge National Laboratory; (G) Pacific Northwest National Laboratory; (H) Princeton Plasma Physics Laboratory; (1) Stanford Linear Accelerator Center; (J) Thomas Jefferson National Accelerator Facility; or (K) any other facility of the Department that the Secretary, in consultation with the Director, Office of Science and the appropriate congressional committees, determines to be consistent with the mission of the Office of Science.

Subsection 2541(2) defines the term ''user facility'' to mean: (A) an Office of Science facility at a non-military energy laboratory that provides special scientific and research capabilities, including technical expertise and support as appropriate, to serve the research needs of the Nation's universities, industry, private laboratories, Federal laboratories, and others, including research institutions or individuals from other nations where reciprocal accommodations are provided to United States research institutions and individuals or where the Secretary considers such accommodation to be in the national interest; and (B) any other Office of Science funded facility designated by the Secretary as a user facility.

Sec. 2542. Facility and Infrastructure Support for Nonmilitary Energy Laboratories

Subsection 2542(a) requires the Secretary to develop and implement a least-cost nonmilitary energy laboratory facility and infrastructure strategy for: (1) maintaining existing facilities and infrastructure, as needed; (2) closing unneeded facilities; (3) making facility modifications; and (4) building new facilities.

Subsection 2542(b) requires the Secretary to prepare a comprehensive ten-year plan for conducting future facility maintenance, making repairs, modifications, and new additions, and constructing new facilities at each nonmilitary energy laboratory. Such plan is to provide for facilities work in accordance with the following priorities: (1) providing for the safety and health of employees, visitors, and the general public with regard to correcting existing structural, mechanical, electrical, and environmental deficiencies; (2) providing for the repair and rehabilitation of existing facilities to keep them in use and prevent deterioration, if feasible; and (3) providing engineering design and construction services for those facilities that require modification or additions in order to meet the needs of new or expanded programs.

Subsection 2542(c) requires the Secretary to prepare and transmit to the appropriate congressional committees a report containing the plan prepared under subsection 2542(b) within one year after the date of the enactment of this Act. For each nonmilitary energy laboratory, the report is to contain: (1) the current priority list of proposed facilities and infrastructure projects, including cost and schedule requirements; (2) a current ten-year plan that demonstrates the reconfiguration of its facilities and infrastructure to meet its missions and to address its long-term operational costs and return on investment; (3) the total current budget for all facilities and infrastructure funding; and (4) the current status of each facilities and infrastructure project compared to the original baseline cost, schedule, and scope.

The report shall also: (1) include a plan for new facilities and facility modifications at each nonmilitary energy laboratory that will be required to meet the Department's changing missions for the twenty-first century, including schedules and estimates for implementation, and including a section outlining long-term funding requirements consistent with anticipated budgets and annual authorization of appropriations; (2) address the coordination of modernization and consolidation of facilities among the nonmilitary energy laboratories in order to meet changing mission requirements; and (3) provide for annual reports to the appropriate congressional committees on accomplishments, conformance to schedules, commitments, and expenditures.

Sec. 2543. User Facilities

Under subsection 2543(a), when the Department makes a user facility available to universities and other potential users, or seeks input from universities and other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users.

Subsection 2543(b) requires the Department to employ full and open competition in selecting participants when the Department considers the participation of a university or other potential user in the establishment or operation of a user facility.

Section 2543(c) prohibits the Department from redesignating a user facility, as defined by section 2541 (b) as something other than a user facility to avoid the requirements of subsections (a) and (b).

TITLE V—SCIENCE

Subtitle D—Advisory Panel on Office of Science

Sec. 2561. Establishment

Section 2561 requires the Director of the Office of Science and Technology Policy, in consultation with the Secretary, to establish an Advisory Panel on the Office of Science comprised of knowledgeable individuals to: (1) address concerns about the current status and the future of scientific research supported by the Office; (2) examine alternatives to the current organizational structure of the Office within the Department, taking into consideration existing structures for the support of scientific research in other Federal agencies and the private sector; and (3) suggest actions to strengthen the scientific research supported by the Office that might be taken jointly by the Department and Congress.

Sec. 2562. Report

Under section 2562, within six months after the date of the enactment of this Act, the Advisory Panel shall transmit its findings and recommendations in a report to the Director of the Office of Science and Technology Policy and the Secretary. The Director and the Secretary shall jointly: (1) consider each of the Panel's findings and recommendations, and comment on each as they consider appropriate; and (2) transmit the Panel's report and the comments of the Director and the Secretary on the report to the appropriate congressional committees within nine months after the date of the enactment of this Act.

TITLE V—SCIENCE

Suhtitle E—Department of Energy Authorization of Appropriations

Sec. 2581. Authorization of appropriations

Including the amounts authorized to be appropriated for FY 2002 under section 2505 for Fusion Energy Sciences and under subsection 2522(b) for the SNS, subsection 2581(a) authorizes to be appropriated to the Secretary for the Office of Science (also including subtitle C—Facilities, Infrastructure, and User Facilities, High Energy Physics, Nuclear Physics, Biological and Environmental Research, Basic Energy Sciences (except for the SNS authorization under subsection 2522(b)), Advanced Scientific Computing Research, Energy Research Analysis, Multiprogram Energy Laboratories-Facilities Support, Facilities and Infrastructure, Safeguards and Security, and Program Direction) operation and maintenance $3,299.558

million for FY year 2002, to remain available until expended.

Subsection 2581(b) provides that within the amounts authorized under subsection (a), $5.0 million for FY 2002 may be used to carry out research in the use of precious metals (excluding platinum, palladium, and rhodium) in catalysis, either directly though national laboratories, or through the award of grants, cooperative agreements, or contracts with public or nonprofit entities.

Subsection 2581(c) provides that in addition to the amounts authorized under subsection 2522(a) for SNS construction, subsection 2581 (b) authorizes:

(1) $11.4 million for FY 2002 for completion of construction of Project 98–G–304, Neutrinos at the Main Injector, Fermi National Accelerator Laboratory;

(2) $11.405 million for FY 2002 for completion of construction of Project 01–E–300, Laboratory for Comparative and Functional Genomics, Oak Ridge National Laboratory;

(3) $4.0 million for FY 2002, $8.0 million for FY 2003, and $2.0 million for FY 2004 for completion of construction of Project 02–SC–002, Project Engineering Design (PED), Various Locations;

(4) $3.183 million for FY 2002 for completion of construction of Project 02–SC–002, Multiprogram Energy Laboratories Infrastructure Project Engineer-ing Design (PED), Various Locations; and

(5) $18.633 million for FY 2002 and $13.029 million for FY 2003 for completion of construction of Project MEL–001, Multiprogram Energy Laboratories, Infrastructure, Various Locations.

Subsection 2581(d) provides that none of the funds authorized to be appropriated in subsection 2581(b) may be used for construction at any national security laboratory as defined in section 3281(l) of the National Defense Authorization Act for Fiscal Year 2000 (50 U.S.C. 2471(l)) or at any nuclear weapons production facility as defined in section 3281(2) of the National Defense Authorization Act for 2000 (50 U.S.C. 2471(2)). This limitation is included to preserve the Science Committee's sole jurisdiction over the bill, since the jurisdiction of these laboratories and facilities reside with the Committee on Armed Services.

TITLE VI—MISCELLANEOUS

Subtitle A—General Provisions for the Department of Energy

Sec. 2601. Research, Development, Demonstration and Commercial Application of Energy Technology Programs, Projects, and Activities

Subsection 2601(a) requires that RD&D and commercial application programs, projects, and activities authorized under this Act be carried out under the procedures of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.), the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), or any other Act under which the Secretary is authorized to carry out such programs, projects, and activities, only to the extent the Secretary is authorized to carry out such activities under each Act and except as otherwise provided in this Act.

Subsection 2601(b) authorizes the Secretary to use grants, joint ventures, and any other form of agreement available to the Secretary to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative R&D agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), except as otherwise provided in this Act, to carry out RD&D and commercial application programs, projects, and activities.

Subsection 2601(c) defines the term ''joint venture'' for the purpose of this section to have the meaning given that term under section 2 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4301), except that such term applies to RD&D and commercial application of energy technology joint ventures.

Subsection 2601(d) requires that section 12(c)(7) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)), relating to the protection of information, will apply to RD&D and commercial application of energy technology programs, projects, and activities under this Act.

Under subsection 2601(e), an invention conceived and developed by any person using funds provided through a grant under this Act shall be considered a subject invention for the purposes of chapter 18 of title 35, United States Code (commonly referred to as the Bayh-Dole Act).

Subsection 2601(f) requires the Secretary to ensure that each program authorized by this Act includes an outreach component to provide information, as appropriate, to manufacturers, consumers, engineers, architects, builders, energy service companies, universities, facility planners and managers, State and local governments, and other entities.

Subsection 2601(g) requires the Secretary to provide guidelines and procedures for the transition of energy technologies from research through development and demonstration to commercial application of energy technology where appropriate. Nothing in this section precludes the Secretary from: (1) entering into a contract, cooperative agreement, cooperative R&D agreement under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grant, joint venture, or any other form of agreement available to the Secretary under this section that relates to RD&D and commercial application of energy technology; or (2) extending a contract, cooperative agreement, cooperative R&D agreement under the Stevenson-Wydler Technology Innovation Act of 1980, grant, joint venture, or any other form of agreement available to the Secretary that relates to RD&D to cover commercial application of energy technology.

Subsection 2601(h) states that this section shall not apply to any contract, cooperative agreement, cooperative R&D agreement under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grant, joint venture, or any other form of agreement available to the Secretary that is in effect as of the date of enactment of this Act.

Sec. 2602. Limits on Use of Funds

Subsection 2602(a) prohibits the use of funds authorized by this Act to award a management and operating contract for a federally owned or operated nonmilitary energy laboratory of the Department unless such contract is awarded using competitive procedures or the Secretary grants, on a case-by-cease basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the appropriate congressional committees a report notifying the committees of the waiver and setting forth the reasons for the waiver.

Subsection 2602(b) prohibits the Secretary from using funds to produce or provide articles or services for the purpose of selling the articles or services to a person outside the Federal Government, unless the Secretary determines that comparable articles or services are not available from a commercial source in the United States.

Subsection 2602(c) prohibits the Secretary from using funds to prepare or initiate Requests for Proposals for a program if Congress has not authorized the program.

Sec. 2603. Cost Sharing

Except as otherwise provided in this subtitle, subsection 2603(a) mandates that for R&D programs carried out under this subtitle, the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this subsection if the Secretary determines that the R&D is of a basic or fundamental nature.

Similarly, under subsection 2603(b) the Secretary shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this subtitle to be provided from non-Federal sources. The Secretary may reduce the non-Federal requirement under this subsection if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this subtitle.

In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Secretary may include personnel, services, equipment, and other resources.

Sec. 2604. Limitations on Demonstrations and Commercial Application of Energy Technology

Section 2604 requires the Secretary to provide funding only for scientific or energy demonstration and commercial application of energy technology programs, projects or activities for technologies or processes that can reasonably be expected to yield new, measurable benefits to the cost, efficiency, or performance of the technology or process.

Sec. 2605. Reprogramming

Section 2605 prohibits the reprogramming of funds in excess of 105 percent of the amount authorized for a program, project, or activity, or in excess of $0.25 million above the amount authorized for the program, program, project, or activity until the Secretary submits a report to the appropriate congressional committees and a period of 30 days has elapsed after the date on which the report is received. The report shall be a full and complete statement of the proposed reprogramming and the facts and circumstances in support of the proposed reprogramming. This section prohibits the Secretary from obligating funds in excess of the total amount authorized to be appropriated to the Secretary by this Act and prohibits the Secretary from using funds for any use for which Congress has declined to authorize funds.

TITLE VI—MISCELLANEOUS

Suhtitle B—Other Miscellaneous Provisions

Sec. 2611. Notice of Reorganization

Section 2611 requires the Secretary to provide notice to the appropriate congressional committees not later than 15 days before any reorganization of environmental research or development, scientific or energy research, development, or demonstration, or commercial application of energy technology program, project, or activity of the Department.

Sec. 2612. Limits on General Plant Projects

Section 2612 requires the Secretary to halt the construction of a civilian environmental research, development, or demonstration, or commercial application of energy technology ''general plant project'' if the estimated cost of the project (including any revisions) exceeds $5.0 million unless the Secretary has famished a complete report to the appropriate congressional committees explaining the project and the reasons for the estimate or revision.

Sec. 2613. Limits on Construction Projects

Section 2613 prohibits construction on a civilian environmental R&D, scientific or energy RD&D, or commercial application of energy technology project for which funding has been specifically authorized by law to be initiated and continued if the estimated cost for the project exceeds 110 percent of the higher of: (1) the amount authorized for the project; or (2) the most recent total estimated cost presented to Congress as budget justification for such project. To exceed such limits, the Secretary must report in detail to the appropriate congressional committees on the related circumstances and the report must be before the appropriate congressional committees for 30 legislative days (excluding any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain). This section shall not apply to any construction project that has a current estimated cost of less than $5.0 million.

Sec. 2614. Authority for Conceptual and Construction Design

Section 2614 limits the Secretary's authority to request construction funding in excess of $5.0 million for a civilian environmental R&D, scientific or energy research, development, or demonstration, or commercial application of energy technology program, project, or activity until the Secretary has completed a conceptual design for that project. Furthermore, if the estimated cost of completing a conceptual design for the construction project exceeds $0.75 million, the Secretary must submit a request to Congress for funds for the conceptual design before submitting a request for the construction project. In addition, the subsection allows the Secretary to carry out construction design (including architectural and engineering services) in connection with any proposed construction project that is in support of a civilian environmental R&D, scientific or energy research, development, and demonstration, or commercial application of energy technology program, project, or activity of the Department if the total estimated cost for such design does not exceed $0.25 million; if the total estimated cost for construction design exceeds $0.25 million, funds for such design must be specifically authorized by law.

Sec. 2615. National Energy Policy Group Mandated Reports

Subsection 2615(a) requires that upon completion of the Secretary's review of current funding and historic performance of the Department's energy efficiency, renewable energy, and alternative energy R&D programs in response to the recommendations of the May 16, 2001, Report of the National Energy Policy Development Group, the Secretary shall transmit a report containing the results of such review to the appropriate congressional committees.

Subsection 2615(b) requires that upon completion of the Office of Science and Technology Policy and the President's Council of Advisors on Science and Technology reviewing and making recommendations on using the Nation's energy resources more efficiently, in response to the recommendations of the May 16, 2001, Report of the National Energy Policy Development Group, the Director of the Office of Science and Technology Policy shall transmit a report containing the results of such review and recommendations to the appropriate congressional committees.

Sec. 2616. Independent Reviews and Assessments

Section 2616 requires the Secretary to enter into appropriate arrangements with the National Academies of Sciences and Engineering to ensure that there be periodic reviews and assessments of the programs authorized by this Act, as well as the goals for such programs as established under section 2004. Such reviews and assessments shall be conducted at least every five years, and the Secretary shall transmit to the appropriate congressional committees reports containing the results of these reviews and assessments.

III. COMMITTEE ON SCIENCE VIEWS ON H.R. 4, SECURING AMERICA'S FUTURE ENERGY (SAFE) ACT OF 2001

DIVISION B: COMPREHENSIVE ENERGY RESEARCH AND TECHNOLOGY ACT OF 2001

Sec. 2004. Goals

The cost and performance-based goals in section 2004 guide and unify the RD&D and commercial applications programs authorized in this Act. The Secretary must refine and update measurable cost and performance-based goals in furtherance of the Act's purposes in section 2003 on a biennial basis. As provided in section 2616, the Secretary must enter into arrangements with the National Academies of Sciences and Engineering for periodic reviews and assessments of the programs in the Act and the goals established under section 2004.

TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

Subtitle A—Alternative Fuel Vehicles

In selecting applicants and project sites, the Secretary should, consistent with subsection 2103(d)(1), give special consideration to proposals that address environmental needs in actual and potential Clean Air Act nonattainment areas like the Washington, DC metropolitan region and in communities seeking to meet zero air emissions goals, like Santa Clara County, California.

The Committee considers the United States Postal Service (USPS) a ''partner'' or entity eligible for funding under the alternative fuel vehicle program, The Committee commends the USPS for taking a leadership role in the conversion of its aging fleet to more environmentally sound electric vehicles. Over the next five years, some 6,000 Long-Life Vehicles will replace an aging fleet of trucks in southern California, New York, and the Washington, DC metropolitan area. It is estimated that over three million gallons of fuel will be saved, and 170,000 tons of carbon dioxide will be removed from the environment as a result of the effort. The Committee encourages the USPS to continue this important procurement and, in doing so, show leadership to other governmental entities considering the advancement and deployment of alternative fuel vehicles.

TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

Subtitle B—Distributed Power Hybrid Energy Systems

The Committee notes that the National Renewable Energy Laboratory (NREL) currently performs certain duties of this subtitle, especially with regard to performing and integrating RD&D activities related to distributed power hybrid systems, and expects NREL to continue and expand these activities.

The Committee encourages the Secretary to solicit proposals from institutions of higher education for sharing costs of acquisitions, installation, instrumentation, data acquisition, and data analysis and reporting for building cooling/heating and power systems, district energy systems, and other distributed energy resources. In this regard, the Secretary should consider, proposals emphasizing installations using emerging technologies, developed with the support of the Department, that offer energy efficiency and/or environmental benefits. The Committee also encourages the Department to require performance reports back from recipients of these awards detailing steps taken, efficiency gains achieved, and educational benefits realized. These reports would constitute ''case studies'' demonstrating the viability of these systems. Should the Secretary require such reports, funding for the reporting should be included in the grant or contract.

Sec. 2123. Strategy, Sec. 2124. High Power Density Industry Program

Subsection 2123(b)(5) describes a RD&D and commercial application program to be implemented as part of the Distributed Power Hybrid Systems Strategy. Subsection 2124(b) identifies areas that should be considered in carrying out the program to improve energy efficiency, reliability, and environmental responsibility in high power density industries. Existing programs are already researching real-time performance monitoring, conserving and optimizing energy systems, simulation and analysis of power systems, and utilization of power generation byproducts in an environmentally friendly manner. This work can become a base for implementing the Distributed Power Hybrid Systems Strategy and the High Power Density Industry Program. The Secretary should rely on research and technology development work already begun at State Centers of Excellence such as the Center for Electric Power at Tennessee Technological University to accelerate implementation of sections 2123 and 2124.

Sec. 2125. Micro-Cogeneration Energy Technology

Section 2125 is intended to help realize the potential of cogeneration technology as a clean source of energy for a variety of applications. Many believe the space heating industry is often overlooked in the development of such distributed cogeneration systems. The Committee believes that, with further research and development, cogeneration of electric power as a byproduct of building heating system operation could provide significant environmental benefits at low cost and high reliability and that the heating appliance industry is uniquely positioned to provide reliable electricity using environmentally friendly cogeneration power with practical technology.

TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

Subtitle D—Green School Buses

The Committee directs the Secretary to ensure that grants under this subtitle will demonstrate the use of alternative fuel school buses and, as a result, lead to the replacement of pre–1977 (model year) diesel and gas buses and pre–1991 (model year) diesel buses and, in limited situations (such as in low income areas), the expansion of existing fleets using conventional fuel buses with new, alternative fuel buses. In providing grants under this subtitle, the Secretary shall ensure that recipients of assistance certify that replaced buses are crushed or otherwise appropriately disposed of in accordance with law.

Coordination of Alternative Fuel Bus Programs

Division B contains various authorities relating to alternative fuel buses, such as title I, subtitle A (Alternative Fuel Vehicles), title I, subtitle D (Green School Buses), section 2206(2) (fuel cell bus demonstrations under the Spark M. Matsunaga Hydrogen RD&D Act of 1990), and relating to transportation applications for fuel cells (subsection 2461 (b)). The Committee intends that the Secretary will coordinate implementation of the various provisions to maximize their integration and effectiveness.

TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

Suhtitle F—DOE Authorization of Appropriations

The Committee directs the Department to continue RD&D on Smart Window technologies including electro-chromics and other advanced technologies in energy-efficient windows, doors, and skylights.

The Committee is aware of the potential of optical/graphical programming for driving, controlling, and improving virtually all types of electric motors. Successful development of a simple, low cost, and generic solution for the intelligent control of electric motors could significantly improve the energy efficiency of electric motors. Such technology could have tremendous impact on the heating, ventilation, and air conditioning industry, among others. In FY 2001, the DOE, through the Office of Industrial Technologies, invested in several promising energy efficient technologies, including the development of an optical programming system for intelligent control of electric air conditioning motors. The Committee strongly encourages the Department to further increase its investment in optical/graphical programming technologies.

The Committee is aware of various engine technologies, including an axial piston OX2 engine, which have numerous potential advantages over the design of conventional internal combustion engines. The Secretary should, where appropriate, support efforts by universities and the private sector to continue, and expand, development and testing of technologies that provide environmental advantages over current conventional engines, such as improved power-to-weight ratios, improved fuel efficiencies, and reduced air emissions.

TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

Subtitle G—EPA Office of Air and Radiation Authorization of Appropriations

Sec. 2175. Limitation on Demonstration and Commercial Applications of Energy Technology

The phrase ''measurable benefits to the cost, efficiency, or performance of the technology or process'' in section 2175 includes environmental considerations. The Committee does not intend for this provision to curtail the demonstration or commercial application of energy technologies that are efficient, effective, and environmentally beneficial. The Committee believes this interpretation regarding EPA technologies should also apply to section 2604, relating to DOE technologies.

TITLE II—RENEWABLE ENERGY

Subtitle A—Hydrogen

Section 2206 amends the Spark M. Matsunaga Hydrogen RD&D Act of 1990 to establish a fuel cell bus demonstration program to address hydrogen production, storage, and use in transit bus applications. The Committee recognizes that fuel cell technology could significantly contribute to improving the cost effectiveness and environmental impact of mass transit options, particularly in municipal buses and in shuttle buses such as those operating at large airports. However, more research needs to be done to address a number of issues related to this technology. This demonstration program should specifically address all aspects of the introduction of this new technology, including the following components:

(1) Development, installation, and operation of a hydrogen delivery system located on-site at transit bus terminals.

(2) Development, installation, and operation of on-site storage associated with the hydrogen delivery systems as well as storage tank systems incorporated into the bus itself.

(3) Demonstration of use of hydrogen as a practical, safe, renewable energy source in a highly efficient, zero-emission power system for buses.

(4) Development of a hydrogen proton exchange membrane fuel cell power system that is confirmed and verified as being compatible with transit bus application requirements.

(5) Durability testing of the fuel cell bus.

(6) Identification and implementation of necessary codes and standards for the safe use of hydrogen as a fuel suitable for bus application, including the fuel cell power system and related operational facilities.

(7) Identification and implementation of maintenance and overhaul requirements for hydrogen proton exchange membrane fuel cell transit buses.

(8) Completion of fleet vehicle evaluation program by bus operators along normal transit routes, providing equipment manufacturers and transit operators with the necessary analyses to enable operation of the hydrogen proton exchange membrane fuel cell bus under a range of operating environments.

The Committee is aware that the Department of Transportation is currently developing and funding a number of Bus Rapid Transit (BRT) demonstration programs around the country. The Committee believes that the BRT program is structured in a way that would facilitate the execution of this fuel cell bus demonstration program, as well as reducing redundancy in interagency research, and recommends the Secretary consider integrating this fuel cell demonstration with existing BRT initiatives where there is local support to do so.

TITLE II—RENEWABLE ENERGY

Subtitle B—Bioenergy

Sec. 2225. Authorization of Appropriations

Subsection 2225(b) authorizes funds for biofuels energy systems. The Committee is aware of a proposal to establish a biofuels processing facility in New York to convert cellulose materials into levulinic acid for multiple applications. As part of the proposal, the State University of New York College of Environmental Science and Forestry would also develop a Bioenergy and Bioproducts Technology Center, focusing on biofuels from lignocellulosic biomaterial. The Committee strongly encourages the Secretary to consider providing substantial financial assistance for this biofuels proposal.

Subsection 2225(d) authorizes the Secretary to provide assistance for an integrated rice straw project in Gridley, California, to convert rice straw into ethanol, electric power, and silica, and an ethanol production facility in Maryland to convert barley grain into ethanol for use in motor vehicles or other uses.

TITLE II—RENEWABLE ENERGY

Subtitle D—DOE Authorization of Appropriations

Sec. 2261. Authorization of Appropriations

As pointed out in a recent National Research Council review, geothermal energy research at the DOE may be undervalued in light of the significant U.S. and international resource base.

DOE should consider establishing a national geothermal research center with the resources necessary to lead an expanded multi-laboratory geothermal research effort in the years ahead. DOE should also continue to build upon its past efforts to involve industry, university researchers and the national laboratories in strategic planning for the geothermal energy program as it moves this program forward.

The Committee is aware of the promise of emerging geothermal energy systems. Within the Department's budget for geothermal research, the committee urges on-going support for university research on enhanced geothermal systems. University research programs, such as the Energy & Geoscience Institute (EGI) at the University of Utah and the ''Geothermal of the West'' program, offer the promise of tapping into under-utilized geothermal resources. This program has specific relevance for electrical power in the West, including the Great Basin, Northern California Coast and Cascade Range. Continued investment by DOE in the research into these promising geothermal systems may dramatically reduce dependence on other energy sources, and improve the sustainability of existing geothermal energy systems.

The Committee is aware of the capabilities of Texas Southern University's (TSU) Photovoltaic Laboratory, which has experience in demonstrating the potential of using commercially available photovoltaic equipment to generate electric power for electrically isolated applications in the small commercial sector. The Committee urges the Department to consider using the capabilities of the TSU laboratory in testing and demonstrating components in the R&D phase as well as those already commercialized.

Subsection 2261(b) directs the Secretary to carry out a research program, in conjunction with ''other appropriate Federal agencies'' on wave powered electric generation. The Committee intends the term ''other appropriate Federal agencies'' to mean the Office of Naval Research.

TITLE III—NUCLEAR ENERGY

Subtitle A—University Nuclear Science and Engineering

Sec. 2303. Department of Energy Program

The Committee is aware of concerns within the university nuclear research reactor community that DOE may be considering downscaling its support for numerous university reactors. The Committee's authorization of Nuclear Education Programs stands as a strong signal of our desire to see the Department continue to maintain, and even expand, its support of the existing research reactor infrastructure. Institutions such as the University of Utah Nuclear Engineering Program run robust nuclear research reactor centers. Without their involvement, and the maintenance of their reactor infrastructure, necessary expertise on nuclear safety and storage would be lost to the Western region, at the exact time that nuclear waste products may arrive within the region. The Committee believes that a balanced approach to nuclear power must include on-going support for nuclear research reactors throughout the various regions of the United States.

TITLE IV—FOSSIL ENERGY

SUBTITLE C—ULTRA-DEEPWATER AND UNCONVENTIONAL DRILLING

Subtitle C of title IV, the Natural Gas and Other Petroleum Research, Development, and Demonstration Act of 2001, authorizes a new, ten-year program at the Department for research, development and demonstration of ultra-deepwater natural gas and other petroleum exploration technologies. For purposes of this program, ultra-deepwater is defined to be in excess of 1,500 meters, or approximately 5,000 feet, below the surface of the ocean. The Committee is hopeful that this technology will enable the U.S. to increase the supplies of oil and gas from the middle and western Gulf of Mexico and other areas already open to drilling.

The Department is to carry out the program through a non-profit Research Organization. The Committee based this model on the highly successful example of

SEMATECH, which guided jointly-funded efforts of the Department of Defense and the semiconductor industry.

The Committee intends that the Secretary exercise continuing oversight over the Research Organization. It is the Secretary's responsibility to ensure that the public interest is being served by the Research Organization's projects, that the projects are making the desired technical progress, and that the public's money is being properly spent. The Act requires that the Secretary receive and review a specific research plan from the Research Organization each year, and allows the Secretary to withhold the Research Organization's funding for the year until the research plan is satisfactory. The Act also requires annual audits by an independent, outside auditing firm. Such audits were also required of SEMATECH.

The Act provides specific allocations for each of the types of activities enumerated. However, in running the program, the Secretary may find that these allocations are preventing the most efficient and effective expenditure of funds. The Secretary should notify the Committee if the allocations prove problematic.

The Act requires that all the projects undertaken under this program have among their major goals the improvement of safety and the limiting of environmental impacts. The Committee expects the Secretary to carefully monitor the program to ensure that safety and environmental impacts are specifically addressed in the projects funded through the Research Organization.

This program of RD&D would only be applicable in certain areas. Section 2443 prohibits activities through the RD&D provisions of this Act or through any new technologies developed under this section (or any other part of subtitle C) in any offshore areas that are currently under federal moratoria, such as areas off the coasts of California or North Carolina.

TITLE IV—FOSSIL ENERGY

Subtitle D—Fuel Cells

The Committee notes that three separate sections of the bill authorize fuel cell RD&D and commercial application: section 2143(c) pertaining to fuel-cell school buses, section 2206(2) pertaining to fuel cell bus demonstration programs, and section 2461 pertaining to fuel cells. The Committee intends that the Secretary will coordinate implementation of these three provisions to maximize their integration and effectiveness.

The Committee also recognizes that local organizations, such as the Houston-Galveston Area Council, are well equipped to assist the Federal government in demonstrating the benefits from research on fuel cell technologies used for low-emission mass transit vehicles.

TITLE V—SCIENCE

Subtitle E—DOE Authorization of Appropriations

The Committee is concerned about practices employed by the Department to enforce security at DOE scientific laboratories funded under this section. The Committee notes that the perception of racial profiling may have fostered a hostile work environment and may be discouraging certain employees and potential employees from working at DOE facilities. The Committee is concerned that such loss of talent at DOE would endanger DOE's missions to remain technologically competitive and to protect national security.

Mr. Chairman, these provisions reflect a balanced, bipartisan comprehensive approach to energy policy. They significantly increase the Nation's investments in R&D, on conservation and renewable energy sources, two fundamental public needs that are unlikely to be adequately addressed by market forces alone. At the same time, we continue and enhance our investment in research in oil, gas, coal, and nuclear power. We do so in a responsible way.

I am pleased that the bill includes two measures I introduced, one to promote the use of alternative vehicles in general, and the other to promote the use of alternative fuel school buses in particular. These programs will both demonstrate the viability of hybrid electric, natural gas, and ultra-clean diesel technologies and help lower their cost in the marketplace.

Many other Members of Congress on our committee on both sides of the aisle have contributed to portions of the bill, but I want to especially draw attention to the ultra-deep oil drilling research supported by our ranking member, the gentleman from Texas (Mr. HALL), the biofuels section introduced by our Subcommittee on Energy chairman, the gentleman from Maryland (Mr. BARTLETT), numerous sections promoting clean energy supported by our Subcommittee on Energy ranking member, the gentlewoman from California (Ms. WOOLSEY), nuclear science provisions brought to us by the gentlewoman from Illinois (Mrs. BIGGERT), and the hydrogen provision sponsored by the gentleman from California (Mr. CALVERT). That is just the beginning of a long list of contributors. This is a bipartisan team effort.

I also want to draw attention to division E, which includes clean coal provisions worked out in arduous negotiations with the Committee on Energy and Commerce. I want to thank the gentleman from Louisiana (Chairman TAUZIN) and the gentleman from Texas (Mr. BARTON) and the ranking members, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Virginia (Mr. BOUCHER), and their staffs for their cooperation in reaching these agreements. We all agreed to put jurisdictional claims aside for the moment to have the tough decisions and discussions necessary to come up with a good program.

I have to say though that those discussions were made more difficult by the behavior of the coal industry, which continues to display the same sort of sense of entitlement that has made past clean coal programs questionably productive. That is why in this program we have strict environmental and financial standards, to ensure that the projects we fund truly need a taxpayer subsidy; that they will result in marketable advances in technology; and that those technologies will result in real improvements in efficiency and emissions.

Most importantly, we require that at least 80 percent of the money be spent on gasification technology, which, among its other attributes, provides the best chance of preventing carbon dioxide, the leading man-made greenhouse gas, from escaping into the atmosphere.

In fact, throughout the Committee on Science portions of the bill, we are cognizant of the very real threat of global climate change, and we worked to ensure that our Nation's energy policy takes climate change and other environmental issues into account.

I wish that were true of every portion of H.R. 4, but it is not. That is why I oppose the bill in its current form, and I will vote against it if it is not amended. I will be supporting two key amendments. Let me just speak about them for a moment.

If we are serious about reducing our dependence on foreign-source oil, and we have to be serious about that, if we are serious about protecting our environment, and that is of the highest priority, if we are serious about conserving energy, and if we are serious about helping the consumer, then we must pass the Boehlert-Markey amendment to raise corporate average fuel economy standards.

H.R. 4 takes the smallest of steps in the direction of raising CAFE standards, far smaller steps than the National Academy of Sciences says are possible. We do not need a fig leaf CAFE provision that will still leave us exposed to oil shortages, high gas prices and environmental degradation. We need a real, feasible moderate CAFE increase, and that is what the Boehlert-Markey amendment would provide.

Let me point out that the previous speaker said if we go too fast, too far, too soon, we will, and then he outlined some concerns. We are not going too fast, we are not going too far, we are not going too soon. We have come up with a reasonable standard, supported by the documentation of the National Academy of Sciences.

Mr. Chairman, I urge the passage when we get to those amendments.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Chairman, I rise, of course, in support of H.R. 4, aptly termed the Securing America's Future Energy Act of 2001.

The Committee on Science has worked hard and in a very highly cooperative fashion, I think, to report a comprehensive bill that authorizes existing energy research and development programs of the Department of Energy and authorizes new programs to meet the challenging research needs of this Nation.

I think the committee has done a good job. They certainly have recognized that we cannot put all of our eggs in one basket. We need to pursue research and development activities in energy conservation and energy efficiency and renewable energy technologies, as well as in fossil fuel energy and nuclear energy programs. We need

them all. In short, we need to support these applied research programs, which we know are the basic energy research programs of the office of science.

I think we have been generous in funding the program at the National Laboratories and colleges and universities throughout the Nation that are engaged in energy research.

Before yielding time to others, I want to take the opportunity to thank this good chairman, the gentleman from New York (Mr. BOEHLERT), for his interest in working with us to craft a bill that is supported by all the members of the committee. I think that is very unusual for a chairman. That does not happen very often here, but it has happened in our committee. We have worked together.

I thank also the staff of the committee for their tireless efforts in putting together the kind of bill from the Committee on Science that we should all feel very proud to support.

Finally, thanks also to the members of the committee for their suggestions and their contributions and their willingness to work on the committee's bill.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), the ranking member of the Subcommittee on Energy, Ms. Woolsey.

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman for yielding me time, and I thank the gentleman for getting the pronunciation of my name right.

As the ranking member on the Committee on Science's Subcommittee on Energy, I was pleased that the gentleman from Texas (Mr. HALL) and the gentleman from New York (Mr. BOEHLERT) led the way so that the Committee on Science was able to report out a bill that accomplishes much of what I consider important to bring our country's energy policy into the 21st century. In fact, the Committee on Science bill reflects my push for aggressive R&D goals and funding levels for all renewable energy sources. I appreciate the chairman working with me on this shared priority. Unfortunately, this bipartisan model did not take root in the final bill.

It is no surprise to me that in this Chamber we have a variety of visions on what our energy future should look like, but there are points where the people of this country know what is best. And we ought to look at them to be our leaders. For example, many in my district share in the Nation's opposition to drilling for oil in ANWR. They consider it outrageous that drilling in this area is even included in this legislation.

Americans around the country also cringe when they learn that this bill lines the pockets of the fossil fuel and nuclear industries, making these industries, as this bill reflects, our number one priority. It is not appropriate that these industries should be our number one priority, when we know that our focus must be to reduce reliance on fossil fuels and expensive, dangerous nuclear energy. Instead, we should be investing in renewable, safe, and efficient energy sources.

Despite massive financial and scientific investments—not to mention a new PR campaign—the facts about nuclear power are unchanged. It's dangerous, expensive and has not delivered on decades-old promises of energy security and independence.

While the nuclear industry claims that nuclear power is safe, the fact remains that people are skeptical—especially if a plant or disposal site is in their backyard, or nuclear waste is transported through their community.

Americans want, need and deserve a smart energy policy that will take us into the 21st century—not a bill that continues down the path we've traveled for the last 100 years—a path that has led to global warming because of our overdependence on fossil fuels. That's why I can't vote for this energy bill.

□ 1330

Mr. BOEHLERT. Mr. Chairman, I proudly yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT), a valuable member of the committee.

Mrs. BIGGERT. Mr. Chairman, I rise today to commend all who have worked on H.R. 4, the Securing America's Future Energy Act. A national energy policy is long overdue; and this bill is a step in the right direction, and we need to include all sources of energy in this bill.

As a Member of the Committee on Science, I was very pleased that the bill our committee reported included provisions to strengthen nuclear research and nuclear science and engineering programs at America's universities and colleges. Fewer Americans are entering this field and even fewer institutions are left with the capability to train them. Current projections are that 25 to 30 percent of the nuclear industry's workforce and 76 percent of the nuclear workforce at our national laboratories will begin to retire in the next 5 years.

Nuclear science and energy engineering in the United States is a 50-year success story that has been written by some of the brightest minds the world has ever known. America has truly been blessed as the world leader in this area, and this bill assures we maintain our leadership.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. HALL of Texas. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Chairman, I want to salute the chairman and the ranking member of the committee for working together as a bipartisan team. The portion of this bill that came out of the Committee on Science is pretty darn good. It has a balance of conservation and renewable energies, and I am very proud and satisfied with it. The Fusion Energy Sciences Act was also included and, for our planet, it is going to be key in the long run.

The problem in the bill is the things that did not come from the Committee on Science. Here is what is wrong: It provides no help for California to collect the $9 billion that we are owed by out-of-state energy providers; it lacks protection for oil drilling in the Arctic National Wildlife Refuge; it does not increase the CAFE standards for motor vehicles.

The bill that did not go through the Committee on Science is short on vision and long on special interests. With over $36 billion in tax breaks to fat cats, the United States is going to have to borrow the money to give these tax breaks. So if there is a Texas equivalent to a Bronx cheer, that is what the President is giving to California once again.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of President Bush's comprehensive energy legislation. In California, we are on the edge of an economic disaster because for decades our State has turned down every effort to develop oil and natural gas resources, not to mention nuclear power, of course.

The President's bill is a positive bill. It has provisions in it for conservation and, yes, my colleague is right, we in the Committee on Science have participated in this process, because this bill also contains provisions for developing alternative energy resources.

But most important, this bill enables us to increase the supply of oil and natural gas in the United States of America. We have no reason to be ashamed of that. Of course, there will never be an energy bill that is good enough for the fanatic environmentalists who oppose us every time we try to increase our Nation's oil and natural gas supplies.

This bill will help us have more oil and natural gas, take us off of foreign dependency and ensure American prosperity.

Mr. Chairman, I support the President's comprehensive bill.

Mr. HALL of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman for yielding time.

Mr. Chairman, for 25 years, this country has not permitted the commercial reprocessing of spent nuclear fuel. We have said that the reactor waste generated around this country at reactors shall not be reprocessed, for the very sound reason that the reprocessing of this reactor waste generates plutonium, and plutonium is the key ingredient in nuclear weapons. And if we are generating plutonium through reprocessing, that is going to threaten our efforts to stop the proliferation of weapons around the world and to keep the supply of plutonium away from rogue nations and dictators.

Now, this bill very quietly reverses that 25-year policy. It says that we

shall now have research and development spending on what they call advanced fuel recycling technology. That is reprocessing. That is taking spent reactor waste and reprocessing it, creating plutonium, which threatens our nonproliferation regime around the world.

There was very little debate on this in the Committee on Science, and no consideration on the floor. The rule did not permit an amendment by the gentlewoman from California (Ms. WOOLSEY) that would have allowed a straight up-or-down vote.

Mr. Chairman, this is not just an issue for our national energy policy; it affects our international relations as well. And there is no way, with so little debate and so little public notice and no hearings, that we should be approving this. Vote no.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Chairman, as a former member of the Presidential Oil Policy Commission, I have seen how energy policy mistakes can contribute to supply disruptions and high prices.

This legislation supports my vision for a broad portfolio of energy options by making traditional sources of energy cleaner, by researching and making alternative and renewable sources of energy more available, and by educating the next generation of scientists.

The Committee on Science has contributed to this legislation by authorizing the research and development programs that will help increase supplies of clean, renewable, and affordable energy. Coal is an abundant domestic source of power that plays a truly critical role in electricity generation in States like Michigan. However, we do need to make it cleaner and more efficient, and this legislation's provisions for clean coal technology point us in that direction.

Nuclear power, which accounts now for 28 percent of the Nation's electricity, is a critical energy source that produces nearly zero greenhouse gas emissions. However, we are in danger of losing international leadership in nuclear technologies, and that is why I support the nuclear R&D provisions in this bill.

Mr. Chairman, this is a good bill that will ensure that we have the energy needed to power the economic growth of the future.

Mr. HALL of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding time.

I rise today to compliment the committee that is before the floor today. The Committee on Science in this House did a tremendous job of designing a bill that really meets the science needs of America on energy. This bill is being used as the carrot tied to a stick, which is tied to a very ugly vehicle behind. I want to compliment the members of the Committee on Science on both sides of the aisle for producing a real substantive bill. Unfortunately, the rest of the bill that is incorporated with is one that we cannot support.

I look at this bill and what I see in it is whoever wrote the whole big package had one thing in mind, and that is that they were looking at the price, without understanding the value. So this bill addresses the price of everything and the value of nothing.

The bill knows the price of rewards for special interests. They put those special interests in perspective by giving them a $36.4 billion tax break in this bill. That is equivalent to what 9.7 million Americans in 1998 paid in taxes.

The cost of this bill is in the value to the environment. This bill says drill, drill, drill wherever oil may be. If we had oil under this Capitol, I am sure there would be proposals to drill for oil under the Capitol and under the Supreme Court and under the Library of Congress. This bill costs California ratepayers, who are not allowed to debate on the issue of rebates from obscene costs. This bill, in totality, is a bad bill.

Mr. BOEHLERT. May I ask the Chair how much time is remaining?

The CHAIRMAN pro tempore (Mr. LINDER). The gentleman from New York (Mr. BOEHLERT) has 1½ minutes remaining.

Mr. BOEHLERT. Mr. Chairman, I do not mean to challenge the umpire's call, that is cause for automatic ejection in baseball, but our scorecard says 2 minutes. Can the Chair look at those numbers again?

The CHAIRMAN pro tempore. Our scorecard does not. Ours says the gentleman from New York has 1½ minutes remaining, and the gentleman from Texas has 2 minutes remaining.

Mr. BOEHLERT. Mr. Chairman, I do not want to be ejected, but does the gentleman from Texas have 30 seconds he could yield to me?

Mr. HALL of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. BOEHLERT).

The CHAIRMAN pro tempore. The gentleman is willing to do that.

Mr. BOEHLERT. So now I can say on my scorecard we have 2 minutes?

The CHAIRMAN pro tempore. The gentleman can do that.

Mr. BOEHLERT. And we still have an affection for the umpire. I thank the Chair.

Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. AKIN).

Mr. AKIN. Mr. Chairman, I rise to support the clean coal power initiative in division E of H.R. 4. It is an effective and important initiative because it is going to give us environmentally friendly electricity at a reasonable cost and for decades to come.

Coal comprises 85 percent of our fossil fuel resources. We have enough coal for 250 years of additional use. More than 50 percent of our current electricity comes from coal.

Burning coal is our chief source of electricity, but by making it more efficient and by making it cleaner, we can improve the air quality. That is important to me, because we have air quality problems in the St. Louis area. This bill will do that.

Already, we have made investments in coal technology over the last 30 years that have reduced pollutants by 21 percent even though coal generation has tripled. Coal provides a clean, affordable and domestic energy source for us. This bill is very positive in cleaning that up and making it more reasonable.

Mr. HALL of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Guam (Mr. UNDERWOOD), the very capable delegate.

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman from Texas for yielding.

I want to draw attention to one part of this very large energy bill which draws attention to the insular areas and allows them to develop alternative sources and gives that additional emphasis.

However, I am concerned about, under section 701, assessment of renewable energy resources, and section 702, renewable energy production incentives. There is a lot of attention drawn to solar power, there is attention drawn to geothermal, but there is no attention drawn to ocean thermal energy, which is a distinct possibility, particularly for those areas that are in the tropical zones.

So I would like to ask the chairman of the Committee on Science to enter into a brief colloquy.

Would the chairman be willing to work with us to consider inserting some language about ocean thermal energy into the assessment of renewable energy resources?

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, as my distinguished colleague knows, we are always very enthusiastic in our committee about alternative sources of energy, so the gentleman can be assured that both the gentleman from Texas (Mr. HALL) and I will work closely with the gentleman to address this.

Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Pennsylvania (Ms. HART), a new but very valued member of the committee.

Ms. HART. Mr. Chairman, I thank the gentleman for yielding me this time.

It is with pleasure that I stand up to support this energy bill. It contains a lot of different things; it is broad, it is all-encompassing.

The problems that we are looking to solve are not new ones. In fact, people in my constituency and probably all over the country have been calling

their congressional Members about these for a number of years.

But the problem of high gas prices, high electrical prices, high gasoline prices at the pump cannot be solved unless we have a comprehensive energy policy. That is what this bill does.

Vice President Cheney came to my district to launch the discussion nationwide. It was very well received. People are very happy to hear that we finally are going to have a comprehensive plan. Advancements in technology are included in here: clean coal technologies, nuclear advancements, fuel cells, investigation of renewable energy sources such as biomass, wind energy, hydro energy. But conservation is a very large part of this, and it is very important that we all understand that it is everyone's responsibility to be part of that conservation.

We all intend to work hard to get this passed. I am a big supporter of this, and I want to commend everyone who has been a part of making it happen.

Mr. HALL of Texas. Mr. Chairman, I will close by thanking the committee. I would just like to go on record, though, as saying we do need to drill ANWR. It makes sense to drill ANWR. It does not make sense not to drill ANWR, because if we do not find the resources we have here in this country, we have to send our kids overseas to fight for energy when we have it right here.

Japan was forced out into Malaysia by Franklin Roosevelt in 1939. We sent 450,000 kids to Kuwait. That was for energy. We did not need to do that. We need to take care of our children, and this is a bill that takes care of them and takes care of the country's energy needs for this Nation.

Mr. Chairman, the U.S. will likely need to produce 45% more natural gas to meet growing demand and environmental goals in the next decade. A new, industry-led research, development and demonstration program is being established in this legislation to enhance and extend the natural gas and other petroleum resource base in areas where production is currently allowed by law and reserves are most prolific. These areas are largely in unconventional onshore gas fields, primarily in the Rocky Mountains and Southwestern United States, and the ultra-deepwater in the central and western Gulf of Mexico. Research, development and demonstration of technological capabilities in these provinces will improve the nation's capacity to meet incremental natural gas demand over the next twenty years in an economic, safe and environmentally responsible manner.

Section 2441 of the ''Securing of America's Future Act of 2001'' (H.R. 4), ordered reported from the Committee on July 19, directs DOE to conduct long-term supply research and to establish a new industry-led research, development and demonstration program. The Department will utilize the expertise of our nation's energy industry, institutions of higher education, public and private research institutions, large and small businesses and federal agencies to lower the cost, improve the efficiency and production of natural gas and other petroleum resources while improving safety and minimizing environmental impacts of this activity.

The industry-led activities authorized by this legislation will be managed by an established 501(c)(3), tax-exempt research organization experienced in planning and managing programs in natural gas or other petroleum research, development and demonstration. The program is designed to ensure that the requirements of meeting near-term demand for natural gas supply will be conducted in the most efficient and cost-effective manner possible. This will require flexibility, unprecedented focus and input from industry, academia, and our national laboratories, and an acceleration of R&D activities. These goals can be best accomplished through an industry-driven effort, with key oversight provided by the Department of Energy, consistent with its stewardship role in energy policy and the use of public funds.

The Department is directed to focus the industry-led activities authorized by this legislation on unconventional onshore natural gas and other petroleum resource research and development projects, individual deepwater research and development projects, and the development of new ultra-deepwater natural gas and other petroleum architectures. it will carry out programs of long-term research into new natural gas and other petroleum exploration and production technologies, such as methane hydrates; and environmental mitigation technologies for production from unconventional and ultra-deepwater resources, including carbon sequestration.

All research, development and demonstration activities authorized by this legislation will be cost-shared by participants in the program. The deepwater and ultra-deepwater research, development and demonstration provisions of this bill shall be exercised only in the central and western Gulf of Mexico in areas that are already leased or are available for leasing. No offshore areas that are currently covered under federal leasing moratoria will be affected.

This program will be funded from loans from the Treasury to be repaid from revenues from ultra-deepwater natural gas and other petroleum leases currently available for lease that would otherwise not be sold, additional appropriations and 7.5% of federal natural gas and other petroleum lease income.

I believe that a concentrated industry effort with support from the government will enable us to produce the tremendous natural gas resources that exist in the Gulf of Mexico sooner and at lower cost than a traditional government R&D program. The model for this program is SEMATECH, the government-industry consortium that was established for the semiconductor industry in the 1980s. By combining industry R&D efforts, the semiconductor industry was able to remain competitive with the Japanese—a competitive advantage that the U.S. has maintained. This has been responsible, at least in part, for the enormous technology-drive growth that the U.S. enjoyed through the nineties—and even at a lower growth rate today.

These R&D models work and we should not be reluctant to employ them as needed. The government's interests are protected thorough recoupment provision in the legislation. These provisions provide for the repayment of government funds used to develop and demonstrate the successful technologies that emerge from this program. The recoupment provisions in the bill, combined with the additional royalties that will be collected on the natural gas production from these ultradeep structures will recoup the government's investment in this program many times over.

It's a win-win for the government and the taxpayers: The government funding up front makes it possible for this high-risk research to be undertaken by industry, which will generally be matching the government outlays on a dollar for dollar basis. The needed gas supplies will be produced sooner and at a time when domestic natural gas production is declining and demand is rapidly increasing.

□ 1345

The CHAIRMAN. All time for the Committee on Science has expired.

It is now in order under the rule for the Committee on Ways and Means, represented by the gentleman from California (Mr. THOMAS) and the gentlewoman from Florida (Mrs. THURMAN). Each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, as we look at this tax component, it has been characterized today in a number of different ways.

Our friends on the other side of the aisle like to talk about the enormous giveaway to special interests. I would like to point out that the special interests in the bill who get the major-appliance reductions for energy efficiency are the American taxpayers. Those who invest in their home in energy-efficient ways are also the special interests involved in this bill. If they buy a more fuel-efficient car, they get significant tax credits.

I think Members will find that throughout this tax provision, individuals who seek conservation and alternate energy get rewarded for that behavior. That is one of the major special interests.

The other area that I think needs to be emphasized that people do not talk about is under the heading of reliability. That actually gets the largest percentage of money, almost 39 percent in this tax structure, because we frankly need to deal with electric transmission lines. We need to deal with natural gas transmission lines. Then, once we develop the natural gas transmission lines for clean-burning natural gas, we need distribution lines.

One of the difficulties, I think, that we forget about is that it is not just the switch on the wall. Our ability to function in a post-industrial energy-efficient world requires significant investment in infrastructure. Even a transition from the highly regulated one that we are in in the area of electricity to a more deregulated one requires attention in the Tax Code.

Mr. Chairman, I reserve the balance of my time.

Mrs. THURMAN. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, the chairman talked about some very wonderful things that

are in this piece of legislation, but I have to say that the problem and regret is that earlier this year the congressional Republican leadership decided to enact a large tax reduction and did not reserve the resources for these other priorities. I believe they are important priorities.

But as a result of that decision, and because this bill contains no revenue offsets, I believe that there is a substantial certainty that the tax reductions contained in the energy bill will be funded, at least in part, by raiding the Medicare and possibly the Social Security Trust Funds. Therefore, I cannot support this bill, and I would oppose it.

Mr. Chairman, we are not the only ones saying this. Even a recent Republican memo on the surplus states that we are possibly already into the Medicare Trust Fund, and we are very close to touching the Social Security surplus in fiscal year 2003.

When we did the markup of the charitable tax incentive bill the week before the Committee on Ways and Means approved an energy tax cut bill, the Committee on the Budget chairman, the gentleman from Iowa (Mr. NUSSLE), produced a letter that said that using economic projections from earlier in the year, there was enough of a surplus to support the charitable tax bill if no further tax or spending bills were ever enacted.

When the committee considered the energy tax bill, no security letter from the Committee on the Budget was ever produced. Does this mean that there will not be sufficient surpluses to support the energy bill? I think we all know the answer is yes.

Further, during the committee debate on the energy tax bill, when I asked how it is going to be paid for, I was told that there is a slush fund in the fiscal year 2002 budget resolution that is available on a first-come, first-served basis.

Well, which one of the following priorities, then, will not be funded if they succeed in their current strategy of being first in line? I might add, many of these have been promised and debated.

What about the $300 billion for a Medicare prescription drug benefit; the $134 billion from the Secretary of Defense, who states it is necessary just to maintain our current level of defense; the $200 billion or $300 billion for defense modernization; $73 billion for agriculture; $6 billion for higher veterans benefits; the $14 billion that we did in reduction in the SEC fees; the $50 billion for promised health insurance; the $82 billion to fully fund the new educational bill, to all of which we have agreed; and $122 billion to extend expiring tax benefits; $119 billion for President Bush's remaining tax cuts in health insurance, long-term care, and housing; and $200 billion to $400 billion to address the AMT issue? There is $138 billion to end the tax cut sunsets in the last bill, and $13 billion for the charitable tax incentives just passed by this House.

Mr. Chairman, we could have done something differently. We heard about this in the rules debate; but the fact of the matter is, there was a Democratic amendment that could have been brought to this floor that could have in fact taken care of both of these priorities which would have been offered by the gentleman from Massachusetts (Mr. MARKEY).

He requested, but was denied by the Committee on Rules, this amendment, which would have paid for the energy tax provisions provided by the amendment and made the tax benefits contingent on a surplus outside of the Social Security and Medicare Trust Fund. By the way, that would not be the first time that we have voted on this floor to, in fact, make benefits contingent on surpluses outside of the Social Security and Medicare Trust Fund.

So what might we do today? Instead of passing a fairly good energy package, one of many things that I believe and agree with, we are going to in fact allow the use of payroll taxes to pay for corporate tax relief.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMAS. Mr. Chairman, it is my privilege to yield 1 minute to the gentleman from Oklahoma (Mr. Watkins), a member of the Committee on Ways and Means.

Mr. WATKINS of Oklahoma. Mr. Chairman, I want to thank the gentleman from California (Chairman THOMAS) and the gentleman from Louisiana (Chairman MCCRERY) for putting together the most balanced and comprehensive energy legislation that has been here in 3 decades, and I speak from experience; and this has more conservation and reliability in this bill, and some production, but the emphasis is on conservation and reliability.

I was here in 1997 when President Jimmy Carter said we had an energy crisis of the moral equivalent to war. Some of us might remember that. There was a lot of conservation and also some renewable energy activity. It helped. But let me say, from that standpoint, we cannot conserve and we cannot just count on foreign sources to help us have a reliable source.

This bill today does move us in a direction in the short term and in the long term in trying to have a reliable source of energy for this country. We need this bill. We must have this bill. If not, we are doing a disservice to our children and our grandchildren.

Mrs. THURMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, when one adds to the oversized tax cut the slowing economy and the billions of dollars of unbudgeted spending for defense, education, and other priorities, this $33 billion grab bag of energy tax provisions, with no offsets to pay for them, four times more than the administration requested, is fiscally irresponsible.

The Bureau of National Affairs reports today, this from an internal GOP memo, ''We are possibly already into the Medicare trust fund this year and every year through FY 05. We are very close to touching the Social Security surplus in FY 03.'' The Republicans believe that they can pull a Houdini trick, taking trust fund monies out of the lockbox without anybody seeing or catching them at the raid.

I also want to urge the House to reject the Boehlert amendment on CAFE later today. The cure would be worse than the disease. That amendment is based on a very selective reading of an NAS report which particularly warns against forcing through a CAFE increase too quickly, saying, ''Technology changes require very long lead times to be introduced into the manufacturer's product line. Any policy that is implemented too aggressively has the potential to adversely affect manufacturers, their suppliers, their employees, their consumers.''

This amendment of the gentleman from New York (Mr. BOEHLERT) is fundamentally flawed. It does not give the industry enough time to comply. The only way to meet the CAFE requirements of the Boehlert amendment would be for the manufacturers to close down entire vehicle lines. The Boehlert amendment would force the dislocation of American workers and job loss.

Vote ''no'' on the Boehlert amendment. Because of what I have said, and others, regarding the tax provisions. Vote ''no'' on final passage of H.R. 4.

Mr. THOMAS. Mr. Chairman, it is my privilege to yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH), a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, it is rather curious to note that if we could have converted into energy some of the fear and smear being employed here, we would have enough energy for the entire next century and well beyond.

Mr. Chairman, every dollar that comes in for Medicare is going to be used for Medicare. What we have here is a comprehensive energy bill. We concentrate here on tax relief and tax incentives to make sure we work on new technologies, on conservation, and on exploring for the energy we need.

While others want to play a game of wolf and fear, we have a comprehensive, reasonable, rational response. It is easy to be on all sides of the issue, as we often hear from our friends in the opposition.

But still, we have the invitation: join us and work together, because the

stakes are too high to bury our heads in the sand or pull the fire alarm falsely.

Mrs. THURMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, in January when George II was appointed by the Supreme Court, the oil dynasty took this country over again. The real issue of the tax cut, that was a minor issue, but today is a big deal. We have had five sets of elves working in five different places, never talking to each other, with half-day notice when they are going to have a bill, who put together something which we gave to the Committee on Rules, and last night, in the middle of the night, they put it out here on the floor.

They were offered 143 amendments. They chose 16, of which three were from the Democrats, as though the Democrats had nothing to say about this whole thing.

Mr. Chairman, we have had an interesting crisis created in this country in energy, so we have to have an energy policy. So we have an energy policy in process, but then the prices go down.

The Wall Street Journal yesterday told the truth: ''Major oil companies struggle to spend huge hoards of cash. Shell oil is sitting on $11 billion they do not know what to do with. Yet, in this bill, we have to give them $12 billion more.''

Bad enough as that is, we are not even paying for it. This is not a real bill; this is a PR piece for Republicans going home to their districts to say, We passed a comprehensive energy bill in the House of Representatives. They will all do it; they will each pick a piece they like. The folks back home should understand, none of this is paid for. It is all smoke and mirrors.

When we come back in the fall, I do not know what they are planning to knock out to come up with $33 billion more. They threw a few things in for solar and a few things here and there, and they are going to stand up and tell us all about the electric cars and all this stuff. But the bulk of it, $20 billion out of the $33 billion, goes to the guys who have hordes of cash they do not know what to do with, and they are driving our electric prices on the west coast out of sight.

Mr. Chairman, when are we really going to have a discussion? Maybe we will have to get a new President who is not appointed.

Mr. THOMAS. Mr. Chairman, it is my pleasure to yield 1 minute to the gentlewoman from Washington (Ms. DUNN), a member of the Committee on Ways and Means, so we can get a slightly different perspective on this issue.

Ms. DUNN. Mr. Chairman, I am very happy that the bill we are debating today promotes energy conservation and efficiency. These elements are critical, especially in my home State of Washington, where many continue to suffer from the high cost of utility bills.

In times of energy supply shortages that result in retail rate increases, it is the role of the Government to empower families and businesses around America with the information that they need to make choices regarding their power usage.

□ 1400

As public servants, we can encourage efficiency by providing incentives for the use of ''smart meters,'' in this case for the use of smart meters installed at the cost to the company in many homes throughout my district. These are high-tech devices that tell consumers what time of day is most cost effective to flip on the switch to run their washers, their dryers, their sprinkler systems.

Smart meters serve as evidence that conservation does not need to be dictated by the Federal Government, but rather can be learned, and with the right motivation and structure, conservation can work. I want to thank the chairman, the gentleman from California (Mr. THOMAS), for including the smart meter provision I offered as part of this comprehensive bill and urge its passage.

Mrs. THURMAN. Mr. Chairman, may I inquire as to how much time remains on each side?

The CHAIRMAN pro tempore Mr. LINDER). The gentlewoman from Florida (Mrs. THURMAN) has 2 minutes remaining and the gentleman from California (Mr. THOMAS) has 5½ minutes remaining.

Mr. THOMAS. Mr. Chairman, I yield 1 minute to the gentleman from Michigan Mr. CAMP), a member of the Committee on Ways and Means.

Mr. CAMP. Mr. Chairman, I thank the chairman for yielding me this time, and I rise in support of H.R. 4 because this is a balanced and comprehensive energy strategy for our Nation.

I would just like to point out two important initiatives in this bill. The first is an initiative that would help to encourage the collection and utilization of landfill gases and energy resource. A medium-sized landfill can produce enough energy to meet the annual electrical needs of 3,000 homes. I believe our Nation should harness the energy resources that are sitting in the backyards of most of our communities rather than allow them to be wasted.

The second proposal is the CLEAR Act, which would help provide consumers tax incentives for the purchasing of advanced technology and alternative fuel vehicles. These incentives are positive steps that can be taken today to increase fuel economy of new vehicles. What is important about this provision is that it will allow the consumer to be part of the decision.

All major auto makers that sell cars in the United States have alternative and hybrid fuel vehicles available. This will make our country the winner by providing the opportunity to pull these new exciting technologies into the marketplace, and I urge support for this legislation.

Mr. THOMAS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut (Mrs. JOHNSON).

(Mrs. JOHNSON of Connecticut asked and was given permission to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Chairman, I support this bill; and I particularly want to recognize its understanding of the importance of renewable, clean sources of energy for the future.

I firmly believe that a national energy policy must include promotion of alternatives to traditional energy sources. Doing so will reduce our reliance on imported oil, give consumers greater choice, stabilize energy prices, and benefit the environment at the same time. The reason our constituents find themselves faced with out-of-control heating oil and fuel prices is because our nation has no long-term energy policy.

I am pleased that the tax portion of this package includes my legislation to promote the use of fuel cells which remove the hydrogen from fossil fuels to create energy with virtually no pollutants. They function must like a battery except fuel cells do not require recharging and are far more efficient than a combustion engine or power plant.

H.R. 4 proposes a fuel cell tax credit for five years to create a market incentive for this revolutionary technology, which is reliable and will provide economic and environmental advantages to traditional fuel sources. The bill will accelerate commercialization of this technology by providing a $1,000 per kilowatt credit for efficient, stationary fuel cell systems.

Stationary fuel cells capable of running 24 hours a day, seven days a week for five years with only routine maintenance are currently in operation today. As a distributed generation technology, fuel cells address the immediate need for secure, efficient, clean energy supplies, while reducing grid demand and increasing grid flexibility.

First used by NASA in the space program, they are now in hospitals, schools, military installations, and manufacturing facilities and may be available for homeowners by the end of this year. Although these early products have proven energy efficiency and environmental advantages, help in accelerating volume production is essential in realizing lower prices for consumers and the full benefits of fuel cells.

I am also a strong supporter of another provision included in this energy package to encourage the development of projects that capture landfill gas (LFG) and use it as an alternative energy source. LFG is produced as waste decomposes in landfills that serve our communities. LFG projects capture and use the gas to generate electricity or directly as an alternative fuel.

H.R. 4 would extend the Section 45 tax credit for wind energy, closed-loop biomass, and poultry waste to LFG projects. It is estimated that an additional 700 landfill gas-to-energy projects could be made economically feasible with such an incentive. Helping to bring these projects online would help the nation save more than 40 million barrels of oil annually. With that kind of potential, we must ensure that we are tapping into LFG, which is

available in nearly every community in America.

It is technologies like fuel cells and landfill gas projects that will help us decrease our dependence on foreign oil, conserve existing oil supplies, and reduce air pollution.

Mr. THOMAS. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. McCRERY), the chairman of the Subcommittee on Select Revenue Measures, one of the significant hands and minds that allowed us to put this package together.

Mr. McCRERY. Mr. Chairman, I thank the chairman for yielding me this time and for the role he played in putting this excellent package together.

Mr. Chairman, first of all, let me just say that any speaker here on the floor today who says that this bill or any other bill that the Congress passes raids the Social Security trust fund is either intentionally misleading the public or is exhibiting a lack of understanding of the Social Security trust fund, the Medicare trust fund. The fact is that is not true, and I hope that we will get off of that.

But with respect to the bill before us, Mr. Chairman, it is clear that our country continues to struggle with the fact that our domestic energy production does not meet our demand. The time is now for Congress to pass an energy policy that will address present needs and secure a stable supply of power for the future, and this bill accomplishes those goals.

As chairman of the House Committee on Ways and Means Subcommittee on Select Revenue Measures, I had the opportunity to help find energy solutions through our Tax Code. My subcommittee held three hearings on the issue, giving us an opportunity to hear from the administration, Members of Congress, and many other interested parties.

At our second hearing, I outlined several principles which should be adhered to in formulating a national energy tax policy. First and foremost, our complex problems require a balanced solution. We have heard that here today: we need balance. We have it in this bill, in the tax portion of the bill. Conservation, renewable, and alternative fuels, and expanded production of traditional fuels, such as oil and gas and coal, must all be part of the solution. The portion of the energy bill passed through the Committee on Ways and Means is faithful to that goal of a balanced solution.

Conservation plays a key role, with expanded incentives for solar power, fuel cells and clean cars. Alternative fuels receive a boost, with new incentives to produce electricity from biomass and landfill gases. This legislation also encourages production through modifications to the existing section 29 program, which has been very successful in stimulating the production of oil and gas from tight sands and other difficult areas of production.

At our hearings, the committee heard how bottlenecks in distribution were a significant problem. A stable supply of energy is only of use if we can get it to where it is needed when it is needed. Accordingly, the bill before us today helps utilities spin off their transmission assets to ensure they are used as efficiently as possible. In addition, we provide faster depreciation for oil refining properties and for gas distribution lines. Commonsense things to get the power to the people.

Our energy tax policy should be sensitive to the environment also. Several provisions of the Ways and Means energy legislation reflect that. It assists refiners in coping with the cost of producing low-sulfur fuel. It reduces taxes on diesel water emulsions, which have substantially lowered emissions than traditional diesel fuel. And it helps cover the cost of installing new technologies which will dramatically reduce the emissions from coal-fired plans.

For too long Congress has viewed energy policy as a dilemma: produce or conserve; the economy or the environment. We do not have to have it one way or the other. We can do both. This bill does that. Vote for it.

Mrs. THURMAN. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, this bill represents another partisan Republican failure. It offers no balance either for our energy policy or our federal budget. The only balance involved in this plan is the balance sheets of big oil, dirty coal, and dangerous nuclear industries. They receive substantial boons and largesse from the bounty of this bill.

The balance here is the balance of sweet words about conservation and the environment, like those we just heard, with the harsh reality of huge subsidies for these industries at the expense of all the rest of us.

Yesterday, we learned that the Treasury is having to borrow more money, incurring more public debt, increasing the amount of red ink in order to fund the already unwieldy tax cut upon which the President has insisted. What solution do the Republicans offer us today? Well, they are going to increase the flow of red ink. Today, they are drilling. They are drilling for red ink.

And as we would say in Texas, they have hit a real ''gusher'' of red ink in this bill, because they have over $30 billion of mostly special interest tax breaks to be paid for directly out of the Medicare trust fund. And it is not my word, but a recent Republican memo, as reported in the July 27th BNA Daily Tax Report, that says they are already into the Medicare trust fund, and the Social Security trust fund is next. Those hard-earned payroll taxes going right back to these special interests that have been so generous with their campaign money and their special interest lobbying.

This is not an energy policy, it is a collection of unjustified tax breaks, loopholes, and dodges masquerading as an energy policy. The only energy it reflects is the energy of campaign fund-raising and high-powered lobbying. Little wonder this plan was concocted in secret by Vice President CHENEY and that he is afraid to disclose the participants and contents of his various conclaves with special interests, even to the nonpartisan General Accounting Office.

Each year, Taxpayers for Common Sense, Friends of the Earth, and the U.S. Public Interest Research Group, identify subsidies that both waste taxpayer money and harm the environment. It is called the ''Green Scissors Report.'' And if this hodgepodge of a bill is approved, there will be plenty more to cut. Indeed it is the American people that are really getting cut by this bad bill, which should be rejected.

We need a conservative national energy policy that emphasizes conserving our precious natural resources, increasing energy efficiency, and providing reasonable production incentives. This bill fails to achieve any of these goals.

Mr. THOMAS. Mr. Chairman, I yield myself the remainder of my time.

Volume will not stop the truth from getting out. At my request, the Democrats wrote me letters indicating what they would like to see in this energy package. In fact, the ranking member of the committee, the gentleman from New York (Mr. RANGEL), wrote me a letter indicating there were 17 provisions that they requested. Twelve of them were included in their entirety and several in part.

I found it ironic that the gentleman from Michigan took the very scant few minutes the Committee on Ways and Means has to talk about the tax package to, in fact, urge people to vote against an amendment to be offered by the chairman of the Committee on Science. So much for the real concern about this tax provision.

Now, I am not going to answer in kind the comments that were made in terms of who is getting the money, except to say I cannot believe anyone out there listening really believes that the $12 billion identified by the gentleman from Washington was going to big oil. As a matter of fact, the largest energy production structure in the United States gets the smallest amount in this bill.

It is a balanced bill. It contains many of the provisions the Democrats wanted. And if we will listen to their rhetoric, take a look at their vote, I think we will find a significant difference between what they are saying and how they are voting.

The CHAIRMAN. All time for the Committee on Ways and Means portion has expired.

It is now in order under the rule to provide time for the Committee on Resources. The gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 10 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, America needs more energy. During months of national discussion over energy, I have not heard anyone challenge the fact that our Nation needs more energy. Our Nation's demand for natural gas alone has risen by 45 percent over the past 15 years, 45 percent. Our National need for ore oil is on the rise. Our need for electricity has jumped sharply since the advent of the high-tech age and continues to rise. Most of the electricity in this country still comes from coal. That means our Nation's need for coal is rising.

These are indisputable facts. What is in dispute is what we do about it. I say let us use a little common sense. We need a little old-fashioned American integrity. We look for ways to curb our energy appetite. We look for ways to increase our production. We look for ways to be more efficient in the way we use energy, and we invent new technology and new kinds of energy.

This bill, the Securing America's Future Energy Act of 2001, does every one of those things. It follows the dictates of reason and common sense. With this bill, we get by with less, we produce more, and we figure out ways to do things better.

If we take out any part of this equation, we invite failure. If we take out increased production, we fail faster and faster. We cannot conserve our way out of the energy challenge that faces us today. We cannot research or design our way out of it. We cannot get through this with windmills and solar panels. Increased production has to be a part of our national energy policy. Without increased production, this entire Nation will be the next California.

California is the Nation's leader in conservation, and we compliment them for that.

□ 1415

California is also the Nation's leader in the use of alternative fuels. Almost all of our best alternative fuel projects, solar, wind turbine farms, biomass plants, are in California.

Where did California go wrong? California refused to increase production. California looked at its rising energy demands and said, We can conserve our way out of this. Apparently they cannot. They were wrong. I could have told them that. Whoever drives up to a pump that is marked alternative energy sources? There is not such a thing.

As for conservation, may I just observe, when it comes to oil, at least Americans do not seem to have jumped on the conservation bandwagon. Look at what people are driving today here, both here within the Beltway and outside of the Beltway. Conservation is something that does not come to mind.

The problem we have now with the bill that will be very controversial is going to be ANWR. But what people do not realize is that section 1002 is one very small, small part and was never in the Arctic Refuge. This was left out when Congress did it with the idea that basically we someday can come and drill with the new technology we have in this particular area. So on the coastal plains it makes a lot of sense to look at it.

This big, huge area, the size of South Carolina, 19 million acres, and we are using an infinitesimal fraction of it. I am amazed the people opposed to it have not taken the time to go and look at it.

We are talking about a Congress and President who have come through the energy crisis of 1977. Look what happened then. We made a few mistakes. We were not ready to go. We cannot get behind the power curve of this particular issue.

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am among these who believe this country does need a new national energy policy, and we need to stick to it through times of energy scarcity as well as abundance. But not this energy policy, not what is in the pending legislation.

The bill has nothing to do with providing Americans with energy security. Instead, it is a multibillion dollar giveaway of America's resources and America's taxpayer dollars to big oil, already awash in record profits. The headline, as we see here and has already been referred to in today's debate, from a Wall Street Journal article of this week: Major Oil Companies Struggle to Spend Huge Hoards of Cash.

Imagine that. They have profited so mightily from the American public that they now cannot figure out what to do with all of their hoards of cash. Yet the Republican leadership of this body wants to reward big oil even further. Tax credits and tax cuts with no offsets. At least we have paid for ours in our version of an energy bill. Relief from compensating the American public from drilling on our Federal lands and waters.

Make no mistake about it, these giveaways will come at the expense of our elderly. There are no more surpluses. There is no reserve into which we can dip. The $33.5 billion tax cuts in this bill, largely for energy companies, will come out of Medicare.

Rob the elderly to pay Exxon, Shell and the rest of them? This is an energy policy? I think not.

The Committee on Resources provision in this bill, in particular, provides unnecessary, uncalled for and unjust giveaways that are part and parcel of this legislation. One of these provisions, for example, would provide companies that want to drill for oil and gas in the Gulf of Mexico relief from having to pay royalties to the American people, a royalty holiday.

Under this bill, a company drilling in Federal waters between 400 and 800 meters deep can receive, for free, 5 million barrels of oil or gas equivalent. The owners of these resources are the American people. The American people get nothing, zero, zilch.

Wait a minute, it gets even sweeter.

Nine million barrels of oil or gas equivalent for drilling in waters between 800 to 1,600 meters for free, and if they drill deeper, a whopping 23 million barrels of oil or gas equivalent for free. This stuff is the makings of Ripley's ''Believe It or Not.''

At a time when there is widespread public concern that collusion of gasoline price fixing has taken place, when there is widespread concern, such as in the Wall Street Journal, that these companies are already awash in cash, we are providing a royalty holiday in this legislation and that is a message that is simply wrong, plain wrong.

Even Secretary Norton has expressed concern with the extent of the generosity to the gas companies offered by the royalty holiday language. When I brought the issue up with the President personally at the White House, the Vice President chipped in, We are not going to be offering these royalties to oil companies.

The same goes to the royalty in-kind proposal which is nothing more than a thinly disguised ruse to reduce royalty payments. This bill would have the Federal Government receive oil and gas royalties, not in cash but in the form of actual crude oil and natural gas. Federal bureaucrats would then be in the business of marketing oil and gas, joining the ranks of Exxon, the Shells and the rest of them. It does not make any sense.

I have never heard of it. This surprises me when it comes from the majority that rules this body. At a time when Russia and China are shedding themselves of state-run industries, why is the effort being made by this body to toss the Communist Manifesto into our national energy policy?

To be clear, in their effort to award big oil, Republican leadership has not forgotten about big coal as well, certain coal, that is, coal produced on Federal lands, mostly in the West.

The pending legislation would eliminate current law requirements providing for the diligent development of Federal coal leases. What does this do for America's energy security? Again, absolutely nothing, zero, zilch. But it will give rise to the rank speculation in Federal coal leasing to the detriment of consumers and coal field jobs. Members need to be aware of this provision, not considered by our committee, but slipped into this massive bill without even being publicly reviewed or debated after full committee action.

Mr. Chairman, Democrats do not believe we have to shortchange the American taxpayer and short shrift the economy and the environment by doling out a royalty holiday to big oil. We do not believe we should be providing this unfettered access to drilling rigs into environmentally sensitive lands.

We recognize the contributions certain Federal lands can make to our Nation's energy mix, already one-quarter of America's oil consumption and over one-third of our natural gas and coal use. But at the same time we recognize, as responsible public stewards of our land, that there are environmental and social costs to energy development which also need to be addressed in any national energy policy. This concern and this public responsibility is noticeably absent in this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN), chairman of the Subcommittee on Energy and Mineral Resources of the Committee on Resources.

Mrs. CUBIN. Mr. Chairman, I rise in strong support of H.R. 4. Division F of this bill is a product of the Committee on Resources. The previous speaker should know very well that he has spent his precious time misleading Members and misrepresenting what is actually in this bill. He should be ashamed.

We have held many hearings on issues involving the role of the public lands on our domestic energy supplies. Our work has led us to include provisions in H.R. 4 which require studies and analyses of impediments to environmentally sound development of potential energy resources on and under public lands. Section 6102 requires an inventory of public lands for solar, wind and geothermal energy potential and for coal resources. The SAFE Act expands current law to cover renewable energy supplies and coal resources. We need to know exactly what is in our energy bank, what energy is available to us as a country.

Subtitle A of title II mandates a 2-year extension of the Deep Water Royalty Relief Act of 1995, which has been extremely successful. The previous speaker said, What does the United States get out of this, zero, zilch, nada, when the gentleman knows from just the Deep Water Royalty Relief Act of 1995, we have over $5 billion in the bank as a result of only bonuses that were bid in the Gulf of Mexico. That does not count any royalties. $5 billion is far from zero, nada, zilch.

If we continue the program started by President Clinton, which is a much smaller program than was signed into law by President Clinton, we will get $5, $10, $15, $20 billion in bonuses that we otherwise will not get because it is simply too expensive to risk that kind of money to drill in the deep water.

This is a good bill. I will refer to the other complaints about the bill later.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), a valuable member of the Committee on Resources.

Mr. DEFAZIO. Mr. Chairman, gouge them at the gas pump, and stick it to them in their home heating or cooling bill. Seniors have been particularly hard hit, but that is not enough for the energy conglomerates in this country. Now they want to dip into the taxpayers' pockets.

The same group that yesterday in the Wall Street Journal was revealed to have tens of billions of dollars sitting around that they cannot figure out what to do with because of the obscene profits they made in the last year by manipulating the West Coast electricity markets, the gas market, and the gasoline market, they need more. They want more. They want it all. And the Republican Party and the President want to deliver because they helped them get elected.

Royalty exemption, $7 billion, right from the taxpayers to the oil and gas companies. Tax deductions for nonproducing wells, $1.2 billion, right from the taxpayers to the oil and gas companies.

Income averaging. Average Americans, salespersons, people who sell cars for a living, for instance, they cannot do income averaging because that would cost the Treasury too much money. But guess what, this bill provides income averaging for the oil and gas industry. Since they made a $10 or $12 billion profit last year, maybe next year they will only make $6 billion, they should be able to average, unlike normal Americans.

Guess what, they cannot afford to pay for the environmental analyses for the drilling that they want to do on our sensitive lands. The taxpayers should pay for that analysis. Absolutely unprecedented.

Mr. Chairman, we are opening the Medicare lockbox, and we are taking the trust funds out and we are handing them to the oil and gas industry. They already have billions that they cannot spend. This is not going to get us one more well, one more gallon, one more cubic foot of gas, but it is going to enrich the coffers of these obscenely wealthy companies that are ripping off Americans.

Mr. Chairman, we should be ashamed of the thrust of this bill. This is a 1950s energy policy. The only thing that is worthwhile to produce energy here is to send every American a copy and let them burn it in their fireplace next winter because they will not be able to afford their home heating bill.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, a comprehensive national energy policy is in our Nation's best interest, and I am gratified that the President and the Congress are making our Nation's energy needs a national priority. There are many provisions of H.R. 4, Securing America's Future Energy Act of 2001, that I support.

However, I have some reservations about allowing drilling in the Arctic, as well as the need to fully address a meaningful increase in the corporate average fuel economy, CAFE, standards.

Mr. Chairman, as we consider this measure, let us bear in mind that we cannot drill our way to energy security, and we cannot out-pump OPEC. OPEC has cut production this year by 13 percent, some 3.5 million barrels a day. For every barrel we pump, OPEC cuts its production further to maintain their high prices of oil.

Mr. Chairman, by approving the CAFE standards, we would be conserving some 40 percent of the consumption of oil used in our cars and light trucks by some 8 million barrels a day. I hope we can do that. Our advanced technology for meeting CAFE standards has lagged behind.

I urge my colleagues to support this measure. It is a sound measure.

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Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. CARSON).

Mr. CARSON of Oklahoma. Mr. Chairman, I rise today in strong support of legislation that would establish a national energy policy and to suggest as a Democrat that populist rhetoric against energy conglomerates is in fact not only misconceived but entirely counterproductive.

America's economic prosperity and national security depend on the availability of reliable, affordable energy. The United States has an overwhelming demand for energy which is ever increasing due to our population growth. Fortunately, we have an incredible wealth of varied energy resources. Conservation and production, far from being competing policies, are in fact complementary solutions to our Nation's problems.

Today this energy legislation has a tax credit for oil and gas production for marginal wells that will provide an incentive to keep them producing when oil prices drop and provide economic stability to States such as Oklahoma which have many marginal wells. It has royalty relief to encourage energy companies to go and invest in the deep-water drilling that is so essential if we are going to have more production in this country to meet our energy needs.

Mr. Chairman, for these and many other reasons, I strongly encourage my colleagues to support this bill and to vote ''aye'' on final passage.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I rise today in support of H.R. 4. Our Nation's future economic prosperity, our national security and our quality of life is all in the hands of what we do today in Congress as it relates to an energy policy.

Americans have been on a roller coaster ride for the last 2 years with historically low prices for oil and natural gas being followed up with price spikes all over the country. We should

not have to wait until the next crisis to put a long-term energy policy in place.

H.R. 4 is a good starting point to start this debate. It represents a balanced effort of expanding our energy supplies while creating incentives to reduce our reliance on fossil fuels. I personally would support a stronger production side in this piece of legislation because it troubles me that over 60 percent of our oil is imported from foreign countries. But I understand and I expect lively debate on some of the issues that we have to deal with.

I will oppose efforts at striking the language dealing with ANWR. I have visited ANWR. I believe we can develop ANWR with the technology that leaves just a small, temporary footprint on the Alaskan north slope.

For the sake of our national economy and security, we cannot continue to deny access to oil exploration on Federal lands.

Mr. RAHALL. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. GEORGE MILLER), the former chairman of the Committee on Resources, now the Democratic leader on the Committee on Education and the Workforce.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to this legislation.

Mr. Chairman, this legislation is really not about increasing America's energy independence. This legislation is about whether or not the automobile companies can continue to fail to meet their obligations to American society to improve the mileage standards in our automobiles. It is about whether or not the oil companies can find more money by drilling the American Treasury than they can find for drilling oil.

This legislation in the heart of it has a terrible trade-off. It suggests that we go to the Arctic and that we drill in ANWR, in the Arctic National Wildlife Refuge, and then we take that oil and we put it into automobiles in this country to continue to waste it. Seventy percent of our energy in this country, our oil in this country, is used for transportation. Yet the Republicans have continued to put riders on appropriations bills so that we can continue to refuse to improve those automobile CAFE standards, the mileage per gallon standards that can save the American consumer, the American family billions of dollars over the coming years.

Yet at the same time this bill is a raid on the Treasury. We are going to have a royalty holiday for those who drill in the deepwater on the theory that this will get them to drill. Ladies and gentlemen, read the oil and gas journals, read Forbes, read Fortune magazine, read the business journals, read the Wall Street Journal. The Gulf of Mexico is the hottest oil play in the world today. Yet you are going to give them an incentive to go there. You are going to give them an incentive to go there. And you are going to rave about the $5 billion in bonus royalties and bonus bids that you got as a result of this. Yet CBO tells us it is going to cost us $7 billion to get $5 billion. And the losses continue over time.

Keep doing that and you end up with a deficit. Keep doing that and you end up socializing an industry from doing what it is already supposed to be doing and what it is already doing in the marketplace.

This is a very bad bill.

Mr. HANSEN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, it is time to take a long, hard look at what must be done to help our Nation meet its energy needs. It is time to look past the special interest groups, the people who feel they run this Nation, their letter campaigns and political partisanship. This bill is right for the country. ANWR is right for the country. Producing more energy on existing energy sites is right for the country. It is right for American workers who look forward to 735,000 new, high-paying jobs.

Why are these people against American workers? American workers are the greatest people on earth. They work hard, they get their money, they are patriotic Americans. Yet we hear from the other side that they are against these workers. I would hope that every person who looks at this takes care of the American workers.

It is right for American consumers discouraged by wildly fluctuating prices. Look what they paid in their energy bills this year. Every time they drive up to the gas pump, they do not know whether it is 15 cents higher or lower. That should not happen.

It is right for the national security of America because we cannot rely on those we can hardly rely on. That is what we are doing now.

This bill is a bill whose time has come. This is a bill that is necessary for America, so we can stabilize the prices that we have, we can take care of our energy needs, we can take care of our elderly people, and we can take care of the American workers.

That is the point I want to make. What do those folks voting against this have against the American workers? That to me is a critical issue. I would hope they would take that into consideration.

The CHAIRMAN pro tempore (Mr. LINDER). All time for general debate has expired.

Pursuant to the rule, the amendment printed in part A of House Report 107–178 is adopted and the bill, as amended, is considered as the original bill for the purpose of further amendment under the 5-minute rule and is considered read.

The text of H.R. 4, as amended, is as follows:

H.R. 4

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Securing America's Future Energy Act of 2001'' or the ''SAFE Act of 2001''.

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

Sec. 1. Short title and table of contents.

DIVISION A

Sec. 100. Short title.

TITLE I—ENERGY CONSERVATION

Subtitle A—Reauthorization of Federal Energy Conservation Programs

Sec. 101. Authorization of appropriations.

Subtitle B—Federal Leadership in Energy Conservation

Sec. 121. Federal facilities and national energy security.
Sec. 122. Enhancement and extension of authority relating to Federal energy savings performance contracts.
Sec. 123. Clarification and enhancement of authority to enter utility incentive programs for energy savings.
Sec. 124. Federal central air conditioner and heat pump efficiency.
Sec. 125. Advanced building efficiency testbed.
Sec. 126. Use of interval data in Federal buildings.
Sec. 127. Review of Energy Savings Performance Contract program.
Sec. 128. Capitol complex.

Subtitle C—State Programs

Sec. 131. Amendments to State energy programs.
Sec. 132. Reauthorization of energy conservation program for schools and hospitals.
Sec. 133. Amendments to Weatherization Assistance Program.
Sec. 134. LIHEAP.
Sec. 135. High performance public buildings.

Subtitle D—Energy Efficiency for Consumer Products

Sec. 141. Energy Star program.
Sec. 142. Labeling of energy efficient appliances.
Sec. 143. Appliance standards.

Subtitle E—Energy Efficient Vehicles

Sec. 151. High occupancy vehicle exception.
Sec. 152. Railroad efficiency.
Sec. 153. Biodiesel fuel use credits.
Sec. 154. Mobile to stationary source trading.

Subtitle F—Other Provisions

Sec. 161. Review of regulations to eliminate barriers to emerging energy technology.
Sec. 162. Advanced idle elimination systems.
Sec. 163. Study of benefits and feasibility of oil bypass filtration technology.
Sec. 164. Gas flare study.
Sec. 165. Telecommuting study.

TITLE II—AUTOMOBILE FUEL ECONOMY

Sec. 201. Average fuel economy standards for nonpassenger automobiles.
Sec. 202. Consideration of prescribing different average fuel economy standards for nonpassenger automobiles.
Sec. 203. Dual fueled automobiles.
Sec. 204. Fuel economy of the Federal fleet of automobiles.
Sec. 205. Hybrid vehicles and alternative vehicles.
Sec. 206. Federal fleet petroleum-based non-alternative fuels.
Sec. 207. Study of feasibility and effects of reducing use of fuel for automobiles.

TITLE III—NUCLEAR ENERGY
Sec. 301. License period.
Sec. 302. Cost recovery from Government agencies.
Sec. 303. Depleted uranium hexafluoride.
Sec. 304. Nuclear Regulatory Commission meetings.
Sec. 305. Cooperative research and development and special demonstration projects for the uranium mining industry.
Sec. 306. Maintenance of a viable domestic uranium conversion industry.
Sec. 307. Paducah decontamination and decommissioning plan.
TITLE IV—HYDROELECTRIC ENERGY
Sec. 401. Alternative conditions and fishways.
Sec. 402. FERC data on hydroelectric licensing.
TITLE V—FUELS
Sec. 601. Tank draining during transition to summertime RFG.
Sec. 602. Gasoline blendstock requirements.
Sec. 603. Boutique fuels.
Sec. 604. Funding for MTBE contamination.
TITLE VI—RENEWABLE ENERGY
Sec. 701. Assessment of renewable energy resources.
Sec. 702. Renewable energy production incentive.
TITLE VII—PIPELINES
Sec. 801. Prohibition on certain pipeline route.
Sec. 802. Historic pipelines.
TITLE VII—MISCELLANEOUS PROVISIONS
Sec. 901. Waste reduction and use of alternatives.
Sec. 902. Annual report on United States energy independence.
Sec. 903. Study of aircraft emissions.
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Sec. 2002. Findings.
Sec. 2003. Purposes.
Sec. 2004. Goals.
Sec. 2005. Definitions.
Sec. 2006. Authorizations.
Sec. 2007. Balance of funding priorities.
TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY
Subtitle A—Alternative Fuel Vehicles
Sec. 2101. Short title.
Sec. 2102. Definitions.
Sec. 2103. Pilot program.
Sec. 2104. Reports to Congress.
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Sec. 2132. Establishment of secondary electric vehicle battery use program.
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Sec. 2143. Fuel cell bus development and demonstration program.
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Subtitle E—Next Generation Lighting Initiative
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Sec. 2152. Definition.
Sec. 2153. Next Generation Lighting Initiative.
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Sec. 2161. Authorization of appropriations.
Subtitle G—Environmental Protection Agency Office of Air and Radiation Authorization of Appropriations
Sec. 2171. Short title.
Sec. 2172. Authorization of appropriations.
Sec. 2173. Limits on use of funds.
Sec. 2174. Cost sharing.
Sec. 2175. Limitation on demonstration and commercial applications of energy technology.
Sec. 2176. Reprogramming.
Sec. 2177. Budget request format.
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Sec. 2181. National Building Performance Initiative.
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Sec. 2203. Definitions.
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Sec. 2205. Hydrogen research and development.
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Sec. 2209. Advisory Committee.
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Subtitle B—Bioenergy
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Sec. 2241. Transmission infrastructure systems research, development, demonstration, and commercial application.
Sec. 2242. Program plan.
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Sec. 2302. Findings.
Sec. 2303. Department of Energy program.
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Subtitle B—Oil and Gas
Sec. 2421. Petroleum-oil technology.
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Sec. 2441. Short title.
Sec. 2442. Definitions.
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Sec. 2444. National Energy Technology Laboratory.
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Sec. 2461. Fuel cells.
Subtitle E—Department of Energy Authorization of Appropriations
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Subtitle A—Fusion Energy Sciences
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Sec. 2542. Facility and infrastructure support for nonmilitary energy laboratories.
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Sec. 2602. Limits on use of funds.
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Sec. 2605. Reprogramming.
Subtitle B—Other Miscellaneous Provisions
Sec. 2611. Notice of reorganization.
Sec. 2612. Limits on general plant projects.
Sec. 2613. Limits on construction projects.
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Sec. 3110. Allowance of deduction for energy efficient commercial building property.
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Sec. 3112. 3-year applicable recovery period for depreciation of qualified energy management devices.
Sec. 3113. Energy credit for combined heat and power system property.
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Sec. 3115. Phaseout of 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in general fund.
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Sec. 3202. Natural gas distribution lines treated as 10-year property.
Sec. 3203. Petroleum refining property treated as 7-year property.
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Sec. 3205. Environmental tax credit.
Sec. 3206. Determination of small refiner exception to oil depletion deduction.
Sec. 3207. Tax-exempt bond financing of certain electric facilities.
Sec. 3208. Sales or dispositions to implement Federal Energy Regulatory Commission or State electric restructuring policy.
Sec. 3209. Distributions of stock to implement Federal Energy Regulatory Commission or State electric restructuring policy.
Sec. 3210. Modifications to special rules for nuclear decommissioning costs.
Sec. 3211. Treatment of certain income of cooperatives.
Sec. 3212. Repeal of requirement of certain approved terminals to offer dyed diesel fuel and kerosene for nontaxable purposes.
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TITLE III—PRODUCTION

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Sec. 3304. Election to expense geological and geophysical expenditures.
Sec. 3305. 5-year net operating loss carryback for losses attributable to operating mineral interests of oil and gas producers.
Sec. 3306. Extension and modification of credit for producing fuel from a nonconventional source.
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Sec. 3310. Extension of certain benefits for energy-related businesses on Indian reservations.

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Sec. 4101. Capacity building for energy-efficient, affordable housing.
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Sec. 6101. Study of existing rights-of-way on Federal lands to determine capability to support new pipelines or other transmission facilities.
Sec. 6102. Inventory of energy production potential of all Federal public lands.
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Sec. 6104. Interagency agreement on environmental review of interstate natural gas pipeline projects.
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Sec. 6202. Lease sales in Western and Central Planning Area of the Gulf of Mexico.
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Subtitle B—Improvements to Federal Oil and Gas Management

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Sec. 6301. Royalty reduction and relief.
Sec. 6302. Exemption from royalties for direct use of low temperature geothermal energy resources.
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Sec. 6304. Deadline for determination on pending noncompetitive lease applications.
Sec. 6305. Opening of public lands under military jurisdiction.
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Sec. 6307. Review and report to Congress.
Sec. 6308. Reimbursement for costs of NEPA analyses, documentation, and studies.

TITLE IV—HYDROPOWER

Sec. 6401. Study and report on increasing electric power production capability of existing facilities.
Sec. 6402. Installation of powerformer at Folsom power plant, California.
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Sec. 6404. Shift of project loads to off-peak periods.

TITLE V—ARCTIC COASTAL PLAIN DOMESTIC ENERGY

Sec. 6501. Short title.
Sec. 6502. Definitions.
Sec. 6503. Leasing program for lands within the Coastal Plain.
Sec. 6504. Lease sales.
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Sec. 6508. Expedited judicial review.
Sec. 6509. Rights-of-way across the Coastal Plain.
Sec. 6510. Conveyance.
Sec. 6511. Local government impact aid and community service assistance.
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TITLE VI—CONSERVATION OF ENERGY BY THE DEPARTMENT OF THE INTERIOR

Sec. 6601. Energy conservation by the Department of the Interior.

TITLE VII—COAL

Sec. 6701. Limitation on fees with respect to coal lease applications and documents.
Sec. 6702. Mining plans.
Sec. 6703. Payment of advance royalties under coal leases.
Sec. 6704. Elimination of deadline for submission of coal lease operation and reclamation plan.

TITLE VIII—INSULAR AREAS ENERGY SECURITY

Sec. 6801. Insular areas energy security.

DIVISION A

SEC. 100. SHORT TITLE.

This division may be cited as the ''Energy Advancement and Conservation Act of 2001''.

TITLE I—ENERGY CONSERVATION

Subtitle A—Reauthorization of Federal Energy Conservation Programs

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 660 of the Department of Energy Organization Act (42 U.S.C. 7270) is amended as follows:

(1) By inserting ''(a)'' before ''Appropriations''.

(2) By inserting at the end the following new subsection:

''(b) There are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002, $950,000,000; for fiscal year 2003, $1,000,000,000; for fiscal year 2004, $1,050,000,000; for fiscal year 2005, $1,100,000,000; and for fiscal year 2006, $1,150,000,000, to carry out energy efficiency activities under the following laws, such sums to remain available until expended:

''(1) Energy Policy and Conservation Act, including section 256(d)(42 U.S.C. 6276(d)) (promote export of energy efficient products), sections 321 through 346 (42 U.S.C. 6291–6317) (appliances program).

''(2) Energy Conservation and Production Act, including sections 301 through 308 (42 U.S.C. 6831–6837) (energy conservation standards for new buildings).

''(3) National Energy Conservation Policy Act, including sections 541–551 (42 U.S.C. 8251–8259) (Federal Energy Management Program).

''(4) Energy Policy Act of 1992, including sections 103 (42 U.S.C. 13458) (energy efficient lighting and building centers), 121 (42 U.S.C. 6292 note) (energy efficiency labeling for windows and window systems), 125 (42 U.S.C. 6292 note) (energy efficiency information for commercial office equipment), 126 (42 U.S.C. 6292 note) (energy efficiency information for luminaires), 131 (42 U.S.C. 6348) (energy efficiency in industrial facilities), and 132 (42 U.S.C. 6349) (process-oriented industrial energy efficiency).''.

Subtitle B—Federal Leadership in Energy Conservation

SEC. 121. FEDERAL FACILITIES AND NATIONAL ENERGY SECURITY.

(a) PURPOSE.—Section 542 of the National Energy Conservation Policy Act (42 U.S.C. 8252) is amended by inserting '', and generally to promote the production, supply, and marketing of energy efficiency products and services and the production, supply, and marketing of unconventional and renewable energy resources'' after ''by the Federal Government''.

(b) ENERGY MANAGEMENT REQUIREMENTS.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended as follows:

(1) In subsection (a)(1), by striking ''during the fiscal year 1995'' and all that follows through the end and inserting ''during—

''(1) fiscal year 1995 is at least 10 percent;

''(2) fiscal year 2000 is at least 20 percent;

''(3) fiscal year 2005 is at least 30 percent;

''(4) fiscal year 2010 is at least 35 percent;

''(5) fiscal year 2015 is at least 40 percent; and

''(6) fiscal year 2020 is at least 45 percent,

less than the energy consumption per gross square foot of its Federal buildings in use during fiscal year 1985. To achieve the reductions required by this paragraph, an agency shall make maximum practicable use of energy efficiency products and services and unconventional and renewable energy resources, using guidelines issued by the Secretary under subsection (d) of this section.''.

(2) In subsection (d), by inserting ''Such guidelines shall include appropriate model technical standards for energy efficiency and unconventional and renewable energy resources products and services. Such standards shall reflect, to the extent practicable, evaluation of both currently marketed and potentially marketable products and services that could be used by agencies to improve energy efficiency and increase unconventional and renewable energy resources.'' after ''implementation of this part.''.

(3) By adding at the end the following new subsection:

''(e) STUDIES.—To assist in developing the guidelines issued by the Secretary under subsection (d) and in furtherance of the purposes of this section, the Secretary shall conduct studies to identify and encourage the production and marketing of energy efficiency products and services and unconventional and renewable energy resources. To conduct such studies, and to provide grants to accelerate the use of unconventional and renewable energy, there are authorized to be appropriated to the Secretary $20,000,000 for each of the fiscal years 2003 through 2010.''.

(c) DEFINITION.—Section 551 of the National Energy Conservation Policy Act (42 U.S.C. 8259) is amended as follows:

(1) By striking ''and'' at the end of paragraph (8).

(2) By striking the period at the end of paragraph (9) and inserting ''; and''.

(3) By adding at the end the following new paragraph:

''(10) the term 'unconventional and renewable energy resources' includes renewable energy sources, hydrogen, fuel cells, cogeneration, combined heat and power, heat recovery (including by use of a Stirling heat engine), and distributed generation.''.

(d) EXCLUSIONS FROM REQUIREMENT.—The National Energy Conservation Policy Act (42 U.S.C. 7201 and following) is amended as follows:

(1) In section 543(a)—

(A) by striking ''(1) Subject to paragraph (2)'' and inserting ''Subject to subsection (c)''; and

(B) by striking ''(2) An agency'' and all that follows through ''such exclusion.''.

(2) By amending subsection (c) of such section 543 to read as follows:

''(c) EXCLUSIONS.—(1) A Federal building may be excluded from the requirements of subsections (a) and (b) only if—

''(A) the President declares the building to require exclusion for national security reasons; and

''(B) the agency responsible for the building has—

''(i) completed and submitted all federally required energy management reports; and

''(ii) achieved compliance with the energy efficiency requirements of this Act, the Energy Policy Act of 1992, Executive Orders, and other Federal law;

''(iii) implemented all practical, life cycle cost-effective projects in the excluded building.

''(2) The President shall only declare buildings described in paragraph (1)(A) to be excluded, not ancillary or nearby facilities that are not in themselves national security facilities.''.

(3) In section 548(b)(1)(A)—

(A) by striking ''copy of the''; and

(B) by striking ''sections 543(a)(2) and 543(c)(3)'' and inserting ''section 543(c)''.

(e) ACQUISITION REQUIREMENT.—Section 543(b) of such Act is amended—

(1) in paragraph (1), by striking ''(1) Not'' and inserting ''(1) Except as provided in paragraph (5), not''; and

(2) by adding at the end the following new paragraph:

''(5)(A)(i) Agencies shall select only Energy Star products when available when acquiring energy-using products. For product groups where Energy Star labels are not yet available, agencies shall select products that are in the upper 25 percent of energy efficiency as designated by FEMP. In the case of electric motors of 1 to 500 horsepower, agencies shall select only premium efficiency motors that meet a standard designated by the Secretary, and shall replace (not rewind) failed motors with motors meeting such standard. The Secretary shall designate such standard within 90 days of enactment of paragraph, after considering recommendations by the National Electrical Manufacturers Association. The Secretary of Energy shall develop guidelines within 180 days after the enactment of this paragraph for exemptions to this section when equivalent products do not exist, are impractical, or do not meet the agency mission requirements.

''(ii) The Administrator of the General Services Administration and the Secretary of Defense (acting through the Defense Logistics Agency), with assistance from the Administrator of the Environmental Protection Agency and the Secretary of Energy, shall create clear catalogue listings that designate Energy Star products in both print and electronic formats. After any existing federal inventories are exhausted, Administrator of the General Services Administration and the Secretary of Defense (acting through the Defense Logistics Agency) shall only replace inventories with energy-using products that are Energy Star, products that are rated in the top 25 percent of energy efficiency, or products that are exempted as designated by FEMP and defined in clause (i).

''(iii) Agencies shall incorporate energy-efficient criteria consistent with Energy Star and other FEMP designated energy efficiency levels into all guide specifications and project specifications developed for new construction and renovation, as well as into product specification language developed for Basic Ordering Agreements, Blanket Purchasing Agreements, Government Wide Acquisition Contracts, and all other purchasing procedures.

''(iv) The legislative branch shall be subject to this subparagraph to the same extent and in the same manner as are the Federal agencies referred to in section 521(1).

''(B) Not later than 6 months after the date of the enactment of this paragraph, the Secretary of Energy shall establish guidelines defining the circumstances under which an agency shall not be required to comply with subparagraph (A). Such circumstances may include the absence of Energy Star products, systems, or designs that serve the purpose of the agency, issues relating to the compatibility of a product, system, or design with existing buildings or equipment, and excessive cost compared to other available and appropriate products, systems, or designs.

''(C) Subparagraph (A) shall apply to agency acquisitions occurring on or after October 1, 2002.''.

(f) METERING.—Section 543 of such Act (42 U.S.C. 8254) is amended by adding at the end the following new subsection:

''(f) METERING.—(1) By October 1, 2004, all Federal buildings including buildings owned by the legislative branch and the Federal court system and other energy-using structures shall be metered or submetered in accordance with guidelines established by the Secretary under paragraph (2).

''(2) Not later than 6 months after the date of the enactment of this subsection, the Secretary, in consultation with the General Services Administration and representatives from the metering industry, energy services industry, national laboratories, colleges of higher education, and federal facilities energy managers, shall establish guidelines for agencies to carry out paragraph (1). Such guidelines shall take into consideration each of the following:

''(A) Cost.

''(B) Resources, including personnel, required to maintain, interpret, and report on data so that the meters are continually reviewed.

''(C) Energy management potential.

''(D) Energy savings.

''(E) Utility contract aggregation.

''(F) Savings from operations and maintenance.

''(3) A building shall be exempt from the requirement of this section to the extent that compliance is deemed impractical by the Secretary. A finding of impracticability

shall be based on the same factors as identified in subsection (c) of this section.''.

(g) RETENTION OF ENERGY SAVINGS.—Section 546 of such Act (42 U.S.C. 8256) is amended by adding at the end the following new subsection:

''(e) RETENTION OF ENERGY SAVINGS.—An agency may retain any funds appropriated to that agency for energy expenditures, at buildings subject to the requirements of section 543(a) and (b), that are not made because of energy savings. Except as otherwise provided by law, such funds may be used only for energy efficiency or unconventional and renewable energy resources projects.''.

(h) REPORTS.—Section 548 of such Act (42 U.S.C. 8258) is amended as follows:

(1) In subsection (a)—

(A) by inserting ''in accordance with guidelines established by and'' after ''to the Secretary,'';

(B) by striking ''and'' at the end of paragraph (1);

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

(D) by adding at the end the following new paragraph:

''(3) an energy emergency response plan developed by the agency.''.

(2) In subsection (b)—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(5) all information transmitted to the Secretary under subsection (a).''.

(3) By amending subsection (c) to read as follows:

''(c) AGENCY REPORTS TO CONGRESS.—Each agency shall annually report to the Congress, as part of the agency's annual budget request, on all of the agency's activities implementing any Federal energy management requirement.''.

(i) INSPECTOR GENERAL ENERGY AUDITS.—Section 160(c) of the Energy Policy Act of 1992 (42 U.S.C. 8262f(c)) is amended by striking ''is encouraged to conduct periodic'' and inserting ''shall conduct periodic''.

(j) FEDERAL ENERGY MANAGEMENT REVIEWS.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

''(g) PRIORITY RESPONSE REVIEWS.—Each agency shall—

''(1) not later than 9 months after the date of the enactment of this subsection, undertake a comprehensive review of all practicable measures for—

''(A) increasing energy and water conservation, and

''(B) using renewable energy sources; and

''(2) not later than 180 days after completing the review, develop plans to achieve not less than 50 percent of the potential efficiency and renewable savings identified in the review.

The agency shall implement such measures as soon thereafter as is practicable, consistent with compliance with the requirements of this section.''.

SEC. 122. ENHANCEMENT AND EXTENSION OF AUTHORITY RELATING TO FEDERAL ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) COST SAVINGS FROM OPERATION AND MAINTENANCE EFFICIENCIES IN REPLACEMENT FACILITIES.—Section 801(a) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)) is amended by adding at the end the following new paragraph:

''(3)(A) In the case of an energy savings contract or energy savings performance contract providing for energy savings through the construction and operation of one or more buildings or facilities to replace one or more existing buildings or facilities, benefits ancillary to the purpose of such contract under paragraph (1) may include savings resulting from reduced costs of operation and maintenance at such replacement buildings or facilities when compared with costs of operation and maintenance at the buildings or facilities being replaced, established through a methodology set forth in the contract.

''(B) Notwithstanding paragraph (2)(B), aggregate annual payments by an agency under an energy savings contract or energy savings performance contract referred to in subparagraph (A) may take into account (through the procedures developed pursuant to this section) savings resulting from reduced costs of operation and maintenance as described in that subparagraph.''.

(b) EXPANSION OF DEFINITION OF ENERGY SAVINGS TO INCLUDE WATER AND REPLACEMENT FACILITIES.—

(1) ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

''(2)(A) The term 'energy savings' means a reduction in the cost of energy or water, from a base cost established through a methodology set forth in the contract, used in an existing federally owned building or buildings or other federally owned facilities as a result of—

''(i) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

''(ii) the increased efficient use of existing energy sources by solar and ground source geothermal resources, cogeneration or heat recovery (including by the use of a Stirling heat engine), excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

''(iii) the increased efficient use of existing water sources.

''(B) The term 'energy savings' also means, in the case of a replacement building or facility described in section 801(a)(3), a reduction in the cost of energy, from a base cost established through a methodology set forth in the contract, that would otherwise be utilized in one or more existing federally owned buildings or other federally owned facilities by reason of the construction and operation of the replacement building or facility.''.

(2) ENERGY SAVINGS CONTRACT.—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

''(3) The terms 'energy savings contract' and 'energy savings performance contract' mean a contract which provides for—

''(A) the performance of services for the design, acquisition, installation, testing, operation, and, where appropriate, maintenance and repair, of an identified energy or water conservation measure or series of measures at one or more locations; or

''(B) energy savings through the construction and operation of one or more buildings or facilities to replace one or more existing buildings or facilities.''.

(3) ENERGY OR WATER CONSERVATION MEASURE.—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

''(4) The term 'energy or water conservation measure' means—

''(A) an energy conservation measure, as defined in section 551(4) (42 U.S.C. 8259(4)); or

''(B) a water conservation measure that improves water efficiency, is life cycle cost effective, and involves water conservation, water recycling or reuse, improvements in operation or maintenance efficiencies, retrofit activities, or other related activities, not at a Federal hydroelectric facility.''.

(4) CONFORMING AMENDMENT.—Section 801(a)(2)(C) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(C)) is amended by inserting ''or water'' after ''financing energy''.

(c) EXTENSION OF AUTHORITY.—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is repealed.

(d) CONTRACTING AND AUDITING.—Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended by adding at the end the following new subparagraph:

''(E) A Federal agency shall engage in contracting and auditing to implement energy savings performance contracts as necessary and appropriate to ensure compliance with the requirements of this Act, particularly the energy efficiency requirements of section 543.''.

SEC. 123. CLARIFICATION AND ENHANCEMENT OF AUTHORITY TO ENTER UTILITY INCENTIVE PROGRAMS FOR ENERGY SAVINGS.

Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended as follows:

(1) In paragraph (3) by adding at the end the following: ''Such a utility incentive program may include a contract or contract term designed to provide for cost-effective electricity demand management, energy efficiency, or water conservation.''.

(2) By adding at the end of the following new paragraphs:

''(6) A utility incentive program may include a contract or contract term for a reduction in the energy, from a base cost established through a methodology set forth in such a contract, that would otherwise be utilized in one or more federally owned buildings or other federally owned facilities by reason of the construction or operation of one or more replacement buildings or facilities, as well as benefits ancillary to the purpose of such contract or contract term, including savings resulting from reduced costs of operation and maintenance at new or additional buildings or facilities when compared with the costs of operation and maintenance at existing buildings or facilities.

''(7) Federal agencies are encouraged to participate in State or regional demand side reduction programs, including those operated by wholesale market institutions such as independent system operators, regional transmission organizations and other entities. The availability of such programs, and the savings resulting from such participation, should be included in the evaluation of energy options for Federal facilities.''.

SEC. 124. FEDERAL CENTRAL AIR CONDITIONER AND HEAT PUMP EFFICIENCY.

(a) REQUIREMENT.—Federal agencies shall be required to acquire central air conditioners and heat pumps that meet or exceed the standards established under subsection (b) or (c) in the case of all central air conditioners and heat pumps acquired after the date of enactment of this Act.

(b) STANDARDS.—The standards referred to in subsection (a) are the following:

(1) For air-cooled air conditioners with cooling capacities of less than 65,000 Btu/hour, a Seasonal Energy Efficiency Ratio of 12.0.

(2) For air-source heat pumps with cooling capacities less than 65,000 Btu/hour, a Seasonal Energy Efficiency Ratio of 12 SEER, and a Heating Seasonal Performance Factor of 7.4.

(c) MODIFIED STANDARDS.—The Secretary of Energy may establish, after appropriate notice and comment, revised standards providing for reduced energy consumption or increased energy efficiency of central air conditioners and heat pumps acquired by the Federal Government, but may not establish standards less rigorous than those established by subsection (b).

(d) DEFINITIONS.—For purposes of this section, the terms ''Energy Efficiency Ratio'', ''Seasonal Energy Efficiency Ratio'', ''Heating Seasonal Performance Factor'', and ''Coefficient of Performance'' have the meanings used for those terms in Appendix M to Subpart B of Part 430 of title 10 of the Code of Federal Regulations, as in effect on May 24, 2001.

(e) EXEMPTIONS.—An agency shall be exempt from the requirements of this section with respect to air conditioner or heat pump purchases for particular uses where the agency head determines that purchase of a air conditioner or heat pump for such use would be impractical. A finding of impracticability shall be based on whether—

(1) the energy savings pay-back period for such purchase would be less than 10 years;

(2) space constraints or other technical factors would make compliance with this section cost-prohibitive; or

(3) in the case of the Departments of Defense and Energy, compliance with this section would be inconsistent with the proper discharge of national security functions.

SEC. 125. ADVANCED BUILDING EFFICIENCY TESTBED.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish an Advanced Building Efficiency Testbed program for the development, testing, and demonstration of advanced engineering systems, components, and materials to enable innovations in building technologies. The program shall evaluate government and industry building efficiency concepts, and demonstrate the ability of next generation buildings to support individual and organizational productivity and health as well as flexibility and technological change to improve environmental sustainability.

(b) PARTICIPANTS.—The program established under subsection (a) shall be led by a university having demonstrated experience with the application of intelligent workplaces and advanced building systems in improving the quality of built environments. Such university shall also have the ability to combine the expertise from more than 12 academic fields, including electrical and computer engineering, computer science, architecture, urban design, and environmental and mechanical engineering. Such university shall partner with other universities and entities who have established programs and the capability of advancing innovative building efficiency technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $18,000,000 for fiscal year 2002, to remain available until expended, of which $6,000,000 shall be provided to the lead university described in subsection (b), and the remainder shall be provided equally to each of the other participants referred to in subsection (b).

SEC. 126. USE OF INTERVAL DATA IN FEDERAL BUILDINGS.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following new subsection:

''(h) USE OF INTERVAL DATA IN FEDERAL BUILDINGS.—Not later than January 1, 2003, each agency shall utilize, to the maximum extent practicable, for the purposes of efficient use of energy and reduction in the cost of electricity consumed in its Federal buildings, interval consumption data that measure on a real time or daily basis consumption of electricity in its Federal buildings. To meet the requirements of this subsection each agency shall prepare and submit at the earliest opportunity pursuant to section 548(a) to the Secretary, a plan describing how the agency intends to meet such requirements, including how it will designate personnel primarily responsible for achieving such requirements, and otherwise implement this subsection.''.

SEC. 127. REVIEW OF ENERGY SAVINGS PERFORMANCE CONTRACT PROGRAM.

Within 180 days after the date of the enactment of this Act, the Secretary of Energy shall complete a review of the Energy Savings Performance Contract program to identify statutory, regulatory, and administrative obstacles that prevent Federal agencies from fully utilizing the program. In addition, this review shall identify all areas for increasing program flexibility and effectiveness, including audit and measurement verification requirements, accounting for energy use in determining savings, contracting requirements, and energy efficiency services covered. The Secretary shall report these findings to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, and shall implement identified administrative and regulatory changes to increase program flexibility and effectiveness to the extent that such changes are consistent with statutory authority.

SEC. 128. CAPITOL COMPLEX.

(a) ENERGY INFRASTRUCTURE.—The Architect of the Capitol, building on the Master Plan Study completed in July 2000, shall commission a study to evaluate the energy infrastructure of the Capital Complex to determine how the infrastructure could be augmented to become more energy efficient, using unconventional and renewable energy resources, in a way that would enable the Complex to have reliable utility service in the event of power fluctuations, shortages, or outages.

(b) AUTHORIZATION.—There is authorized to be appropriated to the Architect of the Capitol to carry out this section, not more than $2,000,000 for fiscal years after the enactment of this Act.

Subtitle C—State Programs

SEC. 131. AMENDMENTS TO 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 inserting at the end the following new subsection:

''(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 such 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 carried out in pursuit of common energy conservation goals.''.

(b) STATE ENERGY EFFICIENCY GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended by inserting ''Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of the enactment of Energy Advancement and Conservation Act of 2001, 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 the calendar year 2010 as compared to the calendar year 1990, and may contain interim goals.'' after ''contain interim goals.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking ''for fiscal years 1999 through 2003 such sums as may be necessary'' and inserting ''$75,000,000 for fiscal year 2002, $100,000,000 for fiscal years 2003 and 2004, $125,000,000 for fiscal year 2005''.

SEC. 132. REAUTHORIZATION OF ENERGY CONSERVATION PROGRAM FOR SCHOOLS AND HOSPITALS.

Section 397 of the Energy Policy and Conservation Act (42 U.S.C. 6371f) is amended by striking ''2003'' and inserting ''2010''.

SEC. 133. AMENDMENTS TO WEATHERIZATION ASSISTANCE PROGRAM.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking ''for fiscal years 1999 through 2003 such sums as may be necessary'' and inserting ''$273,000,000 for fiscal year 2002, $325,000,000 for fiscal year 2003, $400,000,000 for fiscal year 2004, and $500,000,000 for fiscal year 2005''.

SEC. 134. LIHEAP.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking the first sentence and inserting the following: ''There are authorized to be appropriated to carry out the provisions of this title (other than section 2607A), $3,400,000,000 for each of fiscal years 2001 through 2005.''.

(b) GAO STUDY.—The Comptroller General of the United States shall conduct a study to determine—

(1) the extent to which Low-Income Home Energy Assistance (LIHEAP) and other government energy subsidies paid to consumers discourage energy conservation and energy efficiency investments; and

(2) the extent to which the goals of conservation and assistance for low income households could be simultaneously achieved through cash income supplements that do not specifically target energy, thereby maintaining incentives for wise use of expensive forms of energy, or through other means.

SEC. 135. HIGH PERFORMANCE PUBLIC BUILDINGS.

(a) PROGRAM ESTABLISHMENT AND ADMINISTRATION.—

(1) ESTABLISHMENT.—There is established in the Department of Energy the High Performance Public Buildings Program (in this section referred to as the ''Program'').

(2) IN GENERAL.—The Secretary of Energy may, through the Program, make grants—

(A) to assist units of local government in the production, through construction or renovation of buildings and facilities they own and operate, of high performance public buildings and facilities that are healthful, productive, energy efficient, and environmentally sound;

(B) to State energy offices to administer the program of assistance to units of local government pursuant to this section; and

(C) to State energy offices to promote participation by units of local government in the Program.

(3) GRANTS TO ASSIST UNITS OF LOCAL GOVERNMENT.—Grants under paragraph (2)(A) for new public buildings shall be used to achieve energy efficiency performance that reduces energy use at least 30 percent below that of a public building constructed in compliance with standards prescribed in Chapter 8 of the 2000 International Energy Conservation Code, or a similar State code intended to achieve substantially equivalent results. Grants under paragraph (2)(A) for existing public buildings shall be used to achieve energy efficiency performance that reduces energy use below the public building baseline consumption, assuming a 3-year, weather-normalized average for calculating such baseline. Grants under paragraph (2)(A) shall be made to units of local government that have—

(A) demonstrated a need for such grants in order to respond appropriately to increasing

population or to make major investments in renovation of public buildings; and

(B) made a commitment to use the grant funds to develop high performance public buildings in accordance with a plan developed and approved pursuant to paragraph (5)(A).

(4) OTHER GRANTS.—

(A) GRANTS FOR ADMINISTRATION.—Grants under paragraph (2)(B) shall be used to evaluate compliance by units of local government with the requirements of this section, and in addition may be used for—

(i) distributing information and materials to clearly define and promote the development of high performance public buildings for both new and existing facilities;

(ii) organizing and conducting programs for local government personnel, architects, engineers, and others to advance the concepts of high performance public buildings;

(iii) obtaining technical services and assistance in planning and designing high performance public buildings; and

(iv) collecting and monitoring data and information pertaining to the high performance public building projects.

(B) GRANTS TO PROMOTE PARTICIPATION.—Grants under paragraph (2)(C) may be used for promotional and marketing activities, including facilitating private and public financing, promoting the use of energy service companies, working with public building users, and communities, and coordinating public benefit programs.

(5) IMPLEMENTATION.—

(A) PLANS.—A grant under paragraph (2)(A) shall be provided only to a unit of local government that, in consultation with its State office of energy, has developed a plan that the State energy office determines to be feasible and appropriate in order to achieve the purposes for which such grants are made.

(B) SUPPLEMENTING GRANT FUNDS.—State energy offices shall encourage qualifying units of local government to supplement their grant funds with funds from other sources in the implementation of their plans.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (3), funds appropriated to carry out this section shall be provided to State energy offices.

(2) PURPOSES.—Except as provided in paragraph (3), funds appropriated to carry out this section shall be allocated as follows:

(A) Seventy percent shall be used to make grants under subsection (a)(2)(A).

(B) Fifteen percent shall be used to make grants under subsection (a)(2)(B).

(C) Fifteen percent shall be used to make grants under subsection (a)(2)(C).

(3) OTHER FUNDS.—The Secretary of Energy may retain not to exceed $300,000 per year from amounts appropriated under subsection (c) to assist State energy offices in coordinating and implementing the Program. Such funds may be used to develop reference materials to further define the principles and criteria to achieve high performance public buildings.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section such sums as may be necessary for each of the fiscal years 2002 through 2010.

(d) REPORT TO CONGRESS.—The Secretary of Energy shall conduct a biennial review of State actions implementing this section, and the Secretary shall report to Congress on the results of such reviews. In conducting such reviews, the Secretary shall assess the effectiveness of the calculation procedures used by the States in establishing eligibility of units of local government for funding under this section, and may assess other aspects of the State program to determine whether they have been effectively implemented.

(e) DEFINITIONS.—For purposes of this section:

(1) HIGH PERFORMANCE PUBLIC BUILDING.—The term ''high performance public building'' means a public building which, in its design, construction, operation, and maintenance, maximizes use of unconventional and renewable energy resources and energy efficiency practices, is cost-effective on a life cycle basis, uses affordable, environmentally preferable, durable materials, enhances indoor environmental quality, protects and conserves water, and optimizes site potential.

(2) RENEWABLE ENERGY.—The term ''renewable energy'' means energy produced by solar, wind, geothermal, hydroelectric, or biomass power.

(3) UNCONVENTIONAL AND RENEWABLE ENERGY RESOURCES.—The term ''unconventional and renewable energy resources'' means renewable energy, hydrogen, fuel cells, cogeneration, combined heat and power, heat recovery (including by use of a Stirling heat engine), and distributed generation.

Subtitle D—Energy Efficiency for Consumer Products

SEC. 141. ENERGY STAR PROGRAM.

(a) AMENDMENT.—The Energy Policy and Conservation Act (42 U.S.C. 6201 and following) is amended by inserting the following after section 324:

''SEC. 324A. ENERGY STAR PROGRAM.

''(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; and

''(3) preserve the integrity of the Energy Star label.

For the purposes of carrying out this section, there is authorized to be appropriated for fiscal years 2002 through 2006 such sums as may be necessary, to remain available until expended.

''(b) STUDY OF CERTAIN PRODUCTS AND BUILDINGS.—Within 180 days after the date of enactment of this section, the Secretary and the Administrator, consistent with the terms of agreements between the two agencies (including existing agreements with respect to which agency shall handle a particular product or building), shall determine whether the Energy Star label should be extended to additional products and buildings, including the following:

''(1) Air cleaners.

''(2) Ceiling fans.

''(3) Light commercial heating and cooling products.

''(4) Reach-in refrigerators and freezers.

''(5) Telephony.

''(6) Vending machines.

''(7) Residential water heaters.

''(8) Refrigerated beverage merchandisers.

''(9) Commercial ice makers.

''(10) School buildings.

''(11) Retail buildings.

''(12) Health care facilities.

''(13) Homes.

''(14) Hotels and other commercial lodging facilities.

''(15) Restaurants and other food service facilities.

''(16) Solar water heaters.

''(17) Building-integrated photovoltaic systems.

''(18) Reflective pigment coatings.

''(19) Windows.

''(20) Boilers.

''(21) Devices to extend the life of motor vehicle oil.

''(c) COOL ROOFING.—In determining whether the Energy Star label should be extended to roofing products, the Secretary and the Administrator shall work with the roofing products industry to determine the appropriate solar reflective index of roofing products.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act is amended by inserting after the item relating to section 324 the following new item:

''Sec. 324A. Energy Star program.''.

SEC. 142. LABELING OF ENERGY EFFICIENT APPLIANCES.

(a) STUDY.—Section 324(e) of the Energy Policy and Conservation Act (42 U.S.C. 6294(e)) is amended as follows:

(1) By inserting ''(1)'' before ''The Secretary, in consultation''.

(2) By redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively.

(3) By adding the following new paragraph at the end:

''(2) The Secretary shall make recommendations to the Commission within 180 days of the date of enactment of this paragraph regarding labeling of consumer products that are not covered products in accordance with this section, where such labeling is likely to assist consumers in making purchasing decisions and is technologically and economically feasible.''.

(b) NONCOVERED PRODUCTS.—Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding the following at the end:

''(F) Not later than one year after the date of enactment of this subparagraph, the Commission shall initiate a rulemaking to prescribe labeling rules under this section applicable to consumer products that are not covered products if it determines that labeling of such products is likely to assist consumers in making purchasing decisions and is technologically and economically feasible.

''(G) Not later than three months after the date of enactment of this subparagraph, the Commission shall initiate a rulemaking to consider the effectiveness of the current consumer products labeling program in assisting consumers in making purchasing decisions and improving energy efficiency and to consider changes to the label that would improve the effectiveness of the label. Such rulemaking shall be completed within 15 months of the date of enactment of this subparagraph.''.

SEC. 143. APPLIANCE STANDARDS.

(a) STANDARDS FOR HOUSEHOLD APPLIANCES IN STANDBY MODE.—(1) 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 BY HOUSEHOLD APPLIANCES.—(1) In this subsection:

''(A) The term 'household appliance' means any device that uses household electric current, operates in a standby mode, and is identified by the Secretary as a major consumer of electricity in standby mode, except digital televisions, digital set top boxes, digital video recorders, any product recognized under the Energy Star program, any product

that was on the date of enactment of this Act subject to an energy conservation standard under this section, and any product regarding which the Secretary finds that the expected additional cost to the consumer of purchasing such product as a result of complying with a standard established under this section is not economically justified within the meaning of subsection (o).

''(B) The term 'standby mode' means a mode in which a household appliance consumes the least amount of electric energy that the household appliance is capable of consuming without being completely switched off (provided that, the amount of electric energy consumed in such mode is substantially less than the amount the household appliance would consume in its normal operational mode).

''(C) The term 'major consumer of electricity in standby mode' means a product for which a standard prescribed under this section would result in substantial energy savings as compared to energy savings achieved or expected to be achieved by standards established by the Secretary under subsections (o) and (p) of this section for products that were, at the time of enactment of this subsection, covered products under this section.

''(2)(A) Except as provided in subparagraph (B), a household appliance that is manufactured in, or imported for sale in, the United States on or after the date that is 2 years after the date of enactment of this subsection shall not consume in standby mode more than 1 watt.

''(B) In the case of analog televisions, the Secretary shall prescribe, on or after the date that is 2 years after the date of enactment of this subsection, in accordance with subsections (o) and (p) of section 325, an energy conservation standard that is technologically feasible and economically justified under section 325(o)(2)(A) (in lieu of the 1 watt standard under subparagraph (A)).

''(3)(A) A manufacturer or importer of a household appliance may submit to the Secretary an application for an exemption of the household appliance from the standard under paragraph (2).

''(B) The Secretary shall grant an exemption for a household appliance for which an application is made under subparagraph (A) if the applicant provides evidence showing that, and the Secretary determines that—

''(i) it is not technically feasible to modify the household appliance to enable the household appliance to meet the standard;

''(ii) the standard is incompatible with an energy efficiency standard applicable to the household appliance under another subsection; or

''(iii) the cost of electricity that a typical consumer would save in operating the household appliance meeting the standard would not equal the increase in the price of the household appliance that would be attributable to the modifications that would be necessary to enable the household appliance to meet the standard by the earlier of—

''(I) the date that is 7 years after the date of purchase of the household appliance; or

''(II) the end of the useful life of the household appliance.

''(C) If the Secretary determines that it is not technically feasible to modify a household appliance to meet the standard under paragraph (2), the Secretary shall establish a different standard for the household appliance in accordance with the criteria under subsection (l).

''(4)(A) Not later than 1 year after the date of enactment of this subsection, the Secretary shall establish a test procedure for determining the amount of consumption of power by a household appliance operating in standby mode.

''(B) In establishing the test procedure, the Secretary shall consider—

''(i) international test procedures under development;

''(ii) test procedures used in connection with the Energy Star program; and

''(iii) test procedures used for measuring power consumption in standby mode in other countries.

''(5) FURTHER REDUCTION OF STANDBY POWER CONSUMPTION.—The Secretary shall provide technical assistance to manufacturers in achieving further reductions in standby mode electric energy consumption by household appliances.

''(v) STANDBY MODE ELECTRIC ENERGY CONSUMPTION BY DIGITAL TELEVISIONS, DIGITAL SET TOP BOXES, AND DIGITAL VIDEO RECORDERS.—The Secretary shall initiate on January 1, 2007 a rulemaking to prescribe, in accordance with subsections (o) and (p), an energy conservation standard of standby mode electric energy consumption by digital television sets, digital set top boxes, and digital video recorders. The Secretary shall issue a final rule prescribing such standards not later than 18 months thereafter. In determining whether a standard under this section is technologically feasible and economically justified under section 325(o)(2)(A), the Secretary shall consider the potential effects on market penetration by digital products covered under this section, and shall consider any recommendations by the FCC regarding such effects.''.

(2) Section 325(o)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(n)(1)) is amended by inserting at the end of the paragraph the following: ''Notwithstanding any provision of this part, the Secretary shall not amend a standard established under subsection (u) or (v) of this section.''.

(b) STANDARDS FOR NONCOVERED PRODUCTS.—Section 325(m) of the Energy Policy and Conservation Act (42 U.S.C. 6295(m)) is amended as follows:

(1) Inserting ''(1)'' before ''After''.

(2) Inserting the following at the end:

(2) ''Not later than one year after the date of enactment of the Energy Advancement and Conservation Act of 2001, the Secretary shall conduct a rulemaking to determine whether consumer products not classified as a covered product under section 322(a)(1) through (18) meet the criteria of section 322(b)(1) and is a major consumer of electricity. If the Secretary finds that a consumer product not classified as a covered product meets the criteria of section 322(b)(1), he shall prescribe, in accordance with subsections (o) and (p), an energy conservation standard for such consumer product, if such standard is reasonably probable to be technologically feasible and economically justified within the meaning of subsection (o)(2)(A). As used in this paragraph, the term 'major consumer of electricity' means a product for which a standard prescribed under this section would result in substantial aggregate energy savings as compared to energy savings achieved or expected to be achieved by standards established by the Secretary under paragraphs (o) and (p) of this section for products that were, at the time of enactment of this paragraph, covered products under this section.''.

(c) CONSUMER EDUCATION ON ENERGY EFFICIENCY BENEFITS OF AIR CONDITIONING, HEATING AND VENTILATION MAINTENANCE.—Section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) is amended by adding the following new subsection after subsection (b):

''(c) HVAC MAINTENANCE.—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, develop and implement a public education campaign to educate homeowners and small business owners concerning the energy savings resulting from regularly scheduled maintenance of air conditioning, heating, and ventilating systems. In developing and implementing this campaign, the Secretary shall consider support by the Department of public education programs sponsored by trade and professional and energy efficiency organizations. The public service information shall provide sufficient information to allow consumers to make informed choices from among professional, licensed (where State or local licensing is required) contractors. There are authorized to be appropriated to carry out this subsection $5,000,000 for fiscal years 2002 and 2003 in addition to amounts otherwise appropriated in this part.''.

(d) EFFICIENCY STANDARDS FOR FURNACE FANS, CEILING FANS, AND COLD DRINK VENDING MACHINES..—

(1) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by adding the following at the end thereof:

''(32) The term 'residential furnace fan' means an electric fan installed as part of a furnace for purposes of circulating air through the system air filters, the heat exchangers or heating elements of the furnace, and the duct work.

''(33) The terms 'residential central air conditioner fan' and 'heat pump circulation fan' mean an electric fan installed as part of a central air conditioner or heat pump for purposes of circulating air through the system air filters, the heat exchangers of the air conditioner or heat pump, and the duct work.

''(34) The term 'suspended ceiling fan' means a fan intended to be mounted to a ceiling outlet box, ceiling building structure, or to a vertical rod suspended from the ceiling, and which as blades which rotate below the ceiling and consists of an electric motor, fan blades (which rotate in a direction parallel to the floor), an optional lighting kit, and one or more electrical controls (integral or remote) governing fan speed and lighting operation.

''(35) The term 'refrigerated bottled or canned beverage vending machine' means a machine that cools bottled or canned beverages and dispenses them upon payment.''.

(2) TESTING REQUIREMENTS.—Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended by adding the following at the end thereof:

''(f) ADDITIONAL CONSUMER PRODUCTS.—The Secretary shall within 18 months after the date of enactment of this subsection prescribe testing requirements for residential furnace fans, residential central air conditioner fans, heat pump circulation fans, suspended ceiling fans, and refrigerated bottled or canned beverage vending machines. Such testing requirements shall be based on existing test procedures used in industry to the extent practical and reasonable. In the case of residential furnace fans, residential central air conditioner fans, heat pump circulation fans, and suspended ceiling fans, such test procedures shall include efficiency at both maximum output and at an output no more than 50 percent of the maximum output.''.

(3) STANDARDS FOR ADDITIONAL CONSUMER PRODUCTS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding the following at the end thereof:

''(w) RESIDENTIAL FURNACE FANS, CENTRAL AIR AND HEAT PUMP CIRCULATION FANS, SUSPENDED CEILING FANS, AND VENDING MACHINES.—(1) The Secretary shall, within 18 months after the date of enactment of this subsection, assess the current and projected future market for residential furnace fans,

residential central air conditioner and heat pump circulation fans, suspended ceiling fans, and refrigerated bottled or canned beverage vending machines. This assessment shall include an examination of the types of products sold, the number of products in use, annual sales of these products, energy used by these products sold, the number of products in use, annual sales of these products, energy used by these products, estimates of the potential energy savings from specific technical improvements to these products, and an examination of the cost-effectiveness of these improvements. Prior to the end of this time period, the Secretary shall hold an initial scoping workshop to discuss and receive input to plans for developing minimum efficiency standards for these products.

''(2) The Secretary shall within 24 months after the date on which testing requirements are prescribed by the Secretary pursuant to section 323(f), prescribe, by rule, energy conservation standards for residential furnace fans, residential central air conditioner and heat pump circulation fans, suspended ceiling fans, and refrigerated bottled or canned beverage vending machines. In establishing these standards, the Secretary shall use the criteria and procedures contained in subsections (l) and (m). Any standard prescribed under this section shall apply to products manufactured 36 months after the date such rule is published.''.

(4) LABELING.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is amended by adding the following at the end thereof:

''(5) The Secretary shall within 6 months after the date on which energy conservation standards are prescribed by the Secretary for covered products referred to in section 325(w), prescribe, by rule, labeling requirements for such products. These requirements shall take effect on the same date as the standards prescribed pursuant to section 325(w).''.

(5) COVERED PRODUCTS.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended by redesignating paragraph (19) as paragraph (20) and by inserting after paragraph (18) the following:

''(19) Beginning on the effective date for standards established pursuant to subsection (v) of section 325, each product referred to in such subsection (v).''.

Subtitle E—Energy Efficient Vehicles

SEC. 151. HIGH OCCUPANCY VEHICLE EXCEPTION.

(a) IN GENERAL.—Notwithstanding section 102(a)(1) of title 23, United States Code, a State may, for the purpose of promoting energy conservation, permit a vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if such vehicle is a hybrid vehicle or is fueled by an alternative fuel.

(b) HYBRID VEHICLE DEFINED.—In this section, the term ''hybrid vehicle'' means a motor vehicle—

(1) which draws propulsion energy from onboard sources of stored energy which are both—

(A) an internal combustion or heat engine using combustible fuel; and

(B) a rechargeable energy storage system;

(2) which, in the case of a passenger automobile or light truck—

(A) for 2002 and later model vehicles, has received a certificate of conformity under section 206 of the Clean Air Act (42 U.S.C. 7525) and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act (42 U.S.C. 7583(e)(2)) for that make and model year; and

(B) for 2004 and later model vehicles, has received a certificate that such vehicle meets the Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and

(3) which is made by a manufacturer.

(c) ALTERNATIVE FUEL DEFINED.—In this section, the term ''alternative fuel'' has the meaning such term has under section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

SEC. 152. RAILROAD EFFICIENCY.

(a) LOCOMOTIVE TECHNOLOGY DEMONSTRATION.—The Secretary of Energy shall establish a public-private research partnership with railroad carriers, locomotive manufacturers, and a world-class research and test center dedicated to the advancement of railroad technology, efficiency, and safety that is owned by the Federal Railroad Administration and operated in the private sector, for the development and demonstration of locomotive technologies that increase fuel economy and reduce emissions.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy $25,000,000 for fiscal year 2002, $30,000,000 for fiscal year 2003, and $35,000,000 for fiscal year 2004 for carrying out this section.

SEC. 153. BIODIESEL FUEL USE CREDITS.

Section 312(c) of the Energy Policy Act of 1992 (42 U.S.C. 13220(c)) is amended—

(1) by striking ''NOT'' in the subsection heading; and

(2) by striking ''not''.

SEC. 154. MOBILE TO STATIONARY SOURCE TRADING.

Within 90 days after the enactment of this section, the Administrator of the Environmental Protection Agency is directed to commence a review of the Agency's policies regarding the use of mobile to stationary source trading of emission credits under the Clean Air Act to determine whether such trading can provide both nonattainment and attainment areas with additional flexibility in achieving and maintaining healthy air quality and increasing use of alternative fuel and advanced technology vehicles, thereby reducing United States dependence on foreign oil.

Subtitle F—Other Provisions

SEC. 161. REVIEW OF REGULATIONS TO ELIMINATE BARRIERS TO EMERGING ENERGY TECHNOLOGY.

(a) IN GENERAL.—Each Federal agency shall carry out a review of its regulations and standards to determine those that act as a barrier to market entry for emerging energy-efficient technologies, including, but not limited to, fuel cells, combined heat and power, and distributed generation (including small-scale renewable energy).

(b) REPORT TO CONGRESS.—No later than 18 months after the date of enactment of this section, each agency shall provide a report to Congress and the President detailing all regulatory barriers to emerging energy-efficient technologies, along with actions the agency intends to take, or has taken, to remove such barriers.

(c) PERIODIC REVIEW.—Each agency shall subsequently review its regulations and standards in the manner specified in this section no less frequently than every 5 years, and report their findings to Congress and the President. Such reviews shall include a detailed analysis of all agency actions taken to remove existing barriers to emerging energy technologies.

SEC. 162. ADVANCED IDLE ELIMINATION SYSTEMS.

(a) DEFINITIONS.—

(1) ADVANCED IDLE ELIMINATION SYSTEM.—The term ''advanced idle elimination system'' means a device or system of devices that is installed at a truck stop or other location (for example, a loading, unloading, or transfer facility) where vehicles (such as trucks, trains, buses, boats, automobiles, and recreational vehicles) are parked and that is designed to provide to the vehicle the services (such as heat, air conditioning, and electricity) that would otherwise require the operation of the auxiliary or drive train engine or both while the vehicle is stationary and parked.

(2) EXTENDED IDLING.—The term ''extended idling'' means the idling of a motor vehicle for a period greater than 60 minutes.

(b) RECOGNITION OF BENEFITS OF ADVANCED IDLE ELIMINATION SYSTEMS.—Within 90 days after the date of enactment of this subsection, the Administrator of the Environmental Protection Agency is directed to commence a review of the Agency's mobile source air emissions models used under the Clean Air Act to determine whether such models accurately reflect the emissions resulting from extended idling of heavy-duty trucks and other vehicles and engines, and shall update those models as the Administrator deems appropriate. Additionally, within 90-days after the date of enactment of this subsection, the Administrator shall commence a review as to the appropriate emissions reductions credit that should be allotted under the Clean Air Act for the use of advanced idle elimination systems, and whether such credits should be subject to an emissions trading system, and shall revise Agency regulations and guidance as the Administrator deems appropriate.

SEC. 163. STUDY OF BENEFITS AND FEASIBILITY OF OIL BYPASS FILTRATION TECHNOLOGY.

(a) STUDY.—The Secretary of Energy and the Administrator of the Environmental Protection Agency shall jointly conduct a study of oil bypass filtration technology in motor vehicle engines. The study shall analyze and quantify the potential benefits of such technology in terms of reduced demand for oil and the potential environmental benefits of the technology in terms of reduced waste and air pollution. The Secretary and the Administrator shall also examine the feasibility of using such technology in the Federal motor vehicle fleet.

(b) REPORT.—Not later than 6 months after the enactment of this Act, the Secretary of Energy and the Administrator of the Environmental Protection Agency shall jointly submit a report containing the results of the study conducted under subsection (a) to the Committee on Energy and Commerce of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate.

SEC. 164. GAS FLARE STUDY.

(a) STUDY.—The Secretary of Energy shall conduct a study of the economic feasibility of installing small cogeneration facilities utilizing excess gas flares at petrochemical facilities to provide reduced electricity costs to customers living within 3 miles of the petrochemical facilities. The Secretary shall solicit public comment to assist in preparing the report required under subsection (b).

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Energy shall transmit a report to the Congress on the results of the study conducted under subsection (a).

SEC. 165. TELECOMMUTING STUDY.

(a) STUDY REQUIRED.—The Secretary, in consultation with Commission, and the NTIA, shall conduct a study of the energy conservation implications of the widespread adoption of telecommuting in the United States.

(b) REQUIRED SUBJECTS OF STUDY.—The study required by subsection (a) shall analyze the following subjects in relation to the energy saving potential of telecommuting:

(1) Reductions of energy use and energy costs in commuting and regular office heating, cooling, and other operations.

(2) Other energy reductions accomplished by telecommuting.

(3) Existing regulatory barriers that hamper telecommuting, including barriers to broadband telecommunications services deployment.

(4) Collateral benefits to the environment, family life, and other values.

(c) REPORT REQUIRED.—The Secretary shall submit to the President and the Congress a report on the study required by this section not later than 6 months after the date of enactment of this Act. Such report shall include a description of the results of the analysis of each of the subject described in subsection (b).

(d) DEFINITIONS.—As used in this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(3) NTIA.—The term ''NTIA'' means the National Telecommunications and Information Administration of the Department of Commerce.

(4) TELECOMMUTING.—The term ''telecommuting'' means the performance of work functions using communications technologies, thereby eliminating or substantially reducing the need to commute to and from traditional worksites.

TITLE II—AUTOMOBILE FUEL ECONOMY

SEC. 201. AVERAGE FUEL ECONOMY STANDARDS FOR NONPASSENGER AUTOMOBILES.

Section 32902(a) of title 49, United States Code, is amended—

(1) by inserting ''(1)'' after ''NONPASSENGER AUTOMOBILES.—''; and

(2) by adding at the end the following:

''(2) The Secretary shall prescribe under paragraph (1) average fuel economy standards for automobiles (except passenger automobiles) manufactured in model years 2004 through 2010 that are calculated to ensure that the aggregate amount of gasoline projected to be used in those model years by automobiles to which the standards apply is at least 5 billion gallons less than the aggregate amount of gasoline that would be used in those model years by such automobiles if they achieved only the fuel economy required under the average fuel economy standard that applies under this subsection to automobiles (except passenger automobiles) manufactured in model year 2002.''.

SEC. 202. CONSIDERATION OF PRESCRIBING DIFFERENT AVERAGE FUEL ECONOMY STANDARDS FOR NONPASSENGER AUTOMOBILES.

(a) IN GENERAL.—The Secretary of Transportation shall, in prescribing average fuel economy standards under section 32902(a) of title 49, United States Code, for automobiles (except passenger automobiles) manufactured in model year 2004, consider the potential benefits of—

(1) establishing a weight-based system for automobiles, that is based on the inertia weight, curb weight, gross vehicle weight rating, or another appropriate measure of such automobiles; and

(2) prescribing different fuel economy standards for automobiles that are subject to the weight-based system.

(b) SPECIFIC CONSIDERATIONS.—In implementing this section the Secretary—

(1) shall consider any recommendations made in the National Academy of Sciences study completed pursuant to the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106–346; 114 Stat. 2763 et seq.); and

(2) shall evaluate the merits of any weight-based system in terms of motor vehicle safety, energy conservation, and competitiveness of and employment in the United States automotive sector, and if a weight-based system is established by the Secretary a manufacturer may trade credits between or among the automobiles (except passenger automobiles) manufactured by the manufacturer.

SEC. 203. DUAL FUELED AUTOMOBILES.

(a) PURPOSES.—The purposes of this section are—

(1) to extend the manufacturing incentives for dual fueled automobiles, as set forth in subsections (b) and (d) of section 32905 of title 49, United States Code, through the 2008 model year; and

(2) to similarly extend the limitation on the maximum average fuel economy increase for such automobiles, as set forth in subsection (a)(1) of section 32906 of title 49, United States Code.

(b) AMENDMENTS.—

(1) MANUFACTURING INCENTIVES.—Section 32905 of title 49, United States Code, is amended as follows:

(A) Subsections (b) and (d) are each amended by striking ''model years 1993–2004'' and inserting ''model years 1993–2008''.

(B) Subsection (f) is amended by striking ''Not later than December 31, 2001, the Secretary'' and inserting ''Not later than December 31, 2005, the Secretary''.

(C) Subsection (f)(1) is amended by striking ''model year 2004'' and inserting ''model year 2008''.

(D) Subsection (g) is amended by striking ''Not later than September 30, 2000'' and inserting ''Not later than September 30, 2004''.

(2) MAXIMUM FUEL ECONOMY INCREASE.—Subsection (a)(1) of section 32906 of title 49, United States Code, is amended as follows:

(A) Subparagraph (A) is amended by striking ''the model years 1993–2004'' and inserting ''model years 1993–2008''.

(B) Subparagraph (B) is amended by striking ''the model years 2005–2008'' and inserting ''model years 2009–2012''.

SEC. 204. FUEL ECONOMY OF THE FEDERAL FLEET OF AUTOMOBILES.

Section 32917 of title 49, United States Code, is amended to read as follows:

''§ 32917. Standards for executive agency automobiles

''(a) BASELINE AVERAGE FUEL ECONOMY.—The head of each executive agency shall determine, for all 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. 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.

''(b) INCREASE OF AVERAGE FUEL ECONOMY.—The head of an executive agency shall manage the procurement of automobiles for that agency in such a manner that—

''(1) not later than September 30, 2003, the average fuel economy of the new automobiles in the agency's fleet of automobiles is not less than 1 mile per gallon higher than the baseline average fuel economy determined under subsection (a) for that fleet; and

''(2) not later than September 30, 2005, the average fuel economy of the new automobiles in the agency's fleet of automobiles is not less than 3 miles per gallon higher than the baseline average fuel economy determined under subsection (a) for that fleet.

''(c) CALCULATION OF AVERAGE FUEL ECONOMY.—Average fuel economy shall be calculated for the purposes of this section in accordance with guidance which 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 rescue work.

''(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. 205. HYBRID VEHICLES AND ALTERNATIVE VEHICLES.

(a) IN GENERAL.—Section 303(b)(1) of the Energy Policy Act of 1992 is amended by adding the following at the end: ''Of the total number of vehicles acquired by a Federal fleet in fiscal years 2004 and 2005, at least 5 percent of the vehicles in addition to those covered by the preceding sentence shall be alternative fueled vehicles or hybrid vehicles and in fiscal year 2006 and thereafter at least 10 percent of the vehicles in addition to those covered by the preceding sentence shall be alternative fueled vehicles or hybrid vehicles.''.

(b) DEFINITION.—Section 301 of such Act is amended by striking ''and'' at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting ''; and'' and by adding at the end the following:

''(15) The term 'hybrid vehicle' means a motor vehicle which draws propulsion energy from onboard sources of stored energy which are both—

''(A) an internal combustion or heat engine using combustible fuel; and

''(B) a rechargeable energy storage system.''.

SEC. 206. FEDERAL FLEET PETROLEUM-BASED NONALTERNATIVE FUELS.

(a) IN GENERAL.—Title III of the Energy Policy Act of 1992 (42 U.S.C. 13212 et seq.) is amended as follows:

(1) By adding at the end thereof the following:

''SEC. 313. CONSERVATION OF PETROLEUM-BASED FUELS BY THE FEDERAL GOVERNMENT FOR LIGHT-DUTY MOTOR VEHICLES.

''(a) PURPOSES.—The purposes of this section are to complement and supplement the requirements of section 303 of this Act that Federal fleets, as that term is defined in section 303(b)(3), acquire in the aggregate a minimum percentage of alternative fuel vehicles, to encourage the manufacture and sale or lease of such vehicles nationwide, and to achieve, in the aggregate, a reduction in the amount of the petroleum-based fuels (other than the alternative fuels defined in this title) used by new light-duty motor vehicles acquired by the Federal Government in model years 2004 through 2010 and thereafter.

''(b) IMPLEMENTATION.—In furtherance of such purposes, such Federal fleets in the aggregate shall reduce the purchase of petroleum-based nonalternative fuels for such fleets beginning October 1, 2003, through September 30, 2009, from the amount purchased for such fleets over a comparable period since enactment of this Act, as determined by the Secretary, through the annual purchase, in accordance with section 304, and the use of alternative fuels for the light-duty motor vehicles of such Federal fleets, so as to achieve levels which reflect total reliance

by such fleets on the consumptive use of alternative fuels consistent with the provisions of section 303(b) of this Act. The Secretary shall, within 120 days after the enactment of this section, promulgate, in consultation with the Administrator of the General Services Administration and the Director of the Office of Management and Budget and such other heads of entities referenced in section 303 within the executive branch as such Director may designate, standards for the full and prompt implementation of this section by such entities. The Secretary shall monitor compliance with this section and such standards by all such fleets and shall report annually to the Congress, based on reports by the heads of such fleets, on the extent to which the requirements of this section and such standards are being achieved. The report shall include information on annual reductions achieved of petroleum-based fuels and the problems, if any, encountered in acquiring alternative fuels and in requiring their use.''.

(2) By amending section 304(b) of such Act to read as follows:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary or, as appropriate, the head of each Federal fleet subject to the provisions of this section and section 313 of this Act, such sums as may be necessary to achieve the purposes of section 313(a) and the provisions of this section. Such sums shall remain available until expended.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title III the following:

''Sec. 313. Conservation of petroleum-based fuels by the Federal Government for light-duty motor vehicles.''.

SEC. 207. STUDY OF FEASIBILITY AND EFFECTS OF REDUCING USE OF FUEL FOR AUTOMOBILES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation shall enter into an arrangement with the National Academy of Sciences under which the Academy shall study the feasibility and effects of reducing by model year 2010, by a significant percentage, the use of fuel for automobiles.

(b) SUBJECTS OF STUDY.—The study under this section shall include—

(1) examination of, and recommendation of alternatives to, the policy under current Federal law of establishing average fuel economy standards for automobiles and requiring each automobile manufacturer to comply with average fuel economy standards that apply to the automobiles it manufactures;

(2) examination of how automobile manufacturers could contribute toward achieving the reduction referred to in subsection (a);

(3) examination of the potential of fuel cell technology in motor vehicles in order to determine the extent to which such technology may contribute to achieving the reduction referred to in subsection (a); and

(4) examination of the effects of the reduction referred to in subsection (a) on—

(A) gasoline supplies;

(B) the automobile industry, including sales of automobiles manufactured in the United States;

(C) motor vehicle safety; and

(D) air quality.

(c) REPORT.—The Secretary shall require the National Academy of Sciences to submit to the Secretary and the Congress a report on the findings, conclusion, and recommendations of the study under this section by not later than 1 year after the date of the enactment of this Act.

TITLE III—NUCLEAR ENERGY

SEC. 301. LICENSE PERIOD.

Section 103 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking ''c. Each such'' and inserting the following:

''c. LICENSE PERIOD.—

''(1) IN GENERAL.—Each such''; and

(2) by adding at the end the following:

''(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185 b., the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185 b. are met.''.

SEC. 302. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161 w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking ''for or is issued'' and all that follows through ''1702'' and inserting ''to the Commission for, or is issued by the Commission, a license or certificate'';

(2) by striking ''483a'' and inserting ''9701''; and

(3) by striking '', of applicants for, or holders of, such licenses or certificates''.

SEC. 303. DEPLETED URANIUM HEXAFLUORIDE.

Section 1(b) of Public Law 105–204 is amended by striking ''fiscal year 2002'' and inserting ''fiscal year 2005''.

SEC. 304. NUCLEAR REGULATORY COMMISSION MEETINGS.

If a quorum of the Nuclear Regulatory Commission gathers to discuss official Commission business the discussions shall be recorded, and the Commission shall notify the public of such discussions within 15 days after they occur. The Commission shall promptly make a transcript of the recording available to the public on request, except to the extent that public disclosure is exempted or prohibited by law. This section shall not apply to a meeting, within the meaning of that term under section 552b(a)(2) of title 5, United States Code.

SEC. 305. COOPERATIVE RESEARCH AND DEVELOPMENT AND SPECIAL DEMONSTRATION PROJECTS FOR THE URANIUM MINING INDUSTRY.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $10,000,000 for each of fiscal years 2002, 2003, and 2004 for—

(1) cooperative, cost-shared, agreements between the Department of Energy and domestic uranium producers to identify, test, and develop improved in situ leaching mining technologies, including low-cost environmental restoration technologies that may be applied to sites after completion of in situ leaching operations; and

(2) funding for competitively selected demonstration projects with domestic uranium producers relating to—

(A) enhanced production with minimal environmental impacts;

(B) restoration of well fields; and

(C) decommissioning and decontamination activities.

(b) DOMESTIC URANIUM PRODUCER.—For purposes of this section, the term ''domestic uranium producer'' has the meaning given that term in section 1018(4) of the Energy Policy Act of 1992 (42 U.S.C. 2296b–7(4)), except that the term shall not include any producer that has not produced uranium from domestic reserves on or after July 30, 1998.

SEC. 306. MAINTENANCE OF A VIABLE DOMESTIC URANIUM CONVERSION INDUSTRY.

There are authorized to be appropriated to the Secretary $800,000 for contracting with the Nation's sole remaining uranium converter for the purpose of performing research and development to improve the environmental and economic performance of United States uranium conversion operations.

SEC. 307. PADUCAH DECONTAMINATION AND DECOMMISSIONING PLAN.

The Secretary of Energy shall prepare and submit a plan to Congress within 180 days after the date of the enactment of this Act that establishes scope, cost, schedule, sequence of activities, and contracting strategy for—

(1) the decontamination and decommissioning of the Department of Energy's surplus buildings and facilities at the Paducah Gaseous Diffusion Plant that have no future anticipated reuse; and

(2) the remediation of Department of Energy Material Storage Areas at the Paducah Gaseous Diffusion Plant.

Such plan shall inventory all surplus facilities and buildings, and identify and rank health and safety risks associated with such facilities and buildings. Such plan shall inventory all Department of Energy Material Storage Areas, and identify and rank health and safety risks associated with such Department of Energy Material Storage Areas. The Department of Energy shall incorporate these risk factors in designing the sequence and schedule for the plan. Such plan shall identify funding requirements that are in addition to the expected outlays included in the Department of Energy's Environmental Management Plan for the Paducah Gaseous Diffusion Plan.

TITLE IV—HYDROELECTRIC ENERGY

SEC. 401. ALTERNATIVE CONDITIONS AND FISHWAYS.

(a) ALTERNATIVE MANDATORY CONDITIONS.—Section 4 of the Federal Power Act (16 U.S.C. 797) is amended by adding at the end the following:

''(h)(1) Whenever any person applies for a license for any project works within any reservation of the United States, and the Secretary of the department under whose supervision such reservation falls deems a condition 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 condition.

''(2) Notwithstanding the first proviso of subsection (e), the Secretary of the department under whose supervision the reservation falls shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative condition, that the alternative condition—

''(A) provides no less protection for the reservation than provided by the condition deemed necessary 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

as compared to the condition deemed necessary by the Secretary.

''(3) Within one year after the enactment of this subsection, each Secretary concerned shall, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.''.

(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)(1) Whenever the Commission shall require a licensee to construct, maintain, or operate a fishway prescribed by the Secretary of the Interior or the Secretary of

Commerce under this section, the licensee or any other party to the proceeding may propose 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 paragraph (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 initially 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

as compared to the fishway initially prescribed by the Secretary.

''(3) Within one 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 subsection.''

SEC. 402. FERC DATA ON HYDROELECTRIC LICENSING.

(a) DATA COLLECTION PROCEDURES.—The Federal Energy Regulatory Commission shall revise its procedures regarding the collection of data in connection with the Commission's consideration of hydroelectric licenses under the Federal Power Act. Such revised data collection procedures shall be designed to provide the Commission with complete and accurate information concerning the time and costs to parties involved in the licensing process. Such data shall be available for each significant stage in the licensing process and shall be designed to identify projects with similar characteristics so that analyses can be made of the time and costs involved in licensing proceedings based upon the different characteristics of those proceedings.

(b) REPORTS.—Within 6 months after the date of enactment of this Act, the Commission shall notify the Committee on Energy and Commerce of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate of the progress made by the Commission under subsection (a), and within one year after such date of enactment, the Commission shall submit a report to such Committees specifying the measures taken by the Commission pursuant to subsection (a).

TITLE V—FUELS

SEC. 601. TANK DRAINING DURING TRANSITION TO SUMMERTIME RFG.

Not later than 60 days after the enactment of the Act, the Administrator of the Environmental Protection Agency shall commence a rulemaking to determine whether modifications to the regulations set forth in 40 C.F.R. Section 80.78 and any associated regulations regarding the transition to high ozone season reformulated gasoline are necessary to ensure that the transition to high ozone season reformulated gasoline is conducted in a manner that minimizes disruptions to the general availability and affordability of gasoline, and maximizes flexibility with regard to the draining and inventory management of gasoline storage tanks located at refineries, terminals, wholesale and retail outlets, consistent with the goals of the Clean Air Act. The Administrator shall propose and take final action in such rulemaking to ensure that any modifications are effective and implemented at least 60 days prior to the beginning of the high ozone season for the year 2002.

SEC. 602. GASOLINE BLENDSTOCK REQUIREMENTS.

Not later than 60 days after the enactment of this Act, the Administrator of the Environmental Protection Agency shall commence a rulemaking to determine whether modifications to product transfer documentation, accounting, compliance calculation, and other requirements contained in the regulations of the Administrator set forth in section 80.102 of title 40 of the Code of Federal Regulations relating to gasoline blendstocks are necessary to facilitate the movement of gasoline and gasoline feedstocks among different regions throughout the country and to improve the ability of petroleum refiners and importers to respond to regional gasoline shortages and prevent unreasonable short-term price increases. The Administrator shall take into consideration the extent to which such requirements have been, or will be, rendered unnecessary or inefficient by reason of subsequent environmental safeguards that were not in effect at the time the regulations in section 80.102 of title 40 of the Code of Federal Regulations were promulgated. The Administrator shall propose and take final action in such rulemaking to ensure that any modifications are effective and implemented at least 60 days prior to the beginning of the high ozone season for the year 2002.

SEC. 603. BOUTIQUE FUELS.

(a) JOINT STUDY.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of all Federal, State, and local requirements regarding motor vehicle fuels, including requirements relating to reformulated gasoline, volatility (Reid Vapor Pressure), oxygenated fuel, diesel fuel and other requirements that vary from State to State, region to region, or locality to locality. The study shall analyze—

(1) the effect of the variety of such requirements on the price of motor vehicle fuels to the consumer;

(2) the availability and affordability of motor vehicle fuels in different States and localities;

(3) the effect of Federal, State, and local regulations, including multiple fuel requirements, on domestic refineries and the fuel distribution system;

(4) the effect of such requirements on local, regional, and national air quality requirements and goals;

(5) the effect of such requirements on vehicle emissions;

(6) the feasibility of developing national or regional fuel specifications for the contiguous United States that would—

(A) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(B) reduce price volatility and costs to consumers and producers;

(C) meet local, regional, and national air quality requirements and goals; and

(D) provide increased gasoline market liquidity; and

(7) the extent to which the Environmental Protection Agency's Tier II requirements for conventional gasoline may achieve in future years the same or similar air quality results as State reformulated gasoline programs and State programs regarding gasoline volatility (RVP).

(b) REPORT.—By December 31, 2001, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall submit a report to the Congress containing the results of the study conducted under subsection (a). Such report shall contain recommendations for legislative and administrative actions that may be taken to simplify the national distribution system for motor vehicle fuel, make such system more cost-effective, and reduce the costs and increase the availability of motor vehicle fuel to the end user while meeting the requirements of the Clean Air Act. Such recommendations shall take into account the need to provide lead time for refinery and fuel distribution system modifications necessary to assure adequate fuel supply for all States.

SEC. 604. FUNDING FOR MTBE CONTAMINATION.

Notwithstanding any other provision of law, there is authorized to be appropriated to the Administrator of the Environmental Protection Agency from the Leaking Underground Storage Trust Fund not more than $200,000,000 to be used for taking such action, limited to assessment, corrective action, inspection of underground storage tank systems, and groundwater monitoring in connection with MTBE contamination, as the Administrator deems necessary to protect human health and the environment from releases of methyl tertiary butyl ether (MTBE) from underground storage tanks.

TITLE VI—RENEWABLE ENERGY

SEC. 701. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.

(a) RESOURCE ASSESSMENT.—Not later than one year after the date of enactment of this Act, and each year thereafter, the Secretary of Energy shall publish an assessment by the National Laboratories of all renewable energy resources available within the United States.

(b) CONTENTS OF REPORT.—The report published under subsection (a) shall contain each of the following:

(1) A detailed inventory describing the available amount and characteristics of solar, wind, biomass, geothermal, hydroelectric and other renewable energy sources.

(2) Such other information as the Secretary of Energy believes would be useful in developing such renewable energy resources, including descriptions of surrounding terrain, population and load centers, nearby energy infrastructure, location of energy and water resources, and available estimates of the costs needed to develop each resource.

SEC. 702. RENEWABLE ENERGY PRODUCTION INCENTIVE.

Section 1212 of the Energy Policy Act of 1992 (42 U.S.C. 13317) is amended as follows:

(1) In subsection (a) by striking ''and which satisfies'' and all that follows through ''Secretary shall establish.'' and inserting ''. The Secretary shall establish other procedures necessary for efficient administration of the program. The Secretary shall not establish any criteria or procedures that have the effect of assigning to proposals a higher or lower priority for eligibility or allocation of appropriated funds on the basis of the energy source proposed.''.

(2) In subsection (b)—

(A) by striking ''a State or any political'' and all that follows through ''nonprofit electrical cooperative'' and inserting ''an electricity-generating cooperative exempt from taxation under section 501(c)(12) or section 1381(a)(2)(C) of the Internal Revenue Code of 1986, a public utility described in section 115 of such Code, a State, Commonwealth, territory, or possession of the United States or the District of Columbia, or a political subdivision thereof, or an Indian tribal government or subdivision thereof,''; and

(B) By inserting ''landfill gas,'' after ''wind, biomass,''.

(3) In subsection (c) by striking ''during the 10-fiscal year period beginning with the first full fiscal year occurring after the enactment of this section'' and inserting ''before October 1, 2013''.

(4) In subsection (d) by inserting ''or in which the Secretary finds that all necessary Federal and State authorizations have been

obtained to begin construction of the facility'' after ''eligible for such payments''.

(5) In subsection (e)(1) by inserting ''landfill gas,'' after ''wind, biomass,''.

(6) In subsection (f) by striking ''the expiration of'' and all that follows through ''of this section'' and inserting ''September 30, 2023''.

(7) In subsection (g)—

(A) by striking ''1993, 1994, and 1995'' and inserting ''2003 through 2023''; and

(B) by inserting ''Funds may be appropriated pursuant to this subsection to remain available until expended.'' after ''purposes of this section.''.

TITLE VII—PIPELINES

SEC. 801. PROHIBITION ON CERTAIN PIPELINE ROUTE.

No license, permit, lease, right-of-way, authorization or other approval required under Federal law for the construction of any pipeline to transport natural gas from lands within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that traverses—

(1) the submerged lands (as defined by the Submerged Lands Act) beneath, or the adjacent shoreline of, the Beaufort Sea; and

(2) enters Canada at any point north of 68 degrees North latitude.

SEC. 802. HISTORIC PIPELINES.

Section 7 of the Natural Gas Act (15 U.S.C. 717f) is amended by adding at the end the following new subsection:

''(i) Notwithstanding the National Historic Preservation Act, a transportation facility shall not be eligible for inclusion on the National Register of Historic Places until the Commission has permitted the abandonment of the transportation facility pursuant to subsection (b) of this section.''.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 901. WASTE REDUCTION AND USE OF ALTERNATIVES.

(a) GRANT AUTHORITY.—The Secretary of Energy is authorized to make a single grant to a qualified institution to examine and develop the feasibility of burning post-consumer carpet in cement kilns as an alternative energy source. The purposes of the grant shall include determining—

(1) how post-consumer carpet can be burned without disrupting kiln operations;

(2) the extent to which overall kiln emissions may be reduced; and

(3) how this process provides benefits to both cement kiln operations and carpet suppliers.

(b) QUALIFIED INSTITUTION.—For the purposes of subsection (a), a qualified institution is a research-intensive institution of higher learning with demonstrated expertise in the fields of fiber recycling and logistical modeling of carpet waste collection and preparation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for carrying out this section $275,000 for fiscal year 2002, to remain available until expended.

SEC. 902. ANNUAL REPORT ON UNITED STATES ENERGY INDEPENDENCE.

(a) REPORT.—The Secretary of Energy, in consultation with the heads of other relevant Federal agencies, shall include in each report under section 801(c) of the Department of Energy Organization Act a section which evaluates the progress the United States has made toward obtaining the goal of not more than 50 percent dependence on foreign oil sources by 2010.

(b) ALTERNATIVES.—The information required under this section to be included in the reports under section 801(c) of the Department of Energy Organization Act shall include a specification of what legislative or administrative actions must be implemented to meet this goal and set forth a range of options and alternatives with a cost/benefit analysis for each option or alternative together with an estimate of the contribution each option or alternative could make to reduce foreign oil imports. The Secretary shall solicit information from the public and request information from the Energy Information Agency and other agencies to develop the information required under this section. The information shall indicate, in detail, options and alternatives to—

(1) increase the use of renewable domestic energy sources, including conventional and nonconventional sources;

(2) conserve energy resources, including improving efficiencies and decreasing consumption; and

(3) increase domestic production and use of oil, natural gas, nuclear, and coal, including any actions necessary to provide access to, and transportation of, these energy resources.

SEC. 903. STUDY OF AIRCRAFT EMISSIONS.

The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall jointly commence a study within 60 days after the enactment of this Act to investigate the impact of aircraft emissions on air quality in areas that are considered to be in nonattainment for the national ambient air quality standard for ozone. As part of this study, the Secretary and the Administrator shall focus on the impact of emissions by aircraft idling at airports and on the contribution of such emissions as a percentage of total emissions in the nonattainment area. Within 180 days of the commencement of the study, the Secretary and the Administrator shall submit a report to the Committees on Energy and Commerce and Transportation and Infrastructure of the United States House of Representatives and to the Committees on Environment and Public Works and Commerce, Science, and Transportation of the United States Senate containing the results of the study and recommendations with respect to a plan to maintain comprehensive data on aircraft emissions and methods by which such emissions may be reduced, without increasing individual aircraft noise, in order to assist in the attainment of the national ambient air quality standards.

DIVISION B

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Comprehensive Energy Research and Technology Act of 2001''.

SEC. 2002. FINDINGS.

The Congress finds that—

(1) the Nation's prosperity and way of life are sustained by energy use;

(2) the growing imbalance between domestic energy production and consumption means that the Nation is becoming increasingly reliant on imported energy, which has the potential to undermine the Nation's economy, standard of living, and national security;

(3) energy conservation and energy efficiency help maximize the use of available energy resources, reduce energy shortages, lower the Nation's reliance on energy imports, mitigate the impacts of high energy prices, and help protect the environment and public health;

(4) development of a balanced portfolio of domestic energy supplies will ensure that future generations of Americans will have access to the energy they need;

(5) energy efficiency technologies, renewable and alternative energy technologies, and advanced energy systems technologies will help diversify the Nation's energy portfolio with few adverse environmental impacts and are vital to delivering clean energy to fuel the Nation's economic growth;

(6) development of reliable, affordable, and environmentally sound energy efficiency technologies, renewable and alternative energy technologies, and advanced energy systems technologies will require maintenance of a vibrant fundamental scientific knowledge base and continued scientific and technological innovations that can be accelerated by Federal funding, whereas commercial deployment of such systems and technologies are the responsibility of the private sector;

(7) Federal funding should focus on those programs, projects, and activities that are long-term, high-risk, noncommercial, and well-managed, and that provide the potential for scientific and technological advances; and

(8) public-private partnerships should be encouraged to leverage scarce taxpayer dollars.

SEC. 2003. PURPOSES.

The purposes of this division are to—

(1) protect and strengthen the Nation's economy, standard of living, and national security by reducing dependence on imported energy;

(2) meet future needs for energy services at the lowest total cost to the Nation, including environmental costs, giving balanced and comprehensive consideration to technologies that improve the efficiency of energy end uses and that enhance energy supply;

(3) reduce the air, water, and other environmental impacts (including emissions of greenhouse gases) of energy production, distribution, transportation, and use through the development of environmentally sustainable energy systems;

(4) consider the comparative environmental impacts of the energy saved or produced by specific programs, projects, or activities;

(5) maintain the technological competitiveness of the United States and stimulate economic growth through the development of advanced energy systems and technologies;

(6) foster international cooperation by developing international markets for domestically produced sustainable energy technologies, and by transferring environmentally sound, advanced energy systems and technologies to developing countries to promote sustainable development;

(7) provide sufficient funding of programs, projects, and activities that are performance-based and modeled as public-private partnerships, as appropriate; and

(8) enhance the contribution of a given program, project, or activity to fundamental scientific knowledge.

SEC. 2004. GOALS.

(a) IN GENERAL.—Subject to subsection (b), in order to achieve the purposes of this division under section 2003, the Secretary should conduct a balanced energy research, development, demonstration, and commercial application portfolio of programs guided by the following goals to meet the purposes of this division under section 2003.

(1) ENERGY CONSERVATION AND ENERGY EFFICIENCY.—

(A) For the Building Technology, State and Community Sector, the program should develop technologies, housing components, designs, and production methods that will, by 2010—

(i) reduce the monthly energy cost of new housing by 20 percent, compared to the cost as of the date of the enactment of this Act;

(ii) cut the environmental impact and energy use of new housing by 50 percent, compared to the impact and use as of the date of the enactment of this Act; and

(iii) improve durability and reduce maintenance costs by 50 percent compared to the durability and costs as of the date of the enactment of this Act.

(B) For the Industry Sector, the program should, in cooperation with the affected industries, improve the energy intensity of the major energy-consuming industries by at least 25 percent by 2010, compared to the energy intensity as of the date of the enactment of this Act.

(C) For Power Technologies, the program should, in cooperation with the affected industries—

(i) develop a microturbine (40 to 300 kilowatt) that is more than 40 percent more efficient by 2006, and more than 50 percent more efficient by 2010, compared to the efficiency as of the date of the enactment of this Act; and

(ii) develop advanced materials for combustion systems that reduce emissions of nitrogen oxides by 30 to 50 percent while increasing efficiency 5 to 10 percent by 2007, compared to such emissions as of the date of the enactment of this Act.

(D) For the Transportation Sector, the program should, in cooperation with affected industries—

(i) develop a production prototype passenger automobile that has fuel economy equivalent to 80 miles per gallon of gasoline by 2004;

(ii) develop class 7 and 8 heavy duty trucks and buses with ultra low emissions and the ability to use an alternative fuel that has an average fuel economy equivalent to—

(I) 10 miles per gallon of gasoline by 2007; and

(II) 13 miles per gallon of gasoline by 2010;

(iii) develop a production prototype of a passenger automobile with zero equivalent emissions that has an average fuel economy of 100 miles per gallon of gasoline by 2010; and

(iv) improve, by 2010, the average fuel economy of trucks—

(I) in classes 1 and 2 by 300 percent; and

(II) in classes 3 through 6 by 200 percent,

compared to the fuel economy as of the date of the enactment of this Act.

(2) RENEWABLE ENERGY.—

(A) For Hydrogen Research, to carry out the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, as amended by subtitle A of title II of this division.

(B) For bioenergy:

(i) The program should reduce the cost of bioenergy relative to other energy sources to enable the United States to triple bioenergy use by 2010.

(ii) For biopower systems, the program should reduce the cost of such systems to enable commercialization of integrated power-generating technologies that employ gas turbines and fuel cells integrated with bioenergy gasifiers within five years after the date of the enactment of this Act.

(iii) For biofuels, the program should accelerate research, development, and demonstration on advanced enzymatic hydrolysis technology for making ethanol from cellulosic feedstock, with the goal that between 2010 and 2015 ethanol produced from energy crops would be fully competitive in terms of price with gasoline as a neat fuel, in either internal combustion engines or fuel cell vehicles.

(C) For Geothermal Technology Development, the program should focus on advanced concepts for the long term. The first priority should be high-grade enhanced geothermal systems; the second priority should be lower grade, hot dry rock, and geopressured systems; and the third priority should be support of field demonstrations of enhanced geothermal systems technology, including sites in lower grade areas to demonstrate the benefits of reservoir concepts to different conditions.

(D) For Hydropower, the program should provide a new generation of turbine technologies that will increase generating capacity and will be less damaging to fish and aquatic ecosystems.

(E) For Concentrating Solar Power, the program should strengthen ongoing research, development, and demonstration combining high-efficiency and high-temperature receivers with advanced thermal storage and power cycles, with the goal of making solar-only power (including baseload solar power) widely competitive with fossil fuel power by 2015. The program should limit or halt its research and development on power-tower and power-trough technologies because further refinements to these concepts will not further their deployment, and should assess the market prospects for solar dish/engine technologies to determine whether continued research and development is warranted.

(F) For Photovoltaic Energy Systems, the program should pursue research, development, and demonstration that will, by 2005, increase the efficiency of thin film modules from the current 7 percent to 11 percent in multi-million watt production; reduce the direct manufacturing cost of photovoltaic modules by 30 percent from the current $2.50 per watt to $1.75 per watt by 2005; and establish greater than a 20-year lifetime of photovoltaic systems by improving the reliability and lifetime of balance-of-system components and reducing recurring cost by 40 percent. The program's top priority should be the development of sound manufacturing technologies for thin-film modules, and the program should make a concerted effort to integrate fundamental research and basic engineering research.

(G) For Solar Building Technology Research, the program should complete research and development on new polymers and manufacturing processes to reduce the cost of solar water heating by 50 percent by 2004, compared to the cost as of the date of enactment of this Act.

(H) For Wind Energy Systems, the program should reduce the cost of wind energy to three cents per kilowatt-hour at Class 6 (15 miles-per-hour annual average) wind sites by 2004, and 4 cents per kilowatt-hour in Class 4 (13 miles-per-hour annual average) wind sites by 2015, and further if required so that wind power can be widely competitive with fossil-fuel-based electricity in a restructured electric industry. Program research on advanced wind turbine technology should focus on turbulent flow studies, durable materials to extend turbine life, blade efficiency, and higher efficiency operation in low quality wind regimes.

(I) For Electric Energy Systems and Storage, including High Temperature Superconducting Research and Development, Energy Storage Systems, and Transmission Reliability, the program should develop high capacity superconducting transmission lines and generators, highly reliable energy storage systems, and distributed generating systems to accommodate multiple types of energy sources under common interconnect standards.

(J) For the International Renewable Energy and Renewable Energy Production Incentive programs, and Renewable Program Support, the program should encourage the commercial application of renewable energy technologies by developed and developing countries, State and local governmental entities and nonprofit electric cooperatives, and by the competitive domestic market.

(3) NUCLEAR ENERGY.—

(A) For university nuclear science and engineering, the program should carry out the provisions of subtitle A of title III of this division.

(B) For fuel cycle research, development, and demonstration, the program should carry out the provisions of subtitle B of title III of this division.

(C) For the Nuclear Energy Research Initiative, the program should accomplish the objectives of section 2341(b) of this Act.

(D) For the Nuclear Energy Plant Optimization Program, the program should accomplish the objectives of section 2342(b) of this Act.

(E) For Nuclear Energy Technologies, the program should carry out the provisions of section 2343 of this Act.

(F) For Advanced Radioisotope Power Systems, the program should ensure that the United States has adequate capability to power future satellite and space missions.

(4) FOSSIL ENERGY.—

(A) For core fossil energy research and development, the program should achieve the goals outlined by the Department's Vision 21 Program. This research should address fuel-flexible gasification and turbines, fuel cells, advanced-combustion systems, advanced fuels and chemicals, advanced modeling and systems analysis, materials and heat exchangers, environmental control technologies, gas-stream purification, gas-separation technology, and sequestration research and development focused on cost-effective novel concepts for capturing, reusing or storing, or otherwise mitigating carbon and other greenhouse gas emissions.

(B) For offshore oil and natural gas resources, the program should investigate and develop technologies to—

(i) extract methane hydrates in coastal waters of the United States, in accordance with the provisions of the Methane Hydrate Research and Development Act of 2000; and

(ii) develop natural gas and oil reserves in the ultra-deepwater of the Central and Western Gulf of Mexico. Research and development on ultra-deepwater resource recovery shall focus on improving the safety and efficiency of such recovery and of sub-sea production technology used for such recovery, while lowering costs.

(C) For transportation fuels, the program should support a comprehensive transportation fuels strategy to increase the price elasticity of oil supply and demand by focusing research on reducing the cost of producing transportation fuels from natural gas and indirect liquefaction of coal.

(5) SCIENCE.—The Secretary, through the Office of Science, should—

(A) develop and maintain a robust portfolio of fundamental scientific and energy research, including High Energy and Nuclear Physics, Biological and Environmental Research, Basic Energy Sciences (including Materials Sciences, Chemical Sciences, Engineering and Geosciences, and Energy Biosciences), Advanced Scientific Computing, Energy Research and Analysis, Multiprogram Energy Laboratories-Facilities Support, Fusion Energy Sciences, and Facilities and Infrastructure;

(B) maintain, upgrade, and expand, as appropriate, and in accordance with the provisions of this division, the scientific user facilities maintained by the Office of Science, and ensure that they are an integral part of the Department's mission for exploring the frontiers of fundamental energy sciences; and

(C) ensure that its fundamental energy sciences programs, where appropriate, help inform the applied research and development programs of the Department.

(b) REVIEW AND ASSESSMENT.—The Secretary shall perform an assessment that establishes measurable cost and performance-based goals, or that modifies the goals under

subsection (a), as appropriate, for 2005, 2010, 2015, and 2020 for each of the programs authorized by this division that would enable each such program to meet the purposes of this division under section 2003. Such assessment shall be based on the latest scientific and technical knowledge, and shall also take into consideration, as appropriate, the comparative environmental impacts (including emissions of greenhouse gases) of the energy saved or produced by specific programs.

(c) CONSULTATION.—In establishing the measurable cost and performance-based goals under subsection (b), the Secretary shall consult with the private sector, institutions of higher learning, national laboratories, environmental organizations, professional and technical societies, and any other persons as the Secretary considers appropriate.

(d) SCHEDULE.—The Secretary shall—

(1) issue and publish in the Federal Register a set of draft measurable cost and performance-based goals for the programs authorized by this division for public comment—

(A) in the case of a program established before the date of the enactment of this Act, not later than 120 days after the date of the enactment of this Act; and

(B) in the case of a program not established before the date of the enactment of this Act, not later than 120 days after the date of establishment of the program;

(2) not later than 60 days after the date of publication under paragraph (1), after taking into consideration any public comments received, transmit to the Congress and publish in the Federal Register the final measurable cost and performance-based goals; and

(3) update all such cost and performance-based goals on a biennial basis.

SEC. 2005. DEFINITIONS.

For purposes of this division, except as otherwise provided—

(1) the term ''Administrator'' means the Administrator of the Environmental Protection Agency;

(2) the term ''appropriate congressional committees'' means—

(A) the Committee on Science and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate;

(3) the term ''Department'' means the Department of Energy; and

(4) the term ''Secretary'' means the Secretary of Energy.

SEC. 2006. AUTHORIZATIONS.

Authorizations of appropriations under this division are for environmental research and development, scientific and energy research, development, and demonstration, and commercial application of energy technology programs, projects, and activities.

SEC. 2007. BALANCE OF FUNDING PRIORITIES.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the funding of the various programs authorized by titles I through IV of this division should remain in the same proportion to each other as provided in this division, regardless of the total amount of funding made available for those programs.

(b) REPORT TO CONGRESS.—If for fiscal year 2002, 2003, or 2004 the amounts appropriated in general appropriations Acts for the programs authorized in titles I through IV of this division are not in the same proportion to one another as are the authorizations for such programs in this division, the Secretary and the Administrator shall, within 60 days after the date of the enactment of the last general appropriations Act appropriating amounts for such programs, transmit to the appropriate congressional committees a report describing the programs, projects, and activities that would have been funded if the proportions provided for in this division had been maintained in the appropriations. The amount appropriated for the program receiving the highest percentage of its authorized funding for a fiscal year shall be used as the baseline for calculating the proportional deficiencies of appropriations for other programs in that fiscal year.

TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

Subtitle A—Alternative Fuel Vehicles

SEC. 2101. SHORT TITLE.

This subtitle may be cited as the ''Alternative Fuel Vehicle Acceleration Act of 2001''.

SEC. 2102. DEFINITIONS.

For the purposes of this subtitle, the following definitions apply:

(1) ALTERNATIVE FUEL VEHICLE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''alternative fuel vehicle'' means a motor vehicle that is powered—

(i) in whole or in part by electricity, including electricity supplied by a fuel cell;

(ii) by liquefied natural gas;

(iii) by compressed natural gas;

(iv) by liquefied petroleum gas;

(v) by hydrogen;

(vi) by methanol or ethanol at no less than 85 percent by volume; or

(vii) by propane.

(B) EXCLUSIONS.—The term ''alternative fuel vehicle'' does not include—

(i) any vehicle designed to operate solely on gasoline or diesel derived from fossil fuels, regardless of whether it can also be operated on an alternative fuel; or

(ii) any vehicle that the Secretary determines, by rule, does not yield substantial environmental benefits over a vehicle operating solely on gasoline or diesel derived from fossil fuels.

(2) PILOT PROGRAM.—The term ''pilot program'' means the competitive grant program established under section 2103.

(3) ULTRA-LOW SULFUR DIESEL VEHICLE.—The term ''ultra-low sulfur diesel vehicle'' means a vehicle powered by a heavy-duty diesel engine that—

(A) is fueled by diesel fuel which contains sulfur at not more than 15 parts per million; and

(B) emits not more than the lesser of—

(i) for vehicles manufactured in—

(I) model years 2001 through 2003, 3.0 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(II) model years 2004 through 2006, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; or

(ii) the emissions of nonmethane hydrocarbons, oxides of nitrogen, and particulate matter of the best performing technology of ultra-low sulfur diesel vehicles of the same type that are commercially available.

SEC. 2103. PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a competitive grant pilot program to provide not more than 15 grants to State governments, local governments, or metropolitan transportation authorities to carry out a project or projects for the purposes described in subsection (b).

(b) GRANT PURPOSES.—Grants under this section may be used for the following purposes:

(1) The acquisition of alternative fuel vehicles, including—

(A) passenger vehicles;

(B) buses used for public transportation or transportation to and from schools;

(C) delivery vehicles for goods or services;

(D) ground support vehicles at public airports, including vehicles to carry baggage or push airplanes away from terminal gates; and

(E) motorized two-wheel bicycles, scooters, or other vehicles for use by law enforcement personnel or other State or local government or metropolitan transportation authority employees.

(2) The acquisition of ultra-low sulfur diesel vehicles.

(3) Infrastructure necessary to directly support an alternative fuel vehicle project funded by the grant, including fueling and other support equipment.

(4) Operation and maintenance of vehicles, infrastructure, and equipment acquired as part of a project funded by the grant.

(c) APPLICATIONS.—

(1) REQUIREMENTS.—The Secretary shall issue requirements for applying for grants under the pilot program. At a minimum, the Secretary shall require that applications be submitted by the head of a State or local government or a metropolitan transportation authority, or any combination thereof, and shall include—

(A) at least one project to enable passengers or goods to be transferred directly from one alternative fuel vehicle or ultra-low sulfur diesel vehicle to another in a linked transportation system;

(B) a description of the projects proposed in the application, including how they meet the requirements of this subtitle;

(C) an estimate of the ridership or degree of use of the projects proposed in the application;

(D) an estimate of the air pollution emissions reduced and fossil fuel displaced as a result of the projects proposed in the application, and a plan to collect and disseminate environmental data, related to the projects to be funded under the grant, over the life of the projects;

(E) a description of how the projects proposed in the application will be sustainable without Federal assistance after the completion of the term of the grant;

(F) a complete description of the costs of each project proposed in the application, including acquisition, construction, operation, and maintenance costs over the expected life of the project;

(G) a description of which costs of the projects proposed in the application will be supported by Federal assistance under this subtitle; and

(H) documentation to the satisfaction of the Secretary that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the projects, and a commitment by the applicant to use such fuel in carrying out the projects.

(2) PARTNERS.—An applicant under paragraph (1) may carry out projects under the pilot program in partnership with public and private entities.

(d) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall consider each applicant's previous experience with similar projects and shall give priority consideration to applications that—

(1) are most likely to maximize protection of the environment;

(2) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed projects and the greatest likelihood that each project proposed in the application will be maintained or expanded after Federal assistance under this subtitle is completed; and

(3) exceed the minimum requirements of subsection (c)(1)(A).

(e) PILOT PROJECT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall not provide more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(2) COST SHARING.—The Secretary shall not provide more than 50 percent of the cost, incurred during the period of the grant, of any project under the pilot program.

(3) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not fund any applicant under the pilot program for more than 5 years.

(4) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek to the maximum extent practicable to achieve nationwide deployment of alternative fuel vehicles through the pilot program, and shall ensure a broad geographic distribution of project sites.

(5) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) SCHEDULE.—

(1) PUBLICATION.—Not later than 3 months after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and elsewhere as appropriate, a request for applications to undertake projects under the pilot program. Applications shall be due within 6 months of the publication of the notice.

(2) SELECTION.—Not later than 6 months after the date by which applications for grants are due, the Secretary shall select by competitive, peer review all applications for projects to be awarded a grant under the pilot program.

(g) 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 the acquisition of ultra-low sulfur diesel vehicles.

SEC. 2104. REPORTS TO CONGRESS.

(a) INITIAL REPORT.—Not later than 2 months after the date grants are awarded under this subtitle, the Secretary shall transmit to the appropriate congressional committees a report containing—

(1) an identification of the grant recipients and a description of the projects to be funded;

(2) an identification of other applicants that submitted applications for the pilot program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(b) EVALUATION.—Not later than 3 years after the date of enactment of this Act, and annually thereafter until the pilot program ends, the Secretary shall transmit to the appropriate congressional committees a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the benefits to the environment derived from the projects included in the pilot program as well as an estimate of the potential benefits to the environment to be derived from widespread application of alternative fuel vehicles and ultra-low sulfur diesel vehicles.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary $200,000,000 to carry out this subtitle, to remain available until expended.

Subtitle B—Distributed Power Hybrid Energy Systems

SEC. 2121. FINDINGS.

The Congress makes the following findings:

(1) Our ability to take advantage of our renewable, indigenous resources in a cost-effective manner can be greatly advanced through systems that compensate for the intermittent nature of these resources through distributed power hybrid systems.

(2) Distributed power hybrid systems can—

(A) shelter consumers from temporary energy price volatility created by supply and demand mismatches;

(B) increase the reliability of energy supply; and

(C) address significant local differences in power and economic development needs and resource availability that exist throughout the United States.

(3) Realizing these benefits will require a concerted and integrated effort to remove market barriers to adopting distributed power hybrid systems by—

(A) developing the technological foundation that enables designing, testing, certifying, and operating distributed power hybrid systems; and

(B) providing the policy framework that reduces such barriers.

(4) While many of the individual distributed power hybrid systems components are either available or under development in existing private and public sector programs, the capabilities to integrate these components into workable distributed power hybrid systems that maximize benefits to consumers in a safe manner often are not coherently being addressed.

SEC. 2122. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''distributed power hybrid system'' means a system using 2 or more distributed power sources, operated together with associated supporting equipment, including storage equipment, and software necessary to provide electric power onsite and to an electric distribution system; and

(2) the term ''distributed power source'' means an independent electric energy source of usually 10 megawatts or less located close to a residential, commercial, or industrial load center, including—

(A) reciprocating engines;

(B) turbines;

(C) microturbines;

(D) fuel cells;

(E) solar electric systems;

(F) wind energy systems;

(G) biopower systems;

(H) geothermal power systems; or

(I) combined heat and power systems.

SEC. 2123. STRATEGY.

(a) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop and transmit to the Congress a distributed power hybrid systems strategy showing—

(1) needs best met with distributed power hybrid systems configurations, especially systems including one or more solar or renewable power sources; and

(2) technology gaps and barriers (including barriers to efficient connection with the power grid) that hamper the use of distributed power hybrid systems.

(b) ELEMENTS.—The strategy shall provide for development of—

(1) system integration tools (including databases, computer models, software, sensors, and controls) needed to plan, design, build, and operate distributed power hybrid systems for maximum benefits;

(2) tests of distributed power hybrid systems, power parks, and microgrids, including field tests and cost-shared demonstrations with industry;

(3) design tools to characterize the benefits of distributed power hybrid systems for consumers, to reduce testing needs, to speed commercialization, and to generate data characterizing grid operations, including interconnection requirements;

(4) precise resource assessment tools to map local resources for distributed power hybrid systems; and

(5) a comprehensive research, development, demonstration, and commercial application program to ensure the reliability, efficiency, and environmental integrity of distributed energy resources, focused on filling gaps in distributed power hybrid systems technologies identified under subsection (a)(2), which may include—

(A) integration of a wide variety of advanced technologies into distributed power hybrid systems;

(B) energy storage devices;

(C) environmental control technologies;

(D) interconnection standards, protocols, and equipment; and

(E) ancillary equipment for dispatch and control.

(c) IMPLEMENTATION AND INTEGRATION.—The Secretary shall implement the strategy transmitted under subsection (a) and the research program under subsection (b)(5). Activities pursuant to the strategy shall be integrated with other activities of the Department's Office of Power Technologies.

SEC. 2124. HIGH POWER DENSITY INDUSTRY PROGRAM.

(a) IN GENERAL.—The Secretary shall develop and implement a comprehensive research, development, demonstration, and commercial application program to improve energy efficiency, reliability, and environmental responsibility in high power density industries, such as data centers, server farms, telecommunications facilities, and heavy industry.

(b) AREAS.—In carrying out this section, the Secretary shall consider technologies that provide—

(1) significant improvement in efficiency of high power density facilities, and in data and telecommunications centers, using advanced thermal control technologies;

(2) significant improvements in air-conditioning efficiency in facilities such as data centers and telecommunications facilities;

(3) significant advances in peak load reduction; and

(4) advanced real time metering and load management and control devices.

(c) IMPLEMENTATION AND INTEGRATION.—Activities pursuant to this program shall be integrated with other activities of the Department's Office of Power Technologies.

SEC. 2125. MICRO-COGENERATION ENERGY TECHNOLOGY.

The Secretary shall make competitive, merit-based grants to consortia of private sector entities for the development of micro-cogeneration energy technology. The consortia shall explore the creation of small-scale combined heat and power through the use of residential heating appliances. There are authorized to be appropriated to the Secretary $20,000,000 to carry out this section, to remain available until expended.

SEC. 2126. PROGRAM PLAN.

Within 4 months after the date of enactment of this Act, the Secretary, in consultation with other appropriate Federal agencies, shall prepare and transmit to the Congress a 5-year program plan to guide activities under this subtitle. In preparing the program plan, the Secretary shall consult with appropriate representatives of the distributed energy resources, power transmission, and high power density industries to prioritize appropriate program areas. The Secretary shall also seek the advice of utilities, energy services providers, manufacturers, institutions of higher learning, other appropriate State and local agencies, environmental organizations, professional and technical societies, and any other persons the Secretary considers appropriate.

SEC. 2127. REPORT.

Two years after date of enactment of this Act and at two year intervals thereafter, the Secretary, jointly with other appropriate Federal agencies, shall transmit a report to Congress describing the progress made to achieve the purposes of this subtitle.

SEC. 2128. VOLUNTARY CONSENSUS STANDARDS.

Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the National Institute of Standards and Technology, shall work with the Institute of Electrical and Electronic Engineers and other standards development organizations toward the development of voluntary consensus standards for distributed energy systems for use in manufacturing and using equipment and systems for connection with electric distribution systems, for obtaining electricity from, or providing electricity to, such systems.

Subtitle C—Secondary Electric Vehicle Battery Use

SEC. 2131. DEFINITIONS.

For purposes of this subtitle, the term—

(1) ''battery'' means an energy storage device that previously has been used to provide motive power in a vehicle powered in whole or in part by electricity; and

(2) ''associated equipment'' means equipment located at the location where the batteries will be used that is necessary to enable the use of the energy stored in the batteries.

SEC. 2132. ESTABLISHMENT OF SECONDARY ELECTRIC VEHICLE BATTERY USE PROGRAM.

(a) PROGRAM.—The Secretary shall establish and conduct a research, development, and demonstration program for the secondary use of batteries where the original use of such batteries was in transportation applications. Such program shall be—

(1) designed to demonstrate the use of batteries in secondary application, including utility and commercial power storage and power quality;

(2) structured to evaluate the performance, including longevity of useful service life and costs, of such batteries in field operations, and evaluate the necessary supporting infrastructure, including disposal and reuse of batteries; and

(3) coordinated with ongoing secondary battery use programs underway at the national laboratories and in industry.

(b) SOLICITATION.—(1) Not later than 6 months after the date of the enactment of this Act, the Secretary shall solicit proposals to demonstrate the secondary use of batteries and associated equipment and supporting infrastructure in geographic locations throughout the United States. The Secretary may make additional solicitations for proposals if the Secretary determines that such solicitations are necessary to carry out this section.

(2)(A) Proposals submitted in response to a solicitation under this section shall include—

(i) a description of the project, including the batteries to be used in the project, the proposed locations and applications for the batteries, the number of batteries to be demonstrated, and the type, characteristics, and estimated life-cycle costs of the batteries compared to other energy storage devices currently used;

(ii) the contribution, if any, of State or local governments and other persons to the demonstration project;

(iii) the type of associated equipment to be demonstrated and the type of supporting infrastructure to be demonstrated; and

(iv) any other information the Secretary considers appropriate.

(B) If the proposal includes a lease arrangement, the proposal shall indicate the terms of such lease arrangement for the batteries and associated equipment.

(c) SELECTION OF PROPOSALS.—(1)(A) The Secretary shall, not later than 3 months after the closing date established by the Secretary for receipt of proposals under subsection (b), select at least 5 proposals to receive financial assistance under this section.

(B) No one project selected under this section shall receive more than 25 percent of the funds authorized under this section. No more than 3 projects selected under this section shall demonstrate the same battery type.

(2) In selecting a proposal under this section, the Secretary shall consider—

(A) the ability of the proposer to acquire the batteries and associated equipment and to successfully manage and conduct the demonstration project, including the reporting requirements set forth in paragraph (3)(B);

(B) the geographic and climatic diversity of the projects selected;

(C) the long-term technical and competitive viability of the batteries to be used in the project and of the original manufacturer of such batteries;

(D) the suitability of the batteries for their intended uses;

(E) the technical performance of the battery, including the expected additional useful life and the battery's ability to retain energy;

(F) the environmental effects of the use of and disposal of the batteries proposed to be used in the project selected;

(G) the extent of involvement of State or local government and other persons in the demonstration project and whether such involvement will—

(i) permit a reduction of the Federal cost share per project; or

(ii) otherwise be used to allow the Federal contribution to be provided to demonstrate a greater number of batteries; and

(H) such other criteria as the Secretary considers appropriate.

(3) CONDITIONS.—The Secretary shall require that—

(A) as a part of a demonstration project, the users of the batteries provide to the proposer information regarding the operation, maintenance, performance, and use of the batteries, and the proposer provide such information to the battery manufacturer, for 3 years after the beginning of the demonstration project;

(B) the proposer provide to the Secretary such information regarding the operation, maintenance, performance, and use of the batteries as the Secretary may request during the period of the demonstration project; and

(C) the proposer provide at least 50 percent of the costs associated with the proposal.

SEC. 2133. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary, from amounts authorized under section 2161(a), for purposes of this subtitle—

(1) $1,000,000 for fiscal year 2002;

(2) $7,000,000 for fiscal year 2003; and

(3) $7,000,000 for fiscal year 2004.

Such appropriations may remain available until expended.

Subtitle D—Green School Buses

SEC. 2141. SHORT TITLE.

This subtitle may be cited as the ''Clean Green School Bus Act of 2001''.

SEC. 2142. ESTABLISHMENT OF PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a pilot 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 Act, the Secretary shall establish and publish in the Federal register grant requirements on eligibility for assistance, and on implementation of the program established under subsection (a), including certification 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.

(d) ELIGIBLE RECIPIENTS.—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 public school systems; or

(2) jointly to an entity described in paragraph (1) and a contracting entity that provides school bus service to the public school system or systems.

(e) TYPES OF GRANTS.—

(1) IN GENERAL.—Grants under this section shall be for the demonstration and commercial application of technologies to facilitate the use of alternative fuel school buses and ultra-low sulfur diesel school buses in lieu of buses manufactured before model year 1977 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.

(3) PRIORITY OF GRANT APPLICATIONS.—The Secretary shall give priority to awarding grants to applicants who can demonstrate the use of alternative fuel buses and ultra-low sulfur diesel school buses in lieu of buses manufactured before model year 1977.

(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 at least the lesser 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 sulfur at 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) BUSES.—Funding under a grant made under this section may be used to demonstrate the use only of new alternative fuel school buses or ultra-low sulfur diesel school buses—

(1) with a gross vehicle weight of greater than 14,000 pounds;

(2) that are powered by a heavy duty engine;

(3) that, in the case of alternative fuel school buses, emit not more than—

(A) for buses manufactured in model years 2001 and 2002, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 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 .01 grams per brake horsepower-hour of particulate matter; and

(4) that, in the case of ultra-low sulfur diesel school buses, emit not more than—

(A) for buses manufactured in model years 2001 through 2003, 3.0 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(B) for buses manufactured in model years 2004 through 2006, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter,

except that under no circumstances shall buses be acquired under this section that emit nonmethane hydrocarbons, oxides of nitrogen, or particulate matter at a rate greater than the best performing technology of ultra-low sulfur diesel school buses commercially available at the time the grant is made.

(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 10 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, liquefied 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 not more than 15 parts per million.

SEC. 2143. 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 local government using natural gas-powered 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 activities; 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 2144 may be used for carrying out this section for the period encompassing fiscal years 2002 through 2006.

(d) REPORTS 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 results of the development and demonstration program under this section.

SEC. 2144. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for carrying out this subtitle, to remain available until expended—

(1) $40,000,000 for fiscal year 2002;
(2) $50,000,000 for fiscal year 2003;
(3) $60,000,000 for fiscal year 2004;
(4) $70,000,000 for fiscal year 2005; and
(5) $80,000,000 for fiscal year 2006.

Subtitle E—Next Generation Lighting Initiative

SEC. 2151. SHORT TITLE.

This subtitle may be cited as ''Next Generation Lighting Initiative Act''.

SEC. 2152. DEFINITION.

In this subtitle, the term ''Lighting Initiative'' means the ''Next Generation Lighting Initiative'' established under section 2153(a).

SEC. 2153. NEXT GENERATION LIGHTING INITIATIVE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish a lighting initiative to be known as the ''Next Generation Lighting Initiative'' to research, develop, and conduct demonstration activities on advanced lighting technologies, including white light emitting diodes.

(b) RESEARCH OBJECTIVES.—The research objectives of the Lighting Initiative shall be to develop, by 2011, advanced lighting technologies that, compared to incandescent and fluorescent lighting technologies as of the date of the enactment of this Act, are—

(1) longer lasting;
(2) more energy-efficient; and
(3) cost-competitive.

SEC. 2154. STUDY.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary, in consultation with other Federal agencies, as appropriate, shall complete a study on strategies for the development and commercial application of advanced lighting technologies. The Secretary shall request a review by the National Academies of Sciences and Engineering of the study under this subsection, and shall transmit the results of the study to the appropriate congressional committees.

(b) REQUIREMENTS.—The study shall—

(1) develop a comprehensive strategy to implement the Lighting Initiative; and

(2) identify the research and development, manufacturing, deployment, and marketing barriers that must be overcome to achieve a goal of a 25 percent market penetration by advanced lighting technologies into the incandescent and fluorescent lighting market by the year 2012.

(c) IMPLEMENTATION.—As soon as practicable after the review of the study under subsection (a) is transmitted to the Secretary by the National Academies of Sciences and Engineering, the Secretary shall adapt the implementation of the Lighting Initiative taking into consideration the recommendations of the National Academies of Sciences and Engineering.

SEC. 2155. GRANT PROGRAM.

(a) IN GENERAL.—Subject to section 2603 of this Act, the Secretary may make merit-based competitive grants to firms and research organizations that conduct research, development, and demonstration projects related to advanced lighting technologies.

(b) ANNUAL REVIEW.—

(1) IN GENERAL.—An annual independent review of the grant-related activities of firms and research organizations receiving a grant under this section shall be conducted by a committee appointed by the Secretary under the Federal Advisory Committee Act (5 U.S.C. App.), or, at the request of the Secretary, a committee appointed by the National Academies of Sciences and Engineering.

(2) REQUIREMENTS.—Using clearly defined standards established by the Secretary, the review shall assess technology advances and progress toward commercialization of the grant-related activities of firms or research organizations during each fiscal year of the grant program.

(c) TECHNICAL AND FINANCIAL ASSISTANCE.—The national laboratories and other Federal agencies, as appropriate, shall cooperate with and provide technical and financial assistance to firms and research organizations conducting research, development, and demonstration projects carried out under this subtitle.

Subtitle F—Department of Energy Authorization of Appropriations

SEC. 2161. AUTHORIZATION OF APPROPRIATIONS.

(a) OPERATION AND MAINTENANCE.—In addition to amounts authorized to be appropriated under section 2105, section 2125, and section 2144, there are authorized to be appropriated to the Secretary for subtitle B, subtitle C, subtitle E, and for Energy Conservation operation and maintenance (including Building Technology, State and Community Sector (Nongrants), Industry Sector, Transportation Sector, Power Technologies, and Policy and Management) $625,000,000 for fiscal year 2002, $700,000,000 for fiscal year 2003, and $800,000,000 for fiscal year 2004, to remain available until expended.

(b) LIMITS ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (a) may be used for—

(1) Building Technology, State and Community Sector—

(A) Residential Building Energy Codes;
(B) Commercial Building Energy Codes;
(C) Lighting and Appliance Standards;
(D) Weatherization Assistance Program; or
(E) State Energy Program; or

(2) Federal Energy Management Program.

Subtitle G—Environmental Protection Agency Office of Air and Radiation Authorization of Appropriations

SEC. 2171. SHORT TITLE.

This subtitle may be cited as the ''Environmental Protection Agency Office of Air and Radiation Authorization Act of 2001''.

SEC. 2172. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator for Office of Air and Radiation Climate Change Protection Programs $121,942,000 for fiscal year 2002, $126,800,000 for fiscal year 2003, and $131,800,000 for fiscal year 2004 to remain available until expended, of which—

(1) $52,731,000 for fiscal year 2002, $54,800,000 for fiscal year 2003, and $57,000,000 for fiscal year 2004 shall be for Buildings;

(2) $32,441,000 for fiscal year 2002, $33,700,000 for fiscal year 2003, and $35,000,000 for fiscal year 2004 shall be for Transportation;

(3) $27,295,000 for fiscal year 2002, $28,400,000 for fiscal year 2003, and $29,500,000 for fiscal year 2004 shall be for Industry;

(4) $1,700,000 for fiscal year 2002, $1,800,000 for fiscal year 2003, and $1,900,000 for fiscal year 2004 shall be for Carbon Removal;

(5) $2,500,000 for fiscal year 2002, $2,600,000 for fiscal year 2003, and $2,700,000 for fiscal year 2004 shall be for State and Local Climate; and

(6) $5,275,000 for fiscal year 2002, $5,500,000 for fiscal year 2003, and $5,700,000 for fiscal

year 2004 shall be for International Capacity Building.

SEC. 2173. LIMITS ON USE OF FUNDS.

(a) PRODUCTION OR PROVISION OF ARTICLES OR SERVICES.—None of the funds authorized to be appropriated by this subtitle may be used to produce or provide articles or services for the purpose of selling the articles or services to a person outside the Federal Government, unless the Administrator determines that comparable articles or services are not available from a commercial source in the United States.

(b) REQUESTS FOR PROPOSALS.—None of the funds authorized to be appropriated by this subtitle may be used by the Environmental Protection Agency to prepare or initiate Requests for Proposals for a program if the program has not been authorized by Congress.

SEC. 2174. COST SHARING.

(a) RESEARCH AND DEVELOPMENT.—Except as otherwise provided in this subtitle, for research and development programs carried out under this subtitle, the Administrator shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Administrator may reduce or eliminate the non-Federal requirement under this subsection if the Administrator determines that the research and development is of a basic or fundamental nature.

(b) DEMONSTRATION AND COMMERCIAL APPLICATION.—Except as otherwise provided in this subtitle, the Administrator shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this subtitle to be provided from non-Federal sources. The Administrator may reduce the non-Federal requirement under this subsection if the Administrator determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this subtitle.

(c) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Administrator may include personnel, services, equipment, and other resources.

SEC. 2175. LIMITATION ON DEMONSTRATION AND COMMERCIAL APPLICATIONS OF ENERGY TECHNOLOGY.

The Administrator shall provide funding for scientific or energy demonstration or commercial application of energy technology programs, projects, or activities of the Office of Air and Radiation only for technologies or processes that can be reasonably expected to yield new, measurable benefits to the cost, efficiency, or performance of the technology or process.

SEC. 2176. REPROGRAMMING.

(a) AUTHORITY.—The Administrator may use amounts appropriated under this subtitle for a program, project, or activity other than the program, project, or activity for which such amounts were appropriated only if—

(1) the Administrator has transmitted to the appropriate congressional committees a report described in subsection (b) and a period of 30 days has elapsed after such committees receive the report;

(2) amounts used for the program, project, or activity do not exceed—

(A) 105 percent of the amount authorized for the program, project, or activity; or

(B) $250,000 more than the amount authorized for the program, project, or activity,

whichever is less; and

(3) the program, project, or activity has been presented to, or requested of, the Congress by the Administrator.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this subtitle exceed the total amount authorized to be appropriated by this subtitle.

(2) Funds appropriated pursuant to this subtitle may not be used for an item for which Congress has declined to authorize funds.

SEC. 2177. BUDGET REQUEST FORMAT.

The Administrator shall provide to the appropriate congressional committees, to be transmitted at the same time as the Environmental Protection Agency's annual budget request submission, a detailed justification for budget authorization for the programs, projects, and activities for which funds are authorized by this subtitle. Each such document shall include, for the fiscal year for which funding is being requested and for the 2 previous fiscal years—

(1) a description of, and funding requested or allocated for, each such program, project, or activity;

(2) an identification of all recipients of funds to conduct such programs, projects, and activities; and

(3) an estimate of the amounts to be expended by each recipient of funds identified under paragraph (2).

SEC. 2178. OTHER PROVISIONS.

(a) ANNUAL OPERATING PLAN AND REPORTS.—The Administrator shall provide simultaneously to the Committee on Science of the House of Representatives—

(1) any annual operating plan or other operational funding document, including any additions or amendments thereto; and

(2) any report relating to the environmental research or development, scientific or energy research, development, or demonstration, or commercial application of energy technology programs, projects, or activities of the Environmental Protection Agency,

provided to any committee of Congress.

(b) NOTICE OF REORGANIZATION.—The Administrator shall provide notice to the appropriate congressional committees not later than 15 days before any reorganization of any environmental research or development, scientific or energy research, development, or demonstration, or commercial application of energy technology program, project, or activity of the Office of Air and Radiation.

Subtitle H—National Building Performance Initiative

SEC. 2181. NATIONAL BUILDING PERFORMANCE INITIATIVE.

(a) INTERAGENCY GROUP.—Not later than 3 months after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall establish an Interagency Group responsible for the development and implementation of a National Building Performance Initiative to address energy conservation and research and development and related issues. The National Institute of Standards and Technology shall provide necessary administrative support for the Interagency Group.

(b) PLAN.—Not later than 9 months after the date of the enactment of this Act, the Interagency Group shall transmit to the Congress a multiyear implementation plan describing the Federal role in reducing the costs, including energy costs, of using, owning, and operating commercial, institutional, residential, and industrial buildings by 30 percent by 2020. The plan shall include—

(1) research, development, and demonstration of systems and materials for new construction and retrofit, on the building envelope and components; and

(2) the collection and dissemination in a usable form of research results and other pertinent information to the design and construction industry, government officials, and the general public.

(c) NATIONAL BUILDING PERFORMANCE ADVISORY COMMITTEE.—A National Building Performance Advisory Committee shall be established to advise on creation of the plan, review progress made under the plan, advise on any improvements that should be made to the plan, and report to the Congress on actions that have been taken to advance the Nation's capability in furtherance of the plan. The members shall include representatives of a broad cross-section of interests such as the research, technology transfer, architectural, engineering, and financial communities; materials and systems suppliers; State, county, and local governments; the residential, multifamily, and commercial sectors of the construction industry; and the insurance industry.

(d) REPORT.—The Interagency Group shall, within 90 days after the end of each fiscal year, transmit a report to the Congress describing progress achieved during the preceding fiscal year by government at all levels and by the private sector, toward implementing the plan developed under subsection (b), and including any amendments to the plan.

TITLE II—RENEWABLE ENERGY

Subtitle A—Hydrogen

SEC. 2201. SHORT TITLE.

This subtitle may be cited as the ''Robert S. Walker and George E. Brown, Jr. Hydrogen Energy Act of 2001''.

SEC. 2202. PURPOSES.

Section 102(b) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

''(b) PURPOSES.—The purposes of this Act are—

''(1) to direct the Secretary to conduct research, development, and demonstration activities leading to the production, storage, transportation, and use of hydrogen for industrial, commercial, residential, transportation, and utility applications;

''(2) to direct the Secretary to develop a program of technology assessment, information dissemination, and education in which Federal, State, and local agencies, members of the energy, transportation, and other industries, and other entities may participate; and

''(3) to develop methods of hydrogen production that minimize adverse environmental impacts, with emphasis on efficient and cost-effective production from renewable energy resources.''.

SEC. 2203. DEFINITIONS.

Section 102(c) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2), as so redesignated by paragraph (1) of this section, the following new paragraph:

''(1) 'advisory committee' means the advisory committee established under section 108;''.

SEC. 2204. REPORTS TO CONGRESS.

Section 103 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

"SEC. 103. REPORTS TO CONGRESS.

''(a) REQUIREMENT.—Not later than 1 year after the date of the enactment of the Robert S. Walker and George E. Brown, Jr. Hydrogen Energy Act of 2001, and biennially thereafter, the Secretary shall transmit to Congress a detailed report on the status and progress of the programs and activities authorized under this Act.

''(b) CONTENTS.—A report under subsection (a) shall include, in addition to any views and recommendations of the Secretary—

''(1) an assessment of the extent to which the program is meeting the purposes specified in section 102(b);

''(2) a determination of the effectiveness of the technology assessment, information dissemination, and education program established under section 106;

''(3) an analysis of Federal, State, local, and private sector hydrogen-related research, development, and demonstration activities to identify productive areas for increased intergovernmental and private-public sector collaboration; and

''(4) recommendations of the advisory committee for any improvements needed in the programs and activities authorized by this Act.''.

SEC. 2205. HYDROGEN RESEARCH AND DEVELOPMENT.

Section 104 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

"SEC. 104. HYDROGEN RESEARCH AND DEVELOPMENT.

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall conduct a hydrogen research and development program relating to production, storage, transportation, and use of hydrogen, with the goal of enabling the private sector to demonstrate the technical feasibility of using hydrogen for industrial, commercial, residential, transportation, and utility applications.

''(b) ELEMENTS.—In conducting the program authorized by this section, the Secretary shall—

''(1) give particular attention to developing an understanding and resolution of critical technical issues preventing the introduction of hydrogen as an energy carrier into the marketplace;

''(2) initiate or accelerate existing research and development in critical technical issues that will contribute to the development of more economical hydrogen production, storage, transportation, and use, including critical technical issues with respect to production (giving priority to those production techniques that use renewable energy resources as their primary source of energy for hydrogen production), liquefaction, transmission, distribution, storage, and use (including use of hydrogen in surface transportation); and

''(3) survey private sector and public sector hydrogen research and development activities worldwide, and take steps to ensure that research and development activities under this section do not—

''(A) duplicate any available research and development results; or

''(B) displace or compete with the privately funded hydrogen research and development activities of United States industry.

''(c) EVALUATION OF TECHNOLOGIES.—The Secretary shall evaluate, for the purpose of determining whether to undertake or fund research and development activities under this section, any reasonable new or improved technology that could lead or contribute to the development of economical hydrogen production, storage, transportation, and use.

''(d) RESEARCH AND DEVELOPMENT SUPPORT.—The Secretary is authorized to arrange for tests and demonstrations and to disseminate to researchers and developers information, data, and other materials necessary to support the research and development activities authorized under this section and other efforts authorized under this Act, consistent with section 106 of this Act.

''(e) COMPETITIVE PEER REVIEW.—The Secretary shall carry out or fund research and development activities under this section only on a competitive basis using peer review.

''(f) COST SHARING.—For research and development programs carried out under this section, the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this subsection if the Secretary determines that the research and development is of a basic or fundamental nature.''.

SEC. 2206. DEMONSTRATIONS.

Section 105 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended—

(1) in subsection (a), by striking '', preferably in self-contained locations,'';

(2) in subsection (b), by striking ''at self-contained sites'' and inserting '', which shall include a fuel cell bus demonstration program to address hydrogen production, storage, and use in transit bus applications''; and

(3) in subsection (c), by inserting ''NON-FEDERAL FUNDING REQUIREMENT.—'' after ''(c)''.

SEC. 2207. TECHNOLOGY TRANSFER.

Section 106 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

"SEC. 106. TECHNOLOGY ASSESSMENT, INFORMATION DISSEMINATION, AND EDUCATION PROGRAM.

''(a) PROGRAM.—The Secretary shall, in consultation with the advisory committee, conduct a program designed to accelerate wider application of hydrogen production, storage, transportation, and use technologies, including application in foreign countries to increase the global market for the technologies and foster global economic development without harmful environmental effects.

''(b) INFORMATION.—The Secretary, in carrying out the program authorized by subsection (a), shall—

''(1) undertake an update of the inventory and assessment, required under section 106(b)(1) of this Act as in effect before the date of the enactment of the Robert S. Walker and George E. Brown, Jr. Hydrogen Energy Act of 2001, of hydrogen technologies and their commercial capability to economically produce, store, transport, or use hydrogen in industrial, commercial, residential, transportation, and utility sector; and

''(2) develop, with other Federal agencies as appropriate and industry, an information exchange program to improve technology transfer for hydrogen production, storage, transportation, and use, which may consist of workshops, publications, conferences, and a database for the use by the public and private sectors.''.

SEC. 2208. COORDINATION AND CONSULTATION.

Section 107 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended—

(1) by amending paragraph (1) of subsection (a) to read as follows:

''(1) shall establish a central point for the coordination of all hydrogen research, development, and demonstration activities of the Department; and''; and

(2) by amending subsection (c) to read as follows:

''(c) CONSULTATION.—The Secretary shall consult with other Federal agencies as appropriate, and the advisory committee, in carrying out the Secretary's authorities pursuant to this Act.''.

SEC. 2209. ADVISORY COMMITTEE.

Section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

"SEC. 108. ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—The Secretary shall enter into appropriate arrangements with the National Academies of Sciences and Engineering to establish an advisory committee consisting of experts drawn from domestic industry, academia, Governmental laboratories, and financial, environmental, and other organizations, as appropriate, to review and advise on the progress made through the programs and activities authorized under this Act.

''(b) COOPERATION.—The heads of Federal agencies shall cooperate with the advisory committee in carrying out this section and shall furnish to the advisory committee such information as the advisory committee reasonably deems necessary to carry out this section.

''(c) REVIEW.—The advisory committee shall review and make any necessary recommendations to the Secretary on—

''(1) the implementation and conduct of programs and activities authorized under this Act; and

''(2) the economic, technological, and environmental consequences of the deployment of hydrogen production, storage, transportation, and use systems.

''(d) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall consider, but need not adopt, any recommendations of the advisory committee under subsection (c). The Secretary shall provide an explanation of the reasons that any such recommendations will not be implemented and include such explanation in the report to Congress under section 103(a) of this Act.''.

SEC. 2210. AUTHORIZATION OF APPROPRIATIONS.

Section 109 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

"SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

''(a) RESEARCH AND DEVELOPMENT; ADVISORY COMMITTEE.—There are authorized to be appropriated to the Secretary to carry out sections 104 and 108—

''(1) $40,000,000 for fiscal year 2002;

''(2) $45,000,000 for fiscal year 2003;

''(3) $50,000,000 for fiscal year 2004;

''(4) $55,000,000 for fiscal year 2005; and

''(5) $60,000,000 for fiscal year 2006.

''(b) DEMONSTRATION.—There are authorized to be appropriated to the Secretary to carry out section 105—

''(1) $20,000,000 for fiscal year 2002;

''(2) $25,000,000 for fiscal year 2003;

''(3) $30,000,000 for fiscal year 2004;

''(4) $35,000,000 for fiscal year 2005; and

''(5) $40,000,000 for fiscal year 2006.''.

SEC. 2211. REPEAL.

(a) REPEAL.—Title II of the Hydrogen Future Act of 1996 is repealed.

(b) CONFORMING AMENDMENT.—Section 2 of the Hydrogen Future Act of 1996 is amended by striking ''titles II and III'' and inserting ''title III''.

Subtitle B—Bioenergy

SEC. 2221. SHORT TITLE.

This subtitle may be cited as the ''Bioenergy Act of 2001''.

SEC. 2222. FINDINGS.

Congress finds that bioenergy has potential to help—

(1) meet the Nation's energy needs;

(2) reduce reliance on imported fuels;

(3) promote rural economic development;

(4) provide for productive utilization of agricultural residues and waste materials, and forestry residues and byproducts; and

(5) protect the environment.

SEC. 2223. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''bioenergy'' means energy derived from any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, and animal and other organic wastes;

(2) the term ''biofuels'' includes liquid or gaseous fuels, industrial chemicals, or both;

(3) the term ''biopower'' includes the generation of electricity or process steam or both; and

(4) the term ''integrated bioenergy research and development'' includes biopower and biofuels applications.

SEC. 2224. AUTHORIZATION.

The Secretary is authorized to conduct environmental research and development, scientific and energy research, development, and demonstration, and commercial application of energy technology programs, projects, and activities related to bioenergy, including biopower energy systems, biofuels energy systems, and integrated bioenergy research and development.

SEC. 2225. AUTHORIZATION OF APPROPRIATIONS.

(a) BIOPOWER ENERGY SYSTEMS.—There are authorized to be appropriated to the Secretary for Biopower Energy Systems programs, projects, and activities—

(1) $45,700,000 for fiscal year 2002;

(2) $52,500,000 for fiscal year 2003;

(3) $60,300,000 for fiscal year 2004;

(4) $69,300,000 for fiscal year 2005; and

(5) $79,600,000 for fiscal year 2006.

(b) BIOFUELS ENERGY SYSTEMS.—There are authorized to be appropriated to the Secretary for biofuels energy systems programs, projects, and activities—

(1) $53,500,000 for fiscal year 2002;

(2) $61,400,000 for fiscal year 2003;

(3) $70,600,000 for fiscal year 2004;

(4) $81,100,000 for fiscal year 2005; and

(5) $93,200,000 for fiscal year 2006.

(c) INTEGRATED BIOENERGY RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the Secretary for integrated bioenergy research and development programs, projects, and activities, $49,000,000 for each of the fiscal years 2002 through 2006. Activities funded under this subsection shall be coordinated with ongoing related programs of other Federal agencies, including the Plant Genome Program of the National Science Foundation.

(d) INTEGRATED APPLICATIONS.—Amounts authorized to be appropriated under this subtitle may be used to assist in the planning, design, and implementation of projects to convert rice straw and barley grain into biopower or biofuels.

Subtitle C—Transmission Infrastructure Systems

SEC. 2241. TRANSMISSION INFRASTRUCTURE SYSTEMS RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.

(a) IN GENERAL.—The Secretary shall develop and implement a comprehensive research, development, demonstration, and commercial application program to ensure the reliability, efficiency, and environmental integrity of electrical transmission systems. Such program shall include advanced energy technologies and systems, high capacity superconducting transmission lines and generators, advanced grid reliability and efficiency technologies development, technologies contributing to significant load reductions, advanced metering, load management and control technologies, and technology transfer and education.

(b) TECHNOLOGY.—In carrying out this subtitle, the Secretary may include research, development, and demonstration on and commercial application of improved transmission technologies including the integration of the following technologies into improved transmission systems:

(1) High temperature superconductivity.

(2) Advanced transmission materials.

(3) Self-adjusting equipment, processes, or software for survivability, security, and failure containment.

(4) Enhancements of energy transfer over existing lines.

(5) Any other infrastructure technologies, as appropriate.

SEC. 2242. PROGRAM PLAN.

Within 4 months after the date of the enactment of this Act, the Secretary, in consultation with other appropriate Federal agencies, shall prepare and transmit to Congress a 5-year program plan to guide activities under this subtitle. In preparing the program plan, the Secretary shall consult with appropriate representatives of the transmission infrastructure systems industry to select and prioritize appropriate program areas. The Secretary shall also seek the advice of utilities, energy services providers, manufacturers, institutions of higher learning, other appropriate State and local agencies, environmental organizations, professional and technical societies, and any other persons as the Secretary considers appropriate.

SEC. 2243. REPORT.

Two years after the date of the enactment of this Act, and at two year intervals thereafter, the Secretary, in consultation with other appropriate Federal agencies, shall transmit a report to Congress describing the progress made to achieve the purposes of this subtitle and identifying any additional resources needed to continue the development and commercial application of transmission infrastructure technologies.

Subtitle D—Department of Energy Authorization of Appropriations

SEC. 2261. AUTHORIZATION OF APPROPRIATIONS.

(a) OPERATION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary for Renewable Energy operation and maintenance, including activities under subtitle C, Geothermal Technology Development, Hydropower, Concentrating Solar Power, Photovoltaic Energy Systems, Solar Building Technology Research, Wind Energy Systems, High Temperature Superconducting Research and Development, Energy Storage Systems, Transmission Reliability, International Renewable Energy Program, Renewable Energy Production Incentive Program, Renewable Program Support, National Renewable Energy Laboratory, and Program Direction, and including amounts authorized under the amendment made by section 2210 and amounts authorized under section 2225, $535,000,000 for fiscal year 2002, $639,000,000 for fiscal year 2003, and $683,000,000 for fiscal year 2004, to remain available until expended.

(b) WAVE POWERED ELECTRIC GENERATION.—Within the amounts authorized to be appropriated to the Secretary under subsection (a), the Secretary shall carry out a research program, in conjunction with other appropriate Federal agencies, on wave powered electric generation.

(c) ASSESSMENT OF RENEWABLE ENERGY RESOURCES.—

(1) IN GENERAL.—Using funds authorized in subsection (a), of this section, the Secretary shall transmit to the Congress, within one year after the date of the enactment of this Act, an assessment of all renewable energy resources available within the United States.

(2) RESOURCE ASSESSMENT.—Such report shall include a detailed inventory describing the available amount and characteristics of solar, wind, biomass, geothermal, hydroelectric, and other renewable energy sources, and an estimate of the costs needed to develop each resource. The report shall also include such other information as the Secretary believes would be useful in siting renewable energy generation, such as appropriate terrain, population and load centers, nearby energy infrastructure, and location of energy resources.

(3) AVAILABILITY.—The information and cost estimates in this report shall be updated annually and made available to the public, along with the data used to create the report.

(4) SUNSET.—This subsection shall expire at the end of fiscal year 2004.

(d) LIMITS ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (a) may be used for—

(1) Departmental Energy Management Program; or

(2) Renewable Indian Energy Resources.

TITLE III—NUCLEAR ENERGY

Subtitle A—University Nuclear Science and Engineering

SEC. 2301. SHORT TITLE.

This subtitle may be cited as ''Department of Energy University Nuclear Science and Engineering Act''.

SEC. 2302. FINDINGS.

The Congress finds the following:

(1) United States university nuclear science and engineering programs are in a state of serious decline, with nuclear engineering enrollment at a 35-year low. Since 1980, the number of nuclear engineering university programs has declined nearly 40 percent, and over two-thirds of the faculty in these programs are 45 years of age or older. Also, since 1980, the number of university research and training reactors in the United States has declined by over 50 percent. Most of these reactors were built in the late 1950s and 1960s with 30-year to 40-year operating licenses, and many will require relicensing in the next several years.

(2) A decline in a competent nuclear workforce, and the lack of adequately trained nuclear scientists and engineers, will affect the ability of the United States to solve future nuclear waste storage issues, operate existing and design future fission reactors in the United States, respond to future nuclear events worldwide, help stem the proliferation of nuclear weapons, and design and operate naval nuclear reactors.

(3) The Department of Energy's Office of Nuclear Energy, Science and Technology, a principal Federal agency for civilian research in nuclear science and engineering, is well suited to help maintain tomorrow's human resource and training investment in the nuclear sciences and engineering.

SEC. 2303. DEPARTMENT OF ENERGY PROGRAM.

(a) ESTABLISHMENT.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall support a program to maintain the Nation's human resource investment and infrastructure in the nuclear sciences and engineering consistent with the Department's statutory authorities related to civilian nuclear research, development, and demonstration and commercial application of energy technology.

(b) DUTIES OF THE OFFICE OF NUCLEAR ENERGY, SCIENCE AND TECHNOLOGY.—In carrying out the program under this subtitle, the Director of the Office of Nuclear Energy, Science and Technology shall—

(1) develop a robust graduate and undergraduate fellowship program to attract new and talented students;

(2) assist universities in recruiting and retaining new faculty in the nuclear sciences and engineering through a Junior Faculty Research Initiation Grant Program;

(3) maintain a robust investment in the fundamental nuclear sciences and engineering through the Nuclear Engineering Education Research Program;

(4) encourage collaborative nuclear research among industry, national laboratories, and universities through the Nuclear Energy Research Initiative;

(5) assist universities in maintaining reactor infrastructure; and

(6) support communication and outreach related to nuclear science and engineering.

(c) MAINTAINING UNIVERSITY RESEARCH AND TRAINING REACTORS AND ASSOCIATED INFRASTRUCTURE.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall provide for the following university research and training reactor infrastructure maintenance and research activities:

(1) Refueling of university research reactors with low enriched fuels, upgrade of operational instrumentation, and sharing of reactors among universities.

(2) In collaboration with the United States nuclear industry, assistance, where necessary, in relicensing and upgrading university training reactors as part of a student training program.

(3) A university reactor research and training award program that provides for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) UNIVERSITY-DOE LABORATORY INTERACTIONS.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall develop—

(1) a sabbatical fellowship program for university faculty to spend extended periods of time at Department of Energy laboratories in the areas of nuclear science and technology; and

(2) a visiting scientist program in which laboratory staff can spend time in academic nuclear science and engineering departments.

The Secretary may under subsection (b)(1) provide for fellowships for students to spend time at Department of Energy laboratories in the areas of nuclear science and technology under the mentorship of laboratory staff.

(e) OPERATIONS AND MAINTENANCE.—To the extent that the use of a university research reactor is funded under this subtitle, funds authorized under this subtitle may be used to supplement operation of the research reactor during the investigator's proposed effort. The host institution shall provide at least 50 percent of the cost of the reactor's operation.

(f) MERIT REVIEW REQUIRED.—All grants, contracts, cooperative agreements, or other financial assistance awards under this subtitle shall be made only after independent merit review.

(g) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall prepare and transmit to the appropriate congressional committees a 5-year plan on how the programs authorized in this subtitle will be implemented. The plan shall include a review of the projected personnel needs in the fields of nuclear science and engineering and of the scope of nuclear science and engineering education programs at the Department and other Federal agencies.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS.

(a) TOTAL AUTHORIZATION.—The following sums are authorized to be appropriated to the Secretary, to remain available until expended, for the purposes of carrying out this subtitle:

(1) $30,200,000 for fiscal year 2002.
(2) $41,000,000 for fiscal year 2003.
(3) $47,900,000 for fiscal year 2004.
(4) $55,600,000 for fiscal year 2005.
(5) $64,100,000 for fiscal year 2006.

(b) GRADUATE AND UNDERGRADUATE FELLOWSHIPS.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(b)(1):

(1) $3,000,000 for fiscal year 2002.
(2) $3,100,000 for fiscal year 2003.
(3) $3,200,000 for fiscal year 2004.
(4) $3,200,000 for fiscal year 2005.
(5) $3,200,000 for fiscal year 2006.

(c) JUNIOR FACULTY RESEARCH INITIATION GRANT PROGRAM.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(b)(2):

(1) $5,000,000 for fiscal year 2002.
(2) $7,000,000 for fiscal year 2003.
(3) $8,000,000 for fiscal year 2004.
(4) $9,000,000 for fiscal year 2005.
(5) $10,000,000 for fiscal year 2006.

(d) NUCLEAR ENGINEERING EDUCATION RESEARCH PROGRAM.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(b)(3):

(1) $8,000,000 for fiscal year 2002.
(2) $12,000,000 for fiscal year 2003.
(3) $13,000,000 for fiscal year 2004.
(4) $15,000,000 for fiscal year 2005.
(5) $20,000,000 for fiscal year 2006.

(e) COMMUNICATION AND OUTREACH RELATED TO NUCLEAR SCIENCE AND ENGINEERING.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(b)(5):

(1) $200,000 for fiscal year 2002.
(2) $200,000 for fiscal year 2003.
(3) $300,000 for fiscal year 2004.
(4) $300,000 for fiscal year 2005.
(5) $300,000 for fiscal year 2006.

(f) REFUELING OF UNIVERSITY RESEARCH REACTORS AND INSTRUMENTATION UPGRADES.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(c)(1):

(1) $6,000,000 for fiscal year 2002.
(2) $6,500,000 for fiscal year 2003.
(3) $7,000,000 for fiscal year 2004.
(4) $7,500,000 for fiscal year 2005.
(5) $8,000,000 for fiscal year 2006.

(g) RELICENSING ASSISTANCE.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(c)(2):

(1) $1,000,000 for fiscal year 2002.
(2) $1,100,000 for fiscal year 2003.
(3) $1,200,000 for fiscal year 2004.
(4) $1,300,000 for fiscal year 2005.
(5) $1,300,000 for fiscal year 2006.

(h) REACTOR RESEARCH AND TRAINING AWARD PROGRAM.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(c)(3):

(1) $6,000,000 for fiscal year 2002.
(2) $10,000,000 for fiscal year 2003.
(3) $14,000,000 for fiscal year 2004.
(4) $18,000,000 for fiscal year 2005.
(5) $20,000,000 for fiscal year 2006.

(i) UNIVERSITY-DOE LABORATORY INTERACTIONS.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(d):

(1) $1,000,000 for fiscal year 2002.
(2) $1,100,000 for fiscal year 2003.
(3) $1,200,000 for fiscal year 2004.
(4) $1,300,000 for fiscal year 2005.
(5) $1,300,000 for fiscal year 2006.

Subtitle B—Advanced Fuel Recycling Technology Research and Development Program

SEC. 2321. PROGRAM.

(a) IN GENERAL.—The Secretary, through the Director of the Office of Nuclear Energy, Science and Technology, shall conduct an advanced fuel recycling technology research and development program to further the availability of proliferation-resistant fuel recycling technologies as an alternative to aqueous reprocessing in support of evaluation of alternative national strategies for spent nuclear fuel and the Generation IV advanced reactor concepts, subject to annual review by the Secretary's Nuclear Energy Research Advisory Committee or other independent entity, as appropriate.

(b) REPORTS.—The Secretary shall report on the activities of the advanced fuel recycling technology research and development program, as part of the Department's annual budget submission.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $10,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal year 2003 and fiscal year 2004.

Subtitle C—Department of Energy Authorization of Appropriations

SEC. 2341. NUCLEAR ENERGY RESEARCH INITIATIVE.

(a) PROGRAM.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall conduct a Nuclear Energy Research Initiative for grants to be competitively awarded and subject to peer review for research relating to nuclear energy.

(b) OBJECTIVES.—The program shall be directed toward accomplishing the objectives of—

(1) developing advanced concepts and scientific breakthroughs in nuclear fission and reactor technology to address and overcome the principal technical and scientific obstacles to the expanded use of nuclear energy in the United States;

(2) advancing the state of nuclear technology to maintain a competitive position in foreign markets and a future domestic market;

(3) promoting and maintaining a United States nuclear science and engineering infrastructure to meet future technical challenges;

(4) providing an effective means to collaborate on a cost-shared basis with international agencies and research organizations to address and influence nuclear technology development worldwide; and

(5) promoting United States leadership and partnerships in bilateral and multilateral nuclear energy research.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $60,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal year 2003 and fiscal year 2004.

SEC. 2342. NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.

(a) PROGRAM.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall conduct a Nuclear Energy Plant Optimization research and development program jointly with industry and cost-shared by industry by at least 50 percent and subject to annual review by the Secretary's Nuclear Energy Research Advisory Committee or other independent entity, as appropriate.

(b) OBJECTIVES.—The program shall be directed toward accomplishing the objectives of—

(1) managing long-term effects of component aging; and

(2) improving the efficiency and productivity of existing nuclear power stations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $15,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 and 2004.

SEC. 2343. NUCLEAR ENERGY TECHNOLOGIES.

(a) IN GENERAL.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall conduct a study of Generation IV nuclear energy systems, including development of a technology roadmap and performance of research and development necessary to make an informed technical decision regarding the most promising candidates for commercial application.

(b) REACTOR CHARACTERISTICS.—To the extent practicable, in conducting the study under subsection (a), the Secretary shall study nuclear energy systems that offer the highest probability of achieving the goals for Generation IV nuclear energy systems, including—

(1) economics competitive with any other generators;

(2) enhanced safety features, including passive safety features;

(3) substantially reduced production of high-level waste, as compared with the quantity of waste produced by reactors in operation on the date of enactment of this Act;

(4) highly proliferation-resistant fuel and waste;

(5) sustainable energy generation including optimized fuel utilization; and

(6) substantially improved thermal efficiency, as compared with the thermal efficiency of reactors in operation on the date of enactment of this Act.

(c) CONSULTATION.—In conducting the study under subsection (a), the Secretary shall consult with appropriate representatives of industry, institutions of higher education, Federal agencies, and international, professional, and technical organizations.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2002, the Secretary shall transmit to the appropriate congressional committees a report describing the activities of the Secretary under this section, and plans for research and development leading to a public/private cooperative demonstration of one or more Generation IV nuclear energy systems.

(2) CONTENTS.—The report shall contain—

(A) an assessment of all available technologies;

(B) a summary of actions needed for the most promising candidates to be considered as viable commercial options within the five to ten years after the date of the report, with consideration of regulatory, economic, and technical issues;

(C) a recommendation of not more than three promising Generation IV nuclear energy system concepts for further development;

(D) an evaluation of opportunities for public/private partnerships;

(E) a recommendation for structure of a public/private partnership to share in development and construction costs;

(F) a plan leading to the selection and conceptual design, by September 30, 2004, of at least one Generation IV nuclear energy system concept recommended under subparagraph (C) for demonstration through a public/private partnership;

(G) an evaluation of opportunities for siting demonstration facilities on Department of Energy land; and

(H) a recommendation for appropriate involvement of other Federal agencies.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section and to carry out the recommendations in the report transmitted under subsection (d)—

(1) $20,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal year 2003 and fiscal year 2004.

SEC. 2344. AUTHORIZATION OF APPROPRIATIONS.

(a) OPERATION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary to carry out activities authorized under this title for nuclear energy operation and maintenance, including amounts authorized under sections 2304(a), 2321(c), 2341(c), 2342(c), and 2343(e), and including Advanced Radioisotope Power Systems, Test Reactor Landlord, and Program Direction, $191,200,000 for fiscal year 2002, $199,000,000 for fiscal year 2003, and $207,000,000 for fiscal year 2004, to remain available until expended.

(b) CONSTRUCTION.—There are authorized to be appropriated to the Secretary—

(1) $950,000 for fiscal year 2002, $2,200,000 for fiscal year 2003, $1,246,000 for fiscal year 2004, and $1,699,000 for fiscal year 2005 for completion of construction of Project 99-E-200, Test Reactor Area Electric Utility Upgrade, Idaho National Engineering and Environmental Laboratory; and

(2) $500,000 for fiscal year 2002, $500,000 for fiscal year 2003, $500,000 for fiscal year 2004, and $500,000 for fiscal year 2005, for completion of construction of Project 95-E-201, Test Reactor Area Fire and Life Safety Improvements, Idaho National Engineering and Environmental Laboratory.

(c) LIMITS ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (a) may be used for—

(1) Nuclear Energy Isotope Support and Production;

(2) Argonne National Laboratory-West Operations;

(3) Fast Flux Test Facility; or

(4) Nuclear Facilities Management.

TITLE IV—FOSSIL ENERGY

Subtitle A—Coal

SEC. 2401. COAL AND RELATED TECHNOLOGIES PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $172,000,000 for fiscal year 2002, $179,000,000 for fiscal year 2003, and $186,000,000 for fiscal year 2004, to remain available until expended, for other coal and related technologies research and development programs, which shall include—

(1) Innovations for Existing Plants;

(2) Integrated Gasification Combined Cycle;

(3) advanced combustion systems;

(4) Turbines;

(5) Sequestration Research and Development;

(6) innovative technologies for demonstration;

(7) Transportation Fuels and Chemicals;

(8) Solid Fuels and Feedstocks;

(9) Advanced Fuels Research; and

(10) Advanced Research.

(b) LIMIT ON USE OF FUNDS.—Notwithstanding subsection (a), no funds may be used to carry out the activities authorized by this section after September 30, 2002, unless the Secretary has transmitted to the Congress the report required by this subsection and 1 month has elapsed since that transmission. The report shall include a plan containing—

(1) a detailed description of how proposals will be solicited and evaluated, including a list of all activities expected to be undertaken;

(2) a detailed list of technical milestones for each coal and related technology that will be pursued;

(3) a description of how the programs authorized in this subsection will be carried out so as to complement and not duplicate activities authorized under division E.

Subtitle B—Oil and Gas

SEC. 2421. PETROLEUM-OIL TECHNOLOGY.

The Secretary shall conduct a program of research, development, demonstration, and commercial application on petroleum-oil technology. The program shall address—

(1) Exploration and Production Supporting Research;

(2) Oil Technology Reservoir Management/Extension; and

(3) Effective Environmental Protection.

SEC. 2422. GAS.

The Secretary shall conduct a program of research, development, demonstration, and commercial application on natural gas technologies. The program shall address—

(1) Exploration and Production;

(2) Infrastructure; and

(3) Effective Environmental Protection.

Subtitle C—Ultra-Deepwater and Unconventional Drilling

SEC. 2441. SHORT TITLE.

This subtitle may be cited as the ''Natural Gas and Other Petroleum Research, Development, and Demonstration Act of 2001''.

SEC. 2442. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''deepwater'' means water depths greater than 200 meters but less than 1,500 meters;

(2) the term ''Fund'' means the Ultra-Deepwater and Unconventional Gas Research Fund established under section 2450;

(3) the term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

(4) the term ''Research Organization'' means the Research Organization created pursuant to section 2446(a);

(5) the term ''ultra-deepwater'' means water depths greater than 1,500 meters; and

(6) the term ''unconventional'' means located in heretofore inaccessible or uneconomic formations on land.

SEC. 2443. ULTRA-DEEPWATER PROGRAM.

The Secretary shall establish a program of research, development, and demonstration of ultra-deepwater natural gas and other petroleum exploration and production technologies, in areas currently available for Outer Continental Shelf leasing. The program shall be carried out by the Research Organization as provided in this subtitle.

SEC. 2444. NATIONAL ENERGY TECHNOLOGY LABORATORY.

The National Energy Technology Laboratory and the United States Geological Survey, when appropriate, shall carry out programs of long-term research into new natural gas and other petroleum exploration and production technologies and environmental mitigation technologies for production from unconventional and ultra-deepwater resources, including methane hydrates. Such Laboratory shall also conduct a program of research, development, and demonstration of new technologies for the reduction of greenhouse gas emissions from unconventional and ultra-deepwater natural gas or other petroleum exploration and production activities, including sub-sea floor carbon sequestration technologies.

SEC. 2445. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary shall, within 3 months after the date of the enactment of this Act, establish an Advisory Committee consisting of 7 members, each having extensive operational knowledge of and experience in the natural gas and other petroleum exploration and production industry who are not Federal Government employees or contractors. A minimum of 4 members

shall have extensive knowledge of ultra-deepwater natural gas or other petroleum exploration and production technologies, a minimum of 2 members shall have extensive knowledge of unconventional natural gas or other petroleum exploration and production technologies, and at least 1 member shall have extensive knowledge of greenhouse gas emission reduction technologies, including carbon sequestration.

(b) FUNCTION.—The Advisory Committee shall advise the Secretary on the selection of an organization to create the Research Organization and on the implementation of this subtitle.

(c) COMPENSATION.—Members of the Advisory Committee shall serve without compensation but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(d) ADMINISTRATIVE COSTS.—The costs of activities carried out by the Secretary and the Advisory Committee under this subtitle shall be paid or reimbursed from the Fund.

(e) DURATION OF ADVISORY COMMITTEE.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

SEC. 2446. RESEARCH ORGANIZATION.

(a) SELECTION OF RESEARCH ORGANIZATION.—The Secretary, within 6 months after the date of the enactment of this Act, shall solicit proposals from eligible entities for the creation of the Research Organization, and within 3 months after such solicitation, shall select an entity to create the Research Organization.

(b) ELIGIBLE ENTITIES.—Entities eligible to create the Research Organization shall—

(1) have been in existence as of the date of the enactment of this Act;

(2) be entities exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986; and

(3) be experienced in planning and managing programs in natural gas or other petroleum exploration and production research, development, and demonstration.

(c) PROPOSALS.—A proposal from an entity seeking to create the Research Organization shall include a detailed description of the proposed membership and structure of the Research Organization.

(d) FUNCTIONS.—The Research Organization shall—

(1) award grants on a competitive basis to qualified—

(A) research institutions;

(B) institutions of higher education;

(C) companies; and

(D) consortia formed among institutions and companies described in subparagraphs (A) through (C) for the purpose of conducting research, development, and demonstration of unconventional and ultra-deepwater natural gas or other petroleum exploration and production technologies; and

(2) review activities under those grants to ensure that they comply with the requirements of this subtitle and serve the purposes for which the grant was made.

SEC. 2447. GRANTS.

(a) TYPES OF GRANTS.—

(1) UNCONVENTIONAL.—The Research Organization shall award grants for research, development, and demonstration of technologies to maximize the value of the Government's natural gas and other petroleum resources in unconventional reservoirs, and to develop technologies to increase the supply of natural gas and other petroleum resources by lowering the cost and improving the efficiency of exploration and production of unconventional reservoirs, while improving safety and minimizing environmental impacts.

(2) ULTRA-DEEPWATER.—The Research Organization shall award grants for research, development, and demonstration of natural gas or other petroleum exploration and production technologies to—

(A) maximize the value of the Federal Government's natural gas and other petroleum resources in the ultra-deepwater areas;

(B) increase the supply of natural gas and other petroleum resources by lowering the cost and improving the efficiency of exploration and production of ultra-deepwater reservoirs; and

(C) improve safety and minimize the environmental impacts of ultra-deepwater developments.

(3) ULTRA-DEEPWATER ARCHITECTURE.—The Research Organization shall award a grant to one or more consortia described in section 2446(d)(1)(D) for the purpose of developing and demonstrating the next generation architecture for ultra-deepwater production of natural gas and other petroleum in furtherance of the purposes stated in paragraph (2)(A) through (C).

(b) CONDITIONS FOR GRANTS.—Grants provided under this section shall contain the following conditions:

(1) If the grant recipient consists of more than one entity, the recipient shall provide a signed contract agreed to by all participating members clearly defining all rights to intellectual property for existing technology and for future inventions conceived and developed using funds provided under the grant, in a manner that is consistent with applicable laws.

(2) There shall be a repayment schedule for Federal dollars provided for demonstration projects under the grant in the event of a successful commercialization of the demonstrated technology. Such repayment schedule shall provide that the payments are made to the Secretary with the express intent that these payments not impede the adoption of the demonstrated technology in the marketplace. In the event that such impedance occurs due to market forces or other factors, the Research Organization shall renegotiate the grant agreement so that the acceptance of the technology in the marketplace is enabled.

(3) Applications for grants for demonstration projects shall clearly state the intended commercial applications of the technology demonstrated.

(4) The total amount of funds made available under a grant provided under subsection (a)(3) shall not exceed 50 percent of the total cost of the activities for which the grant is provided.

(5) The total amount of funds made available under a grant provided under subsection (a)(1) or (2) shall not exceed 50 percent of the total cost of the activities covered by the grant, except that the Research Organization may elect to provide grants covering a higher percentage, not to exceed 90 percent, of total project costs in the case of grants made solely to independent producers.

(6) An appropriate amount of funds provided under a grant shall be used for the broad dissemination of technologies developed under the grant to interested institutions of higher education, industry, and appropriate Federal and State technology entities to ensure the greatest possible benefits for the public and use of government resources.

(7) Demonstrations of ultra-deepwater technologies for which funds are provided under a grant may be conducted in ultra-deepwater or deepwater locations.

(c) ALLOCATION OF FUNDS.—Funds available for grants under this subtitle shall be allocated as follows:

(1) 15 percent shall be for grants under subsection (a)(1).

(2) 15 percent shall be for grants under subsection (a)(2).

(3) 60 percent shall be for grants under subsection (a)(3).

(4) 10 percent shall be for carrying out section 2444.

SEC. 2448. PLAN AND FUNDING.

(a) TRANSMITTAL TO SECRETARY.—The Research Organization shall transmit to the Secretary an annual plan proposing projects and funding of activities under each paragraph of section 2447(a).

(b) REVIEW.—The Secretary shall have 1 month to review the annual plan, and shall approve the plan, if it is consistent with this subtitle. If the Secretary approves the plan, the Secretary shall provide funding as proposed in the plan.

(c) DISAPPROVAL.—If the Secretary does not approve the plan, the Secretary shall notify the Research Organization of the reasons for disapproval and shall withhold funding until a new plan is submitted which the Secretary approves. Within 1 month after notifying the Research Organization of a disapproval, the Secretary shall notify the appropriate congressional committees of the disapproval.

SEC. 2449. AUDIT.

The Secretary shall retain an independent, commercial auditor to determine the extent to which the funds authorized by this subtitle have been expended in a manner consistent with the purposes of this subtitle. The auditor shall transmit a report annually to the Secretary, who shall transmit the report to the appropriate congressional committees, along with a plan to remedy any deficiencies cited in the report.

SEC. 2450. FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Ultra-Deepwater and Unconventional Gas Research Fund'' which shall be available for obligation to the extent provided in advance in appropriations Acts for allocation under section 2447(c).

(b) FUNDING SOURCES.—

(1) LOANS FROM TREASURY.—There are authorized to be appropriated to the Secretary $900,000,000 for the period encompassing fiscal years 2002 through 2009. Such amounts shall be deposited by the Secretary in the Fund, and shall be considered loans from the Treasury. Income received by the United States in connection with any ultra-deepwater oil and gas leases shall be deposited in the Treasury and considered as repayment for the loans under this paragraph.

(2) ADDITIONAL APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for the fiscal years 2002 through 2009, to be deposited in the Fund.

(3) OIL AND GAS LEASE INCOME.—To the extent provided in advance in appropriations Acts, not more than 7.5 percent of the income of the United States from Federal oil and gas leases may be deposited in the Fund for fiscal years 2002 through 2009.

SEC. 2451. SUNSET.

No funds are authorized to be appropriated for carrying out this subtitle after fiscal year 2009. The Research Organization shall be terminated when it has expended all funds made available pursuant to this subtitle.

Subtitle D—Fuel Cells

SEC. 2461. FUEL CELLS.

(a) IN GENERAL.—The Secretary shall conduct a program of research, development, demonstration, and commercial application on fuel cells. The program shall address—

(1) Advanced Research;

(2) Systems Development;

(3) Vision 21-Hybrids; and

(4) Innovative Concepts.

(b) MANUFACTURING PRODUCTION AND PROCESSES.—In addition to the program under subsection (a), the Secretary, in consultation other Federal agencies, as appropriate, shall establish a program for the demonstration of fuel cell technologies, including fuel cell proton exchange membrane technology, for commercial, residential, and transportation applications. The program shall specifically focus on promoting the application of and improved manufacturing production and processes for fuel cell technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated under section 2481(a), there are authorized to be appropriated to the Secretary for the purpose of carrying out subsection (b), $28,000,000 for each of fiscal years 2002 through 2004.

Subtitle E—Department of Energy Authorization of Appropriations

SEC. 2481. AUTHORIZATION OF APPROPRIATIONS.

(a) OPERATION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary for operation and maintenance for subtitle B and subtitle D, and for Fossil Energy Research and Development Headquarters Program Direction, Field Program Direction, Plant and Capital Equipment, Cooperative Research and Development, Import/Export Authorization, and Advanced Metallurgical Processes $282,000,000 for fiscal year 2002, $293,000,000 for fiscal year 2003, and $305,000,000 for fiscal year 2004, to remain available until expended.

(b) LIMITS ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (a) may be used for—

(1) Gas Hydrates.

(2) Fossil Energy Environmental Restoration; or

(3) research, development, demonstration, and commercial application on coal and related technologies, including activities under subtitle A.

TITLE V—SCIENCE

Subtitle A—Fusion Energy Sciences

SEC. 2501. SHORT TITLE.

This subtitle may be cited as the ''Fusion Energy Sciences Act of 2001''.

SEC. 2502. FINDINGS.

The Congress finds that—

(1) economic prosperity is closely linked to an affordable and ample energy supply;

(2) environmental quality is closely linked to energy production and use;

(3) population, worldwide economic development, energy consumption, and stress on the environment are all expected to increase substantially in the coming decades;

(4) the few energy options with the potential to meet economic and environmental needs for the long-term future should be pursued as part of a balanced national energy plan;

(5) fusion energy is an attractive long-term energy source because of the virtually inexhaustible supply of fuel, and the promise of minimal adverse environmental impact and inherent safety;

(6) the National Research Council, the President's Committee of Advisers on Science and Technology, and the Secretary of Energy Advisory Board have each recently reviewed the Fusion Energy Sciences Program and each strongly supports the fundamental science and creative innovation of the program, and has confirmed that progress toward the goal of producing practical fusion energy has been excellent, although much scientific and engineering work remains to be done;

(7) each of these reviews stressed the need for a magnetic fusion burning plasma experiment to address key scientific issues and as a necessary step in the development of fusion energy;

(8) the National Research Council has also called for a broadening of the Fusion Energy Sciences Program research base as a means to more fully integrate the fusion science community into the broader scientific community; and

(9) the Fusion Energy Sciences Program budget is inadequate to support the necessary science and innovation for the present generation of experiments, and cannot accommodate the cost of a burning plasma experiment constructed by the United States, or even the cost of key participation by the United States in an international effort.

SEC. 2503. PLAN FOR FUSION EXPERIMENT.

(a) PLAN FOR UNITED STATES FUSION EXPERIMENT.—The Secretary, on the basis of full consultation with the Fusion Energy Sciences Advisory Committee and the Secretary of Energy Advisory Board, as appropriate, shall develop a plan for United States construction of a magnetic fusion burning plasma experiment for the purpose of accelerating scientific understanding of fusion plasmas. The Secretary shall request a review of the plan by the National Academy of Sciences, and shall transmit the plan and the review to the Congress by July 1, 2004.

(b) REQUIREMENTS OF PLAN.—The plan described in subsection (a) shall—

(1) address key burning plasma physics issues; and

(2) include specific information on the scientific capabilities of the proposed experiment, the relevance of these capabilities to the goal of practical fusion energy, and the overall design of the experiment including its estimated cost and potential construction sites.

(c) UNITED STATES PARTICIPATION IN AN INTERNATIONAL EXPERIMENT.—In addition to the plan described in subsection (a), the Secretary, on the basis of full consultation with the Fusion Energy Sciences Advisory Committee and the Secretary of Energy Advisory Board, as appropriate, may also develop a plan for United States participation in an international burning plasma experiment for the same purpose, whose construction is found by the Secretary to be highly likely and where United States participation is cost effective relative to the cost and scientific benefits of a domestic experiment described in subsection (a). If the Secretary elects to develop a plan under this subsection, he shall include the information described in subsection (b), and an estimate of the cost of United States participation in such an international experiment. The Secretary shall request a review by the National Academies of Sciences and Engineering of a plan developed under this subsection, and shall transmit the plan and the review to the Congress not later than July 1, 2004.

(d) AUTHORIZATION OF RESEARCH AND DEVELOPMENT.—The Secretary, through the Fusion Energy Sciences Program, may conduct any research and development necessary to fully develop the plans described in this section.

SEC. 2504. PLAN FOR FUSION ENERGY SCIENCES PROGRAM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in full consultation with FESAC, shall develop and transmit to the Congress a plan for the purpose of ensuring a strong scientific base for the Fusion Energy Sciences Program and to enable the experiments described in section 2503. Such plan shall include as its objectives—

(1) to ensure that existing fusion research facilities and equipment are more fully utilized with appropriate measurements and control tools;

(2) to ensure a strengthened fusion science theory and computational base;

(3) to ensure that the selection of and funding for new magnetic and inertial fusion research facilities is based on scientific innovation and cost effectiveness;

(4) to improve the communication of scientific results and methods between the fusion science community and the wider scientific community;

(5) to ensure that adequate support is provided to optimize the design of the magnetic fusion burning plasma experiments referred to in section 2503;

(6) to ensure that inertial confinement fusion facilities are utilized to the extent practicable for the purpose of inertial fusion energy research and development;

(7) to develop a roadmap for a fusion-based energy source that shows the important scientific questions, the evolution of confinement configurations, the relation between these two features, and their relation to the fusion energy goal;

(8) to establish several new centers of excellence, selected through a competitive peer-review process and devoted to exploring the frontiers of fusion science;

(9) to ensure that the National Science Foundation, and other agencies, as appropriate, play a role in extending the reach of fusion science and in sponsoring general plasma science; and

(10) to ensure that there be continuing broad assessments of the outlook for fusion energy and periodic external reviews of fusion energy sciences.

SEC. 2505. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for the development and review, but not for implementation, of the plans described in this subtitle and for activities of the Fusion Energy Sciences Program $320,000,000 for fiscal year 2002 and $335,000,000 for fiscal year 2003, of which up to $15,000,000 for each of fiscal year 2002 and fiscal year 2003 may be used to establish several new centers of excellence, selected through a competitive peer-review process and devoted to exploring the frontiers of fusion science.

Subtitle B—Spallation Neutron Source

SEC. 2521. DEFINITION.

For the purposes of this subtitle, the term ''Spallation Neutron Source'' means Department Project 99–E–334, Oak Ridge National Laboratory, Oak Ridge, Tennessee.

SEC. 2522. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF CONSTRUCTION FUNDING.—There are authorized to be appropriated to the Secretary for construction of the Spallation Neutron Source—

(1) $276,300,000 for fiscal year 2002;

(2) $210,571,000 for fiscal year 2003;

(3) $124,600,000 for fiscal year 2004;

(4) $79,800,000 for fiscal year 2005; and

(5) $41,100,000 for fiscal year 2006 for completion of construction.

(b) AUTHORIZATION OF OTHER PROJECT FUNDING.—There are authorized to be appropriated to the Secretary for other project costs (including research and development necessary to complete the project, preoperations costs, and capital equipment not related to construction) of the Spallation Neutron Source $15,353,000 for fiscal year 2002 and $103,279,000 for the period encompassing fiscal years 2003 through 2006, to remain available until expended through September 30, 2006.

SEC. 2523. REPORT.

The Secretary shall report on the Spallation Neutron Source as part of the Department's annual budget submission, including a description of the achievement of milestones, a comparison of actual costs to estimated costs, and any changes in estimated project costs or schedule.

SEC. 2524. LIMITATIONS.

The total amount obligated by the Department, including prior year appropriations,

for the Spallation Neutron Source may not exceed—

(1) $1,192,700,000 for costs of construction;

(2) $219,000,000 for other project costs; and

(3) $1,411,700,000 for total project cost.

Subtitle C—Facilities, Infrastructure, and User Facilities

SEC. 2541. DEFINITION.

For purposes of this subtitle—

(1) the term ''nonmilitary energy laboratory'' means—

(A) Ames Laboratory;

(B) Argonne National Laboratory;

(C) Brookhaven National Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Lawrence Berkeley National Laboratory;

(F) Oak Ridge National Laboratory;

(G) Pacific Northwest National Laboratory;

(H) Princeton Plasma Physics Laboratory;

(I) Stanford Linear Accelerator Center;

(J) Thomas Jefferson National Accelerator Facility; or

(K) any other facility of the Department that the Secretary, in consultation with the Director, Office of Science and the appropriate congressional committees, determines to be consistent with the mission of the Office of Science; and

(2) the term ''user facility'' means—

(A) an Office of Science facility at a nonmilitary energy laboratory that provides special scientific and research capabilities, including technical expertise and support as appropriate, to serve the research needs of the Nation's universities, industry, private laboratories, Federal laboratories, and others, including research institutions or individuals from other nations where reciprocal accommodations are provided to United States research institutions and individuals or where the Secretary considers such accommodation to be in the national interest; and

(B) any other Office of Science funded facility designated by the Secretary as a user facility.

SEC. 2542. FACILITY AND INFRASTRUCTURE SUPPORT FOR NONMILITARY ENERGY LABORATORIES.

(a) FACILITY POLICY.—The Secretary shall develop and implement a least-cost nonmilitary energy laboratory facility and infrastructure strategy for—

(1) maintaining existing facilities and infrastructure, as needed;

(2) closing unneeded facilities;

(3) making facility modifications; and

(4) building new facilities.

(b) PLAN.—The Secretary shall prepare a comprehensive 10-year plan for conducting future facility maintenance, making repairs, modifications, and new additions, and constructing new facilities at each nonmilitary energy laboratory. Such plan shall provide for facilities work in accordance with the following priorities:

(1) Providing for the safety and health of employees, visitors, and the general public with regard to correcting existing structural, mechanical, electrical, and environmental deficiencies.

(2) Providing for the repair and rehabilitation of existing facilities to keep them in use and prevent deterioration, if feasible.

(3) Providing engineering design and construction services for those facilities that require modification or additions in order to meet the needs of new or expanded programs.

(c) REPORT.—

(1) TRANSMITTAL.—Within 1 year after the date of the enactment of this Act, the Secretary shall prepare and transmit to the appropriate congressional committees a report containing the plan prepared under subsection (b).

(2) CONTENTS.—For each nonmilitary energy laboratory, such report shall contain—

(A) the current priority list of proposed facilities and infrastructure projects, including cost and schedule requirements;

(B) a current ten-year plan that demonstrates the reconfiguration of its facilities and infrastructure to meet its missions and to address its long-term operational costs and return on investment;

(C) the total current budget for all facilities and infrastructure funding; and

(D) the current status of each facilities and infrastructure project compared to the original baseline cost, schedule, and scope.

(3) ADDITIONAL ELEMENTS.—The report shall also—

(A) include a plan for new facilities and facility modifications at each nonmilitary energy laboratory that will be required to meet the Department's changing missions of the twenty-first century, including schedules and estimates for implementation, and including a section outlining long-term funding requirements consistent with anticipated budgets and annual authorization of appropriations;

(B) address the coordination of modernization and consolidation of facilities among the nonmilitary energy laboratories in order to meet changing mission requirements; and

(C) provide for annual reports to the appropriate congressional committees on accomplishments, conformance to schedules, commitments, and expenditures.

SEC. 2543. USER FACILITIES.

(a) NOTICE REQUIREMENT.—When the Department makes a user facility available to universities and other potential users, or seeks input from universities and other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users.

(b) COMPETITION REQUIREMENT.—When the Department considers the participation of a university or other potential user in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a participant.

(c) PROHIBITION.—The Department may not redesignate a user facility, as defined by section 2541(b) as something other than a user facility for avoid the requirements of subsections (a) and (b).

Subtitle D—Advisory Panel on Office of Science

SEC. 2561. ESTABLISHMENT.

The Director of the Office of Science and Technology Policy, in consultation with the Secretary, shall establish an Advisory Panel on the Office of Science comprised of knowledgeable individuals to—

(1) address concerns about the current status and the future of scientific research supported by the Office;

(2) examine alternatives to the current organizational structure of the Office within the Department, taking into consideration existing structures for the support of scientific research in other Federal agencies and the private sector; and

(3) suggest actions to strengthen the scientific research supported by the Office that might be taken jointly by the Department and Congress.

SEC. 2562. REPORT.

Within 6 months after the date of the enactment of this Act, the Advisory Panel shall transmit its findings and recommendations in a report to the Director of the Office of Science and Technology Policy and the Secretary. The Director and the Secretary shall jointly—

(1) consider each of the Panel's findings and recommendations, and comment on each as they consider appropriate; and

(2) transmit the Panel's report and the comments of the Director and the Secretary on the report to the appropriate congressional committees within 9 months after the date of the enactment of this Act.

Subtitle E—Department of Energy Authorization of Appropriations

SEC. 2581. AUTHORIZATION OF APPROPRIATIONS.

(a) OPERATION AND MAINTENANCE.—Including the amounts authorized to be appropriated for fiscal year 2002 under section 2505 for Fusion Energy Sciences and under section 2522(b) for the Spallation Neutron Source, there are authorized to be appropriated to the Secretary for the Office of Science (also including subtitle C, High Energy Physics, Nuclear Physics, Biological and Environmental Research, Basic Energy Sciences (except for the Spallation Neutron Source), Advanced Scientific Computing Research, Energy Research Analysis, Multiprogram Energy Laboratories-Facilities Support, Facilities and Infrastructure, Safeguards and Security, and Program Direction) operation and maintenance $3,299,558,000 for fiscal year 2002, to remain available until expended.

(b) RESEARCH REGARDING PRECIOUS METAL CATALYSIS.—Within the amounts authorized to be appropriated to the Secretary under subsection (a), $5,000,000 for fiscal year 2002 may be used to carry out research in the use of precious metals (excluding platinum, palladium, and rhodium) in catalysis, either directly though national laboratories, or through the award of grants, cooperative agreements, or contracts with public or nonprofit entities.

(c) CONSTRUCTION.—In addition to the amounts authorized to be appropriated under section 2522(a) for construction of the Spallation Neutron Source, there are authorized to be appropriated to the Secretary for Science—

(1) $11,400,000 for fiscal year 2002 for completion of construction of Project 98-G-304, Neutrinos at the Main Injector, Fermi National Accelerator Laboratory;

(2) $11,405,000 for fiscal year 2002 for completion of construction of Project 01-E-300, Laboratory for Comparative and Functional Genomics, Oak Ridge National Laboratory;

(3) $4,000,000 for fiscal year 2002, $8,000,000 for fiscal year 2003, and $2,000,000 for fiscal year 2004 for completion of construction of Project 02-SC-002, Project Engineering Design (PED), Various Locations;

(4) $3,183,000 for fiscal year 2002 for completion of construction of Project 02-SC-002, Multiprogram Energy Laboratories Infrastructure Project Engineering Design (PED), Various Locations; and

(5) $18,633,000 for fiscal year 2002 and $13,029,000 for fiscal year 2003 for completion of construction of Project MEL-001, Multiprogram Energy Laboratories, Infrastructure, Various Locations.

(d) LIMITS ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (c) may be used for construction at any national security laboratory as defined in section 3281(1) of the National Defense Authorization Act for Fiscal Year 2000 (50 U.S.C. 2471(1)) or at any nuclear weapons production facility as defined in section 3281(2) of the National Defense Authorization Act for Fiscal Year 2000 (50 U.S.C. 2471(2)).

TITLE VI—MISCELLANEOUS

Subtitle A—General Provisions for the Department of Energy

SEC. 2601. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION OF ENERGY TECHNOLOGY PROGRAMS, PROJECTS, AND ACTIVITIES.

(a) AUTHORIZED ACTIVITIES.—Except as otherwise provided in this division, research, development, demonstration, and commercial application programs, projects, and activities for which appropriations are authorized under this division may be carried out under the procedures of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.), the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), or any other Act under which the Secretary is authorized to carry out such programs, projects, and activities, but only to the extent the Secretary is authorized to carry out such activities under each such Act.

(b) AUTHORIZED AGREEMENTS.—Except as otherwise provided in this division, in carrying out research, development, demonstration, and commercial application programs, projects, and activities for which appropriations are authorized under this division, the Secretary may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, and any other form of agreement available to the Secretary.

(c) DEFINITION.—For purposes of this section, the term ''joint venture'' has the meaning given that term under section 2 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4301), except that such term may apply under this section to research, development, demonstration, and commercial application of energy technology joint ventures.

(d) PROTECTION OF INFORMATION.—Section 12(c)(7) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)), relating to the protection of information, shall apply to research, development, demonstration, and commercial application of energy technology programs, projects, and activities for which appropriations are authorized under this division.

(e) INVENTIONS.—An invention conceived and developed by any person using funds provided through a grant under this division shall be considered a subject invention for the purposes of chapter 18 of title 35, United States Code (commonly referred to as the Bayh-Dole Act).

(f) OUTREACH.—The Secretary shall ensure that each program authorized by this division includes an outreach component to provide information, as appropriate, to manufacturers, consumers, engineers, architects, builders, energy service companies, universities, facility planners and managers, State and local governments, and other entities.

(g) GUIDELINES AND PROCEDURES.—The Secretary shall provide guidelines and procedures for the transition, where appropriate, of energy technologies from research through development and demonstration to commercial application of energy technology. Nothing in this section shall preclude the Secretary from—

(1) entering into a contract, cooperative agreement, cooperative research and development agreement under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grant, joint venture, or any other form of agreement available to the Secretary under this section that relates to research, development, demonstration, and commercial application of energy technology; or

(2) extending a contract, cooperative agreement, cooperative research and development agreement under the Stevenson-Wydler Technology Innovation Act of 1980, grant, joint venture, or any other form of agreement available to the Secretary that relates to research, development, and demonstration to cover commercial application of energy technology.

(h) APPLICATION OF SECTION.—This section shall not apply to any contract, cooperative agreement, cooperative research and development agreement under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grant, joint venture, or any other form of agreement available to the Secretary that is in effect as of the date of enactment of this Act.

SEC. 2602. LIMITS ON USE OF FUNDS.

(a) MANAGEMENT AND OPERATING CONTRACTS.—

(1) COMPETITIVE PROCEDURE REQUIREMENT.—None of the funds authorized to be appropriated to the Secretary by this division may be used to award a management and operating contract for a federally owned or operated nonmilitary energy laboratory of the Department unless such contract is awarded using competitive procedures or the Secretary grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(2) CONGRESSIONAL NOTICE.—At least 2 months before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the appropriate congressional committees a report notifying the committees of the waiver and setting forth the reasons for the waiver.

(b) PRODUCTION OR PROVISION OF ARTICLES OR SERVICES.—None of the funds authorized to be appropriated to the Secretary by this division may be used to produce or provide articles or services for the purpose of selling the articles or services to a person outside the Federal Government, unless the Secretary determines that comparable articles or services are not available from a commercial source in the United States.

(c) REQUESTS FOR PROPOSALS.—None of the funds authorized to be appropriated to the Secretary by this division may be used by the Department to prepare or initiate Requests for Proposals for a program if the program has not been authorized by Congress.

SEC. 2603. COST SHARING.

(a) RESEARCH AND DEVELOPMENT.—Except as otherwise provided in this division, for research and development programs carried out under this division, the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this subsection if the Secretary determines that the research and development is of a basic or fundamental nature.

(b) DEMONSTRATION AND COMMERCIAL APPLICATION.—Except as otherwise provided in this division, the Secretary shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this division to be provided from non-Federal sources. The Secretary may reduce the non-Federal requirement under this subsection if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this division.

(c) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Secretary may include personnel, services, equipment, and other resources.

SEC. 2604. LIMITATION ON DEMONSTRATION AND COMMERCIAL APPLICATION OF ENERGY TECHNOLOGY.

Except as otherwise provided in this division, the Secretary shall provide funding for scientific or energy demonstration and commercial application of energy technology programs, projects, or activities only for technologies or processes that can be reasonably expected to yield new, measurable benefits to the cost, efficiency, or performance of the technology or process.

SEC. 2605. REPROGRAMMING.

(a) AUTHORITY.—The Secretary may use amounts appropriated under this division for a program, project, or activity other than the program, project, or activity for which such amounts were appropriated only if—

(1) the Secretary has transmitted to the appropriate congressional committees a report described in subsection (b) and a period of 30 days has elapsed after such committees receive the report;

(2) amounts used for the program, project, or activity do not exceed—

(A) 105 percent of the amount authorized for the program, project, or activity; or

(B) $250,000 more than the amount authorized for the program, project, or activity, whichever is less; and

(3) the program, project, or activity has been presented to, or requested of, the Congress by the Secretary.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated by the Secretary pursuant to this division exceed the total amount authorized to be appropriated to the Secretary by this division.

(2) Funds appropriated to the Secretary pursuant to this division may not be used for an item for which Congress has declined to authorize funds.

Subtitle B—Other Miscellaneous Provisions

SEC. 2611. NOTICE OF REORGANIZATION.

The Secretary shall provide notice to the appropriate congressional committees not later than 15 days before any reorganization of any environmental research or development, scientific or energy research, development, or demonstration, or commercial application of energy technology program, project, or activity of the Department.

SEC. 2612. LIMITS ON GENERAL PLANT PROJECTS.

If, at any time during the construction of a civilian environmental research and development, scientific or energy research, development, or demonstration, or commercial application of energy technology project of the Department for which no specific funding level is provided by law, the estimated cost (including any revision thereof) of the project exceeds $5,000,000, the Secretary may not continue such construction unless the Secretary has furnished a complete report to the appropriate congressional committees explaining the project and the reasons for the estimate or revision.

SEC. 2613. LIMITS ON CONSTRUCTION PROJECTS.

(a) LIMITATION.—Except as provided in subsection (b), construction on a civilian environmental research and development, scientific or energy research, development, or demonstration, or commercial application of energy technology project of the Department for which funding has been specifically provided by law may not be started, and additional obligations may not be incurred in

connection with the project above the authorized funding amount, whenever the current estimated cost of the construction project exceeds by more than 10 percent the higher of—

(1) the amount authorized for the project, if the entire project has been funded by the Congress; or

(2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(b) NOTICE.—An action described in subsection (a) may be taken if—

(1) the Secretary has submitted to the appropriate congressional committees a report on the proposed actions and the circumstances making such actions necessary; and

(2) a period of 30 days has elapsed after the date on which the report is received by the committees.

(c) EXCLUSION.—In the computation of the 30-day period described in subsection (b)(2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(d) EXCEPTION.—Subsections (a) and (b) shall not apply to any construction project that has a current estimated cost of less than $5,000,000.

SEC. 2614. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a civilian environmental research and development, scientific or energy research, development, or demonstration, or commercial application of energy technology program, project, or activity of the Department, the Secretary shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $750,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds for a construction project, the total estimated cost of which is less than $5,000,000.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) The Secretary may carry out construction design (including architectural and engineering services) in connection with any proposed construction project that is in support of a civilian environmental research and development, scientific or energy research, development, and demonstration, or commercial application of energy technology program, project, or activity of the Department if the total estimated cost for such design does not exceed $250,000.

(2) If the total estimated cost for construction design in connection with any construction project described in paragraph (1) exceeds $250,000, funds for such design must be specifically authorized by law.

SEC. 2615. NATIONAL ENERGY POLICY DEVELOPMENT GROUP MANDATED REPORTS.

(a) THE SECRETARY'S REVIEW OF ENERGY EFFICIENCY RENEWABLE ENERGY, AND ALTERNATIVE ENERGY RESEARCH AND DEVELOPMENT.—Upon completion of the Secretary's review of current funding and historic performance of the Department's energy efficiency, renewable energy, and alternative energy research and development programs in response to the recommendations of the May 16, 2001, Report of the National Energy Policy Development Group, the Secretary shall transmit a report containing the results of such review to the appropriate congressional committees.

(b) REVIEW AND RECOMMENDATIONS ON USING THE NATION'S ENERGY RESOURCES MORE EFFICIENTLY.—Upon completion of the Office of Science and Technology Policy and the President's Council of Advisors on Science and Technology reviewing and making recommendations on using the Nation's energy resources more efficiently, in response to the recommendation of the May 16, 2001, Report of the National Energy Policy Development Group, the Director of the Office of Science and Technology Policy shall transmit a report containing the results of such review and recommendations to the appropriate congressional committees.

SEC. 2616. PERIODIC REVIEWS AND ASSESSMENTS.

The Secretary shall enter into appropriate arrangements with the National Academies of Sciences and Engineering to ensure that there be periodic reviews and assessments of the programs authorized by this division, as well as the measurable cost and performance-based goals for such programs as established under section 2004, and the progress on meeting such goals. Such reviews and assessments shall be conducted at least every 5 years, or more often as the Secretary considers necessary, and the Secretary shall transmit to the appropriate congressional committees reports containing the results of such reviews and assessments.

DIVISION C

SEC. 3001. SHORT TITLE.

(a) SHORT TITLE.—This division may be cited as the ''Energy Tax Policy Act of 2001''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—CONSERVATION

SEC. 3101. CREDIT FOR RESIDENTIAL SOLAR ENERGY PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

''SEC. 25C. RESIDENTIAL SOLAR ENERGY PROPERTY.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) 15 percent of the qualified photovoltaic property expenditures made by the taxpayer during such year, and

''(2) 15 percent of the qualified solar water heating property expenditures made by the taxpayer during the taxable year.

''(b) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—The credit allowed under subsection (a) shall not exceed—

''(A) $2,000 for each system of property described in subsection (c)(1), and

''(B) $2,000 for each system of property described in subsection (c)(2).

''(2) SAFETY CERTIFICATIONS.—No credit shall be allowed under this section for an item of property unless—

''(A) in the case of solar water heating equipment, such equipment is certified for performance and safety by the non-profit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed, and

''(B) in the case of a photovoltaic system, such system meets appropriate fire and electric code requirements.

''(3) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section and sections 23, 25D, and 25E) and section 27 for the taxable year.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED SOLAR WATER HEATING PROPERTY EXPENDITURE.—The term 'qualified solar water heating property expenditure' means an expenditure for property to heat water for use in a dwelling unit located in the United States and used as a residence if at least half of the energy used by such property for such purpose is derived from the sun.

''(2) QUALIFIED PHOTOVOLTAIC PROPERTY EXPENDITURE.—The term 'qualified photovoltaic property expenditure' means an expenditure for property that uses solar energy to generate electricity for use in a dwelling unit.

''(3) SOLAR PANELS.—No expenditure relating to a solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as property described in paragraph (1) or (2) solely because it constitutes a structural component of the structure on which it is installed.

''(4) LABOR COSTS.—Expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property described in paragraph (1) or (2) and for piping or wiring to interconnect such property to the dwelling unit shall be taken into account for purposes of this section.

''(5) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—Expenditures which are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage shall not be taken into account for purposes of this section.

''(d) SPECIAL RULES.—

''(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply:

''(A) The amount of the credit allowable under subsection (a) by reason of expenditures (as the case may be) made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

''(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

''(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

''(3) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual

shall be treated as having made his proportionate share of any expenditures of such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(4) ALLOCATION IN CERTAIN CASES.—If less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account.

''(5) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

''(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original use of the constructed or reconstructed structure by the taxpayer begins.

''(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

''(6) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—For purposes of determining the amount of expenditures made by any individual with respect to any dwelling unit, there shall not be taken in to account expenditures which are made from subsidized energy financing (as defined in section 48(a)(4)(A)).

''(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(f) TERMINATION.—The credit allowed under this section shall not apply to taxable years beginning after December 31, 2006 (December 31, 2008, with respect to qualified photovoltaic property expenditures).''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016 is amended by striking ''and'' at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting '', and'', and by adding at the end the following new paragraph:

''(29) to the extent provided in section 25C(e), in the case of amounts with respect to which a credit has been allowed under section 25C.''.

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25B the following new item:

''Sec. 25C. Residential solar energy property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2001.

SEC. 3102. EXTENSION AND EXPANSION OF CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES.

(a) EXTENSION OF CREDIT FOR WIND AND CLOSED-LOOP BIOMASS FACILITIES.—Subparagraphs (A) and (B) of section 45(c)(3) are each amended by striking ''2002'' and inserting ''2007''.

(b) EXPANSION OF CREDIT FOR OPEN-LOOP BIOMASS AND LANDFILL GAS FACILITIES.—Paragraph (3) of section 45(c) is amended by adding at the end the following new subparagraphs:

''(D) OPEN-LOOP BIOMASS FACILITIES.—In the case of a facility using open-loop biomass to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service before January 1, 2007.

''(E) LANDFILL GAS FACILITIES.—In the case of a facility producing electricity from gas derived from the biodegradation of municipal solid waste, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service before January 1, 2007.''.

(c) DEFINITION AND SPECIAL RULES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraphs:

''(5) OPEN-LOOP BIOMASS.—The term 'open-loop biomass' means any solid, nonhazardous, cellulosic waste material which is segregated from other waste materials and which is derived from—

''(A) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, but not including old-growth timber,

''(B) solid wood waste materials, including waste pallets, crates, dunnage, manufacturing and construction wood wastes (other than pressure-treated, chemically-treated, or painted wood wastes), and landscape or right-of-way tree trimmings, but not including municipal solid waste (garbage), gas derived from the biodegradation of solid waste, or paper that is commonly recycled, or

''(C) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.

Such term shall not include closed-loop biomass.

''(6) REDUCED CREDIT FOR CERTAIN PREEFFECTIVE DATE FACILITIES.—In the case of any facility described in subparagraph (D) or (E) of paragraph (3) which is placed in service before the date of the enactment of this subparagraph—

''(A) subsection (a)(1) shall be applied by substituting '1.0 cents' for '1.5 cents', and

''(B) the 5-year period beginning on the date of the enactment of this paragraph shall be substituted in lieu of the 10-year period in subsection (a)(2)(A)(ii).

''(7) LIMIT ON REDUCTIONS FOR GRANTS, ETC., FOR OPEN-LOOP BIOMASS FACILITIES.—If the amount of the credit determined under subsection (a) with respect to any open-loop biomass facility is required to be reduced under paragraph (3) of subsection (b), the fraction under such paragraph shall in no event be greater than ⅘.

''(8) COORDINATION WITH SECTION 29.—The term 'qualified facility' shall not include any facility the production from which is allowed as a credit under section 29 for the taxable year or any prior taxable year.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity sold after the date of the enactment of this Act.

SEC. 3103. CREDIT FOR QUALIFIED STATIONARY FUEL CELL POWERPLANTS.

(a) BUSINESS PROPERTY.—

(1) IN GENERAL.—Subparagraph (A) of section 48(a)(3) (defining energy property) is amended by striking ''or'' at the end of clause (i), by adding ''or'' at the end of clause (ii), and by inserting after clause (ii) the following new clause:

''(iii) equipment which is part of a qualified stationary fuel cell powerplant,''.

(2) QUALIFIED STATIONARY FUEL CELL POWERPLANT.—Subsection (a) of section 48 is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) QUALIFIED STATIONARY FUEL CELL POWERPLANT.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified stationary fuel cell powerplant' means a stationary fuel cell power plant that has an electricity-only generation efficiency greater than 30 percent.

''(B) LIMITATION.—In the case of qualified stationary fuel cell powerplant placed in service during the taxable year, the credit under subsection (a) for such year may not exceed $1,000 for each kilowatt of capacity.

''(C) STATIONARY FUEL CELL POWER PLANT.—The term 'stationary fuel cell power plant' means an integrated system comprised of a fuel cell stack assembly and associated balance of plant components that converts a fuel into electricity using electrochemical means.

''(D) TERMINATION.—Such term shall not include any property placed in service after December 31, 2006.''

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2001, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(b) NONBUSINESS PROPERTY.—

(1) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25C the following new section:

''SEC. 25D. NONBUSINESS QUALIFIED STATIONARY FUEL CELL POWERPLANT.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 10 percent of the qualified stationary fuel cell powerplant expenditures which are paid or incurred during such year.

''(b) LIMITATIONS.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for the taxable year and all prior taxable years shall not exceed $1,000 for each kilowatt of capacity.

''(2) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section and sections 23 and 25E) and section 27 for the taxable year.

''(c) QUALIFIED STATIONARY FUEL CELL POWERPLANT EXPENDITURES.—For purposes of this section, the term 'qualified stationary fuel cell powerplant expenditures' means expenditures by the taxpayer for any qualified stationary fuel cell powerplant (as defined in section 48(a)(4))—

''(1) which meets the requirements of subparagraphs (B) and (D) of section 48(a)(3), and

''(2) which is installed on or in connection with a dwelling unit—

''(A) which is located in the United States, and

''(B) which is used by the taxpayer as a residence.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

''(d) SPECIAL RULES.—For purposes of this section, rules similar to the rules of section 25C(d) shall apply.

''(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(f) TERMINATION.—This section shall not apply to any expenditure made after December 31, 2006.''.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (a) of section 1016 is amended by striking ''and'' at the end of paragraph (28), by striking the period at the end of paragraph (29) and inserting '', and'', and by adding at the end the following new paragraph:

''(30) to the extent provided in section 25D(e), in the case of amounts with respect to which a credit has been allowed under section 25D.''.

(B) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25C the following new item:

''Sec. 25D. Nonbusiness qualified stationary fuel cell powerplant.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to expenditures paid or incurred after December 31, 2001.

SEC. 3104. ALTERNATIVE MOTOR VEHICLE CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following:

''SEC. 30B. ALTERNATIVE MOTOR VEHICLE CREDIT.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) the new qualified fuel cell motor vehicle credit determined under subsection (b),

''(2) the new qualified hybrid motor vehicle credit determined under subsection (c),

''(3) the new qualified alternative fuel motor vehicle credit determined under subsection (d), and

''(4) the advanced lean burn technology motor vehicle credit determined under subsection (e).

''(b) NEW QUALIFIED FUEL CELL MOTOR VEHICLE CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the new qualified fuel cell motor vehicle credit determined under this subsection with respect to a new qualified fuel cell motor vehicle placed in service by the taxpayer during the taxable year is—

''(A) $4,000, if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

''(B) $10,000, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

''(C) $20,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

''(D) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

''(2) INCREASE FOR FUEL EFFICIENCY.—

''(A) IN GENERAL.—The amount determined under paragraph (1)(A) with respect to a new qualified fuel cell motor vehicle which is a passenger automobile or light truck shall be increased by—

''(i) $1,000, if such vehicle achieves at least 150 percent but less than 175 percent of the 2000 model year city fuel economy,

''(ii) $1,500, if such vehicle achieves at least 175 percent but less than 200 percent of the 2000 model year city fuel economy,

''(iii) $2,000, if such vehicle achieves at least 200 percent but less than 225 percent of the 2000 model year city fuel economy,

''(iv) $2,500, if such vehicle achieves at least 225 percent but less than 250 percent of the 2000 model year city fuel economy,

''(v) $3,000, if such vehicle achieves at least 250 percent but less than 275 percent of the 2000 model year city fuel economy,

''(vi) $3,500, if such vehicle achieves at least 275 percent but less than 300 percent of the 2000 model year city fuel economy, and

''(vii) $4,000, if such vehicle achieves at least 300 percent of the 2000 model year city fuel economy.

''(B) 2000 MODEL YEAR CITY FUEL ECONOMY.—For purposes of subparagraph (A), the 2000 model year city fuel economy with respect to a vehicle shall be determined in accordance with the following tables:

''(i) In the case of a passenger automobile:

''If vehicle inertia weight class is:	**The 2000 model year city fuel economy is:**
1,500 or 1,750 lbs	43.7 mpg
2,000 lbs	38.3 mpg
2,250 lbs	34.1 mpg
2,500 lbs	30.7 mpg
2,750 lbs	27.9 mpg
3,000 lbs	25.6 mpg
3,500 lbs	22.0 mpg
4,000 lbs	19.3 mpg
4,500 lbs	17.2 mpg
5,000 lbs	15.5 mpg
5,500 lbs	14.1 mpg
6,000 lbs	12.9 mpg
6,500 lbs	11.9 mpg
7,000 or 8,500 lbs	11.1 mpg.

''(ii) In the case of a light truck:

''If vehicle inertia weight class is:	**The 2000 model year city fuel economy is:**
1,500 or 1,750 lbs	37.6 mpg
2,000 lbs	33.7 mpg
2,250 lbs	30.6 mpg
2,500 lbs	28.0 mpg
2,750 lbs	25.9 mpg
3,000 lbs	24.1 mpg
3,500 lbs	21.3 mpg
4,000 lbs	19.0 mpg
4,500 lbs	17.3 mpg
5,000 lbs	15.8 mpg
5,500 lbs	14.6 mpg
6,000 lbs	13.6 mpg
6,500 lbs	12.8 mpg
7,000 or 8,500 lbs	12.0 mpg.

''(C) VEHICLE INERTIA WEIGHT CLASS.—For purposes of subparagraph (B), the term 'vehicle inertia weight class' has the same meaning as when defined in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(3) NEW QUALIFIED FUEL CELL MOTOR VEHICLE.—For purposes of this subsection, the term 'new qualified fuel cell motor vehicle' means a motor vehicle—

''(A) which is propelled by power derived from one or more cells which convert chemical energy directly into electricity by combining oxygen with hydrogen fuel which is stored on board the vehicle in any form and may or may not require reformation prior to use,

''(B) which, in the case of a passenger automobile or light truck—

''(i) for 2002 and later model vehicles, has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

''(ii) for 2004 and later model vehicles, has received a certificate that such vehicle meets or exceeds the Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

''(C) the original use of which commences with the taxpayer,

''(D) which is acquired for use or lease by the taxpayer and not for resale, and

''(E) which is made by a manufacturer.

''(c) NEW QUALIFIED HYBRID MOTOR VEHICLE CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the new qualified hybrid motor vehicle credit determined under this subsection with respect to a new qualified hybrid motor vehicle placed in service by the taxpayer during the taxable year is the credit amount determined under paragraph (2).

''(2) CREDIT AMOUNT.—

''(A) IN GENERAL.—The credit amount determined under this paragraph shall be determined in accordance with the following tables:

''(i) In the case of a new qualified hybrid motor vehicle which is a passenger automobile or light truck and which provides the following percentage of the maximum available power:

''If percentage of the maximum available power is:	**The credit amount is:**
At least 2.5 percent but less than 10 percent.	$250
At least 10 percent but less than 20 percent.	$500
At least 20 percent but less than 30 percent.	$750
At least 30 percent	$1,000.

''(ii) In the case of a new qualified hybrid motor vehicle which is a heavy duty hybrid motor vehicle and which provides the following percentage of the maximum available power:

''(I) If such vehicle has a gross vehicle weight rating of not more than 14,000 pounds:

''If percentage of the maximum available power is:	**The credit amount is:**
At least 20 percent but less than 30 percent.	$1,500
At least 30 percent but less than 40 percent.	$1,750
At least 40 percent but less than 50 percent.	$2,000
At least 50 percent but less than 60 percent.	$2,250
At least 60 percent	$2,500.

''(II) If such vehicle has a gross vehicle weight rating of more than 14,000 but not more than 26,000 pounds:

''If percentage of the maximum available power is:	**The credit amount is:**
At least 20 percent but less than 30 percent.	$4,000
At least 30 percent but less than 40 percent.	$4,500

"If percentage of the maximum available power is:	The credit amount is:
At least 40 percent but less than 50 percent.	$5,000
At least 50 percent but less than 60 percent.	$5,500
At least 60 percent	$6,000.

''(III) If such vehicle has a gross vehicle weight rating of more than 26,000 pounds:

"If percentage of the maximum available power is:	The credit amount is:
At least 20 percent but less than 30 percent.	$6,000
At least 30 percent but less than 40 percent.	$7,000
At least 40 percent but less than 50 percent.	$8,000
At least 50 percent but less than 60 percent.	$9,000
At least 60 percent	$10,000.

''(B) INCREASE FOR FUEL EFFICIENCY.—

''(i) AMOUNT.—The amount determined under subparagraph (A)(i) with respect to a passenger automobile or light truck shall be increased by—

''(I) $1,000, if such vehicle achieves at least 125 percent but less than 150 percent of the 2000 model year city fuel economy,

''(II) $1,500, if such vehicle achieves at least 150 percent but less than 175 percent of the 2000 model year city fuel economy,

''(III) $2,000, if such vehicle achieves at least 175 percent but less than 200 percent of the 2000 model year city fuel economy,

''(IV) $2,500, if such vehicle achieves at least 200 percent but less than 225 percent of the 2000 model year city fuel economy,

''(V) $3,000, if such vehicle achieves at least 225 percent but less than 250 percent of the 2000 model year city fuel economy, and

''(VI) $3,500, if such vehicle achieves at least 250 percent of the 2000 model year city fuel economy.

''(ii) 2000 MODEL YEAR CITY FUEL ECONOMY.—For purposes of clause (i), the 2000 model year city fuel economy with respect to a vehicle shall be determined using the tables provided in subsection (b)(2)(B) with respect to such vehicle.

''(iii) OPTION TO USE LIKE VEHICLE.—For purposes of clause (i), at the option of the vehicle manufacturer, the increase for fuel efficiency may be calculated by comparing the new qualified hybrid motor vehicle to a 'like vehicle'.

''(C) INCREASE FOR ACCELERATED EMISSIONS PERFORMANCE.—The amount determined under subparagraph (A)(ii) with respect to an applicable heavy duty hybrid motor vehicle shall be increased by the increase credit amount determined in accordance with the following tables:

''(i) In the case of a vehicle which has a gross vehicle weight rating of not more than 14,000 pounds:

"If the model year is:	The increase credit amount is:
2002	$3,500
2003	$3,000
2004	$2,500
2005	$2,000
2006	$1,500.

''(ii) In the case of a vehicle which has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds:

"If the model year is:	The increase credit amount is:
2002	$9,000
2003	$7,750
2004	$6,500
2005	$5,250
2006	$4,000.

''(iii) In the case of a vehicle which has a gross vehicle weight rating of more than 26,000 pounds:

"If the model year is:	The increase credit amount is:
2002	$14,000
2003	$12,000
2004	$10,000
2005	$8,000
2006	$6,000.

''(D) CONSERVATION CREDIT.—

''(i) AMOUNT.—The amount determined under subparagraph (A)(i) with respect to a passenger automobile or light truck shall be increased by—

''(I) $250, if such vehicle achieves a lifetime fuel savings of at least 1,500 gallons of gasoline, and

''(II) $500, if such vehicle achieves a lifetime fuel savings of at least 2,500 gallons of gasoline.

''(ii) LIFETIME FUEL SAVINGS FOR LIKE VEHICLE.—For purposes of clause (i), at the option of the vehicle manufacturer, the lifetime fuel savings fuel may be calculated by comparing the new qualified hybrid motor vehicle to a 'like vehicle'.

''(E) DEFINITIONS.—

''(i) APPLICABLE HEAVY DUTY HYBRID MOTOR VEHICLE.—For purposes of subparagraph (C), the term 'applicable heavy duty hybrid motor vehicle' means a heavy duty hybrid motor vehicle which is powered by an internal combustion or heat engine which is certified as meeting the emission standards set in the regulations prescribed by the Administrator of the Environmental Protection Agency for 2007 and later model year diesel heavy duty engines or 2008 and later model year ottocycle heavy duty engines, as applicable.

''(ii) HEAVY DUTY HYBRID MOTOR VEHICLE.—For purposes of this paragraph, the term 'heavy duty hybrid motor vehicle' means a new qualified hybrid motor vehicle which has a gross vehicle weight rating of more than 10,000 pounds and draws propulsion energy from both of the following onboard sources of stored energy:

''(I) An internal combustion or heat engine using consumable fuel which, for 2002 and later model vehicles, has received a certificate of conformity under the Clean Air Act and meets or exceeds a level of not greater than 3.0 grams per brake horsepower-hour of oxides of nitrogen and 0.01 per brake horsepower-hour of particulate matter.

''(II) A rechargeable energy storage system.

''(iii) MAXIMUM AVAILABLE POWER.—

''(I) PASSENGER AUTOMOBILE OR LIGHT TRUCK.—For purposes of subparagraph (A)(i), the term 'maximum available power' means the maximum power available from the battery or other electrical storage device, during a standard 10 second pulse power test, divided by the sum of the battery or other electrical storage device and the SAE net power of the heat engine.

''(II) HEAVY DUTY HYBRID MOTOR VEHICLE.—For purposes of subparagraph (A)(ii), the term 'maximum available power' means the maximum power available from the battery or other electrical storage device, during a standard 10 second pulse power test, divided by the vehicle's total traction power. The term 'total traction power' means the sum of the electric motor peak power and the heat engine peak power of the vehicle, except that if the electric motor is the sole means by which the vehicle can be driven, the total traction power is the peak electric motor power.

''(iv) LIKE VEHICLE.—For purposes of subparagraph (B)(iii), the term 'like vehicle' for a new qualified hybrid motor vehicle derived from a conventional production vehicle produced in the same model year means a model that is equivalent in the following areas:

''(I) Body style (2-door or 4-door).

''(II) Transmission (automatic or manual).

''(III) Acceleration performance (± 0.05 seconds).

''(IV) Drivetrain (2-wheel drive or 4-wheel drive).

''(V) Certification by the Administrator of the Environmental Protection Agency.

''(v) LIFETIME FUEL SAVINGS.—For purposes of subsection (c)(2)(D), the term 'lifetime fuel savings' shall be calculated by dividing 120,000 by the difference between the 2000 model year city fuel economy for the vehicle inertia weight class and the city fuel economy for the new qualified hybrid motor vehicle.

''(3) NEW QUALIFIED HYBRID MOTOR VEHICLE.—For purposes of this subsection, the term 'new qualified hybrid motor vehicle' means a motor vehicle—

''(A) which draws propulsion energy from onboard sources of stored energy which are both—

''(i) an internal combustion or heat engine using combustible fuel, and

''(ii) a rechargeable energy storage system,

''(B) which, in the case of a passenger automobile or light truck, for 2002 and later model vehicles, has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year,

''(C) the original use of which commences with the taxpayer,

''(D) which is acquired for use or lease by the taxpayer and not for resale, and

''(E) which is made by a manufacturer.

''(d) NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.—

''(1) ALLOWANCE OF CREDIT.—Except as provided in paragraph (5), the credit determined under this subsection is an amount equal to the applicable percentage of the incremental cost of any new qualified alternative fuel motor vehicle placed in service by the taxpayer during the taxable year.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage with respect to any new qualified alternative fuel motor vehicle is—

''(A) 50 percent, plus

''(B) 30 percent, if such vehicle—

''(i) has received a certificate of conformity under the Clean Air Act and meets or exceeds the most stringent standard available for certification under the Clean Air Act for that make and model year vehicle (other than a zero emission standard), or

''(ii) has received an order from an applicable State certifying the vehicle for sale or lease in California and meets or exceeds the most stringent standard available for certification under the State laws of California (enacted in accordance with a waiver granted under section 209(b) of the Clean Air Act) for that make and model year vehicle (other than a zero emission standard).

''(3) INCREMENTAL COST.—For purposes of this subsection, the incremental cost of any new qualified alternative fuel motor vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a gasoline or diesel fuel motor vehicle of the same model, to the extent such amount does not exceed—

''(A) $5,000, if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

''(B) $10,000, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

''(C) $25,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

''(D) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

''(4) QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE DEFINED.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified alternative fuel motor vehicle' means any motor vehicle—

''(i) which is only capable of operating on an alternative fuel,

''(ii) the original use of which commences with the taxpayer,

''(iii) which is acquired by the taxpayer for use or lease, but not for resale, and

''(iv) which is made by a manufacturer.

''(B) ALTERNATIVE FUEL.—The term 'alternative fuel' means compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, and any liquid at least 85 percent of the volume of which consists of methanol.

''(5) CREDIT FOR MIXED-FUEL VEHICLES.—

''(A) IN GENERAL.—In the case of a mixed-fuel vehicle placed in service by the taxpayer during the taxable year, the credit determined under this subsection is an amount equal to—

''(i) in the case of a 75/25 mixed-fuel vehicle, 70 percent of the credit which would have been allowed under this subsection if such vehicle was a qualified alternative fuel motor vehicle, and

''(ii) in the case of a 95/5 mixed-fuel vehicle, 95 percent of the credit which would have been allowed under this subsection if such vehicle was a qualified alternative fuel motor vehicle.

''(B) MIXED-FUEL VEHICLE.—For purposes of this subsection, the term 'mixed-fuel vehicle' means any motor vehicle described in subparagraph (C) or (D) of paragraph (3), which—

''(i) is certified by the manufacturer as being able to perform efficiently in normal operation on a combination of an alternative fuel and a petroleum-based fuel,

''(ii) either—

''(I) has received a certificate of conformity under the Clean Air Act, or

''(II) has received an order from an applicable State certifying the vehicle for sale or lease in California and meets or exceeds the low emission vehicle standard under section 88.105–94 of title 40, Code of Federal Regulations, for that make and model year vehicle,

''(iii) the original use of which commences with the taxpayer,

''(iv) which is acquired by the taxpayer for use or lease, but not for resale, and

''(v) which is made by a manufacturer.

''(C) 75/25 MIXED-FUEL VEHICLE.—For purposes of this subsection, the term '75/25 mixed-fuel vehicle' means a mixed-fuel vehicle which operates using at least 75 percent alternative fuel and not more than 25 percent petroleum-based fuel.

''(D) 95/5 MIXED-FUEL VEHICLE.—For purposes of this subsection, the term '95/5 mixed-fuel vehicle' means a mixed-fuel vehicle which operates using at least 95 percent alternative fuel and not more than 5 percent petroleum-based fuel.

''(e) ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the advanced lean burn technology motor vehicle credit determined under this subsection with respect to a new qualified advanced lean burn technology motor vehicle placed in service by the taxpayer during the taxable year is the credit amount determined under paragraph (2).

''(2) CREDIT AMOUNT.—

''(A) INCREASE FOR FUEL EFFICIENCY.—The credit amount determined under this paragraph shall be—

''(i) $1,000, if such vehicle achieves at least 125 percent but less than 150 percent of the 2000 model year city fuel economy,

''(ii) $1,500, if such vehicle achieves at least 150 percent but less than 175 percent of the 2000 model year city fuel economy,

''(iii) $2,000, if such vehicle achieves at least 175 percent but less than 200 percent of the 2000 model year city fuel economy,

''(iv) $2,500, if such vehicle achieves at least 200 percent but less than 225 percent of the 2000 model year city fuel economy,

''(v) $3,000, if such vehicle achieves at least 225 percent but less than 250 percent of the 2000 model year city fuel economy, and

''(vi) $3,500, if such vehicle achieves at least 250 percent of the 2000 model year city fuel economy.

For purposes of clause (i), the 2000 model year city fuel economy with respect to a vehicle shall be determined using the tables provided in subsection (b)(2)(B) with respect to such vehicle.

''(B) CONSERVATION CREDIT.—The amount determined under subparagraph (A) with respect to an advanced lean burn technology motor vehicle shall be increased by—

''(i) $250, if such vehicle achieves a lifetime fuel savings of at least 1,500 gallons of gasoline, and

''(ii) $500, if such vehicle achieves a lifetime fuel savings of at least 2,500 gallons of gasoline.

''(C) OPTION TO USE LIKE VEHICLE.—At the option of the vehicle manufacturer, the increase for fuel efficiency and conservation credit may be calculated by comparing the new advanced lean-burn technology motor vehicle to a like vehicle.

''(3) DEFINITIONS.—For purposes of this subsection.—

''(A) ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE.—The term 'advanced lean burn technology motor vehicle' means a motor vehicle with an internal combustion engine that—

''(i) is designed to operate primarily using more air than is necessary for complete combustion of the fuel,

''(ii) incorporates direct injection,

''(iii) achieves at least 125 percent of the 2000 model year city fuel economy, and

''(iv) for 2004 and later model vehicles, has received a certificate that such vehicle meets or exceeds the Bin 5, Tier 2 emission levels (for passenger vehicles) or Bin 8, Tier 2 emission levels (for light trucks) established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle.

''(B) LIKE VEHICLE.—The term 'like vehicle' for an advanced lean burn technology motor vehicle derived from a conventional production vehicle produced in the same model year means a model that is equivalent in the following areas:

''(i) Body style (2-door or 4-door),

''(ii) Transmission (automatic or manual),

''(iii) Acceleration performance (± 0.05 seconds).

''(iv) Drivetrain (2-wheel drive or 4-wheel drive).

''(v) Certification by the Administrator of the Environmental Protection Agency.

''(C) LIFETIME FUEL SAVINGS.—The term 'lifetime fuel savings' shall be calculated by dividing 120,000 by the difference between the 2000 model year city fuel economy for the vehicle inertia weight class and the city fuel economy for the new qualified hybrid motor vehicle.

''(f) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowable under subpart A and sections 27, 29, and 30A for the taxable year.

''(g) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) CONSUMABLE FUEL.—The term 'consumable fuel' means any solid, liquid, or gaseous matter which releases energy when consumed by an auxiliary power unit.

''(2) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

''(3) 2000 MODEL YEAR CITY FUEL ECONOMY.—The 2000 model year city fuel economy with respect to any vehicle shall be measured under rules similar to the rules under section 4064(c).

''(4) OTHER TERMS.—The terms 'automobile', 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(5) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(6) NO DOUBLE BENEFIT.—The amount of any deduction or credit allowable under this chapter (other than the credit allowable under this section)—

''(A) for any incremental cost taken into account in computing the amount of the credit determined under subsection (d) shall be reduced by the amount of such credit attributable to such cost, and

''(B) with respect to a vehicle described under subsection (b) or (c), shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

''(7) PROPERTY USED BY TAX-EXEMPT ENTITIES.—In the case of a credit amount which is allowable with respect to a motor vehicle which is acquired by an entity exempt from tax under this chapter, the person which sells or leases such vehicle to the entity shall be treated as the taxpayer with respect to the vehicle for purposes of this section and the credit shall be allowed to such person, but only if the person clearly discloses to the entity in any sale or lease document the specific amount of any credit otherwise allowable to the entity under this section and reduces the sale or lease price of such vehicle by an equivalent amount of such credit.

''(8) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

''(9) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b) or with respect to the portion of the cost of any property taken into account under section 179.

''(10) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(11) CARRYFORWARD ALLOWED.—

''(A) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (f) for such taxable year (referred to as the 'unused credit year' in this paragraph), such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

''(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under subparagraph (A).

''(12) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless

otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

''(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

''(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

''(h) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

''(2) ADMINISTRATOR OF ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency, in coordination with the Secretary of Transportation and the Secretary of the Treasury, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.

''(i) TERMINATION.—This section shall not apply to any property placed in service after—

''(1) in the case of a new qualified fuel cell motor vehicle (as described in subsection (b)), December 31, 2011, and

''(2) in the case of any other property, December 31, 2007.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking ''and'' at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting '', and'', and by adding at the end the following:

''(31) to the extent provided in section 30B(g)(5).''.

(2) Section 6501(m) is amended by inserting ''30B(g)(10),'' after ''30(d)(4),''.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30A the following:

''Sec. 30B. Alternative motor vehicle credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2001, in taxable years ending after such date.

SEC. 3105. EXTENSION OF DEDUCTION FOR CERTAIN REFUELING PROPERTY.

(a) IN GENERAL.—Section 179A(f) (relating to termination) is amended by striking ''2004'' and inserting ''2007''.

(b) MODIFICATION OF PHASEOUT.—Subparagraph (B) of section 179A(b)(1) is amended—

(1) in clause (i), by striking ''2002'' and inserting ''2005'',

(2) in clause (ii), by striking ''2003'' and inserting ''2006'', and

(3) in clause (iii), by striking ''2004'' and inserting ''2007''.

SEC. 3106. MODIFICATION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) AMOUNT OF CREDIT.—

(1) IN GENERAL.—Section 30(a) (relating to allowance of credit) is amended by striking ''10 percent of''.

(2) LIMITATION OF CREDIT ACCORDING TO TYPE OF VEHICLE.—Section 30(b) (relating to limitations) is amended—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) LIMITATION ACCORDING TO TYPE OF VEHICLE.—The amount of the credit allowed under subsection (a) for any vehicle shall not exceed the greatest of the following amounts applicable to such vehicle:

''(A) In the case of a vehicle which conforms to the Motor Vehicle Safety Standard 500 prescribed by the Secretary of Transportation, the lesser of—

''(i) 10 percent of the manufacturer's suggested retail price of the vehicle, or

''(ii) $4,000.

''(B) In the case of a vehicle not described in subparagraph (A) with a gross vehicle weight rating not exceeding 8,500 pounds—

''(i) $4,000, or

''(ii) $5,000, if such vehicle is—

''(I) capable of a driving range of at least 70 miles on a single charge of the vehicle's rechargeable batteries and measured pursuant to the urban dynamometer schedules under appendix I to part 86 of title 40, Code of Federal Regulations, or

''(II) capable of a payload capacity of at least 1,000 pounds.

''(C) In the case of a vehicle with a gross vehicle weight rating exceeding 8,500 pounds but not exceeding 14,000 pounds, $10,000.

''(D) In the case of a vehicle with a gross vehicle weight rating exceeding 14,000 pounds but not exceeding 26,000 pounds, $20,000.

''(E) In the case of a vehicle with a gross vehicle weight rating exceeding 26,000 pounds, $40,000.'', and

(B) by redesignating paragraph (3) as paragraph (2).

(3) CONFORMING AMENDMENTS.—

(A) Section 53(d)(1)(B)(iii) is amended by striking ''section 30(b)(3)(B)'' and inserting ''section 30(b)(2)(B)''.

(B) Section 55(c)(2) is amended by striking ''30(b)(3)'' and inserting ''30(b)(2)''.

(b) QUALIFIED BATTERY ELECTRIC VEHICLE.—

(1) IN GENERAL.—Section 30(c)(1)(A) (defining qualified electric vehicle) is amended to read as follows:

''(A) which is—

''(i) operated solely by use of a battery or battery pack, or

''(ii) powered primarily through the use of an electric battery or battery pack using a flywheel or capacitor which stores energy produced by an electric motor through regenerative braking to assist in vehicle operation,''.

(2) LEASED VEHICLES.—Section 30(c)(1)(C) is amended by inserting ''or lease'' after ''use''.

(3) CONFORMING AMENDMENTS.—

(A) Subsections (a), and (c) of section 30 are each amended by inserting ''battery'' after ''qualified'' each place it appears.

(B) The heading of subsection (c) of section 30 is amended by inserting ''BATTERY'' after ''QUALIFIED''.

(C) The heading of section 30 is amended by inserting ''battery'' after ''qualified''.

(D) The item relating to section 30 in the table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting ''battery'' after ''qualified''.

(E) Section 179A(c)(3) is amended by inserting ''battery'' before ''electric''.

(F) The heading of paragraph (3) of section 179A(c) is amended by inserting ''BATTERY'' before ''ELECTRIC''.

(c) ADDITIONAL SPECIAL RULES.—Section 30(d) (relating to special rules) is amended by adding at the end the following:

''(5) NO DOUBLE BENEFIT.—The amount of any deduction or credit allowable under this chapter for any cost taken into account in computing the amount of the credit determined under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

''(6) PROPERTY USED BY TAX-EXEMPT ENTITIES.—In the case of a credit amount which is allowable with respect to a vehicle which is acquired by an entity exempt from tax under this chapter, the person which sells or leases such vehicle to the entity shall be treated as the taxpayer with respect to the vehicle for purposes of this section and the credit shall be allowed to such person, but only if the person clearly discloses to the entity in any sale or lease contract the specific amount of any credit otherwise allowable to the entity under this section and reduces the sale or lease price of such vehicle by an equivalent amount of such credit.

''(7) CARRYFORWARD ALLOWED.—

''(A) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (b)(3) for such taxable year, such excess shall be allowed as a credit carryforward for each of the 20 taxable years following such taxable year.

''(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under subparagraph (A).''

(d) EXTENSION.—Section 30(e) (relating to termination) is amended by striking ''2004'' and inserting ''2007''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2001, in taxable years ending after such date.

SEC. 3107. TAX CREDIT FOR ENERGY EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following new section:

''SEC. 45G. ENERGY EFFICIENT APPLIANCE CREDIT.

''(a) GENERAL RULE.—For purposes of section 38, the energy efficient appliance credit determined under this section for the taxable year is an amount equal to the applicable amount determined under subsection (b) with respect to the eligible production of qualified energy efficient appliances produced by the taxpayer during the calendar year ending with or within the taxable year.

''(b) APPLICABLE AMOUNT; ELIGIBLE PRODUCTION.—For purposes of subsection (a)—

''(1) APPLICABLE AMOUNT.—The applicable amount is—

''(A) $50 in the case of an energy efficient clothes washer described in subsection (d)(2)(A) or an energy efficient refrigerator described in subsection (d)(3)(B)(i), and

''(B) $100 in the case of any other energy efficient clothes washer or energy efficient refrigerator.

''(2) ELIGIBLE PRODUCTION.—

''(A) IN GENERAL.—The eligible production of each category of qualified energy efficient appliances is the excess of—

''(i) the number of appliances in such category which are produced by the taxpayer during such calendar year, over

''(ii) the average number of appliances in such category which were produced by the taxpayer during calendar years 1998, 1999, and 2000.

''(B) CATEGORIES.—For purposes of subparagraph (A), the categories are—

''(i) energy efficient clothes washers described in subsection (d)(2)(A),

''(ii) energy efficient clothes washers described in subsection (d)(2)(B),

''(iii) energy efficient refrigerators described in subsection (d)(3)(B)(i), and

''(iv) energy efficient refrigerators described in subsection (d)(3)(B)(ii).

''(C) SPECIAL RULE FOR 2001 PRODUCTION.—For purposes of determining eligible production for calendar year 2001—

''(i) only production after the date of the enactment of this section shall be taken into account under subparagraph (A)(i), and

''(ii) the amount taken into account under subparagraph (A)(ii) shall be an amount which bears the same ratio to the amount which would (but for this subparagraph) be taken into account under subparagraph (A)(ii) as—

''(I) the number of days in calendar year 2001 after the date of the enactment of this section, bears to

''(II) 365.

''(c) LIMITATION ON MAXIMUM CREDIT.—

''(1) IN GENERAL.—The maximum amount of credit allowed under subsection (a) with respect to a taxpayer for all taxable years shall be—

''(A) $30,000,000 with respect to the credit determined under subsection (b)(1)(A), and

''(B) $30,000,000 with respect to the credit determined under subsection (b)(1)(B).

''(2) LIMITATION BASED ON GROSS RECEIPTS.—The credit allowed under subsection (a) with respect to a taxpayer for the taxable year shall not exceed an amount equal to 2 percent of the average annual gross receipts of the taxpayer for the 3 taxable years preceding the taxable year in which the credit is determined.

''(3) GROSS RECEIPTS.—For purposes of this subsection, the rules of paragraphs (2) and (3) of section 448(c) shall apply.

''(d) QUALIFIED ENERGY EFFICIENT APPLIANCE.—For purposes of this section:

''(1) IN GENERAL.—The term 'qualified energy efficient appliance' means—

''(A) an energy efficient clothes washer, or

''(B) an energy efficient refrigerator.

''(2) ENERGY EFFICIENT CLOTHES WASHER.—The term 'energy efficient clothes washer' means a residential clothes washer, including a residential style coin operated washer, which is manufactured with—

''(A) a 1.26 MEF or greater, or

''(B) a 1.42 MEF (1.5 MEF for washers produced after 2004) or greater.

''(3) ENERGY EFFICIENT REFRIGERATOR.—The term 'energy efficient refrigerator' means an automatic defrost refrigerator-freezer which—

''(A) has an internal volume of at least 16.5 cubic feet, and

''(B) consumes—

''(i) 10 percent less kw/hr/yr than the energy conservation standards promulgated by the Department of Energy for refrigerators produced during 2001, and

''(ii) 15 percent less kw/hr/yr than such energy conservation standards for refrigerators produced after 2001.

''(4) MEF.—The term 'MEF' means Modified Energy Factor (as determined by the Secretary of Energy).

''(e) SPECIAL RULES.—

''(1) IN GENERAL.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply for purposes of this section.

''(2) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as 1 person for purposes of subsection (a).

''(f) VERIFICATION.—The taxpayer shall submit such information or certification as the Secretary, in consultation with the Secretary of Energy, determines necessary to claim the credit amount under subsection (a).

''(g) TERMINATION.—This section shall not apply—

''(1) with respect to energy efficient refrigerators described in subsection (d)(3)(B)(i) produced after 2004, and

''(2) with respect to all other qualified energy efficient appliances produced after 2006.''.

(b) LIMITATION ON CARRYBACK.—Section 39(d) (relating to transition rules) is amended by adding at the end the following new paragraph:

''(11) NO CARRYBACK OF ENERGY EFFICIENT APPLIANCE CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the energy efficient appliance credit determined under section 45G may be carried to a taxable year ending before the date of the enactment of section 45G.''.

(c) CONFORMING AMENDMENT.—Section 38(b) (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting '', plus'', and by adding at the end the following new paragraph:

''(16) the energy efficient appliance credit determined under section 45G(a).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45F the following new item:

''Sec. 45G. Energy efficient appliance credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 3108. CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:

''SEC. 25E. ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 20 percent of the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year.

''(b) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—The credit allowed by this section with respect to a dwelling shall not exceed $2,000.

''(2) PRIOR CREDIT AMOUNTS FOR TAXPAYER ON SAME DWELLING TAKEN INTO ACCOUNT.—If a credit was allowed to the taxpayer under subsection (a) with respect to a dwelling in 1 or more prior taxable years, the amount of the credit otherwise allowable for the taxable year with respect to that dwelling shall not exceed the amount of $2,000 reduced by the sum of the credits allowed under subsection (a) to the taxpayer with respect to the dwelling for all prior taxable years.

''(3) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section and section 23) and section 27 for the taxable year.

''(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by subsection (b)(3) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(d) QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—For purposes of this section, the term 'qualified energy efficiency improvements' means any energy efficient building envelope component which meets the prescriptive criteria for such component established by the 1998 International Energy Conservation Code, if—

''(1) such component is installed in or on a dwelling—

''(A) located in the United States, and

''(B) owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121),

''(2) the original use of such component commences with the taxpayer, and

''(3) such component reasonably can be expected to remain in use for at least 5 years. If the aggregate cost of such components with respect to any dwelling exceeds $1,000, such components shall be treated as qualified energy efficiency improvements only if such components are also certified in accordance with subsection (e) as meeting such criteria.

''(e) CERTIFICATION.—The certification described in subsection (d) shall be—

''(1) determined on the basis of the technical specifications or applicable ratings (including product labeling requirements) for the measurement of energy efficiency, based upon energy use or building envelope component performance, for the energy efficient building envelope component,

''(2) provided by a local building regulatory authority, a utility, a manufactured home production inspection primary inspection agency (IPIA), or an accredited home energy rating system provider who is accredited by or otherwise authorized to use approved energy performance measurement methods by the Home Energy Ratings Systems Council or the National Association of State Energy Officials, and

''(3) made in writing in a manner that specifies in readily verifiable fashion the energy efficient building envelope components installed and their respective energy efficiency levels.

''(f) DEFINITIONS AND SPECIAL RULES.—

''(1) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having paid his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of the cost of qualified energy efficiency improvements made by such corporation.

''(2) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having paid his proportionate share of the cost of qualified energy efficiency improvements made by such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(3) BUILDING ENVELOPE COMPONENT.—The term 'building envelope component' means insulation material or system which is specifically and primarily designed to reduce the heat loss or gain of a dwelling when installed in or on such dwelling, exterior windows (including skylights) and doors, and metal roofs with appropriate pigmented coatings which are specifically and primarily designed to reduce the heat gain of a dwelling when installed in or on such dwelling.

''(4) MANUFACTURED HOMES INCLUDED.—For purposes of this section, the term 'dwelling' includes a manufactured home which conforms to Federal Manufactured Home Construction and Safety Standards (24 C.F.R. 3280).

''(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(h) APPLICATION OF SECTION.—This section shall apply to qualified energy efficiency improvements installed after December 31, 2001 and before January 1, 2007.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016 is amended by striking ''and'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', and'', and by adding at the end the following new paragraph:

''(32) to the extent provided in section 25E(g), in the case of amounts with respect to which a credit has been allowed under section 25E.''.

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Energy efficiency improvements to existing homes.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2001.

SEC. 3109. BUSINESS CREDIT FOR CONSTRUCTION OF NEW ENERGY EFFICIENT HOME.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by inserting after section 45G the following new section:

''SEC. 45H. NEW ENERGY EFFICIENT HOME CREDIT.

''(a) IN GENERAL.—For purposes of section 38, in the case of an eligible contractor, the credit determined under this section for the taxable year is an amount equal to the aggregate adjusted bases of all energy efficient property installed in a qualified new energy efficient home during construction of such home.

''(b) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—

''(A) IN GENERAL.—The credit allowed by this section with respect to a dwelling shall not exceed $2,000.

''(B) PRIOR CREDIT AMOUNTS ON SAME DWELLING TAKEN INTO ACCOUNT.—If a credit was allowed under subsection (a) with respect to a dwelling in 1 or more prior taxable years, the amount of the credit otherwise allowable for the taxable year with respect to that dwelling shall not exceed the amount of $2,000 reduced by the sum of the credits allowed under subsection (a) with respect to the dwelling for all prior taxable years.

''(2) COORDINATION WITH REHABILITATION AND ENERGY CREDITS.—For purposes of this section—

''(A) the basis of any property referred to in subsection (a) shall be reduced by that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)) or to the energy percentage of energy property (as determined under section 48(a)), and

''(B) expenditures taken into account under either section 47 or 48(a) shall not be taken into account under this section.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE CONTRACTOR.—The term 'eligible contractor' means the person who constructed the new energy efficient home, or in the case of a manufactured home which conforms to Federal Manufactured Home Construction and Safety Standards (24 C.F.R. 3280), the manufactured home producer of such home.

''(2) ENERGY EFFICIENT PROPERTY.—The term 'energy efficient property' means any energy efficient building envelope component, and any energy efficient heating or cooling appliance.

''(3) QUALIFIED NEW ENERGY EFFICIENT HOME.—The term 'qualified new energy efficient home' means a dwelling—

''(A) located in the United States,

''(B) the construction of which is substantially completed after December 31, 2001,

''(C) the original use of which is as a principal residence (within the meaning of section 121) which commences with the person who acquires such dwelling from the eligible contractor, and

''(D) which is certified to have a level of annual heating and cooling energy consumption that is at least 30 percent below the annual level of heating and cooling energy consumption of a comparable dwelling constructed in accordance with the standards of the 1998 International Energy Conservation Code.

''(4) CONSTRUCTION.—The term 'construction' includes reconstruction and rehabilitation.

''(5) ACQUIRE.—The term 'acquire' includes purchase and, in the case of reconstruction and rehabilitation, such term includes a binding written contract for such reconstruction or rehabilitation.

''(6) BUILDING ENVELOPE COMPONENT.—The term 'building envelope component' means insulation material or system which is specifically and primarily designed to reduce the heat loss or gain of a dwelling when installed in or on such dwelling, exterior windows (including skylights) and doors, and metal roofs with appropriate pigmented coatings which are specifically and primarily designed to reduce the heat gain of a dwelling when installed in or on such dwelling.

''(7) MANUFACTURED HOME INCLUDED.—The term 'dwelling' includes a manufactured home conforming to Federal Manufactured Home Construction and Safety Standards (24 C.F.R. 3280).

''(d) CERTIFICATION.—

''(1) METHOD.—A certification described in subsection (c)(3)(D) shall be determined on the basis of one of the following methods:

''(A) The technical specifications or applicable ratings (including product labeling requirements) for the measurement of energy efficiency for the energy efficient building envelope component or energy efficient heating or cooling appliance, based upon energy use or building envelope component performance.

''(B) An energy performance measurement method that utilizes computer software approved by organizations designated by the Secretary.

''(2) PROVIDER.—Such certification shall be provided by—

''(A) in the case of a method described in paragraph (1)(A), a local building regulatory authority, a utility, a manufactured home production inspection primary inspection agency (IPIA), or an accredited home energy rating systems provider who is accredited by, or otherwise authorized to use, approved energy performance measurement methods by the Home Energy Ratings Systems Council or the National Association of State Energy Officials, or

''(B) in the case of a method described in paragraph (1)(B), an individual recognized by an organization designated by the Secretary for such purposes.

''(3) FORM.—Such certification shall be made in writing in a manner that specifies in readily verifiable fashion the energy efficient building envelope components and energy efficient heating or cooling appliances installed and their respective energy efficiency levels, and in the case of a method described in subparagraph (B) of paragraph (1), accompanied by written analysis documenting the proper application of a permissible energy performance measurement method to the specific circumstances of such dwelling.

''(4) REGULATIONS.—

''(A) IN GENERAL.—In prescribing regulations under this subsection for energy performance measurement methods, the Secretary shall prescribe procedures for calculating annual energy costs for heating and cooling and cost savings and for the reporting of the results. Such regulations shall—

''(i) be based on the National Home Energy Rating Technical Guidelines of the National Association of State Energy Officials, the Home Energy Rating Guidelines of the Home Energy Rating Systems Council, or the modified 1998 California Residential ACM manual,

''(ii) provide that any calculation procedures be developed such that the same energy efficiency measures allow a home to qualify for the credit under this section regardless of whether the house uses a gas or oil furnace or boiler or an electric heat pump, and

''(iii) require that any computer software allow for the printing of the Federal tax forms necessary for the credit under this section and explanations for the homebuyer of the energy efficient features that were used to comply with the requirements of this section.

''(B) PROVIDERS.—For purposes of paragraph (2)(B), the Secretary shall establish requirements for the designation of individuals based on the requirements for energy consultants and home energy raters specified by the National Association of State Energy Officials.

''(e) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(f) APPLICATION OF SECTION.—Subsection (a) shall apply to dwellings purchased during the period beginning on January 1, 2002, and ending on December 31, 2006.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting '', plus'', and by adding at the end thereof the following new paragraph:

''(17) the new energy efficient home credit determined under section 45H.''.

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C (relating to certain expenses for which credits are allowable) is amended by adding at the end thereof the following new subsection:

''(d) NEW ENERGY EFFICIENT HOME EXPENSES.—No deduction shall be allowed for that portion of expenses for a new energy efficient home otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for such taxable year under section 45H.''.

(d) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 is amended by adding at the end the following new paragraph:

''(12) NO CARRYBACK OF NEW ENERGY EFFICIENT HOME CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the credit determined under section 45H may be carried back to any taxable year ending before January 1, 2002.''.

(e) DEDUCTION FOR CERTAIN UNUSED BUSINESS CREDITS.—Subsection (c) of section 196 is amended by striking ''and'' at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting '', and'', and by adding after paragraph (10) the following new paragraph:

''(11) the new energy efficient home credit determined under section 45H.''.

(f) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45G the following new item:

''Sec. 45H. New energy efficient home credit.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2001.

SEC. 3110. ALLOWANCE OF DEDUCTION FOR ENERGY EFFICIENT COMMERCIAL BUILDING PROPERTY.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 179A the following new section:

''SEC. 179B. DEDUCTION FOR ENERGY EFFICIENT COMMERCIAL BUILDING PROPERTY.

''(a) ALLOWANCE OF DEDUCTION.—

''(1) IN GENERAL.—There shall be allowed as a deduction an amount equal to energy efficient commercial building property expenditures made by a taxpayer for the taxable year.

''(2) MAXIMUM AMOUNT OF DEDUCTION.—The amount of energy efficient commercial building property expenditures taken into account under paragraph (1) shall not exceed an amount equal to the product of—

''(A) $2.25, and

''(B) the square footage of the building with respect to which the expenditures are made.

''(3) YEAR DEDUCTION ALLOWED.—The deduction under paragraph (1) shall be allowed for the taxable year in which the building is placed in service.

''(b) ENERGY EFFICIENT COMMERCIAL BUILDING PROPERTY EXPENDITURES.—For purposes of this section, the term 'energy efficient commercial building property expenditures' means an amount paid or incurred for energy efficient commercial building property installed on or in connection with new construction or reconstruction of property—

''(1) for which depreciation is allowable under section 167,

''(2) which is located in the United States, and

''(3) the construction or erection of which is completed by the taxpayer.

Such property includes all residential rental property, including low-rise multifamily structures and single family housing property which is not within the scope of Standard 90.1–1999 (described in subsection (c)). Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

''(c) ENERGY EFFICIENT COMMERCIAL BUILDING PROPERTY.—For purposes of subsection (b)—

''(1) IN GENERAL.—The term 'energy efficient commercial building property' means any property which reduces total annual energy and power costs with respect to the lighting, heating, cooling, ventilation, and hot water supply systems of the building by 50 percent or more in comparison to a reference building which meets the requirements of Standard 90.1–1999 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America using methods of calculation under paragraph (2) and certified by qualified professionals as provided under subsection (f).

''(2) METHODS OF CALCULATION.—The Secretary, in consultation with the Secretary of Energy, shall promulgate regulations which describe in detail methods for calculating and verifying energy and power consumption and cost, taking into consideration the provisions of the 1998 California Nonresidential ACM Manual. These procedures shall meet the following requirements:

''(A) In calculating tradeoffs and energy performance, the regulations shall prescribe the costs per unit of energy and power, such as kilowatt hour, kilowatt, gallon of fuel oil, and cubic foot or Btu of natural gas, which may be dependent on time of usage.

''(B) The calculational methodology shall require that compliance be demonstrated for a whole building. If some systems of the building, such as lighting, are designed later than other systems of the building, the method shall provide that either—

''(i) the expenses taken into account under subsection (a) shall not occur until the date designs for all energy-using systems of the building are completed,

''(ii) the energy performance of all systems and components not yet designed shall be assumed to comply minimally with the requirements of such Standard 90.1–1999, or

''(iii) the expenses taken into account under subsection (a) shall be a fraction of such expenses based on the performance of less than all energy-using systems in accordance with subparagraph (C).

''(C) The expenditures in connection with the design of subsystems in the building, such as the envelope, the heating, ventilation, air conditioning and water heating system, and the lighting system shall be allocated to the appropriate building subsystem based on system-specific energy cost savings targets in regulations promulgated by the Secretary of Energy which are equivalent, using the calculation methodology, to the whole building requirement of 50 percent savings.

''(D) The calculational methods under this subparagraph need not comply fully with section 11 of such Standard 90.1–1999.

''(E) The calculational methods shall be fuel neutral, such that the same energy efficiency features shall qualify a building for the deduction under this subsection regardless of whether the heating source is a gas or oil furnace or an electric heat pump.

''(F) The calculational methods shall provide appropriate calculated energy savings for design methods and technologies not otherwise credited in either such Standard 90.1–1999 or in the 1998 California Nonresidential ACM Manual, including the following:

''(i) Natural ventilation.

''(ii) Evaporative cooling.

''(iii) Automatic lighting controls such as occupancy sensors, photocells, and timeclocks.

''(iv) Daylighting.

''(v) Designs utilizing semi-conditioned spaces that maintain adequate comfort conditions without air conditioning or without heating.

''(vi) Improved fan system efficiency, including reductions in static pressure.

''(vii) Advanced unloading mechanisms for mechanical cooling, such as multiple or variable speed compressors.

''(viii) The calculational methods may take into account the extent of commissioning in the building, and allow the taxpayer to take into account measured performance that exceeds typical performance.

''(3) COMPUTER SOFTWARE.—

''(A) IN GENERAL.—Any calculation under this subsection shall be prepared by qualified computer software.

''(B) QUALIFIED COMPUTER SOFTWARE.—For purposes of this paragraph, the term 'qualified computer software' means software—

''(i) for which the software designer has certified that the software meets all procedures and detailed methods for calculating energy and power consumption and costs as required by the Secretary,

''(ii) which provides such forms as required to be filed by the Secretary in connection with energy efficiency of property and the deduction allowed under this section, and

''(iii) which provides a notice form which summarizes the energy efficiency features of the building and its projected annual energy costs.

''(d) ALLOCATION OF DEDUCTION FOR PUBLIC PROPERTY.—In the case of energy efficient commercial building property installed on or in public property, the Secretary shall promulgate a regulation to allow the allocation of the deduction to the person primarily responsible for designing the property in lieu of the public entity which is the owner of such property. Such person shall be treated as the taxpayer for purposes of this section.

''(e) NOTICE TO OWNER.—The qualified individual shall provide an explanation to the owner of the building regarding the energy efficiency features of the building and its projected annual energy costs as provided in the notice under subsection (c)(3)(B)(iii).

''(f) CERTIFICATION.—The Secretary, in consultation with the Secretary of Energy, shall establish requirements for certification and compliance procedures similar to the procedures under section 45H(d).

''(g) BASIS REDUCTION.—For purposes of this title, the basis of any property shall be reduced by the amount of the deduction with respect to such property which is allowed by subsection (a).

''(h) TERMINATION.—This section shall not apply to property placed in service after December 31, 2006.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking ''and'' at the end of paragraph (31), by striking the period at the end of paragraph (32) and inserting '', and'', and by inserting the following new paragraph:

''(33) to the extent provided in section 179B(g).''.

(2) Section 1245(a) is amended by inserting ''179B,'' after ''179A,'' both places it appears in paragraphs (2)(C) and (3)(C).

(3) Section 1250(b)(3) is amended by inserting before the period at the end of the first sentence ''or by section 179B''.

(4) Section 263(a)(1) is amended by striking ''or'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', or'', and by inserting after subparagraph (H) the following new subparagraph:

''(I) expenditures for which a deduction is allowed under section 179B.''.

(5) Section 312(k)(3)(B) is amended by striking ''or 179A'' each place it appears in the heading and text and inserting '', 179A, or 179B''.

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding after section 179A the following new item:

''Sec. 179B. Deduction for energy efficient commercial building property.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 3111. ALLOWANCE OF DEDUCTION FOR QUALIFIED ENERGY MANAGEMENT DEVICES AND RETROFITTED QUALIFIED METERS.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 179B the following new section:

''SEC. 179C. DEDUCTION FOR QUALIFIED ENERGY MANAGEMENT DEVICES AND RETROFITTED METERS.

''(a) ALLOWANCE OF DEDUCTION.—In the case of a taxpayer who is a supplier of electric energy or natural gas or a provider of electric energy or natural gas services, there shall be allowed as a deduction an amount equal to the cost of each qualified energy management device placed in service during the taxable year.

''(b) MAXIMUM DEDUCTION.—The deduction allowed by this section with respect to each qualified energy management device shall not exceed $30.

''(c) QUALIFIED ENERGY MANAGEMENT DEVICE.—The term 'qualified energy management device' means any tangible property to which section 168 applies if such property is a meter or metering device—

''(1) which is acquired and used by the taxpayer to enable consumers to manage their purchase or use of electricity or natural gas in response to energy price and usage signals, and

''(2) which permits reading of energy price and usage signals on at least a daily basis.

''(d) PROPERTY USED OUTSIDE THE UNITED STATES NOT QUALIFIED.—No deduction shall be allowed under subsection (a) with respect to property which is used predominantly outside the United States or with respect to the portion of the cost of any property taken into account under section 179.

''(e) BASIS REDUCTION.—

''(1) IN GENERAL.—For purposes of this title, the basis of any property shall be reduced by the amount of the deduction with respect to such property which is allowed by subsection (a).

''(2) ORDINARY INCOME RECAPTURE.—For purposes of section 1245, the amount of the deduction allowable under subsection (a) with respect to any property that is of a character subject to the allowance for depreciation shall be treated as a deduction allowed for depreciation under section 167.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 263(a)(1) is amended by striking ''or'' at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting '', or'', and by inserting after subparagraph (I) the following new subparagraph:

''(J) expenditures for which a deduction is allowed under section 179C.''.

(2) Section 312(k)(3)(B) is amended by striking ''or 179B'' each place it appears in the heading and text and inserting '', 179B, or 179C''.

(3) Section 1016(a) is amended by striking ''and'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', and'', and by inserting after paragraph (33) the following new paragraph:

''(34) to the extent provided in section 179C(e)(1).''.

(4) Section 1245(a) is amended by inserting ''179C,'' after ''179B,'' both places it appears in paragraphs (2)(C) and (3)(C).

(5) The table of contents for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 179B the following new item:

''Sec. 179C. Deduction for qualified energy management devices and retrofitted meters.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified energy management devices placed in service after the date of the enactment of this Act.

SEC. 3112. 3-YEAR APPLICABLE RECOVERY PERIOD FOR DEPRECIATION OF QUALIFIED ENERGY MANAGEMENT DEVICES.

(a) IN GENERAL.—Subparagraph (A) of section 168(e)(3) (relating to classification of property) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) any qualified energy management device.''.

(b) DEFINITION OF QUALIFIED ENERGY MANAGEMENT DEVICE.—Section 168(i) (relating to definitions and special rules) is amended by inserting at the end the following new paragraph:

''(15) QUALIFIED ENERGY MANAGEMENT DEVICE.—The term 'qualified energy management device' means any qualified energy management device as defined in section 179C(c) which is placed in service by a taxpayer who is a supplier of electric energy or natural gas or a provider of electric energy or natural gas services.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 3113. ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3) (defining energy property) is amended by striking ''or'' at the end of clause (ii), by adding ''or'' at the end of clause (iii), and by inserting after clause (iii) the following new clause:

''(iv) combined heat and power system property,''.

(b) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Subsection (a) of section 48 is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

''(5) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of this subsection—

''(A) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

''(i) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

''(ii) which has an electrical capacity of more than 50 kilowatts or a mechanical energy capacity of more than 67 horsepower or an equivalent combination of electrical and mechanical energy capacities,

''(iii) which produces—

''(I) at least 20 percent of its total useful energy in the form of thermal energy, and

''(II) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

''(iv) the energy efficiency percentage of which exceeds 60 percent (70 percent in the case of a system with an electrical capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower, or an equivalent combination of electrical and mechanical energy capacities), and

''(v) which is placed in service after December 31, 2001, and before January 1, 2007.

''(B) SPECIAL RULES.—

''(i) ENERGY EFFICIENCY PERCENTAGE.—For purposes of subparagraph (A)(iv), the energy efficiency percentage of a system is the fraction—

''(I) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and

''(II) the denominator of which is the lower heating value of the primary fuel source for the system.

''(ii) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under subparagraph (A)(iii) shall be determined on a Btu basis.

''(iii) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

''(iv) PUBLIC UTILITY PROPERTY.—

''(I) ACCOUNTING RULE FOR PUBLIC UTILITY PROPERTY.—If the combined heat and power system property is public utility property (as defined in section 168(i)(1)), the taxpayer may only claim the credit under the subsection if, with respect to such property, the taxpayer uses a normalization method of accounting.

''(II) CERTAIN EXCEPTION NOT TO APPLY.—The matter in paragraph (3) which follows subparagraph (D) shall not apply to combined heat and power system property.

''(C) EXTENSION OF DEPRECIATION RECOVERY PERIOD.—If a taxpayer is allowed credit under this section for combined heat and power system property and such property would (but for this subparagraph) have a class life of 15 years or less under section 168, such property shall be treated as having a 22-year class life for purposes of section 168.''.

(c) NO CARRYBACK OF ENERGY CREDIT BEFORE EFFECTIVE DATE.—Subsection (d) of section 39 is amended by adding at the end the following new paragraph:

''(13) NO CARRYBACK OF ENERGY CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the energy credit with respect to property described in section 48(a)(5) may be carried back to a taxable year ending before January 1, 2002.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2001.

SEC. 3114. NEW NONREFUNDABLE PERSONAL CREDITS ALLOWED AGAINST REGULAR AND MINIMUM TAXES.

(a) IN GENERAL.—Paragraph (1) of section 26(a) is amended by striking ''and 25B'' and inserting ''25B, 25C, 25D, and 25E''.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, 25C, 25D, and 25E''.

(2) Section 25(e)(1)(C) is amended by inserting ''25C, 25D, and 25E'' after ''25B,''.

(3) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23, 25C, 25D, and 25E''.

(4) Section 904(h) is amended by striking ''and 25B'' and inserting ''25B, 25C, 25D, and 25E''.

(5) Section 1400C(d) is amended by striking ''and 25B'' and inserting ''25B, 25C, 25D, and 25E''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 3115. PHASEOUT OF 4.3-CENT MOTOR FUEL EXCISE TAXES ON RAILROADS AND INLAND WATERWAY TRANSPORTATION WHICH REMAIN IN GENERAL FUND.

(a) TAXES ON TRAINS.—

(1) IN GENERAL.—Clause (ii) of section 4041(a)(1)(C) is amended by striking subclauses (I), (II), and (III) and inserting the following new subclauses:

''(I) 3.3 cents per gallon after September 30, 2001, and before January 1, 2005,

''(II) 2.3 cents per gallon after December 31, 2004, and before January 1, 2007,

''(III) 1.3 cents per gallon after December 31, 2006, and before January 1, 2009,

''(IV) 0.3 cent per gallon after December 31, 2008, and before January 1, 2010, and

''(V) 0 after December 31, 2009.''.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (d) of section 4041 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) DIESEL FUEL USED IN TRAINS.—In the case of any sale for use (or use) after September 30, 2010, there is hereby imposed a tax of 0.1 cent per gallon on any liquid other than gasoline (as defined in section 4083)—

''(A) sold by any person to an owner, lessee, or other operator of a diesel-powered train for use as a fuel in such train, or

''(B) used by any person as a fuel in a diesel-powered train unless there was a taxable sale of such fuel under subparagraph (A).

No tax shall be imposed by this paragraph on the sale or use of any liquid if tax was imposed on such liquid under section 4081.''

(B) Subsection (f) of section 4082 is amended by striking ''section 4041(a)(1)'' and inserting ''subsections (a)(1) and (d)(3) of section 4041''.

(C) Subparagraph (B) of section 6421(f)(3) is amended to read as follows:

''(B) so much of the rate specified in section 4081(a)(2)(A) as does not exceed the rate applicable under section 4041(a)(1)(C)(ii).''.

(D) Subparagraph (B) of section 6427(l)(3) is amended to read as follows:

''(B) so much of the rate specified in section 4081(a)(2)(A) as does not exceed the rate applicable under section 4041(a)(1)(C)(ii).''.

(b) FUEL USED ON INLAND WATERWAYS.—Subparagraph (C) of section 4042(b)(2) is amended to read as follows:

''(C) The deficit reduction rate is—

''(i) 3.3 cents per gallon after September 30, 2001, and before January 1, 2005,

''(ii) 2.3 cents per gallon after December 31, 2004, and before January 1, 2007,

''(iii) 1.3 cents per gallon after December 31, 2006, and before January 1, 2009,

''(iv) 0.3 cent per gallon after December 31, 2008, and before January 1, 2010, and

''(v) 0 after December 31, 2009.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.

SEC. 3116. REDUCED MOTOR FUEL EXCISE TAX ON CERTAIN MIXTURES OF DIESEL FUEL.

(a) IN GENERAL.—Clause (iii) of section 4081(a)(2)(A) is amended by inserting before the period ''(19.7 cents per gallon in the case of a diesel-water fuel emulsion at least 14 percent of which is water)''.

(b) REFUNDS FOR TAX-PAID PURCHASES.—

(1) IN GENERAL.—Section 6427 is amended by redesignating subsections (m) through (p) as subsections (n) through (q), respectively, and by inserting after subsection (l) the following new subsection:

''(m) DIESEL FUEL USED TO PRODUCE EMULSION.—

''(1) IN GENERAL.—Except as provided in subsection (k), if any diesel fuel on which tax was imposed by section 4081 at the regular tax rate is used by any person in producing an emulsion described in section 4081(a)(2)(A) which is sold or used in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the excess of the regular tax rate over the incentive tax rate with respect to such fuel.

''(2) DEFINITIONS.—For purposes of paragraph (1)—

''(A) REGULAR TAX RATE.—The term 'regular tax rate' means the aggregate rate of tax imposed by section 4081 determined without regard to the parenthetical in section 4081(a)(2)(A).

''(B) INCENTIVE TAX RATE.—The term 'incentive tax rate' means the aggregate rate of tax imposed by section 4081 determined with regard to the parenthetical in section 4081(a)(2)(A).''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.

SEC. 3117. CREDIT FOR INVESTMENT IN QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY.

(a) ALLOWANCE OF QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY FACILITY CREDIT.—Section 46 (relating to amount of credit) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following:

''(4) the qualifying advanced clean coal technology facility credit.''.

(b) AMOUNT OF QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY FACILITY CREDIT.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit) is amended by inserting after section 48 the following:

''SEC. 48A. QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY FACILITY CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the qualifying advanced clean coal technology facility credit for any taxable year is an amount equal to 10 percent of the qualified investment in a qualifying advanced clean coal technology facility for such taxable year.

''(b) QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY FACILITY.—

''(1) IN GENERAL.—For purposes of subsection (a), the term 'qualifying advanced clean coal technology facility' means a facility of the taxpayer which—

''(A)(i)(I) original use of which commences with the taxpayer, or

''(II) is a retrofitted or repowered conventional technology facility, the retrofitting or repowering of which is completed by the taxpayer (but only with respect to that portion of the basis which is properly attributable to such retrofitting or repowering), or

''(ii) is acquired through purchase (as defined by section 179(d)(2)),

''(B) is depreciable under section 167,

''(C) has a useful life of not less than 4 years,

''(D) is located in the United States, and

''(E) uses qualifying advanced clean coal technology.

''(2) SPECIAL RULE FOR SALE-LEASEBACKS.—For purposes of subparagraph (A) of paragraph (1), in the case of a facility which—

''(A) is originally placed in service by a person, and

''(B) is sold and leased back by such person, or is leased to such person, within 3 months after the date such facility was originally placed in service, for a period of not less than 12 years,

such facility shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback (or lease) referred to in subparagraph (B). The preceding sentence shall not apply to any property if the lessee and lessor of such property make an election under this sentence. Such an election, once made, may be revoked only with the consent of the Secretary.

''(c) QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying advanced clean coal technology' means, with respect to clean coal technology—

''(A) which has—

''(i) multiple applications, with a combined capacity of not more than 5,000 megawatts (4,000 megawatts before 2009), of advanced pulverized coal or atmospheric fluidized bed combustion technology—

''(I) installed as a new, retrofit, or repowering application,

''(II) operated between 2000 and 2012, and

''(III) having a design net heat rate of not more than 9,500 Btu per kilowatt hour when the design coal has a heat content of more than 9,000 Btu per pound, or a design net heat rate of not more than 9,900 Btu per kilowatt hour when the design coal has a heat content of 9,000 Btu per pound or less,

''(ii) multiple applications, with a combined capacity of not more than 1,000 megawatts (500 megawatts before 2009 and 750 megawatts before 2013), of pressurized fluidized bed combustion technology—

''(I) installed as a new, retrofit, or repowering application,

''(II) operated between 2000 and 2016, and

''(III) having a design net heat rate of not more than 8,400 Btu per kilowatt hour when the design coal has a heat content of more than 9,000 Btu per pound, or a design net heat rate of not more than 9,900 Btu's per kilowatt hour when the design coal has a heat content of 9,000 Btu per pound or less, and

''(iii) multiple applications, with a combined capacity of not more than 2,000 megawatts (1,000 megawatts before 2009 and 1,500 megawatts before 2013), of integrated gasification combined cycle technology, with or without fuel or chemical co-production—

''(I) installed as a new, retrofit, or repowering application,

''(II) operated between 2000 and 2016,

''(III) having a design net heat rate of not more than 8,550 Btu per kilowatt hour when the design coal has a heat content of more than 9,000 Btu per pound, or a design net heat rate of not more than 9,900 Btu per kilowatt hour when the design coal has a heat content of 9,000 Btu per pound or less, and

''(IV) having a net thermal efficiency on any fuel or chemical co-production of not less than 39 percent (higher heating value), or

''(iv) multiple applications, with a combined capacity of not more than 2,000 megawatts (1,000 megawatts before 2009 and 1,500 megawatts before 2013) of technology for the production of electricity—

''(I) installed as a new, retrofit, or repowering application,

''(II) operated between 2000 and 2016, and

''(III) having a carbon emission rate which is not more than 85 percent of conventional technology, and

''(B) which reduces the discharge into the atmosphere of 1 or more of the following pollutants to not more than—

''(i) 5 percent of the potential combustion concentration sulfur dioxide emissions for a coal with a potential combustion concentration sulfur emission of 1.2 lb/million btu of heat input or greater,

''(ii) 15 percent of the potential combustion concentration sulfur dioxide emissions for a coal with a potential combustion concentration sulfur emission of less than 1.2 lb/million btu of heat input,

''(iii) nitrogen oxide emissions of 0.1 lb per million btu of heat input from other than cyclone-fired boilers,

''(iv) 15 percent of the uncontrolled nitrogen oxide emissions from cyclone-fired boilers,

''(v) particulate emissions of 0.02 lb per million btu of heat input, and

''(vi) the emission levels specified in the new source performance standards of the Clean Air Act (42 U.S.C. 7411) in effect at the time of retrofitting, repowering, or replacement of the qualifying clean coal technology unit for the category of source if such level is lower than the levels specified in clause (i), (ii), (iii), (iv), or (v).

''(2) EXCEPTIONS.—Such term shall not include any projects receiving or scheduled to receive funding under the Clean Coal Technology Program, or the Power Plant Improvement administered by the Secretary of the Department of Energy.

''(d) CLEAN COAL TECHNOLOGY.—For purposes of this section, the term 'clean coal technology' means advanced technology which uses coal to produce 75 percent or more of its thermal output as electricity including advanced pulverized coal or atmospheric fluidized bed combustion, pressurized fluidized bed combustion, integrated gasification combined cycle with or without fuel or chemical co-production, and any other technology for the production of electricity which exceeds the performance of conventional technology.

''(e) CONVENTIONAL TECHNOLOGY.—The term 'conventional technology' means—

''(1) coal-fired combustion technology with a design net heat rate of not less than 9,500 Btu per kilowatt hour (HHV) and a carbon equivalents emission rate of not more than 0.54 pounds of carbon per kilowatt hour when the design coal has a heat content of more than 9,000 Btu per pound,

''(2) coal-fired combustion technology with a design net heat rate of not less than 10,500 Btu per kilowatt hour (HHV) and a carbon equivalents emission rate of not more than 0.60 pounds of carbon per kilowatt hour when the design coal has a heat content of 9,000 Btu per pound or less, or

''(3) natural gas-fired combustion technology with a design net heat rate of not less than 7,500 Btu per kilowatt hour (HHV) and a carbon equivalents emission rate of not more than 0.24 pounds of carbon per kilowatt hour.

''(f) DESIGN NET HEAT RATE.—The design net heat rate shall be based on the design annual heat input to and the design annual net electrical output from the qualifying advanced clean coal technology (determined without regard to such technology's co-generation of steam).

''(g) SELECTION CRITERIA.—Selection criteria for qualifying advanced clean coal technology facilities—

''(1) shall be established by the Secretary of Energy as part of a competitive solicitation,

''(2) shall include primary criteria of minimum design net heat rate, maximum design thermal efficiency, environmental performance, and lowest cost to the government, and

''(3) shall include supplemental criteria as determined appropriate by the Secretary of Energy.

''(h) QUALIFIED INVESTMENT.—For purposes of subsection (a), the term 'qualified investment' means, with respect to any taxable year, the basis of a qualifying advanced clean coal technology facility placed in service by the taxpayer during such taxable year.

''(i) QUALIFIED PROGRESS EXPENDITURES.—

''(1) INCREASE IN QUALIFIED INVESTMENT.—In the case of a taxpayer who has made an election under paragraph (5), the amount of the qualified investment of such taxpayer for the taxable year (determined under subsection (c) without regard to this section) shall be increased by an amount equal to the aggregate of each qualified progress expenditure for the taxable year with respect to progress expenditure property.

''(2) PROGRESS EXPENDITURE PROPERTY DEFINED.—For purposes of this subsection, the term 'progress expenditure property' means any property being constructed by or for the taxpayer and which it is reasonable to believe will qualify as a qualifying advanced clean coal technology facility which is being constructed by or for the taxpayer when it is placed in service.

''(3) QUALIFIED PROGRESS EXPENDITURES DEFINED.—For purposes of this subsection—

''(A) SELF-CONSTRUCTED PROPERTY.—In the case of any self-constructed property, the term 'qualified progress expenditures' means the amount which, for purposes of this subpart, is properly chargeable (during such taxable year) to capital account with respect to such property.

''(B) NONSELF-CONSTRUCTED PROPERTY.—In the case of nonself-constructed property, the term 'qualified progress expenditures' means the amount paid during the taxable year to another person for the construction of such property.

''(4) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) SELF-CONSTRUCTED PROPERTY.—The term 'self-constructed property' means property for which it is reasonable to believe that more than half of the construction expenditures will be made directly by the taxpayer.

''(B) NONSELF-CONSTRUCTED PROPERTY.—The term 'nonself-constructed property' means property which is not self-constructed property.

''(C) CONSTRUCTION, ETC.—The term 'construction' includes reconstruction and erection, and the term 'constructed' includes reconstructed and erected.

''(D) ONLY CONSTRUCTION OF QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY FACILITY TO BE TAKEN INTO ACCOUNT.—Construction shall be taken into account only if, for purposes of this subpart, expenditures therefor are properly chargeable to capital account with respect to the property.

''(5) ELECTION.—An election under this subsection may be made at such time and in such manner as the Secretary may by regulations prescribe. Such an election shall apply to the taxable year for which made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.

''(j) COORDINATION WITH OTHER CREDITS.—This section shall not apply to any property with respect to which the rehabilitation credit under section 47 or the energy credit under section 48 is allowed unless the taxpayer elects to waive the application of such credit to such property.

''(k) TERMINATION.—This section shall not apply with respect to any qualified investment made after December 31, 2011.

''(l) NATIONAL LIMITATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the term 'qualifying advanced clean coal technology facility' shall include such a facility only to the extent that such facility is allocated a portion of the national megawatt limitation under this subsection.

''(2) NATIONAL MEGAWATT LIMITATION.—The national megawatt limitation under this subsection is 7,500 megawatts.

''(3) ALLOCATION OF LIMITATION.—The national megawatt limitation shall be allocated by the Secretary under rules prescribed by the Secretary. Not later than 6 months after the date of enactment of this subsection, the Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations—

''(A) to limit which facility qualifies as 'qualified advanced clean coal technology' in subsection (c) to particular facilities, a portion of particular facilities, or a portion of the production from particular facilities, so that when all such facilities (or portions thereof) are placed in service over the ten year period in section (k), the combination of facilities approved for tax credits (and/or portions of facilities approved for tax credits) will not exceed a combined capacity of 7,500 megawatts;

''(B) to provide a certification process in consultation with the Secretary of Energy under subsection (g) that will approve and allocate the 7,500 megawatts of available tax credits authority—

''(i) to encourage that facilities with the highest thermal efficiencies and environmental performance be placed in service as soon as possible;

''(ii) to allocate credits to taxpayers that have a definite and credible plan for placing into commercial operation a qualifying advanced clean coal technology facility, including—

''(I) a site,

''(II) contractual commitments for procurement and construction,

''(III) filings for all necessary preconstruction approvals,

''(IV) a demonstrated record of having successfully completed comparable projects on a timely basis, and

''(V) such other factors that the Secretary shall determine are appropriate;

''(iii) to allocate credits to a portion of a facility (or a portion of the production from a facility) if the Secretary determines that such an allocation should maximize the amount of efficient production encouraged with the available tax credits;

''(C) to set progress requirements and conditional approvals so that credits for approved projects that become unlikely to meet the necessary conditions that can be reallocated by the Secretary to other projects;

''(D) to reallocate credits that are not allocated to 1 technology described in clauses (i) through (iv) of subsection (c)(1)(A) because an insufficient number of qualifying facilities requested credits for one technology, to another technology described in another subparagraph of subsection (c) in order to maximize the amount of energy efficient production encouraged with the available tax credits; and

''(E) to provide taxpayers with opportunities to correct administrative errors and omissions with respect to allocations and recordkeeping within a reasonable period after their discovery, taking into account the availability of regulations and other administrative guidance from the Secretary.''.

(c) RECAPTURE.—Section 50(a) (relating to other special rules) is amended by adding at the end the following:

''(6) SPECIAL RULES RELATING TO QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY FACILITY.—For purposes of applying this subsection in the case of any credit allowable by reason of section 48A, the following shall apply:

''(A) GENERAL RULE.—In lieu of the amount of the increase in tax under paragraph (1), the increase in tax shall be an amount equal to the investment tax credit allowed under section 38 for all prior taxable years with respect to a qualifying advanced clean coal technology facility (as defined by section 48A(b)(1)) multiplied by a fraction whose numerator is the number of years remaining to fully depreciate under this title the qualifying advanced clean coal technology facility disposed of, and whose denominator is the total number of years over which such facility would otherwise have been subject to depreciation. For purposes of the preceding sentence, the year of disposition of the qualifying advanced clean coal technology facility property shall be treated as a year of remaining depreciation.

''(B) PROPERTY CEASES TO QUALIFY FOR PROGRESS EXPENDITURES.—Rules similar to the rules of paragraph (2) shall apply in the case of qualified progress expenditures for a qualifying advanced clean coal technology facility under section 48A, except that the amount of the increase in tax under subparagraph (A) of this paragraph shall be substituted in lieu of the amount described in such paragraph (2).

''(C) APPLICATION OF PARAGRAPH.—This paragraph shall be applied separately with respect to the credit allowed under section 38 regarding a qualifying advanced clean coal technology facility.''.

(d) TRANSITIONAL RULE.—Section 39(d) (relating to transitional rules) is amended by adding at the end the following:

''(14) NO CARRYBACK OF SECTION 48A CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the qualifying advanced clean coal technology facility credit determined under section 48A may be carried back to a taxable year ending before January 1, 2002.''.

(e) TECHNICAL AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following:

''(iv) the portion of the basis of any qualifying advanced clean coal technology facility attributable to any qualified investment (as defined by section 48A(c)).''

(2) Section 50(a)(4) is amended by striking ''and (2)'' and inserting '', (2), and (6)''.

(3) Section 50(c) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY FACILITIES.—Paragraphs (1) and (2) shall not apply to any property with respect to the credit determined under section 48A.''

(4) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48 the following:

''Sec. 48A. Qualifying advanced clean coal technology facility credit.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2001, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of enactment of the Revenue Reconciliation Act of 1990).

SEC. 3118. CREDIT FOR PRODUCTION FROM QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY.

(a) CREDIT FOR PRODUCTION FROM QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding after section 45J the following:

''SEC. 45K. CREDIT FOR PRODUCTION FROM QUALIFYING ADVANCED CLEAN COAL TECHNOLOGY.

''(a) GENERAL RULE.—For purposes of section 38, the qualifying advanced clean coal technology production credit of any taxpayer for any taxable year is equal to—

''(1) the applicable amount of advanced clean coal technology production credit, multiplied by

''(2) the sum of—

''(A) the kilowatt hours of electricity, plus

''(B) each 3,413 Btu of fuels or chemicals,

produced by the taxpayer during such taxable year at a qualifying advanced clean coal technology facility during the 10-year period beginning on the date the facility was originally placed in service.

''(b) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount of advanced clean coal technology production credit with respect to production from a qualifying advanced clean coal technology facility shall be determined as follows:

''(1) Where the design coal has a heat content of more than 9,000 Btu per pound:

''(A) In the case of a facility originally placed in service before 2009, if—

''The facility design net heat rate, Btu/kWh (HHV) is equal to:	The applicable amount is:	
	For 1st 5 years of such service	For 2d 5 years of such service
Not more than 8,400	$.0060	$.0038
More than 8,400 but not more than 8,550	$.0025	$.0010
More than 8,550 but not more than 8,750	$.0010	$.0010.

''(B) In the case of a facility originally placed in service after 2008 and before 2013, if—

''The facility design net heat rate, Btu/kWh (HHV) is equal to:	The applicable amount is:	
	For 1st 5 years of such service	For 2d 5 years of such service
Not more than 7,770	$.0105	$.0090
More than 7,770 but not more than 8,125	$.0085	$.0068
More than 8,125 but not more than 8,350	$.0075	$.0055.

''(C) In the case of a facility originally placed in service after 2012 and before 2017, if—

''The facility design net heat rate, Btu/kWh (HHV) is equal to:	The applicable amount is:	
	For 1st 5 years of such service	For 2d 5 years of such service
Not more than 7,380	$.0140	$.01
More than 7,380 but not more than 7,720	$.0120	$.0090.

''(2) Where the design coal has a heat content of not more than 9,000 Btu per pound:

''(A) In the case of a facility originally placed in service before 2009, if—

''The facility design net heat rate, Btu/kWh (HHV) is equal to:	The applicable amount is:	
	For 1st 5 years of such service	For 2d 5 years of such service
Not more than 8,500	$.0060	$.0038
More than 8,500 but not more than 8,650	$.0025	$.0010
More than 8,650 but not more than 8,750	$.0010	$.0010.

''(B) In the case of a facility originally placed in service after 2008 and before 2013, if—

''The facility design net heat rate, Btu/kWh (HHV) is equal to:	The applicable amount is: For 1st 5 years of such service	For 2d 5 years of such service
Not more than 8,000	$.0105	$.009
More than 8,000 but not more than 8,250	$.0085	$.0068
More than 8,250 but not more than 8,400	$.0075	$.0055.

''(C) In the case of a facility originally placed in service after 2012 and before 2017, if—

''The facility design net heat rate, Btu/kWh (HHV) is equal to:	The applicable amount is: For 1st 5 years of such service	For 2d 5 years of such service
Not more than 7,800	$.0140	$.0115
More than 7,800 but not more than 7,950	$.0120	$.0090.

''(3) Where the clean coal technology facility is producing fuel or chemicals:

''(A) In the case of a facility originally placed in service before 2009, if—

''The facility design net thermal efficiency (HHV) is equal to:	The applicable amount is: For 1st 5 years of such service	For 2d 5 years of such service
Not less than 40.6 percent	$.0060	$.0038
Less than 40.6 but not less than 40 percent	$.0025	$.0010
Less than 40 but not less than 39 percent	$.0010	$.0010.

''(B) In the case of a facility originally placed in service after 2008 and before 2013, if—

''The facility design net thermal efficiency (HHV) is equal to:	The applicable amount is: For 1st 5 years of such service	For 2d 5 years of such service
Not less than 43.9 percent	$.0105	$.009
Less than 43.9 but not less than 42 percent	$.0085	$.0068
Less than 42 but not less than 40.9 percent	$.0075	$.0055.

''(C) In the case of a facility originally placed in service after 2012 and before 2017, if—

''The facility design net thermal efficiency (HHV) is equal to:	The applicable amount is: For 1st 5 years of such service	For 2d 5 years of such service
Not less than 44.2 percent	$.0140	$.0115
Less than 44.2 but not less than 43.6 percent	$.0120	$.0090.

''(c) INFLATION ADJUSTMENT FACTOR.—For calendar years after 2001, each amount in paragraphs (1), (2), and (3) shall be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the amount is applied. If any amount as increased under the preceding sentence is not a multiple of 0.01 cent, such amount shall be rounded to the nearest multiple of 0.01 cent.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) IN GENERAL.—Any term used in this section which is also used in section 48A shall have the meaning given such term in section 48A.

''(2) APPLICABLE RULES.—The rules of paragraphs (3), (4), and (5) of section 45 shall apply.

''(3) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for the calendar year 2001.

''(4) GDP IMPLICIT PRICE DEFLATOR.—The term 'GDP implicit price deflator' means the most recent revision of the implicit price deflator for the gross domestic product as computed by the Department of Commerce before March 15 of the calendar year.''.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) is amended by striking ''plus'' at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting '', plus'', and by adding at the end the following:

''(20) the qualifying advanced clean coal technology production credit determined under section 45K(a).''.

(c) TRANSITIONAL RULE.—Section 39(d) (relating to transitional rules) is amended by adding after paragraph (14) the following:

''(15) NO CARRYBACK OF SECTION 45K CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the qualifying advanced clean coal technology production

credit determined under section 45K may be carried back to a taxable year ending before the date of enactment of section 45K.''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

''Sec. 45K. Credit for production from qualifying advanced clean coal technology.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to production after the date of enactment of this Act.

TITLE II—RELIABILITY

SEC. 3201. NATURAL GAS GATHERING LINES TREATED AS 7-YEAR PROPERTY.

(a) IN GENERAL.—Subparagraph (C) of section 168(e)(3) (relating to classification of certain property) is amended by striking ''and'' at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

''(ii) any natural gas gathering line, and''.

(b) NATURAL GAS GATHERING LINE.—Subsection (i) of section 168 is amended by adding after paragraph (15) the following new paragraph:

''(16) NATURAL GAS GATHERING LINE.—The term 'natural gas gathering line' means—

''(A) the pipe, equipment, and appurtenances determined to be a gathering line by the Federal Energy Regulatory Commission, or

''(B) the pipe, equipment, and appurtenances used to deliver natural gas from the wellhead or a commonpoint to the point at which such gas first reaches—

''(i) a gas processing plant,

''(ii) an interconnection with a transmission pipeline certificated by the Federal Energy Regulatory Commission as an interstate transmission pipeline,

''(iii) an interconnection with an intrastate transmission pipeline, or

''(iv) a direct interconnection with a local distribution company, a gas storage facility, or an industrial consumer.''.

(c) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (C)(i) the following:

''(C)(ii) ..... 10''.

(d) ALTERNATIVE MINIMUM TAX EXCEPTION.—Subparagraph (B) of section 56(a)(1) is amended by inserting before the period the following: ''or in clause (ii) of section 168(e)(3)(C)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 3202. NATURAL GAS DISTRIBUTION LINES TREATED AS 10-YEAR PROPERTY.

(a) IN GENERAL.—Subparagraph (D) of section 168(e)(3) (relating to classification of certain property) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and by inserting '', and'', and by adding at the end the following new clause:

''(iii) any natural gas distribution line.''

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (D)(ii) the following:

''(D)(iii) ..... 20''.

(c) ALTERNATIVE MINIMUM TAX EXCEPTION.—Subparagraph (B) of section 56(a)(1) is amended by inserting before the period the following: ''or in clause (iii) of section 168(e)(3)(D)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 3203. PETROLEUM REFINING PROPERTY TREATED AS 7-YEAR PROPERTY.

(a) IN GENERAL.—Subparagraph (C) of section 168(e)(3) (relating to classification of certain property), as amended by section 3201, is amended by striking ''and'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

''(iii) any property used for the distillation, fractionation, and catalytic cracking of crude petroleum into gasoline and its other components, and''.

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B), as amended by section 3201, is amended by inserting after the item relating to subparagraph (C)(ii) the following:

''(C)(iii) ..... 10''.

(c) ALTERNATIVE MINIMUM TAX EXCEPTION.—Subparagraph (B) of section 56(a)(1), as amended by section 3201, is amended by inserting ''or (iii)'' after ''clause (ii)''.

(d) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 3204. EXPENSING OF CAPITAL COSTS INCURRED IN COMPLYING WITH ENVIRONMENTAL PROTECTION AGENCY SULFUR REGULATIONS.

(a) IN GENERAL.—Section 179(b) (relating to election to expense certain depreciable business assets) is amended by adding at the end the following new paragraph:

''(5) LIMITATION FOR SMALL BUSINESS REFINERS.—

''(A) IN GENERAL.—In the case of a small business refiner electing to expense qualified costs, in lieu of the dollar limitations in paragraph (1), the limitation on the aggregate costs which may be taken into account under subsection (a) for any taxable year shall not exceed 75 percent of the qualified costs.

''(B) QUALIFIED COSTS.—For purposes of this paragraph, the term 'qualified costs' means costs paid or incurred by a small business refiner for the purpose of complying with the Highway Diesel Fuel Sulfur Control Requirements of the Environmental Protection Agency.

''(C) SMALL BUSINESS REFINER.—For purposes of this paragraph, the term 'small business refiner' means, with respect to any taxable year, a refiner which, within the refining operations of the business, employs not more than 1,500 employees on business days during such taxable year performing services in the refining operations of such businesses and has an average total capacity of 155,000 barrels per day or less.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid or incurred after the date of the enactment of this Act.

SEC. 3205. ENVIRONMENTAL TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following new section:

''SEC. 45I. ENVIRONMENTAL TAX CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the amount of the environmental tax credit determined under this section with respect to any small business refiner for any taxable year is an amount equal to 5 cents for every gallon of 15 parts per million or less sulfur diesel produced at a facility by such small business refiner.

''(b) MAXIMUM CREDIT.—For any small business refiner, the aggregate amount allowable as a credit under subsection (a) for any taxable year with respect to any facility shall not exceed 25 percent of the qualified capital costs incurred by such small business refiner with respect to such facility not taken into account in determining the credit under subsection (a) for any preceding taxable year.

''(c) DEFINITIONS.—For purposes of this section—

''(1) SMALL BUSINESS REFINER.—The term 'small business refiner' means, with respect to any taxable year, a refiner which, within the refining operations of the business, employs not more than 1,500 employees on business days during such taxable year performing services in the refining operations of such businesses and has an average total capacity of 155,000 barrels per day or less.

''(2) QUALIFIED CAPITAL COSTS.—The term 'qualified capital costs' means, with respect to any facility, those costs paid or incurred during the applicable period for compliance with the applicable EPA regulations with respect to such facility, including expenditures for the construction of new process operation units or the dismantling and reconstruction of existing process units to be used in the production of 15 parts per million or less sulfur diesel fuel, associated adjacent or offsite equipment (including tankage, catalyst, and power supply), engineering, construction period interest, and sitework.

''(3) APPLICABLE EPA REGULATIONS.—The term 'applicable EPA regulations' means the Highway Diesel Fuel Sulfur Control Requirements of the Environmental Protection Agency.

''(4) APPLICABLE PERIOD.—The term 'applicable period' means, with respect to any facility, the period beginning on the day after the date of the enactment of this section and ending with the date which is one year after the date on which the taxpayer must comply with the applicable EPA regulations with respect to such facility.

''(d) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is determined under this section with respect to any property by reason of qualified capital costs, the basis of such property shall be reduced by the amount of the credit so determined.

''(e) CERTIFICATION.—

''(1) REQUIRED.—Not later than the date which is 30 months after the first day of the first taxable year in which the environmental tax credit is allowed with respect to a facility, the small business refiner must obtain certification from the Secretary, in consultation with the Administrator of the Environmental Protection Agency, that the taxpayer's qualified capital costs with respect to such facility will result in compliance with the applicable EPA regulations.

''(2) CONTENTS OF APPLICATION.—An application for certification shall include relevant information regarding unit capacities and operating characteristics sufficient for the Secretary, in consultation with the Administrator of the Environmental Protection Agency, to determine that such qualified capital costs are necessary for compliance with the applicable EPA regulations.

''(3) REVIEW PERIOD.—Any application shall be reviewed and notice of certification, if applicable, shall be made within 60 days of receipt of such application.

''(4) RECAPTURE.—Notwithstanding subsection (f), failure to obtain certification under paragraph (1) constitutes a recapture event under subsection (f) with an applicable percentage of 100 percent.

''(f) RECAPTURE OF ENVIRONMENTAL TAX CREDIT.—

''(1) IN GENERAL.—Except as provided in subsection (e), if, as of the close of any taxable year, there is a recapture event with respect to any facility of the small business refiner, then the tax of such refiner under this chapter for such taxable year shall be increased by an amount equal to the product of—

''(A) the applicable recapture percentage, and

''(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified capital costs of the taxpayer described in subsection (c)(2) with respect to such facility had been zero.

''(2) APPLICABLE RECAPTURE PERCENTAGE.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs in:	The applicable recapture percentage is:
Year 1	100
Year 2	80
Year 3	60
Year 4	40
Year 5	20
Years 6 and thereafter	0.

''(B) YEARS.—For purposes of subparagraph (A), year 1 shall begin on the first day of the taxable year in which the qualified capital costs with respect to a facility described in subsection (c)(2) are paid or incurred by the taxpayer.

''(3) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

''(A) FAILURE TO COMPLY.—The failure by the small business refiner to meet the applicable EPA regulations within the applicable period with respect to the facility.

''(B) CESSATION OF OPERATION.—The cessation of the operation of the facility as a facility which produces 15 parts per million or less sulfur diesel after the applicable period.

''(C) CHANGE IN OWNERSHIP.—

''(i) IN GENERAL.—Except as provided in clause (ii), the disposition of a small business refiner's interest in the facility with respect to which the credit described in subsection (a) was allowable.

''(ii) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Clause (i) shall not apply if the person acquiring such interest in the facility agrees in writing to assume the recapture liability of the person disposing of such interest in effect immediately before such disposition. In the event of such an assumption, the person acquiring the interest in the facility shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

''(4) SPECIAL RULES.—

''(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.

''(C) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the facility by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

''(g) CONTROLLED GROUPS.—For purposes of this section, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting '', plus'', and by adding at the end the following new paragraph:

''(18) in the case of a small business refiner, the environmental tax credit determined under section 45I(a).''.

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C (relating to certain expenses for which credits are allowable) is amended by adding after subsection (d) the following new subsection:

''(e) ENVIRONMENTAL TAX CREDIT.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for the taxable year under section 45I(a).''.

(d) BASIS ADJUSTMENT.—Section 1016(a) (relating to adjustments to basis) is amended by striking ''and'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting '', and'', and by adding at the end the following new paragraph:

''(35) in the case of a facility with respect to which a credit was allowed under section 45I, to the extent provided in section 45I(d).''.

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45I. Environmental tax credit.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred after the date of the enactment of this Act.

SEC. 3206. DETERMINATION OF SMALL REFINER EXCEPTION TO OIL DEPLETION DEDUCTION.

(a) IN GENERAL.—Paragraph (4) of section 613A(d) (relating to certain refiners excluded) is amended to read as follows:

''(4) CERTAIN REFINERS EXCLUDED.—If the taxpayer or a related person engages in the refining of crude oil, subsection (c) shall not apply to the taxpayer for a taxable year if the average daily refinery runs of the taxpayer and the related person for the taxable year exceed 75,000 barrels. For purposes of this paragraph, the average daily refinery runs for any taxable year shall be determined by dividing the aggregate refinery runs for the taxable year by the number of days in the taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 3207. TAX-EXEMPT BOND FINANCING OF CERTAIN ELECTRIC FACILITIES.

(a) IN GENERAL.—Subpart A of part IV of subchapter B of chapter 1 (relating to tax exemption requirements for State and local bonds) is amended by inserting after section 141 the following new section:

"SEC. 141A. TREATMENT OF GOVERNMENT-OWNED ELECTRIC OUTPUT FACILITIES.

''(a) EXCEPTIONS FROM PRIVATE BUSINESS USE LIMITATIONS WHERE OPEN ACCESS REQUIREMENTS MET.—

''(1) GENERAL RULE.—For purposes of this part, the term 'private business use' shall not include—

''(A) any permitted open access activity by a governmental unit with respect to an electric output facility owned by such unit, or

''(B) any permitted sale of electricity by a governmental unit which is generated at an existing generation facility owned by such unit.

''(2) PERMITTED OPEN ACCESS ACTIVITY.—For purposes of this section—

''(A) IN GENERAL.—The term 'permitted open access activity' means any activity meeting the open access requirements of any of the following clauses with respect to such electric output facility:

''(i) TRANSMISSION AND ANCILLARY FACILITY.—In the case of a transmission facility or a facility providing ancillary services, the provision of transmission service and ancillary services meets the open access requirements of this clause only if such services are provided on a nondiscriminatory open access basis—

''(I) pursuant to an open access transmission tariff filed with and approved by FERC, including an acceptable reciprocity tariff, or

''(II) under a regional transmission organization agreement approved by FERC.

''(ii) DISTRIBUTION FACILITIES.—In the case of a distribution facility, the delivery of electric energy meets the open access requirements of this clause only if such delivery is made on a nondiscriminatory open access basis.

''(iii) GENERATION FACILITIES.—In the case of a generation facility, the delivery of electric energy generated by such facility meets the open access requirements of this clause only if—

''(I) such facility is directly connected to distribution facilities owned by the governmental unit which owns the generation facility, and

''(II) such distribution facilities meet the open access requirements of clause (ii).

''(B) SPECIAL RULES.—

''(i) VOLUNTARILY FILED TARIFFS.—Subparagraph (A)(i)(I) shall apply in the case of a voluntarily filed tariff only if the governmental unit files a report with FERC within 90 days after the date of the enactment of this section relating to whether or not such governmental unit will join a regional transmission organization.

''(ii) CONTROL OF TRANSMISSION FACILITIES BY REGIONAL TRANSMISSION ORGANIZATION.—A governmental unit shall be treated as meeting the open access requirements of subparagraph (A)(i) if a regional transmission organization controls the transmission facilities.

''(iii) ERCOT UTILITY.—References to FERC in subparagraph (A) shall be treated as references to the Public Utility Commission of Texas with respect to any ERCOT utility (as defined in section 212(k)(2)(B) of the Federal Power Act (16 U.S.C. 824k(k)(2)(B))).

''(3) PERMITTED SALE.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'permitted sale' means—

''(i) any sale of electricity to an on-system purchaser if the seller meets the open access requirements of paragraph (2) with respect to all distribution and transmission facilities (if any) owned by such seller, and

''(ii) subject to subparagraphs (B) and (C), any sale of electricity to a wholesale native load purchaser, and any load loss sale, if—

''(I) the seller meets the open access requirements of paragraph (2) with respect to all transmission facilities (if any) owned by such seller, or

''(II) in any case in which the seller does not own any transmission facilities, all persons providing transmission services to the seller's wholesale native load purchasers meet the open access requirements of paragraph (2) with respect to all transmission facilities owned by such persons.

''(B) LIMITATION ON SALES TO WHOLESALE NATIVE LOAD PURCHASERS.—A sale to a wholesale native load purchaser shall be treated as a permitted sale only to the extent that—

''(i) such purchaser resells the electricity directly at retail to persons within the purchaser's distribution area, or

''(ii) such electricity is resold by such purchaser through one or more wholesale purchasers (each of whom as of June 30, 2000,

was a party to a requirements contract or a firm power contract described in paragraph (5)(B)(ii)) to retail purchasers in the ultimate wholesale purchaser's distribution area.

''(C) LOAD LOSS SALES.—

''(i) IN GENERAL.—The term 'load loss sale' means any sale at wholesale to the extent that—

''(I) the aggregate sales at wholesale during the recovery period does not exceed the load loss mitigation sales limit for such period, and

''(II) the aggregate sales at wholesale during the first calendar year after the recovery period does not exceed the excess carried under clause (iv) to such year.

''(ii) LOAD LOSS MITIGATION SALES LIMIT.—For purposes of clause (i), the load loss mitigation sales limit for the recovery period is the sum of the annual load losses for each year of such period.

''(iii) ANNUAL LOAD LOSS.—A governmental unit's annual load loss for each year of the recovery period is the amount (if any) by which—

''(I) the megawatt hours of electric energy sold during such year to wholesale native load purchasers which do not constitute private business use are less than

''(III) the megawatt hours of electric energy sold during the base year to wholesale native load purchasers which do not constitute private business use.

The annual load loss for any year shall not exceed the portion of the amount determined under the preceding sentence which is attributable to open access requirements.

''(iv) CARRYOVERS.—If the limitation under clause (i) for the recovery period exceeds the aggregate sales during such period which are taken into account under clause (i), such excess (but not more than 10 percent of such limitation) may be carried over to the first calendar year following the recovery period.

''(v) RECOVERY PERIOD.—The recovery period is the 7-year period beginning with the start-up year.

''(vi) START-UP YEAR.—The start-up year is the calendar year which includes the date of the enactment of this section or, if later, at the election of the governmental unit—

''(I) the first year that the governmental unit offers nondiscriminatory open transmission access, or

''(II) the first year in which at least 10 percent of the governmental unit's wholesale customers' aggregate retail native load is open to retail competition.

''(4) ON-SYSTEM PURCHASER.—For purposes of this section, the term 'on-system purchaser' means any person whose electric equipment is directly connected with any transmission or distribution facility owned by the governmental unit owning the existing generation facility if—

''(A) such person—

''(i) purchases electric energy from such governmental unit at retail, and

''(ii)(I) was within such unit's distribution area at the close of the base year or

''(II) is a person as to whom the governmental unit has a statutory service obligation, or

''(B) is a wholesale native load purchaser from such governmental unit.

''(5) WHOLESALE NATIVE LOAD PURCHASER.—For purposes of this section—

''(A) IN GENERAL.—The term 'wholesale native load purchaser' means a wholesale purchaser as to whom the governmental unit had—

''(i) a statutory service obligation at wholesale at the close of the base year, or

''(ii) an obligation at the close of the base year under a requirements or firm sales contract if, as of June 30, 2000, such contract had been in effect for (or had an initial term of) at least 10 years.

''(B) PERMITTED SALES UNDER EXISTING CONTRACTS.—A private business use sale during any year to a wholesale native load purchaser (other than a person to whom the governmental unit had a statutory service obligation) under a contract shall be treated as a permitted sale by reason of being a load loss sale only to the extent that the private business use sales under the contract during such year exceed the lesser of—

''(i) the private business use sales under the contract during the base year, or

''(ii) the maximum private business use sales which would (but for this section) be permitted without causing the bonds to be private activity bonds.

This subparagraph shall only apply to the extent that the sale is allocable to bonds issued before the date of the enactment of this section (or bonds issued to refund such bonds).

''(6) SPECIAL RULES.—

''(A) TIME OF SALE RULE.—For purposes of paragraphs (3)(C)(iii) and (5)(B), the determination of whether a sale after the date of the enactment of this section is a private business use shall be made with regard to this section.

''(B) JOINT ACTION AGENCIES.—To the extent provided in regulations, a joint action agency, or a member of (or a wholesale native load purchaser from) a joint action agency, which is entitled to make a sale described in subparagraph (A) or (B) in a year, may transfer the entitlement to make that sale to the member (or purchaser), or the joint action agency, respectively.

''(b) CERTAIN BONDS FOR TRANSMISSION AND DISTRIBUTION FACILITIES NOT TAX EXEMPT.—

''(1) IN GENERAL.—Section 103 shall not apply to any bond issued on or after the date of the enactment of this section if any portion of the proceeds of the issue of which such bond is a part is used (directly or indirectly) to finance—

''(A) any electric transmission facility, or

''(B) any start-up electric utility distribution facility.

''(2) EXCEPTIONS RELATING TO TRANSMISSION FACILITIES.—Paragraph (1)(A) shall not apply to any bond issued to finance—

''(A) any repair of a transmission facility in service on the date of the enactment of this section, so long as the repair does not—

''(i) increase the voltage level of such facility over its level at the close of the base year, or

''(ii) increase the thermal load limit of such facility by more than 3 percent over such limit at the close of the base year,

''(B) any qualifying upgrade of an electric transmission facility in service on the date of the enactment of this section, or

''(C) any transmission facility necessary to comply with an obligation under a shared or reciprocal transmission agreement in effect on such date.

''(3) EXCEPTION FOR LOCAL ELECTRIC TRANSMISSION FACILITY.—For purposes of this subsection—

''(A) IN GENERAL.—In the case of a governmental unit which owns distribution facilities, paragraph (1)(A) shall not apply to any bond issued to finance an electric transmission facility owned by such governmental unit and located within such governmental unit's distribution area, but only to the extent such facility is, or will be, necessary to supply electricity to serve the retail native load, or wholesale native load, of such governmental unit or of 1 or more other governmental units owning distribution facilities which are directly connected to such electric transmission facility.

''(B) RETAIL LOAD.—The term 'retail load' means, with respect to a governmental unit, the electric load of end-users in the distribution area of the governmental unit.

''(C) WHOLESALE NATIVE LOAD.—The term 'wholesale native load' means—

''(i) the retail load of such unit's wholesale native load purchasers (or of an ultimate wholesale purchaser described in subsection (a)(3)(B)(ii)), and

''(ii) the electric load of purchasers (not described in clause (i)) under wholesale requirements contracts which—

''(I) do not constitute private business use (determined without regard to this section), and

''(II) were in effect in the base year.

''(D) NECESSARY TO SERVE LOAD.—For purposes of determining whether a transmission facility is, or will be, necessary to supply electricity to retail native load or wholesale native load—

''(i) the governmental unit's available transmission rights shall be taken into account,

''(ii) electric reliability standards or requirements of national or regional reliability organizations, regional transmission organizations and the Electric Reliability Council of Texas shall be taken into account, and

''(iii) transmission, siting and construction decisions of regional transmission organizations and State and Federal regulatory and siting agencies, after a proceeding that provides for public input, shall be presumptive evidence regarding whether transmission facilities are necessary to serve native load.

''(E) QUALIFYING UPGRADE.—The term 'qualifying upgrade' means an improvement or addition to transmission facilities of the governmental unit in service on the date of the enactment of this section which—

''(i) is ordered or approved by a regional transmission organization or by a State regulatory or siting agency, after a proceeding that provides for public input, and

''(ii) is, or will be, necessary to supply electricity to serve the retail native load, or wholesale native load, of such governmental unit or of one or more governmental units owning distribution facilities which are directly connected to such transmission facility.

''(4) START-UP ELECTRIC UTILITY DISTRIBUTION FACILITY DEFINED.—For purposes of this subsection, the term 'start-up electric utility distribution facility' means any distribution facility to provide electric service for sale to the public if such facility is placed in service—

''(A) by a governmental unit that did not operate an electric utility on the date of the enactment of this section, and

''(B) during the first 10 years after the date such governmental unit begins operating an electric utility.

A governmental unit is treated as having operated an electric utility on the date of the enactment of this section if it operates electric output facilities which were (on such date) operated by another governmental unit to provide electric service for sale to the public.

''(5) EXCEPTION FOR REFUNDING BONDS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to any eligible refunding bond.

''(B) ELIGIBLE REFUNDING BOND.—For purposes of subparagraph (A), the term 'eligible refunding bond' means any bond (or series of bonds) issued to refund any bond issued before the date of the enactment of this section if the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue.

''(c) DEFINITIONS; SPECIAL RULES.—For purposes of this section—

''(1) BASE YEAR.—The term 'base year' means—

''(A) the calendar year preceding the start-up year, or

''(B) at the election of the governmental unit, the second or third calendar years preceding the start-up year.

''(2) DISTRIBUTION AREA.—The term 'distribution area' means the area in which a governmental unit owns distribution facilities.

''(3) ELECTRIC OUTPUT FACILITY.—The term 'electric output facility' means an output facility that is an electric generation, transmission, or distribution facility.

''(4) DISTRIBUTION FACILITY.—The term 'distribution facility' means an electric output facility that is not a generation or transmission facility.

''(5) TRANSMISSION FACILITY.—The term 'transmission facility' means an electric output facility (other than a generation facility) that operates at an electric voltage of 69 kV or greater. To the extent provided in regulations, such term includes any output facility that FERC determines is a transmission facility under standards applied by FERC under the Federal Power Act (as in effect on the date of the enactment of this section).

''(6) EXISTING GENERATION FACILITY.—

''(A) IN GENERAL.—The term 'existing generation facility' means any electric generation facility if—

''(i) such facility is originally placed in service on or before the date of enactment of this Act and is owned by any governmental unit on such date, or

''(ii) such facility is originally placed in service after such date if the construction of the facility commenced before June 1, 2000, and such facility is owned by any governmental unit when it is placed in service.

''(B) DENIAL OF TREATMENT TO EXPANSIONS.—Such term shall not include any facility to the extent the generating capacity of such facility as of any date is 3 percent above the greater of its nameplate or rated capacity as of the date of the enactment of this section (or, in the case of a facility described in subparagraph (A)(ii), the date that the facility is placed in service).

''(7) REGIONAL TRANSMISSION ORGANIZATION.—The term 'regional transmission organization' includes an independent system operator.

''(8) FERC.—The term 'FERC' means the Federal Energy Regulatory Commission.

''(9) GOVERNMENT-OWNED FACILITY.—An electric transmission facility shall be treated as owned by a governmental unit as of any date to the extent that—

''(A) such unit acquired (before the base year) long-term firm transmission capacity (as determined under regulations) of such facility for the purposes of serving customers to which such unit had at the close of the base year—

''(i) a statutory service obligation, or

''(ii) an obligation under a requirements contract, and

''(B) such unit holds such capacity as of such date.

''(10) STATUTORY SERVICE OBLIGATION.—The term 'statutory service obligation' means an obligation under State or Federal law (exclusive of an obligation arising solely under a contract entered into with a person) to provide electric distribution services or electric sales services, as provided in such law.

''(11) CONTRACT MODIFICATIONS.—A material modification of a contract shall be treated as a new contract.

''(d) ELECTION TO TERMINATE TAX-EXEMPT BOND FINANCING FOR CERTAIN ELECTRIC OUTPUT FACILITIES.—

''(1) IN GENERAL.—At the election of a governmental unit, section 103(a) shall not apply to any bond issued by or on behalf of such unit after the date of such election if any portion of the proceeds of the issue of which such bond is a part are used to provide any electric output facilities. Such an election, once made, shall be irrevocable.

''(2) OTHER EFFECTS OF ELECTION.—During the period that the election under paragraph (1) is in effect with respect to a governmental unit, the term 'private activity bond' shall not include—

''(A) any bond issued by such unit before the date of the enactment of this section to provide an electric output facility if, as of the date of the election, such bond was not a private activity bond, and

''(B) any bond to which paragraph (1) does not apply by reason of paragraph (3).

''(3) EXCEPTIONS FOR CERTAIN PROPERTY.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to any bond issued to provide property owned by a governmental unit if such property is—

''(i) any qualifying transmission facility,

''(ii) any qualifying distribution facility,

''(iii) any facility necessary to meet Federal or State environmental requirements applicable to an existing generation facility owned by the governmental unit as of the date of the election,

''(iv) any property to repair any existing generation facility owned by the governmental unit as of the date of the election,

''(v) any qualified facility (as defined in section 45(c)(3)) producing electricity from any qualified energy resource (as defined in section 45(c)(1)), and

''(vi) any energy property (as defined in section 48(a)(3)) placed in service during a period that the energy percentage under section 48(a) is greater than zero.

''(B) LIMITATION ON USE BY NONGOVERNMENTAL PERSONS.—Subparagraph (A) shall not apply to any property constructed, acquired or financed for a principal purpose of providing the facility (or the output thereof) to nongovernmental persons.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) QUALIFYING DISTRIBUTION FACILITY.—The term 'qualifying distribution facility' means a distribution facility meeting the open access requirements of subsection (a)(2)(A)(ii).

''(B) QUALIFYING TRANSMISSION FACILITY.—The term 'qualifying transmission facility' means a local transmission facility (as defined in subsection (b)(3)) meeting the open access requirements of subsection (a)(2)(A)(i).

''(5) EFFECT OF ELECTION.—

''(A) IN GENERAL.—An election under paragraph (1) shall be binding on any successor in interest to, or any related party with respect to, the electing governmental unit. For purposes of this paragraph, a governmental unit shall be treated as related to another governmental unit if it is a member of the same controlled group (as determined under regulations).

''(B) TREATMENT OF ELECTING GOVERNMENTAL UNIT.—A governmental unit which makes an election under paragraph (1) shall be treated for purposes of section 141 as a person—

''(i) which is not a governmental unit, and

''(ii) which is engaged in a trade or business,

with respect to its purchase of electricity generated by an electric output facility placed in service after the date of such election if such purchase is under a contract executed after such date.''

(b) WAIVER OF CERTAIN LIMITATIONS NOT TO APPLY TO DISTRIBUTION FACILITIES.—Section 141(d)(5) is amended by inserting ''(except in the case of an electric output facility that is a distribution facility)'' after ''this subsection''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter B of chapter 1 is amended by inserting after the item relating to section 141 the following new item:

''Sec. 141A. Treatment of government-owned electric output facilities.''

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that a governmental unit may elect to have section 141A(a)(1) of the Internal Revenue Code of 1986, as added by subsection (a), take effect on April 14, 1996.

(2) BINDING CONTRACTS.—The amendment made by subsection (b) (relating to waiver of certain limitations not to apply to distribution facilities) shall not apply to facilities acquired pursuant to a contract which was entered into before the date of the enactment of this Act and which was binding on such date and at all times thereafter before such acquisition.

(3) COMPARABLE TREATMENT TO BONDS UNDER 1954 CODE RULES.—References in the amendments made by this Act to sections of the Internal Revenue Code of 1986 shall be deemed to include references to comparable sections of the Internal Revenue Code of 1954.

SEC. 3208. SALES OR DISPOSITIONS TO IMPLEMENT FEDERAL ENERGY REGULATORY COMMISSION OR STATE ELECTRIC RESTRUCTURING POLICY.

(a) IN GENERAL.—Section 1033 (relating to involuntary conversions) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

''(k) SALES OR DISPOSITIONS TO IMPLEMENT FEDERAL ENERGY REGULATORY COMMISSION OR STATE ELECTRIC RESTRUCTURING POLICY.—

''(1) IN GENERAL.—For purposes of this subtitle, if a taxpayer elects the application of this subsection to a qualifying electric transmission transaction—

''(A) such transaction shall be treated as an involuntary conversion to which this section applies, and

''(B) exempt utility property shall be treated as property which is similar or related in service or use to the property disposed of in such transaction.

''(2) EXTENSION OF REPLACEMENT PERIOD.—In the case of any involuntary conversion described in paragraph (1), subsection (a)(2)(B) shall be applied by substituting '4 years' for '2 years' in clause (i) thereof.

''(3) QUALIFYING ELECTRIC TRANSMISSION TRANSACTION.—For purposes of this subsection, the term 'qualifying electric transmission transaction' means any sale or other disposition before January 1, 2009, of—

''(A) property used in the trade or business of providing electric transmission services, or

''(B) any stock or partnership interest in a corporation or partnership, as the case may be, whose principal trade or business consists of providing electric transmission services,

but only if such sale or disposition is to an independent transmission company.

''(4) INDEPENDENT TRANSMISSION COMPANY.—For purposes of this subsection, the term 'independent transmission company' means—

''(A) a regional transmission organization approved by the Federal Energy Regulatory Commission,

''(B) a person—

''(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 823b) is not a market participant within the meaning of such Commission's rules applicable to regional transmission organizations, and

''(ii) whose transmission facilities to which the election under this subsection applies are under the operational control of a Federal Energy Regulatory Commission-approved regional transmission organization before the close of the period specified in such authorization, but not later than the close of the period applicable under subsection (a)(2)(B) as extended under paragraph (2), or

''(C) in the case of facilities subject to the exclusive jurisdiction of the Public Utility Commission of Texas, a person which is approved by that Commission as consistent with Texas State law regarding an independent transmission organization.

''(5) EXEMPT UTILITY PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'exempt utility property' means property used in the trade or business of—

''(i) generating, transmitting, distributing, or selling electricity, or

''(ii) producing, transmitting, distributing, or selling natural gas.

''(B) NONRECOGNITION OF GAIN BY REASON OF ACQUISITION OF STOCK.—Acquisition of control of a corporation shall be taken into account under this section with respect to a qualifying electric transmission transaction only if the principal trade or business of such corporation is a trade or business referred to in subparagraph (A).

''(6) SPECIAL RULE FOR CONSOLIDATED GROUPS.—In the case of a corporation which is a member of an affiliated group filing a consolidated return, such corporation shall be treated as satisfying the purchase requirement of subsection (a)(2) with respect to any qualifying electric transmission transaction engaged in by such corporation to the extent such requirement is satisfied by another member of such group.

''(7) ELECTION.—An election under paragraph (1), once made, shall be irrevocable.''

(b) EXCEPTION FROM GAIN RECOGNITION UNDER SECTION 1245.—Subsection (b) of section 1245 is amended by adding at the end the following new paragraph:

''(9) DISPOSITIONS TO IMPLEMENT FEDERAL ENERGY REGULATORY COMMISSION OR STATE ELECTRIC RESTRUCTURING POLICY.—At the election of the taxpayer, the amount of gain which would (but for this paragraph) be recognized under this section on any qualified electric transmission transaction (as defined in section 1033(k)) for which an election under section 1033 is made shall be reduced by the aggregate reduction in the basis of section 1245 property held by the taxpayer or, if insufficient, by a member of an affiliated group which includes the taxpayer at any time during the taxable year in which such transaction occurred. The manner and amount of such reduction shall be determined under regulations prescribed by the Secretary.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions occurring after the date of the enactment of this Act.

SEC. 3209. DISTRIBUTIONS OF STOCK TO IMPLEMENT FEDERAL ENERGY REGULATORY COMMISSION OR STATE ELECTRIC RESTRUCTURING POLICY.

(a) IN GENERAL.—Subparagraph (A) of section 355(e)(3) (relating to special rules relating to acquisitions) is amended by inserting after clause (iv) the following new clause:

''(v) The acquisition of stock in any controlled corporation in a qualifying electric transmission transaction (as defined in section 1033(k)).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to distributions after the date of the enactment of this Act.

SEC. 3210. MODIFICATIONS TO SPECIAL RULES FOR NUCLEAR DECOMMISSIONING COSTS.

(a) REPEAL OF LIMITATION ON DEPOSITS INTO FUND BASED ON COST OF SERVICE; CONTRIBUTIONS AFTER FUNDING PERIOD.—Subsection (b) of section 468A is amended to read as follows:

''(b) LIMITATION ON AMOUNTS PAID INTO FUND.—

''(1) IN GENERAL.—The amount which a taxpayer may pay into the Fund for any taxable year shall not exceed the ruling amount applicable to such taxable year.

''(2) CONTRIBUTIONS AFTER FUNDING PERIOD.—Notwithstanding any other provision of this section, a taxpayer may pay into the Fund in any taxable year after the last taxable year to which the ruling amount applies. Payments may not be made under the preceding sentence to the extent such payments would cause the assets of the Fund to exceed the nuclear decommissioning costs allocable to the taxpayer's current or former interest in the nuclear powerplant to which the Fund relates. The limitation under the preceding sentence shall be determined by taking into account a reasonable rate of inflation for the nuclear decommissioning costs and a reasonable after-tax rate of return on the assets of the Fund until such assets are anticipated to be expended.''.

(b) CLARIFICATION OF TREATMENT OF FUND TRANSFERS.—Subsection (e) of section 468A is amended by adding at the end the following new paragraph:

''(8) TREATMENT OF FUND TRANSFERS.—If, in connection with the transfer of the taxpayer's interest in a nuclear powerplant, the taxpayer transfers the Fund with respect to such powerplant to the transferee of such interest and the transferee elects to continue the application of this section to such Fund—

''(A) the transfer of such Fund shall not cause such Fund to be disqualified from the application of this section, and

''(B) no amount shall be treated as distributed from such Fund, or be includible in gross income, by reason of such transfer.''.

(c) TREATMENT OF CERTAIN DECOMMISSIONING COSTS.—

(1) IN GENERAL.—Section 468A is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

''(f) TRANSFERS INTO QUALIFIED FUNDS.—

''(1) IN GENERAL.—Notwithstanding subsection (b), any taxpayer maintaining a Fund to which this section applies with respect to a nuclear powerplant may transfer into such Fund up to an amount equal to the excess of the total nuclear decommissioning costs with respect to such nuclear powerplant over the portion of such costs taken into account in determining the ruling amount in effect immediately before the transfer.

''(2) DEDUCTION FOR AMOUNTS TRANSFERRED.—

''(A) IN GENERAL.—The deduction allowed by subsection (a) for any transfer permitted by this subsection shall be allowed ratably over the remaining estimated useful life (within the meaning of subsection (d)(2)(A)) of the nuclear powerplant beginning with the taxable year during which the transfer is made.

''(B) DENIAL OF DEDUCTION FOR PREVIOUSLY DEDUCTED AMOUNTS.—No deduction shall be allowed for any transfer under this subsection of an amount for which a deduction was previously allowed or a corresponding amount was not included in gross income. For purposes of the preceding sentence, a ratable portion of each transfer shall be treated as being from previously deducted or excluded amounts to the extent thereof.

''(C) TRANSFERS OF QUALIFIED FUNDS.—If—

''(i) any transfer permitted by this subsection is made to any Fund to which this section applies, and

''(ii) such Fund is transferred thereafter,

any deduction under this subsection for taxable years ending after the date that such Fund is transferred shall be allowed to the transferee and not to the transferor. The preceding sentence shall not apply if the transferor is an organization exempt from tax imposed by this chapter.

''(D) SPECIAL RULES.—

''(i) GAIN OR LOSS NOT RECOGNIZED.—No gain or loss shall be recognized on any transfer permitted by this subsection.

''(ii) TRANSFERS OF APPRECIATED PROPERTY.—If appreciated property is transferred in a transfer permitted by this subsection, the amount of the deduction shall be the adjusted basis of such property.

''(3) NEW RULING AMOUNT REQUIRED.—Paragraph (1) shall not apply to any transfer unless the taxpayer requests from the Secretary a new schedule of ruling amounts in connection with such transfer.

''(4) NO BASIS IN QUALIFIED FUNDS.—Notwithstanding any other provision of law, the taxpayer's basis in any Fund to which this section applies shall not be increased by reason of any transfer permitted by this subsection.''.

(2) NEW RULING AMOUNT TO TAKE INTO ACCOUNT TOTAL COSTS.—Subparagraph (A) of section 468A(d)(2) is amended to read as follows:

''(A) fund the total nuclear decommissioning costs with respect to such powerplant over the estimated useful life of such powerplant, and''.

(d) DEDUCTION FOR NUCLEAR DECOMMISSIONING COSTS WHEN PAID.—Paragraph (2) of section 468A(c) is amended to read as follows:

''(2) DEDUCTION OF NUCLEAR DECOMMISSIONING COSTS.—In addition to any deduction under subsection (a), nuclear decommissioning costs paid or incurred by the taxpayer during any taxable year shall constitute ordinary and necessary expenses in carrying on a trade or business under section 162.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 3211. TREATMENT OF CERTAIN INCOME OF COOPERATIVES.

(a) INCOME FROM OPEN ACCESS AND NUCLEAR DECOMMISSIONING TRANSACTIONS.—

(1) IN GENERAL.—Subparagraph (C) of section 501(c)(12) is amended by striking ''or'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by adding at the end the following new clauses:

''(iii) from any open access transaction (other than income received or accrued directly or indirectly from a member), or

''(iv) from any nuclear decommissioning transaction.''

(2) DEFINITIONS.—Paragraph (12) of section 501(c) is amended by adding at the end the following new subparagraph:

''(E) For purposes of subparagraph (C)—

''(i) The term 'open access transaction' means any activity which would be a permitted open access activity (as defined in section 141A(a)(2)) if the cooperative were a governmental unit.

''(ii) The term 'nuclear decommissioning transaction' means—

''(I) any transfer into a trust, fund, or instrument established to pay any nuclear decommissioning costs if the transfer is in connection with the transfer of the cooperative's interest in a nuclear powerplant or nuclear powerplant unit,

''(II) any distribution from such a trust, fund, or instrument, or

''(III) any earnings from such a trust, fund, or instrument.''

(b) INCOME FROM LOAD LOSS TRANSACTIONS TREATED AS MEMBER INCOME.—Paragraph (12) of section 501(c) is amended by adding after subparagraph (E) the following new subparagraph:

''(F)(i) In the case of a mutual or cooperative electric company, income received or accrued from a load loss transaction shall be treated as an amount collected from members for the sole purpose of meeting losses and expenses.

''(ii) For purposes of clause (i), the term 'load loss transaction' means any sale (whether at wholesale or at retail) which would be a load loss sale under rules similar to the rules of section 141A(a)(3)(C).

''(iii) A company shall not fail to be treated as a mutual cooperative company for purposes of this paragraph by reason of the treatment under clause (i).

''(iv) A rule similar to the rule of this subparagraph shall apply to an organization to which section 1381 does not apply by reason of section 1381(a)(2)(C).''

(c) EXCEPTION FROM UNRELATED BUSINESS TAXABLE INCOME.—Subsection (b) of section 512 (relating to modifications) is amended by adding at the end the following new paragraph:

''(18) TREATMENT OF LOAD LOSS SALES OF MUTUAL OR COOPERATIVE ELECTRIC COMPANIES.—In the case of a mutual or cooperative electric company described in section 501(c)(12), there shall be excluded income which is treated as member income under subparagraph (F) thereof.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 3212. REPEAL OF REQUIREMENT OF CERTAIN APPROVED TERMINALS TO OFFER DYED DIESEL FUEL AND KEROSENE FOR NONTAXABLE PURPOSES.

Section 4101 (relating to certain approved terminals of registered persons required to offer dyed diesel fuel and kerosene for nontaxable purposes) is amended by striking subsection (e).

SEC. 3213. ARBITRAGE RULES NOT TO APPLY TO PREPAYMENTS FOR NATURAL GAS.

(a) IN GENERAL.—Subsection (b) of section 148 (defining higher yielding investments) is amended by adding at the end the following new paragraph:

''(4) EXCEPTION FOR CERTAIN PREPAYMENTS TO ENSURE NATURAL GAS SUPPLY.—The term 'investment property' shall not include any prepayment for the purpose of obtaining a supply of a natural gas—

''(A) at least 85 percent of which is to be used in the State in which the issuer is located, and

''(B) which is to be used in a business of one or more utilities each of which is owned and operated by a State or local government, any political subdivision or instrumentality thereof, or any governmental unit acting for or on behalf of such a utility.''.

(b) PRIVATE LOAN FINANCING TEST NOT TO APPLY TO PREPAYMENTS FOR NATURAL GAS.—Paragraph (2) of section 141(c) (providing exceptions to the private loan financing test) is amended by striking ''or'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', or'', and by adding at the end the following new subparagraph:

''(C) arises from a transaction described in section 148(b)(4).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after October 22, 1986; except that section 148(b)(4)(A) of the Internal Revenue Code of 1986, as added by this section, shall apply only to obligations issued after the date of the enactment of this Act.

TITLE III—PRODUCTION

SEC. 3301. OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following:

''SEC. 45J. CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.

''(a) GENERAL RULE.—For purposes of section 38, the marginal well production credit for any taxable year is an amount equal to the product of—

''(1) the credit amount, and

''(2) the qualified credit oil production and the qualified natural gas production which is attributable to the taxpayer.

''(b) CREDIT AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The credit amount is—

''(A) $3 per barrel of qualified crude oil production, and

''(B) 50 cents per 1,000 cubic feet of qualified natural gas production.

''(2) REDUCTION AS OIL AND GAS PRICES INCREASE.—

''(A) IN GENERAL.—The $3 and 50 cents amounts under paragraph (1) shall each be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this paragraph) as—

''(i) the excess (if any) of the applicable reference price over $15 ($1.67 for qualified natural gas production), bears to

''(ii) $3 ($0.33 for qualified natural gas production).

The applicable reference price for a taxable year is the reference price of the calendar year preceding the calendar year in which the taxable year begins.

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2001, each of the dollar amounts contained in subparagraph (A) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting '2000' for '1990').

''(C) REFERENCE PRICE.—For purposes of this paragraph, the term 'reference price' means, with respect to any calendar year—

''(i) in the case of qualified crude oil production, the reference price determined under section 29(d)(2)(C), and

''(ii) in the case of qualified natural gas production, the Secretary's estimate of the annual average wellhead price per 1,000 cubic feet for all domestic natural gas.

''(c) QUALIFIED CRUDE OIL AND NATURAL GAS PRODUCTION.—For purposes of this section—

''(1) IN GENERAL.—The terms 'qualified crude oil production' and 'qualified natural gas production' mean domestic crude oil or natural gas which is produced from a qualified marginal well.

''(2) LIMITATION ON AMOUNT OF PRODUCTION WHICH MAY QUALIFY.—

''(A) IN GENERAL.—Crude oil or natural gas produced during any taxable year from any well shall not be treated or qualified crude oil production or qualified natural gas production to the extent production from the well during the taxable year exceeds 1,095 barrels or barrel equivalents.

''(B) PROPORTIONATE REDUCTIONS.—

''(i) SHORT TAXABLE YEARS.—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days in such taxable year bears to 365.

''(ii) WELLS NOT IN PRODUCTION ENTIRE YEAR.—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which the number of days of production bears to the total number of days in the taxable year.

''(3) DEFINITIONS.—

''(A) QUALIFIED MARGINAL WELL.—The term 'qualified marginal well' means a domestic well—

''(i) the production from which during the taxable year is treated as marginal production under section 613A(c)(6), or

''(ii) which, during the taxable year—

''(I) has average daily production of not more than 25 barrel equivalents, and

''(II) produces water at a rate not less than 95 percent of total well effluent.

''(B) CRUDE OIL, ETC.—The terms 'crude oil', 'natural gas', 'domestic', and 'barrel' have the meanings given such terms by section 613A(e).

''(C) BARREL EQUIVALENT.—The term 'barrel equivalent' means, with respect to natural gas, a conversation ratio of 6,000 cubic feet of natural gas to 1 barrel of crude oil.

''(d) OTHER RULES.—

''(1) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a qualified marginal well in which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer's revenue interest in the production bears to the aggregate of the revenue interests of all operating interest owners in the production.

''(2) OPERATING INTEREST REQUIRED.—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

''(3) PRODUCTION FROM NONCONVENTIONAL SOURCES EXCLUDED.—In the case of production from a qualified marginal well which is eligible for the credit allowed under section 29 for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim the credit under section 29 with respect to the well.

''(4) NONCOMPLIANCE WITH POLLUTION LAWS.—For purposes of subsection (c)(3)(A), a marginal well which is not in compliance with the applicable State and Federal pollution prevention, control, and permit requirements for any period of time shall not be considered to be a qualified marginal well during such period.''.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) is amended by striking ''plus'' at the end of paragraph (17), by striking the period at the end of paragraph (18) and inserting '', plus'', and by adding at the end the following:

''(19) the marginal oil and gas well production credit determined under section 45J(a).''.

(c) CARRYBACK.—Subsection (a) of section 39 (relating to carryback and carryforward of unused credits generally) is amended by adding at the end the following:

''(3) 10-YEAR CARRYBACK FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—In the case of the marginal oil and gas well production credit—

''(A) this section shall be applied separately from the business credit (other than the marginal oil and gas well production credit),

''(B) paragraph (1) shall be applied by substituting '10 taxable years' for '1 taxable years' in subparagraph (A) thereof, and

''(C) paragraph (2) shall be applied—

''(i) by substituting '31 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(ii) by substituting '30 taxable years' for '20 taxable years' in subparagraph (A) thereof.''.

(d) COORDINATION WITH SECTION 29.—Section 29(a) is amended by striking ''There'' and inserting ''At the election of the taxpayer, there''.

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter I is amended by adding at the end the following:

''Sec. 45J. Credit for producing oil and gas from marginal wells.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 2001.

SEC. 3302. TEMPORARY SUSPENSION OF LIMITATION BASED ON 65 PERCENT OF TAXABLE INCOME AND EXTENSION OF SUSPENSION OF TAXABLE INCOME LIMIT WITH RESPECT TO MARGINAL PRODUCTION.

(a) LIMITATION BASED ON 65 PERCENT OF TAXABLE INCOME.—Subsection (d) of section 613A (relating to limitation on percentage depletion in case of oil and gas wells) is amended by adding at the end the following new paragraph:

''(6) TEMPORARY SUSPENSION OF TAXABLE INCOME LIMIT.—Paragraph (1) shall not apply to taxable years beginning after December 31, 2001, and before January 1, 2007, including with respect to amounts carried under the second sentence of paragraph (1) to such taxable years.''.

(b) EXTENSION OF SUSPENSION OF TAXABLE INCOME LIMIT WITH RESPECT TO MARGINAL PRODUCTION.—Subparagraph (H) of section 613A(c)(6) (relating to temporary suspension of taxable income limit with respect to marginal production) is amended by striking ''2002'' and inserting ''2007''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 3303. DEDUCTION FOR DELAY RENTAL PAYMENTS.

(a) IN GENERAL.—Section 263 (relating to capital expenditures) is amended by adding after subsection (i) the following:

''(j) DELAY RENTAL PAYMENTS FOR DOMESTIC OIL AND GAS WELLS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), a taxpayer may elect to treat delay rental payments incurred in connection with the development of oil or gas within the United States (as defined in section 638) as payments which are not chargeable to capital account. Any payments so treated shall be allowed as a deduction in the taxable year in which paid or incurred.

''(2) DELAY RENTAL PAYMENTS.—For purposes of paragraph (1), the term 'delay rental payment' means an amount paid for the privilege of deferring development of an oil or gas well under an oil or gas lease.''.

(b) CONFORMING AMENDMENT.—Section 263A(c)(3) is amended by inserting ''263(j),'' after '263(i),'.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2001.

SEC. 3304. ELECTION TO EXPENSE GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) IN GENERAL.—Section 263 (relating to capital expenditures) is amended by adding after subsection (j) the following:

''(k) GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR DOMESTIC OIL AND GAS WELLS.—Notwithstanding subsection (a), a taxpayer may elect to treat geological and geophysical expenses incurred in connection with the exploration for, or development of, oil or gas within the United States (as defined in section 638) as expenses which are not chargeable to capital account. Any expenses so treated shall be allowed as a deduction in the taxable year in which paid or incurred.''.

(b) CONFORMING AMENDMENT.—Section 263A(c)(3), as amended by section 3303(b), is amended by inserting ''263(k),'' after ''263(j),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred in taxable years beginning after December 31, 2001.

SEC. 3305. 5-YEAR NET OPERATING LOSS CARRYBACK FOR LOSSES ATTRIBUTABLE TO OPERATING MINERAL INTERESTS OF OIL AND GAS PRODUCERS.

(a) IN GENERAL.—Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph:

''(H) LOSSES ON OPERATING MINERAL INTERESTS OF OIL AND GAS PRODUCERS.—In the case of a taxpayer which has an eligible oil and gas loss (as defined in subsection (j)) for a taxable year, such eligible oil and gas loss shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss.''.

(b) ELIGIBLE OIL AND GAS LOSS.—Section 172 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) ELIGIBLE OIL AND GAS LOSS.—For purposes of this section—

''(1) IN GENERAL.—The term 'eligible oil and gas loss' means the lesser of—

''(A) the amount which would be the net operating loss for the taxable year if only income and deductions attributable to operating mineral interests (as defined in section 614(d)) in oil and gas wells are taken into account, or

''(B) the amount of the net operating loss for such taxable year.

''(2) COORDINATION WITH SUBSECTION (b)(2).—For purposes of applying subsection (b)(2), an eligible oil and gas loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated.

''(3) ELECTION.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(H) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(H).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to net operating losses for taxable years beginning after December 31, 2001.

SEC. 3306. EXTENSION AND MODIFICATION OF CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

(a) IN GENERAL.—Section 29 is amended by adding at the end the following new subsection:

''(h) EXTENSION FOR OTHER FACILITIES.—

''(1) EXTENSION FOR OIL AND CERTAIN GAS.—In the case of a well for producing qualified fuels described in subparagraph (A) or (B)(i) of subsection (c)(1)—

''(A) APPLICATION OF CREDIT FOR NEW WELLS.—Notwithstanding subsection (f), this section shall apply with respect to such fuels—

''(i) which are produced from a well drilled after the date of the enactment of this subsection and before January 1, 2007, and

''(ii) which are sold not later than the close of the 4-year period beginning on the date that such well is drilled, or, if earlier, January 1, 2010.

''(B) EXTENSION OF CREDIT FOR OLD WELLS.—Subsection (f)(2) shall be applied by substituting '2007' for '2003' with respect to wells described in subsection (f)(1)(A) with respect to such fuels.

''(2) EXTENSION FOR FACILITIES PRODUCING QUALIFIED FUEL FROM LANDFILL GAS.—

''(A) IN GENERAL.—In the case of a facility for producing qualified fuel from landfill gas which was placed in service after June 30, 1998, and before January 1, 2007, this section shall apply to fuel produced at such facility during the 5-year period beginning on the later of—

''(i) the date such facility was placed in service, or

''(ii) the date of the enactment of this subsection.

''(B) REDUCTION OF CREDIT FOR CERTAIN LANDFILL FACILITIES.—In the case of a facility to which paragraph (1) applies and which is subject to the 1996 New Source Performance Standards/Emmissions Guidelines of the Environmental Protection Agency, subsection (a)(1) shall be applied by substituting '$2' for '$3'.

''(3) SPECIAL RULES.—In determining the amount of credit allowable under this section solely by reason of this subsection—

''(A) DAILY LIMIT.—The amount of qualified fuels sold during any taxable year which may be taken into account by reason of this subsection with respect to any project shall not exceed an average barrel-of-oil equivalent of 200,000 cubic feet of natural gas per day. Days before the date the project is placed in service shall not be taken into account in determining such average.

''(B) EXTENSION PERIOD TO COMMENCE WITH UNADJUSTED CREDIT AMOUNT.—In the case of fuels sold during 2001 and 2002, the dollar amount applicable under subsection (a)(1) shall be $3 (without regard to subsection (b)(2)). In the case of fuels sold after 2002, subparagraph (B) of subsection (d)(2) shall be applied by substituting '2002' for '1979'.''.

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

SEC. 3307. BUSINESS RELATED ENERGY CREDITS ALLOWED AGAINST REGULAR AND MINIMUM TAX.

(a) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULES FOR SPECIFIED ENERGY CREDITS.—

''(A) IN GENERAL.—In the case of specified energy credits—

''(i) this section and section 39 shall be applied separately with respect to such credits, and

''(ii) in applying paragraph (1) to such credits—

''(I) the tentative minimum tax shall be treated as being zero, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the specified energy credits).

''(B) SPECIFIED ENERGY CREDITS.—For purposes of this subsection, the term 'specified energy credits' means the credits determined under sections 45G, 45H, 45I, 45J, and 45K.''.

(b) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting ''or the specified energy credits'' after ''employment credit''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act.

SEC. 3308. TEMPORARY REPEAL OF ALTERNATIVE MINIMUM TAX PREFERENCE FOR INTANGIBLE DRILLING COSTS.

(a) IN GENERAL.—Clause (ii) of section 57(a)(2)(E) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to taxable years beginning after December 31, 2001, and before January 1, 2005.''.

(b) EFFECTIVE DATES.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 3309. ALLOWANCE OF ENHANCED RECOVERY CREDIT AGAINST THE ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(3), as amended by section 3307, is amended by adding at the end the following new sentence: ''For taxable years beginning before January 1, 2005, such term includes the credit determined under section 43.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 3310. EXTENSION OF CERTAIN BENEFITS FOR ENERGY-RELATED BUSINESSES ON INDIAN RESERVATIONS.

(a) DEPRECIATION FOR PROPERTY ON INDIAN RESERVATIONS.—Paragraph (8) of section 168(j) (relating to termination) is amended by adding at the end the following new sentence: ''The preceding sentence shall be applied by substituting 'December 31, 2006' for 'December 31, 2003' in the case of property placed in service as part of a facility for—

''(A) the generation or transmission of electricity (including from any qualified energy resource, as defined in section 45(c)),

''(B) an oil or gas well,

''(C) the transmission or refining of oil or gas, or

''(D) the production of any qualified fuel (as defined in section 29(c)).''

(b) EMPLOYMENT OF INDIANS.—Subsection (f) of section 45A (relating to termination) is amended by adding at the end the following new sentence: ''The preceding sentence shall be applied by substituting 'December 31, 2006' for 'December 31, 2003' in the case of wages paid for services performed at a facility described in section 168(j)(8).''

DIVISION D

SEC. 4101. CAPACITY BUILDING FOR ENERGY-EFFICIENT, AFFORDABLE HOUSING.

Section 4(b) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in paragraph (1), by inserting before the semicolon at the end 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. 4102. INCREASE OF CDBG PUBLIC SERVICES CAP FOR ENERGY CONSERVATION AND EFFICIENCY ACTIVITIES.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended—

(1) by inserting ''or efficiency'' after ''energy conservation'';

(2) by striking '', and except that'' and inserting ''; except that''; and

(3) by inserting before the period at the end the following: ''; and except that each percentage limitation under this paragraph on the amount of assistance provided under this title that may be used for the provision of public services is hereby increased by 10 percent, but such percentage increase may be used only for the provision of public services concerning energy conservation or efficiency''.

SEC. 4103. FHA MORTGAGE INSURANCE INCENTIVES FOR ENERGY EFFICIENT HOUSING.

(a) SINGLE FAMILY HOUSING MORTGAGE INSURANCE.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended, in the first undesignated paragraph beginning after subparagraph (B)(iii) (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 207(c) of the National Housing Act (12 U.S.C. 1713(c)) is amended, in the second undesignated paragraph beginning after paragraph (3) (relating to solar energy systems and residential energy conservation measures), by striking ''20 percent'' and inserting ''30 percent''.

(c) COOPERATIVE HOUSING MORTGAGE INSURANCE.—Section 213(p) of the National Housing Act (12 U.S.C. 1715e(p)) is amended by striking ''20 per centum'' and inserting ''30 percent''.

(d) REHABILITATION AND NEIGHBORHOOD CONSERVATION HOUSING MORTGAGE INSURANCE.—Section 220(d)(3)(B)(iii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)) is amended by striking ''20 per centum'' and inserting ''30 percent''.

(e) LOW-INCOME MULTIFAMILY HOUSING MORTGAGE INSURANCE.—Section 221(k) of the National Housing Act (12 U.S.C. 1715l(k)) is amended by striking ''20 per centum'' and inserting ''30 percent''.

(f) ELDERLY HOUSING MORTGAGE INSURANCE.—The proviso at the end of section 213(c)(2) of the National Housing Act (12 U.S.C. 1715v(c)(2)) is amended by striking ''20 per centum'' and inserting ''30 percent''.

(g) CONDOMINIUM HOUSING MORTGAGE INSURANCE.—Section 234(j) of the National Housing Act (12 U.S.C. 1715y(j)) is amended by striking ''20 per centum'' and inserting ''30 percent''.

SEC. 4104. PUBLIC HOUSING CAPITAL FUND.

Section 9(d)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)(1)) is amended—

(1) in subparagraph (I), by striking ''and'' at the end;

(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 efficiency and water conservation by such other means as the Secretary determines are appropriate.''.

SEC. 4105. GRANTS FOR ENERGY-CONSERVING IMPROVEMENTS FOR ASSISTED HOUSING.

Section 251(b)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8231(1)) is amended—

(1) by striking ''financed with loans'' and inserting ''assisted'';

(2) by inserting after ''1959,'' the following: ''which are eligible multifamily housing projects (as such term is defined in section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note)) and are subject to a mortgage restructuring and rental assistance sufficiency plans under such Act,''; and

(3) by inserting after the period at the end of the first sentence the following new sentence: ''Such improvements may also include the installation of energy and water conserving 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.''.

SEC. 4106. 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. 290m–290m-3) 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 pollutants or contaminants.''.

DIVISION E

SEC. 5000. SHORT TITLE.

This division may be cited as the ''Clean Coal Power Initiative Act of 2001''.

SEC. 5001. FINDINGS.

Congress finds that—

(1) reliable, affordable, increasingly clean electricity will continue to power the growing United States economy;

(2) an increasing use of electrotechnologies, the desire for continuous environmental improvement, a more competitive electricity market, and concerns about rising energy prices add importance to the need for reliable, affordable, increasingly clean electricity;

(3) coal, which, as of the date of enactment of this Act, accounts for more than ½ of all electricity generated in the United States, is the most abundant fossil energy resource of the United States;

(4) coal comprises more than 85 percent of all fossil resources in the United States and exists in quantities sufficient to supply the United States for 250 years at current usage rates;

(5) investments in electricity generating facility emissions control technology over the past 30 years have reduced the aggregate emissions of pollutants from coal-based generating facilities by 21 percent, even as coal use for electricity generation has nearly tripled;

(6) continuous improvement in efficiency and environmental performance from electricity generating facilities would allow continued use of coal and preserve less abundant energy resources for other energy uses;

(7) new ways to convert coal into electricity can effectively eliminate health-threatening emissions and improve efficiency by as much as 50 percent, but initial deployment of new coal generation methods and equipment entails significant risk that generators may be unable to accept in a newly competitive electricity market; and

(8) continued environmental improvement in coal-based generation and increasing the production and supply of power generation facilities with less air emissions, with the ultimate goal of near-zero emissions, is important and desirable.

SEC. 5002. DEFINITIONS.

In this division:

(1) COST AND PERFORMANCE GOALS.—The term ''cost and performance goals'' means the cost and performance goals established under section 5004.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 5003. CLEAN COAL POWER INITIATIVE.

(a) IN GENERAL.—The Secretary shall carry out a program under—

(1) this division;

(2) the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.);

(3) the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.); and

(4) title XIII of the Energy Policy Act of 1992 (42 U.S.C. 13331 et seq.),

to achieve cost and performance goals established by the Secretary under section 5004.

SEC. 5004. COST AND PERFORMANCE GOALS.

(a) REVIEW AND ASSESSMENT.—The Secretary shall perform an assessment that establishes measurable cost and performance goals for 2005, 2010, 2015, and 2020 for the programs authorized by this division. Such assessment shall be based on the latest scientific, economic, and technical knowledge.

(b) CONSULTATION.—In establishing the cost and performance goals, the Secretary shall consult with representatives of—

(1) the United States coal industry;

(2) State coal development agencies;

(3) the electric utility industry;

(4) railroads and other transportation industries;

(5) manufacturers of advanced coal-based equipment;

(6) institutions of higher learning, national laboratories, and professional and technical societies;

(7) organizations representing workers;

(8) organizations formed to—

(A) promote the use of coal;

(B) further the goals of environmental protection; and

(C) promote the production and generation of coal-based power from advanced facilities; and

(9) other appropriate Federal and State agencies.

(c) TIMING.—The Secretary shall—

(1) not later than 120 days after the date of enactment of this Act, issue a set of draft cost and performance goals for public comment; and

(2) not later than 180 days after the date of enactment of this Act, after taking into consideration any public comments received, submit to the Committee on Energy and Commerce and the Committee on Science of the House of Representatives, and to the Senate, the final cost and performance goals.

SEC. 5005. AUTHORIZATION OF APPROPRIATIONS.

(a) CLEAN COAL POWER INITIATIVE.—Except as provided in subsection (c), there are authorized to be appropriated to the Secretary to carry out the Clean Coal Power Initiative under section 5003 $200,000,000 for each of the fiscal years 2002 through 2011, to remain available until expended.

(b) LIMIT ON USE OF FUNDS.—Notwithstanding subsection (a), no funds may be used to carry out the activities authorized by this Act after September 30, 2002, unless the Secretary has transmitted to the Committee on Energy and Commerce and the Committee on Science of the House of Representatives, and to the Senate, the report required by this subsection and 1 month has elapsed since that transmission. The report shall include, with respect to subsection (a), a 10-year plan containing—

(1) a detailed assessment of whether the aggregate funding levels provided under subsection (a) are the appropriate funding levels for that program;

(2) a detailed description of how proposals will be solicited and evaluated, including a list of all activities expected to be undertaken;

(3) a detailed list of technical milestones for each coal and related technology that will be pursued;

(4) recommendations for a mechanism for recoupment of Federal funding for successful commercial projects; and

(5) a detailed description of how the program will avoid problems enumerated in General Accounting Office reports on the Clean Coal Technology Program, including problems that have resulted in unspent funds and projects that failed either financially or scientifically.

(c) APPLICABILITY.—Subsection (b) shall not apply to any project begun before September 30, 2002.

SEC. 5006. PROJECT CRITERIA.

(a) IN GENERAL.—The Secretary shall not provide funding under this division for any project that does not advance efficiency, environmental performance, and cost competitiveness well beyond the level of technologies that are in operation or have been demonstrated as of the date of the enactment of this Act.

(b) TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.—

(1) GASIFICATION.—(A) In allocating the funds authorized under section 5005(a), the Secretary shall ensure that at least 80 percent of the funds are used only for projects on coal-based gasification technologies, including gasification combined cycle, gasification fuel cells, gasification coproduction and hybrid gasification/combustion.

(B) The Secretary shall set technical milestones specifying emissions levels that coal gasification projects must be designed to and reasonably expected to achieve. The milestones shall get more restrictive through the life of the program. The milestones shall be designed to achieve by 2020 coal gasification projects able—

(i) to remove 99 percent of sulfur dioxide;

(ii) to emit no more than .05 lbs of NOx per million BTU;

(iii) to achieve substantial reductions in mercury emissions; and

(iv) to achieve a thermal efficiency of 60 percent (higher heating value).

(2) OTHER PROJECTS.—For projects not described in paragraph (1), the Secretary shall set technical milestones specifying emissions levels that the projects must be designed to and reasonably expected to achieve. The milestones shall get more restrictive through the life of the program. The milestones shall be designed to achieve by 2010 projects able—

(A) to remove 97 percent of sulfur dioxide;

(B) to emit no more than .08 lbs of NOx per million BTU;

(C) to achieve substantial reductions in mercury emissions; and

(D) to achieve a thermal efficiency of 45 percent (higher heating value).

(c) FINANCIAL CRITERIA.—The Secretary shall not provide a funding award under this division unless the recipient has documented to the satisfaction of the Secretary that—

(1) the award recipient is financially viable without the receipt of additional Federal funding;

(2) the recipient will provide sufficient information to the Secretary for the Secretary to ensure that the award funds are spent efficiently and effectively; and

(3) a market exists for the technology being demonstrated or applied, as evidenced by statements of interest in writing from potential purchasers of the technology.

(d) FEDERAL SHARE.—The Federal share of the cost of a coal or related technology project funded by the Secretary shall not exceed 50 percent.

(e) APPLICABILITY.—Neither the use of any particular technology, nor the achievement of any emission reduction, by any facility receiving assistance under this title shall be taken into account for purposes of making any determination under the Clean Air Act in applying the provisions of that Act to a facility not receiving assistance under this title, including any determination concerning new source performance standards, lowest achievable emission rate, best available control technology, or any other standard, requirement, or limitation.

SEC. 5007. STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and once every 2 years thereafter through 2016, the Secretary, in cooperation with other appropriate Federal agencies, shall transmit to the Committee on Energy and Commerce and the Committee on Science of the House of Representatives, and to the Senate, a report containing the results of a study to—

(1) identify efforts (and the costs and periods of time associated with those efforts) that, by themselves or in combination with other efforts, may be capable of achieving the cost and performance goals;

(2) develop recommendations for the Department of Energy to promote the efforts identified under paragraph (1); and

(3) develop recommendations for additional authorities required to achieve the cost and performance goals.

(b) EXPERT ADVICE.—In carrying out this section, the Secretary shall give due weight to the expert advice of representatives of the entities described in section 5004(b).

DIVISION F

SEC. 6001. SHORT TITLE.

This division may be cited as the ''Energy Security Act''.

TITLE I—GENERAL PROTECTIONS FOR ENERGY SUPPLY AND SECURITY

SEC. 6101. STUDY OF EXISTING RIGHTS-OF-WAY ON FEDERAL LANDS TO DETERMINE CAPABILITY TO SUPPORT NEW PIPELINES OR OTHER TRANSMISSION FACILITIES.

(a) IN GENERAL.—Within one year after the date of enactment of this Act, the head of each Federal agency that has authorized a right-of-way across Federal lands for transportation of energy supplies or transmission of electricity shall review each such right-of-way and submit a report to the Secretary of Energy and the Chairman of the Federal Energy Regulatory Commission regarding—

(1) whether the right-of-way can be used to support new or additional capacity; and

(2) what modifications or other changes, if any, would be necessary to accommodate such additional capacity.

(b) CONSULTATIONS AND CONSIDERATIONS.—In performing the review, the head of each agency shall—

(1) consult with agencies of State, tribal, or local units of government as appropriate; and

(2) consider whether safety or other concerns related to current uses might preclude the availability of a right-of-way for additional or new transportation or transmission facilities, and set forth those considerations in the report.

SEC. 6102. INVENTORY OF ENERGY PRODUCTION POTENTIAL OF ALL FEDERAL PUBLIC LANDS.

(a) INVENTORY REQUIREMENT.—The Secretary of the Interior, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall conduct an inventory of the energy production potential of all Federal public lands other than national park lands and lands in any wilderness area, with respect to wind, solar, coal, and geothermal power production.

(b) LIMITATIONS.—

(1) IN GENERAL.—The Secretary shall not include in the inventory under this section the matters to be identified in the inventory under section 604 of the Energy Act of 2000 (42 U.S.C. 6217).

(2) WIND AND SOLAR POWER.—The inventory under this section—

(A) with respect to wind power production shall be limited to sites having a mean average wind speed—

(i) exceeding 12.5 miles per hour at a height of 33 feet; and

(ii) exceeding 15.7 miles per hour at a height of 164 feet; and

(B) with respect to solar power production shall be limited to areas rated as receiving 450 watts per square meter or greater.

(c) EXAMINATION OF RESTRICTIONS AND IMPEDIMENTS.—The inventory shall identify the extent and nature of any restrictions or impediments to the development of such energy production potential.

(d) GEOTHERMAL POWER.—The inventory shall include an update of the 1978 Assessment of Geothermal Resources by the United States Geological Survey.

(e) COMPLETION AND UPDATING.—The Secretary—

(1) shall complete the inventory by not later than 2 years after the date of the enactment of this Act; and

(2) shall update the inventory regularly thereafter.

(f) REPORTS.—The Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate and make publicly available—

(1) a report containing the inventory under this section, by not later than 2 years after the effective date of this section; and

(2) each update of such inventory.

SEC. 6103. REVIEW OF REGULATIONS TO ELIMINATE BARRIERS TO EMERGING ENERGY TECHNOLOGY.

(a) IN GENERAL.—Each Federal agency shall carry out a review of its regulations and standards to determine those that act as a barrier to market entry for emerging energy-efficient technologies, including fuel cells, combined heat and power, and distributed generation (including small-scale renewable energy).

(b) REPORT TO CONGRESS.—No later than 18 months after date of enactment of this Act, each agency shall provide a report to the Congress and the President detailing all regulatory barriers to emerging energy-efficient technologies, along with actions the agency intends to take, or has taken, to remove such barriers.

(c) PERIODIC REVIEW.—Each agency shall subsequently review its regulations and standards in this manner no less frequently than every 5 years, and report their findings to the Congress and the President. Such reviews shall include a detailed analysis of all agency actions taken to remove existing barriers to emerging energy technologies.

SEC. 6104. INTERAGENCY AGREEMENT ON ENVIRONMENTAL REVIEW OF INTERSTATE NATURAL GAS PIPELINE PROJECTS.

(a) IN GENERAL.—The Secretary of Energy, in coordination with the Federal Energy Regulatory Commission, shall establish an administrative interagency task force to develop an interagency agreement to expedite and facilitate the environmental review and permitting of interstate natural gas pipeline projects.

(b) TASK FORCE MEMBERS.—The task force shall include a representative of each of the Bureau of Land Management, the United States Fish and Wildlife Service, the Army Corps of Engineers, the Forest Service, the Environmental Protection Agency, the Advisory Council on Historic Preservation, and such other agencies as the Secretary of Energy and the Federal Energy Regulatory Commission consider appropriate.

(c) TERMS OF AGREEMENT.—The interagency agreement shall require that agencies complete their review of interstate pipeline projects within a specific period of time after referral of the matter by the Federal Energy Regulatory Commission.

(d) SUBMITTAL OF AGREEMENT.—The Secretary of Energy shall submit a final interagency agreement under this section to the Congress by not later than 6 months after the effective date of this section.

SEC. 6105. ENHANCING ENERGY EFFICIENCY IN MANAGEMENT OF FEDERAL LANDS.

(a) SENSE OF THE CONGRESS.—It is the sense of Congress that Federal land managing agencies should enhance the use of energy efficient technologies in the management of natural resources.

(b) ENERGY EFFICIENT BUILDINGS.—To the extent economically practicable, the Secretary of the Interior and the Secretary of Agriculture shall seek to incorporate energy efficient technologies in public and administrative buildings associated with management of the National Park System, National Wildlife Refuge System, National Forest System, and other public lands and resources managed by such Secretaries.

(c) ENERGY EFFICIENT VEHICLES.—To the extent economically practicable, the Secretary of the Interior and the Secretary of Agriculture shall seek to use energy efficient motor vehicles, including vehicles equipped with biodiesel or hybrid engine technologies, in the management of the National Park System, National Wildlife Refuge System, and other public lands and managed by the Secretaries.

TITLE II—OIL AND GAS DEVELOPMENT

Subtitle A—Offshore Oil and Gas

SEC. 6201. SHORT TITLE.

This subtitle may be referred to as the ''Royalty Relief Extension Act of 2001''.

SEC. 6202. LEASE SALES IN WESTERN AND CENTRAL PLANNING AREA OF THE GULF OF MEXICO.

(a) IN GENERAL.—For all tracts located in water depths of greater than 200 meters in the Western and Central Planning Area of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any oil or gas lease sale under the Outer Continental Shelf Lands Act occurring within 2 years after the date of enactment of this Act shall use the bidding system authorized in section 8(a)(1)(H) of the Outer Continental Shelf Lands Act (30 U.S.C. 1337(a)(1)(H)), except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 5 million barrels of oil equivalent for each lease in water depths of 400 to 800 meters.

(2) 9 million barrels of oil equivalent for each lease in water depths of 800 to 1,600 meters.

(3) 12 million barrels of oil equivalent for each lease in water depths greater than 1,600 meters.

(b) RELATIONSHIP TO EXISTING AUTHORITY.—Except as expressly provided in this section, nothing in this section is intended to limit the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.) to provide royalty suspension.

SEC. 6203. SAVINGS CLAUSE.

Nothing in this subtitle shall be construed to affect any offshore pre-leasing, leasing, or development moratorium, including any moratorium applicable to the Eastern Planning Area of the Gulf of Mexico located off the Gulf Coast of Florida.

SEC. 6204. ANALYSIS OF GULF OF MEXICO FIELD SIZE DISTRIBUTION, INTERNATIONAL COMPETITIVENESS, AND INCENTIVES FOR DEVELOPMENT.

(a) IN GENERAL.—The Secretary of the Interior and the Secretary of Energy shall enter into appropriate arrangements with the National Academy of Sciences to commission the Academy to perform the following:

(1) Conduct an analysis and review of existing Gulf of Mexico oil and natural gas resource assessments, including—

(A) analysis and review of assessments recently performed by the Minerals Management Service, the 1999 National Petroleum Council Gas Study, the Department of Energy's Offshore Marginal Property Study, and the Advanced Resources International, Inc. Deepwater Gulf of Mexico model; and

(B) evaluation and comparison of the accuracy of assumptions of the existing assessments with respect to resource field size distribution, hydrocarbon potential, and scenarios for leasing, exploration, and development.

(2) Evaluate the lease terms and conditions offered by the Minerals Management Service for Lease Sale 178, and compare the financial incentives offered by such terms and conditions to financial incentives offered by the terms and conditions that apply under leases for other offshore areas that are competing for the same limited offshore oil and gas exploration and development capital, including offshore areas of West Africa and Brazil.

(3) Recommend what level of incentives for all water depths are appropriate in order to ensure that the United States optimizes the domestic supply of oil and natural gas from the offshore areas of the Gulf of Mexico that are not subject to current leasing moratoria. Recommendations under this paragraph should be made in the context of the importance of the oil and natural gas resources of the Gulf of Mexico to the future energy and economic needs of the United States.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall submit a report to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate, summarizing the findings of the National Academy of Sciences pursuant to subsection (a) and providing recommendations of the Secretary for new policies or other actions that could help to further increase oil and natural gas production from the Gulf of Mexico.

Subtitle B—Improvements to Federal Oil and Gas Management

SEC. 6221. SHORT TITLE.

This subtitle may be cited as the ''Federal Oil and Gas Lease Management Improvement Demonstration Program Act of 2001''.

SEC. 6222. STUDY OF IMPEDIMENTS TO EFFICIENT LEASE OPERATIONS.

(a) IN GENERAL.—The Secretary of the Interior and the Secretary of Agriculture shall jointly undertake a study of the impediments to efficient oil and gas leasing and operations on Federal onshore lands in order to identify means by which unnecessary impediments to the expeditious exploration and production of oil and natural gas on such lands can be removed.

(b) CONTENTS.—The study under subsection (a) shall include the following:

(1) A review of the process by which Federal land managers accept or reject an offer to lease, including the timeframes in which such offers are acted upon, the reasons for any delays in acting upon such offers, and any recommendations for expediting the response to such offers.

(2) A review of the approval process for applications for permits to drill, including the timeframes in which such applications are approved, the impact of compliance with other Federal laws on such timeframes, any other reasons for delays in making such approvals, and any recommendations for expediting such approvals.

(3) A review of the approval process for surface use plans of operation, including the timeframes in which such applications are approved, the impact of compliance with other Federal laws on such timeframes, any other reasons for delays in making such approvals, and any recommendations for expediting such approvals.

(4) A review of the process for administrative appeal of decisions or orders of officers

or employees of the Bureau of Land Management with respect to a Federal oil or gas lease, including the timeframes in which such appeals are heard and decided, any reasons for delays in hearing or deciding such appeals, and any recommendations for expediting the appeals process.

(c) REPORT.—The Secretaries shall report the findings and recommendations resulting from the study required by this section to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate no later than 6 months after the date of the enactment of this Act.

SEC. 6223. ELIMINATION OF UNWARRANTED DENIALS AND STAYS.

(a) IN GENERAL.—The Secretary shall ensure that unwarranted denials and stays of lease issuance and unwarranted restrictions on lease operations are eliminated from the administration of oil and natural gas leasing on Federal land.

(b) LAND DESIGNATED FOR MULTIPLE USE.—Federal land available for oil and natural gas leasing under any Bureau of Land Management resource management plan or Forest Service leasing analysis shall be available without lease stipulations more stringent than restrictions on surface use and operations imposed under the laws (including regulations) of the oil and natural gas conservation authority of the State in which the lands are located, unless the Secretary includes in the decision approving the management plan or leasing analysis or in the Secretary's acceptance of an offer to lease a written explanation why more stringent stipulations are warranted.

(c) REJECTION OF OFFER TO LEASE.—

(1) IN GENERAL.—If the Secretary rejects an offer to lease Federal lands for oil or natural gas development on the ground that the land is unavailable for oil and natural gas leasing, the Secretary shall provide a written, detailed explanation of the reasons the land is unavailable for leasing.

(2) PREVIOUS RESOURCE MANAGEMENT DECISION.—If the determination of unavailability is based on a previous resource management decision, the explanation shall include a careful assessment of whether the reasons underlying the previous decision are still persuasive.

(3) SEGREGATION OF AVAILABLE LAND FROM UNAVAILABLE LAND.—The Secretary may not reject an offer to lease Federal land for oil and natural gas development that is available for such leasing on the ground that the offer includes land unavailable for leasing. The Secretary shall segregate available land from unavailable land, on the offeror's request following notice by the Secretary, before acting on the offer to lease.

(d) DISAPPROVAL OR REQUIRED MODIFICATION OF SURFACE USE PLANS OF OPERATIONS AND APPLICATION FOR PERMIT TO DRILL.—The Secretary shall provide a written, detailed explanation of the reasons for disapproving or requiring modifications of any surface use plan of operations or application for permit to drill with respect to oil or natural gas development on Federal lands.

SEC. 6224. LIMITATION ON COST RECOVERY FOR APPLICATIONS.

Notwithstanding sections 304 and 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 9701 of title 31, United States Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating to oil and gas leases.

SEC. 6225. CONSULTATION WITH SECRETARY OF AGRICULTURE.

Section 17(h) of the Mineral Leasing Act (30 U.S.C. 226(h)) is amended to read as follows:

''(h)(1) In issuing any lease on National Forest System lands reserved from the public domain, the Secretary of the Interior shall consult with the Secretary of Agriculture in determining stipulations on surface use under the lease.

''(2)(A) A lease on lands referred to in paragraph (1) may not be issued if the Secretary of Agriculture determines, after consultation under paragraph (1), that the terms and conditions of the lease, including any prohibition on surface occupancy for lease operations, will not be sufficient to adequately protect such lands under the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.).

''(B) The authority of the Secretary of Agriculture under this paragraph may be delegated only to the Undersecretary of Agriculture for Natural Resources and Environment.''.

Subtitle C—Miscellaneous

SEC. 6231. OFFSHORE SUBSALT DEVELOPMENT.

Section 5 of the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1334) is amended by adding at the end the following:

''(k) SUSPENSION OF OPERATIONS FOR SUBSALT EXPLORATION.—Notwithstanding any other provision of law or regulation, to prevent waste caused by the drilling of unnecessary wells and to facilitate the discovery of additional hydrocarbon reserves, the Secretary may grant a request for a suspension of operations under any lease to allow the reprocessing and reinterpretation of geophysical data to identify and define drilling objectives beneath allocthonus salt sheets.''.

SEC. 6232. PROGRAM ON OIL AND GAS ROYALTIES IN KIND.

(a) APPLICABILITY OF SECTION.—Notwithstanding any other provision of law, the provisions of this section shall apply to all royalty in kind accepted by the Secretary of the Interior under any Federal oil or gas lease or permit under section 36 of the Mineral Leasing Act (30 U.S.C. 192), section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353), or any other mineral leasing law, in the period beginning on the date of enactment of this Act through September 30, 2006.

(b) TERMS AND CONDITIONS.—All royalty accruing to the United States under any Federal oil or gas lease or permit under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) shall, on the demand of the Secretary of the Interior, be paid in oil or gas. If the Secretary of the Interior makes such a demand, the following provisions apply to such payment:

(1) Delivery by, or on behalf of, the lessee of the royalty amount and quality due under the lease satisfies the lessee's royalty obligation for the amount delivered, except that transportation and processing reimbursements paid to, or deductions claimed by, the lessee shall be subject to review and audit.

(2) Royalty production shall be placed in marketable condition by the lessee at no cost to the United States.

(3) The Secretary of the Interior may—

(A) sell or otherwise dispose of any royalty oil or gas taken in kind (other than oil or gas taken under section 27(a)(3) of the Outer Continental Shlef Lands Act (43 U.S.C. 1353(a)(3)) for not less than the market price; and

(B) transport or process any oil or gas royalty taken in kind.

(4) The Secretary of the Interior may, notwithstanding section 3302 of title 31, United States Code, retain and use a portion of the revenues from the sale of oil and gas royalties taken in kind that otherwise would be deposited to miscellaneous receipts, without regard to fiscal year limitation, or may use royalty production, to pay the cost of—

(A) transporting the oil or gas,

(B) processing the gas, or

(C) disposing of the oil or gas.

(5) The Secretary may not use revenues from the sale of oil and gas royalties taken in kind to pay for personnel, travel, or other administrative costs of the Federal Government.

(c) REIMBURSEMENT OF COST.—If the lessee, pursuant to an agreement with the United States or as provided in the lease, processes the royalty gas or delivers the royalty oil or gas at a point not on or adjacent to the lease area, the Secretary of the Interior shall—

(1) reimburse the lessee for the reasonable costs of transportation (not including gathering) from the lease to the point of delivery or for processing costs; or

(2) at the discretion of the Secretary of the Interior, allow the lessee to deduct such transportation or processing costs in reporting and paying royalties in value for other Federal oil and gas leases.

(d) BENEFIT TO THE UNITED STATES REQUIRED.—The Secretary may receive oil or gas royalties in kind only if the Secretary determines that receiving such royalties provides benefits to the United States greater than or equal to those that would be realized under a comparable royalty in value program.

(e) REPORT TO CONGRESS.—For each of the fiscal years 2002 through 2006 in which the United States takes oil or gas royalties in kind from production in any State or from the Outer Continental Shelf, excluding royalties taken in kind and sold to refineries under subsection (h), the Secretary of the Interior shall provide a report to the Congress describing—

(1) the methodology or methodologies used by the Secretary to determine compliance with subsection (d), including performance standards for comparing amounts received by the United States derived from such royalties in kind to amounts likely to have been received had royalties been taken in value;

(2) an explanation of the evaluation that led the Secretary to take royalties in kind from a lease or group of leases, including the expected revenue effect of taking royalties in kind;

(3) actual amounts received by the United States derived from taking royalties in kind, and costs and savings incurred by the United States associated with taking royalties in kind; and

(4) an evaluation of other relevant public benefits or detriments associated with taking royalties in kind.

(f) DEDUCTION OF EXPENSES.—

(1) IN GENERAL.—Before making payments under section 35 of the Mineral Leasing Act (30 U.S.C. 191) or section 8(g) of the Outer Continental Shelf Lands Act (30 U.S.C. 1337(g)) of revenues derived from the sale of royalty production taken in kind from a lease, the Secretary of the Interior shall deduct amounts paid or deducted under subsections (b)(4) and (c), and shall deposit such amounts to miscellaneous receipts.

(2) ACCOUNTING FOR DEDUCTIONS.—If the Secretary of the Interior allows the lessee to deduct transportation or processing costs under subsection (c), the Secretary may not reduce any payments to recipients of revenues derived from any other Federal oil and gas lease as a consequence of that deduction.

(g) CONSULTATION WITH STATES.—The Secretary of the Interior—

(1) shall consult with a State before conducting a royalty in kind program under this title within the State, and may delegate management of any portion of the Federal royalty in kind program to such State except as otherwise prohibited by Federal law; and

(2) shall consult annually with any State from which Federal oil or gas royalty is

being taken in kind to ensure to the maximum extent practicable that the royalty in kind program provides revenues to the State greater than or equal to those which would be realized under a comparable royalty in value program.

(h) PROVISIONS FOR SMALL REFINERIES.—

(1) PREFERENCE.—If the Secretary of the Interior determines that sufficient supplies of crude oil are not available in the open market to refineries not having their own source of supply for crude oil, the Secretary may grant preference to such refineries in the sale of any royalty oil accruing or reserved to the United States under Federal oil and gas leases issued under any mineral leasing law, for processing or use in such refineries at private sale at not less than the market price.

(2) PRORATION AMONG REFINERIES IN PRODUCTION AREA.—In disposing of oil under this subsection, the Secretary of the Interior may, at the discretion of the Secretary, prorate such oil among such refineries in the area in which the oil is produced.

(i) DISPOSITION TO FEDERAL AGENCIES.—

(1) ONSHORE ROYALTY.—Any royalty oil or gas taken by the Secretary in kind from onshore oil and gas leases may be sold at not less than the market price to any department or agency of the United States.

(2) OFFSHORE ROYALTY.—Any royalty oil or gas taken in kind from Federal oil and gas leases on the Outer Continental Shelf may be disposed of only under section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353).

(j) PREFERENCE FOR FEDERAL LOW-INCOME ENERGY ASSISTANCE PROGRAMS.—In disposing of royalty oil or gas taken in kind under this section, the Secretary may grant a preference to any person, including any State or Federal agency, for the purpose of providing additional resources to any Federal low-income energy assistance program.

SEC. 6233. MARGINAL WELL PRODUCTION INCENTIVES.

To enhance the economics of marginal oil and gas production by increasing the ultimate recovery from marginal wells when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart, is less than $15 per barrel for 180 consecutive pricing days or when the price of natural gas delivered at Henry Hub, Louisiana, is less than $2.00 per million British thermal units for 180 consecutive days, the Secretary shall reduce the royalty rate as production declines for—

(1) onshore oil wells producing less than 30 barrels per day;

(2) onshore gas wells producing less than 120 million British thermal units per day;

(3) offshore oil wells producing less than 300 barrels of oil per day; and

(4) offshore gas wells producing less than 1,200 million British thermal units per day.

SEC. 6234. REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.

The Mineral Leasing Act (30 U.S.C. 181 et seq.) is amended by inserting after section 37 the following:

''REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES

''SEC. 38. (a) IN GENERAL.—The Secretary of the Interior may reimburse a person who is a lessee, operator, operating rights owner, or applicant for an oil or gas lease under this Act for costs incurred by the person in preparing any project-level analysis, documentation, or related study required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease, through royalty credits attributable to the lease, unit agreement, or project area for which the analysis, documentation, or related study is prepared.

''(b) CONDITIONS.—The Secretary may provide reimbursement under subsection (b) only if—

''(1) adequate funding to enable the Secretary to timely prepare the analysis, documentation, or related study is not appropriated;

''(2) the person paid the costs voluntarily; and

''(3) the person maintains records of its costs in accordance with regulations prescribed by the Secretary.''.

(c) APPLICATION.—The amendments made by this section shall apply with respect to any lease entered into before, on, or after the date of the enactment of this Act.

(d) DEADLINE FOR REGULATIONS.—The Secretary shall issue regulations implementing the amendments made by this section by not later than 90 days after the date of the enactment of this Act.

TITLE III—GEOTHERMAL ENERGY DEVELOPMENT

SEC. 6301. ROYALTY REDUCTION AND RELIEF.

(a) ROYALTY REDUCTION.—Section 5(a) of the Geothermal Steam Act of 1970 (30 U.S.C. 1004(a)) is amended by striking ''not less than 10 per centum or more than 15 per centum'' and inserting ''not more than 8 per centum''.

(b) ROYALTY RELIEF.—

(1) IN GENERAL.—Notwithstanding section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004(a)) and any provision of any lease under that Act, no royalty is required to be paid—

(A) under any qualified geothermal energy lease with respect to commercial production of heat or energy from a facility that begins such production in the 5-year period beginning on the date of the enactment of this Act; or

(B) on qualified expansion geothermal energy.

(2) 3-YEAR APPLICATION.—Paragraph (1) applies only to commercial production of heat or energy from a facility in the first 3 years of such production.

(c) DEFINITIONS.—In this section:

(1) QUALIFIED EXPANSION GEOTHERMAL ENERGY.—The term ''qualified expansion geothermal energy''—

(A) subject to subparagraph (B), means geothermal energy produced from a generation facility for which the rated capacity is increased by more than 10 percent as a result of expansion of the facility carried out in the 5-year period beginning on the date of enactment of this Act; and

(B) does not include the rated capacity of the generation facility on the date of enactment of this Act.

(2) QUALIFIED GEOTHERMAL ENERGY LEASE.—The term ''qualified geothermal energy lease'' means a lease under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.)—

(A) that was executed before the end of the 5-year period beginning on the date of the enactment of this Act; and

(B) under which no commercial production of any form of heat or energy occurred before the date of the enactment of this Act.

SEC. 6302. EXEMPTION FROM ROYALTIES FOR DIRECT USE OF LOW TEMPERATURE GEOTHERMAL ENERGY RESOURCES.

Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is amended—

(1) in paragraph (c) by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B);

(2) by redesignating paragraphs (a) through (d) in order as paragraphs (1) through (4);

(3) by inserting ''(a) IN GENERAL.—'' after ''SEC. 5.''; and

(4) by adding at the end the following new subsection:

''(b) EXEMPTION FOR USE OF LOW TEMPERATURE RESOURCES.—

''(1) IN GENERAL.—In lieu of any royalty or rental under subsection (a), a lease for qualified development and direct utilization of low temperature geothermal resources shall provide for payment by the lessee of an annual fee of not less than $100, and not more than $1,000, in accordance with the schedule issued under paragraph (2).

''(2) SCHEDULE.—The Secretary shall issue a schedule of fees under this section under which a fee is based on the scale of development and utilization to which the fee applies.

''(3) DEFINITIONS.—In this subsection:

''(A) LOW TEMPERATURE GEOTHERMAL RESOURCES.—The term 'low temperature geothermal resources' means geothermal steam and associated geothermal resources having a temperature of less than 195 degrees Fahrenheit.

''(B) QUALIFIED DEVELOPMENT AND DIRECT UTILIZATION.—The term 'qualified development and direct utilization' means development and utilization in which all products of geothermal resources, other than any heat utilized, are returned to the geothermal formation from which they are produced.''.

SEC. 6303. AMENDMENTS RELATING TO LEASING ON FOREST SERVICE LANDS.

The Geothermal Steam Act of 1970 is amended—

(1) in section 15(b) (30 U.S.C. 1014(b))—

(A) by inserting ''(1)'' after ''(b)''; and

(B) in paragraph (1) (as designated by subparagraph (A) of this paragraph) in the first sentence—

(i) by striking ''with the consent of, and'' and inserting ''after consultation with the Secretary of Agriculture and''; and

(ii) by striking ''the head of that Department'' and inserting ''the Secretary of Agriculture''; and

(2) by adding at the end the following:

''(2)(A) A geothermal lease for lands withdrawn or acquired in aid of functions of the Department of Agriculture may not be issued if the Secretary of Agriculture, after the consultation required by paragraph (1), determines that no terms or conditions, including a prohibition on surface occupancy for lease operations, would be sufficient to adequately protect such lands under the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.).

''(B) The authority of the Secretary of Agriculture under this paragraph may be delegated only to the Undersecretary of Agriculture for Natural Resources and Environment.''.

SEC. 6304. DEADLINE FOR DETERMINATION ON PENDING NONCOMPETITIVE LEASE APPLICATIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Interior shall, with respect to each application pending on the date of the enactment of this Act for a lease under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), issue a final determination of—

(1) whether or not to conduct a lease sale by competitive bidding; and

(2) whether or not to award a lease without competitive bidding.

SEC. 6305. OPENING OF PUBLIC LANDS UNDER MILITARY JURISDICTION.

(a) IN GENERAL.—Except as otherwise provided in the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other provisions of Federal law applicable to development of geothermal energy resources within public lands, all public lands under the jurisdiction of a Secretary of a military department shall be open to the operation of such laws and development and utilization of geothermal steam and associated geothermal resources, as that term is defined in section 2 of the Geothermal Steam Act of 1970 (30 U.S.C.

1001), without the necessity for further action by the Secretary or the Congress.

(b) CONFORMING AMENDMENT.—Section 2689 of title 10, United States Code, is amended by striking ''including public lands,'' and inserting ''other than public lands,''.

(c) TREATMENT OF EXISTING LEASES.—Upon the expiration of any lease in effect on the date of the enactment of this Act of public lands under the jurisdiction of a military department for the development of any geothermal resource, such lease may, at the option of the lessee—

(1) be treated as a lease under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), and be renewed in accordance with such Act; or

(2) be renewed in accordance with the terms of the lease, if such renewal is authorized by such terms.

(d) REGULATIONS.—The Secretary of the Interior, with the advice and concurrence of the Secretary of the military department concerned, shall prescribe such regulations to carry out this section as may be necessary. Such regulations shall contain guidelines to assist in determining how much, if any, of the surface of any lands opened pursuant to this section may be used for purposes incident to geothermal energy resources development and utilization.

(e) CLOSURE FOR PURPOSES OF NATIONAL DEFENSE OR SECURITY.—In the event of a national emergency or for purposes of national defense or security, the Secretary of the Interior, at the request of the Secretary of the military department concerned, shall close any lands that have been opened to geothermal energy resources leasing pursuant to this section.

SEC. 6306. APPLICATION OF AMENDMENTS.

The amendments made by this title apply with respect to any lease executed before, on, or after the date of the enactment of this Act.

SEC. 6307. REVIEW AND REPORT TO CONGRESS.

The Secretary of the Interior shall promptly review and report to the Congress regarding the status of all moratoria on and withdrawals from leasing under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) of known geothermal resources areas (as that term is defined in section 2 of that Act (30 U.S.C. 1001), specifying for each such area whether the basis for such moratoria or withdrawal still applies.

SEC. 6308. REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.

(a) IN GENERAL.—The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended by adding at the end the following:

''REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES

''SEC. 30. (a) IN GENERAL.—The Secretary of the Interior may reimburse a person who is a lessee, operator, operating rights owner, or applicant for a lease under this Act for costs incurred by the person in preparing any project-level analysis, documentation, or related study required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease, through royalty credits attributable to the lease, unit agreement, or project area for which the analysis, documentation, or related study is prepared.

''(b) CONDITIONS.—The Secretary shall may provide reimbursement under subsection (a) only if—

''(1) adequate funding to enable the Secretary to timely prepare the analysis, documentation, or related study is not appropriated;

''(2) the person paid the costs voluntarily; and

''(3) the person maintains records of its costs in accordance with regulations prescribed by the Secretary.''.

(b) APPLICATION.—The amendments made by this section shall apply with respect to any lease entered into before, on, or after the date of the enactment of this Act.

(c) DEADLINE FOR REGULATIONS.—The Secretary shall issue regulations implementing the amendments made by this section by not later than 90 days after the date of the enactment of this Act.

TITLE IV—HYDROPOWER

SEC. 6401. STUDY AND REPORT ON INCREASING ELECTRIC POWER PRODUCTION CAPABILITY OF EXISTING FACILITIES.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a study of the potential for increasing electric power production capability at existing facilities under the administrative jurisdiction of the Secretary.

(b) CONTENT.—The study under this section shall include identification and description in detail of each facility that is capable, with or without modification, of producing additional hydroelectric power, including estimation of the existing potential for the facility to generate hydroelectric power.

(c) REPORT.—The Secretary shall submit to the Congress a report on the findings, conclusions, and recommendations of the study under this section by not later than 12 months after the date of enactment of this Act. The Secretary shall include in the report the following:

(1) The identifications, descriptions, and estimations referred to in subsection (b).

(2) A description of activities the Secretary is currently conducting or considering, or that could be considered, to produce additional hydroelectric power from each identified facility.

(3) A summary of action that has already been taken by the Secretary to produce additional hydroelectric power from each identified facility.

(4) The costs to install, upgrade, or modify equipment or take other actions to produce additional hydroelectric power from each identified facility.

(5) The benefits that would be achieved by such installation, upgrade, modification, or other action, including quantified estimates of any additional energy or capacity from each facility identified under subsection (b).

(6) A description of actions that are planned, underway, or might reasonably be considered to increase hydroelectric power production by replacing turbine runners.

(7) A description of actions that are planned, underway, or might reasonably be considered to increase hydroelectric power production by performing generator uprates and rewinds.

(8) The impact of increased hydroelectric power production on irrigation, fish, wildlife, Indian tribes, river health, water quality, navigation, recreation, fishing, and flood control.

(9) Any additional recommendations the Secretary considers advisable to increase hydroelectric power production from, and reduce costs and improve efficiency at, facilities under the jurisdiction of the Secretary.

SEC. 6402. INSTALLATION OF POWERFORMER AT FOLSOM POWER PLANT, CALIFORNIA.

(a) IN GENERAL.—The Secretary of the Interior may install a powerformer at the Bureau of Reclamation Folsom power plant in Folsom, California, to replace a generator and transformer that are due for replacement due to age.

(b) REIMBURSABLE COSTS.—Costs incurred by the United States for installation of a powerformer under this section shall be treated as reimbursable costs and shall bear interest at current long-term borrowing rates of the United States Treasury at the time of acquisition.

(c) LOCAL COST SHARING.—In addition to reimbursable costs under subsection (b), the Secretary shall seek contributions from power users toward the costs of the powerformer and its installation.

SEC. 6403. STUDY AND IMPLEMENTATION OF INCREASED OPERATIONAL EFFICIENCIES IN HYDROELECTRIC POWER PROJECTS.

(a) IN GENERAL.—The Secretary of Interior shall conduct a study of operational methods and water scheduling techniques at all hydroelectric power plants under the administrative jurisdiction of the Secretary that have an electric power production capacity greater than 50 megawatts, to—

(1) determine whether such power plants and associated river systems are operated so as to maximize energy and capacity capabilities; and

(2) identify measures that can be taken to improve operational flexibility at such plants to achieve such maximization.

(b) REPORT.—The Secretary shall submit a report on the findings, conclusions, and recommendations of the study under this section by not later than 18 months after the date of the enactment of this Act, including a summary of the determinations and identifications under paragraphs (1) and (2) of subsection (a).

(c) COOPERATION BY FEDERAL POWER MARKETING ADMINISTRATIONS.—The Secretary shall coordinate with the Administrator of each Federal power marketing administration in—

(1) determining how the value of electric power produced by each hydroelectric power facility that produces power marketed by the administration can be maximized; and

(2) implementing measures identified under subsection (a)(2).

(d) LIMITATION ON IMPLEMENTATION OF MEASURES.—Implementation under subsections (a)(2) and (b)(2) shall be limited to those measures that can be implemented within the constraints imposed on Department of the Interior facilities by other uses required by law.

SEC. 6404. SHIFT OF PROJECT LOADS TO OFF-PEAK PERIODS.

(a) IN GENERAL.—The Secretary of the Interior shall—

(1) review electric power consumption by Bureau of Reclamation facilities for water pumping purposes; and

(2) make such adjustments in such pumping as possible to minimize the amount of electric power consumed for such pumping during periods of peak electric power consumption, including by performing as much of such pumping as possible during off-peak hours at night.

(b) CONSENT OF AFFECTED IRRIGATION CUSTOMERS REQUIRED.—The Secretary may not under this section make any adjustment in pumping at a facility without the consent of each person that has contracted with the United States for delivery of water from the facility for use for irrigation and that would be affected by such adjustment.

(c) EXISTING OBLIGATIONS NOT AFFECTED.—This section shall not be construed to affect any existing obligation of the Secretary to provide electric power, water, or other benefits from Bureau of Reclamation facilities.

TITLE V—ARCTIC COASTAL PLAIN DOMESTIC ENERGY

SEC. 6501. SHORT TITLE.

This title may be cited as the ''Arctic Coastal Plain Domestic Energy Security Act of 2001''.

SEC. 6502. DEFINITIONS.

In this title:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area identified as such in the map entitled ''Arctic National Wildlife

Refuge'', dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)), comprising approximately 1,549,000 acres.

(2) SECRETARY.—The term ''Secretary'', except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 6503. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement in accordance with this title a competitive oil and gas leasing program under the Mineral Leasing Act (30 U.S.C. 181 et seq.) that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966, the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 18 months after the date of enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this title shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map referred to in section 6502(1).

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of enactment of this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

SEC. 6504. LEASE SALES.

(a) IN GENERAL.—Lands may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this title shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this title, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) conduct the first lease sale under this title within 22 months after the date of enactment of this title; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 6505. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 6504 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) SUBSEQUENT TRANSFERS.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 6506. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this title shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this title shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section 6503(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this title and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this title and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 6507. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 6503, administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment; and

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require compliance with all applicable provisions of Federal and State environmental law and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if—

(A) the Secretary determines, after affording an opportunity for public comment and review, that special circumstances exist necessitating that exploration activities be conducted at other times of the year; and

(B) the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

SEC. 6508. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint seeking judicial review of any provision of this title or any action of the Secretary under this title shall be filed in any appropriate district court of the United States—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of an action of the Secretary under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this title, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this division and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this division shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 6509. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) EXEMPTION.—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 6503(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 6510. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 2 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611); and

(2) to the Arctic Slope Regional Corporation the subsurface estate beneath such surface estate pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 6511. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this title.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects; and

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including firefighting, police, water, waste treatment, medivac, and medical services.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties under on leases and lease sales authorized under this title.

(4) LIMITATION ON DEPOSITS.—The total amount in the fund may not exceed $10,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund $5,000,000 for each fiscal year.

SEC. 6512. REVENUE ALLOCATION.

(a) IN GENERAL.—Notwithstanding section 6504, the Mineral Leasing Act (30 U.S.C. 181 et seq.), or any other law—

(1) 50 percent of the adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations authorized under this title shall be paid to the State of Alaska; and

(2) the balance of such revenues shall be deposited into the Treasury as miscellaneous receipts.

(b) ADJUSTMENTS.—Adjustments to bonus, rental, and royalty amounts from oil and gas leasing and operations authorized under this title shall be made as necessary for overpayments and refunds from lease revenues received in current or subsequent periods, prior to distribution of such revenues pursuant to this section.

(c) PAYMENTS TO STATE.—Payments to the State of Alaska under this section shall be made quarterly.

TITLE VI—CONSERVATION OF ENERGY BY THE DEPARTMENT OF THE INTERIOR

SEC. 6601. ENERGY CONSERVATION BY THE DEPARTMENT OF THE INTERIOR.

(a) IN GENERAL.—The Secretary of the Interior shall—

(1) conduct a study to identify, evaluate, and recommend opportunities for conserving energy by reducing the amount of energy used by facilities of the Department of the Interior; and

(2) wherever feasible and appropriate, reduce the use of energy from traditional sources by encouraging use of alternative energy sources, including solar power and power from fuel cells, throughout such facilities and the public lands of the United States.

(b) REPORTS.—The Secretary shall submit to the Congress—

(1) by not later than 90 days after the date of the enactment of this Act, a report containing the findings, conclusions, and recommendations of the study under subsection (a)(1); and

(2) by not later than December 31 each year, an annual report describing progress made in—

(A) conserving energy through opportunities recommended in the report under paragraph (1); and

(B) encouraging use of alternative energy sources under subsection (a)(2).

TITLE VII—COAL

SEC. 6701. LIMITATION ON FEES WITH RESPECT TO COAL LEASE APPLICATIONS AND DOCUMENTS.

Notwithstanding sections 304 and 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 9701 of title 31, United States Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating coal leases.

SEC. 6702. MINING PLANS.

Section 2(d)(2) of the Mineral Leasing Act (30 U.S.C. 202a(2)) is amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following:

''(B) The Secretary may establish a period of more than 40 years if the Secretary determines that the longer period—

''(i) will ensure the maximum economic recovery of a coal deposit; or

''(ii) the longer period is in the interest of the orderly, efficient, or economic development of a coal resources.''.

SEC. 6703. PAYMENT OF ADVANCE ROYALTIES UNDER COAL LEASES.

(a) IN GENERAL.—Section 7(b) of the Mineral Leasing Act of 1920 (30 U.S.C. 207(b)) is amended to read as follows:

''(b)(1) Each lease shall be subjected to the condition of diligent development and continued operation of the mine or mines, except where operations under the lease are interrupted by strikes, the elements, or casualties not attributable to the lessee.

''(2)(A) The Secretary of the Interior, upon determining that the public interest will be served thereby, may suspend the condition of continued operation upon the payment of advance royalties.

''(B) Such advance royalties shall be computed based on the average price for coal sold in the spot market from the same region during the last month of each applicable continued operation year.

''(C) The aggregate number of years during the initial and any extended term of any lease for which advance royalties may be accepted in lieu of the condition of continued operation shall not exceed 20.

''(3) The amount of any production royalty paid for any year shall be reduced (but not below zero) by the amount of any advance royalties paid under such lease to the extent that such advance royalties have not been used to reduce production royalties for a prior year.

''(4) This subsection shall be applicable to any lease or logical mining unit in existence on the date of the enactment of this paragraph or issued or approved after such date.

''(5) Nothing in this subsection shall be construed to affect the requirement contained in the second sentence of subsection (a) relating to commencement of production at the end of 10 years.''.

(b) AUTHORITY TO WAIVE, SUSPEND, OR REDUCE ADVANCE ROYALTIES.—Section 39 of the Mineral Leasing Act (30 U.S.C. 209) is amended by striking the last sentence.

SEC. 6704. ELIMINATION OF DEADLINE FOR SUBMISSION OF COAL LEASE OPERATION AND RECLAMATION PLAN.

Section 7(c) of the Mineral Leasing Act (30 U.S.C. 207(c)) is amended by striking ''and not later than three years after a lease is issued,''.

TITLE VIII—INSULAR AREAS ENERGY SECURITY

SEC. 6801. INSULAR AREAS ENERGY SECURITY.

Section 604 of the Act entitled ''An Act to authorize appropriations for certain insular areas of the United States, and for other purposes'', approved December 24, 1980 (Public Law 96–597; 94 Stat. 3480–3481), is amended—

(1) in subsection (a)(4) by striking the period and inserting a semicolon;

(2) by adding at the end of subsection (a) the following new paragraphs:

''(5) electric power transmission and distribution lines in insular areas are inadequate to withstand damage caused by the hurricanes and typhoons which frequently occur in insular areas and such damage often costs millions of dollars to repair; and

''(6) the refinement of renewable energy technologies since the publication of the 1982 Territorial Energy Assessment prepared pursuant to subsection (c) reveals the need to reassess the state of energy production, consumption, infrastructure, reliance on imported energy, and indigenous sources in regard to the insular areas.'';

(3) by amending subsection (e) to read as follows:

''(e)(1) The Secretary of the Interior, in consultation with the Secretary of Energy and the chief executive officer of each insular area, shall update the plans required under subsection (c) by—

''(A) updating the contents required by subsection (c);

''(B) drafting long-term energy plans for such insular areas with the objective of reducing, to the extent feasible, their reliance on energy imports by the year 2010 and maximizing, to the extent feasible, use of indigenous energy sources; and

''(C) drafting long-term energy transmission line plans for such insular areas with the objective that the maximum percentage feasible of electric power transmission and distribution lines in each insular area be protected from damage caused by hurricanes and typhoons.

''(2) Not later than May 31, 2003, the Secretary of the Interior shall submit to Congress the updated plans for each insular area required by this subsection.''; and

(4) by amending subsection (g)(4) to read as follows:

''(4) POWER LINE GRANTS FOR TERRITORIES.—

''(A) IN GENERAL.—The Secretary of the Interior is authorized to make grants to governments of territories of the United States to carry out eligible projects to protect electric power transmission and distribution lines in such territories from damage caused by hurricanes and typhoons.

''(B) ELIGIBLE PROJECTS.—The Secretary may award grants under subparagraph (A) only to governments of territories of the United States that submit written project plans to the Secretary for projects that meet the following criteria:

''(i) The project is designed to protect electric power transmission and distribution lines located in one or more of the territories of the United States from damage caused by hurricanes and typhoons.

''(ii) The project is likely to substantially reduce the risk of future damage, hardship, loss, or suffering.

''(iii) The project addresses one or more problems that have been repetitive or that pose a significant risk to public health and safety.

''(iv) The project is not likely to cost more than the value of the reduction in direct damage and other negative impacts that the project is designed to prevent or mitigate. The cost benefit analysis required by this criterion shall be computed on a net present value basis.

''(v) The project design has taken into consideration long-term changes to the areas and persons it is designed to protect and has manageable future maintenance and modification requirements.

''(vi) The project plan includes an analysis of a range of options to address the problem it is designed to prevent or mitigate and a justification for the selection of the project in light of that analysis.

''(vii) The applicant has demonstrated to the Secretary that the matching funds required by subparagraph (D) are available.

''(C) PRIORITY.—When making grants under this paragraph, the Secretary shall give priority to grants for projects which are likely to—

''(i) have the greatest impact on reducing future disaster losses; and

''(ii) best conform with plans that have been approved by the Federal Government or the government of the territory where the project is to be carried out for development or hazard mitigation for that territory.

''(D) MATCHING REQUIREMENT.—The Federal share of the cost for a project for which a grant is provided under this paragraph shall not exceed 75 percent of the total cost of that project. The non-Federal share of the cost may be provided in the form of cash or services.

''(E) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—Grants provided under this paragraph shall not be considered as income, a resource, or a duplicative program when determining eligibility or benefit levels for Federal major disaster and emergency assistance.

''(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $5,000,000 for each fiscal year beginning after the date of the enactment of this paragraph.''.

The CHAIRMAN pro tempore. No further amendment is in order except those printed in part B of the report. Each amendment may be offered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in part B of House Report 107–178.

AMENDMENT NO. 1 OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. TAUZIN:

Page 10, after the table of contents, insert the following and make the necessary conforming changes in the table of contents:

SEC. 2. ENERGY POLICY.

It shall be the sense of the Congress that the United States should take all actions necessary in the areas of conservation, efficiency, alternative source, technology development, and domestic production to reduce the United States dependence on foreign energy sources from 56 percent to 45 percent by January 1, 2012, and to reduce United States dependence on Iraqi energy sources from 700,000 barrels per day to 250,000 barrels per day by January 1, 2012.

Page 36, line 15, insert ''or encourage'' after ''discourage''.

Page 36, lines 16 and 17, strike ''; and'' and insert ''when compared to structures of the same physical description and occupancy in compatible geographic locations;''.

Page 36, lines 18 through 23, strike paragraph (2) and insert the following:

(2) the extent to which education could increase the conservation of low-income households who opt to receive supplemental income instead of Low-Income Home Energy Assistance funds;

(3) the benefit in energy efficiency and energy savings that can be achieved through the annual maintenance of heating and cooling appliances in the homes of those receiving Low-Income Home Energy Assistance funds; and

(4) the loss of energy conservation that results from structural inadequacies in a structure that is unhealthy, not energy efficient, and environmentally unsound and that receives Low-Income Home Energy Assistance funds for weatherization.

Page 81, after line 12, insert the following new section, and make the necessary change to the table of contents:

SEC. 309. STUDY TO DETERMINE FEASIBILITY OF DEVELOPING COMMERCIAL NUCLEAR ENERGY PRODUCTION FACILITIES AT EXISTING DEPARTMENT OF ENERGY SITES.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study to determine the feasibility of developing commercial nuclear energy production facilities at Department of Energy sites in existence on the date of enactment of this Act, including—

(1) options for how and where nuclear power plants can be developed on existing Department of Energy sites;

(2) estimates on cost savings to the Federal Government that may be realized by locating new nuclear power plants on Federal sites;

(3) the feasibility of incorporating new technology into nuclear power plants located on Federal sites;

(4) potential improvements in the licensing and safety oversight procedures of the effects of nuclear waste management policies and projects as a result of locating nuclear power plants located on Federal sites; and

(6) any other factors that the Secretary believes would be relevant in making the determination.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

In section 603 of title V of division A, on page 88, line 11, strike ''; and'' and insert a semicolon.

Page 88, line 17, strike the period and insert ''; and''.

Page 88, after line 17, insert the following new paragraph:

(8) the feasibility of providing incentives to promote cleaner burning fuel.

Page 92, after line 14, insert the following new sections, and make the necessary changes to the table of contents:

SEC. 603. STUDY OF ETHANOL FROM SOLID WASTE LOAN GUARANTEE PROGRAM.

The Secretary of Energy shall conduct a study of the feasibility of providing guarantees for loans by private banking and investment institutions for facilities for the processing and conversion of municipal solid waste and sewage sludge into fuel ethanol and other commercial byproducts, and not later than 90 days after the date of the enactment of this Act shall transmit to the Congress a report on the results of the study.

SEC. 604. STUDY OF RENEWABLE FUEL CONTENT.

(a) STUDY.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a

study of the feasibility of developing a requirement that motor vehicle fuel sold or introduced into commerce in the United States in calendar year 2002 or any calendar year thereafter by a refiner, blender, or importer shall, on a 6-month average basis, be comprised of a quantity of renewable fuel, measured in gasoline-equivalent gallons. As part of this study, the Administrator and Secretary shall evaluate the use of a banking and trading credit system and the feasibility and desirability of requiring an increasing percentage of renewable fuel to be phased in over a 15-year period.

(b) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Administrator and the Secretary shall transmit to the Congress a report on the results of the study conducted under this section.

Page 93, strike lines 3 through 12 and insert:

SEC. 802. HISTORIC PIPELINES.

Section 7 of the Natural Gas Act (15 U.S.C. 717(f)) is amended by adding at the end the following new subsection:

''(i) Notwithstanding the National Historic Preservation Act, a transportation facility shall not be eligible for inclusion on the National Register of Historic Places unless—

''(1) the Commission has permitted the abandonment of the transportation facility pursuant to subsection (b) of this section, or

''(2) the owner of the facility has given written consent to such eligibility.

Any transportation facility deemed eligible for inclusion on the National Register of Historic Places prior to the date of enactment of this subsection shall no longer be eligible unless the owner of the facility gives warrant consent to such eligibility.''.

Page 190, line 23, strike ''subsection'' and insert ''section''.

Page 220, lines 1 through 4, amend paragraph (1) to read as follows:

(1) $19,400,000 for fiscal year 2002, $14,800,000 for fiscal year 2003, and $8,900,000 for fiscal year 2004 for completion of construction of Project 98–G–304, Neutrinos at the Main Injector, Fermi National Accelerator Laboratory;

In section 6102(b)(1), strike ''42 U.S.C.'' and insert ''43 U.S.C.''.

Page 437, after line 6, (in section 5006 of Division E after subsection (c)) insert:

(d) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to projects that meet the requirements of subsections (a), (b), and (c) and are likely to—

(1) achieve overall cost reductions in the utilization of coal to generate useful forms of energy;

(2) improve the competitiveness of coal among various forms of energy in order to maintain a diversity of fuel choices in the United States to meet electricity generation requirements; and

(3) demonstrate methods and equipment that are applicable to 25 percent of the electricity generating facilities that use coal as the primary feedstock as of the date of enactment of this Act.

Page 437, line 7, (in section 5006 of Division E) strike ''(d)'' and insert ''(e)''.

Page 437, line 10, (in section 5006 of Division E) strike ''(e)'' and insert ''(f)''

Page 438, after line 17, (after section 5007 of Division E) insert the following new section and make the necessary change to the table of contents:

SEC. 5008. CLEAN COAL CENTERS OF EXCELLENCE.

As part of the program authorized in section 5003, the Secretary shall award competitive, merit-based grants to universities for the establishment of Centers of Excellence for Energy Systems of the Future. The Secretary shall provide grants to universities that can slow the greatest potential for advancing new clean coal technologies.

Page 3, in the table of contents for Division A, redesignate title VII relating to miscellaneous provisions as title VIII.

Page 93, line 13, (at the end of division A) strike ''VII'' relating to miscellaneous provisions and insert ''VIII''.

In Division A and in the table of contents for Division A, renumber sections 601 through 604 as 501 through 504 respectively, renumber sections 701 and 702 as 601 and 602 respectively, renumber sections 801 and 802 as 701 and 702 respectively, and renumber sections 901 through 903 as 801 through 803 respectively.

Page 433, line 13, strike ''(c)'' and insert ''(b)''.

Page 444, after line 22, insert the following new section:

SEC. 6106. EFFICIENT INFRASTRUCTURE DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Energy and the Chairman of the Federal Energy Regulatory Commission shall jointly undertake a study of the location and extent of anticipated demand growth for natural gas consumption in the Western States, herein defined as the area covered by the Western System Coordinating Council.

(b) CONTENTS.—The study under subsection (a) shall include the following:

(1) A review of natural gas demand forecasts by Western State officials, such as the California Energy Commission and the California Public Utilities Commission, which indicate the forecasted levels of demand.

(2) A review of the locations of proposed new natural gas-fired electric generation facilities currently in the approval process in the Western States, and their forecasted impact on natural gas demand.

(3) A review of the locations of existing interstate natural gas transmission pipelines, and interstate natural gas pipelines currently in the planning stage or approval process, throughout the Western States.

(4) A review of the locations and capacity of intrastate natural gas pipelines in the Western States.

(5) Recommendations for the coordination of the development of the natural gas infrastructure indicated in paragraphs (1) through (4).

(c) REPORT.—The Secretary shall report the findings and recommendations resulting from the study required by this section to the Committee on Energy and Commerce of the House of Representatives and to the Committee of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate no later than 6 months after the date of the enactment of this Act. The Chairman of the Federal Energy Regulatory Commission shall report on how the Commission will factor these results into its review of applications of interstate pipelines within the Western States to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate no later than 6 months after the date of the enactment of this Act.

In section 6223, amend subsection (b) to read as follows:

(b) PREPARATION OF LEASING PLAN OR ANALYSIS.—In preparing a management plan or leasing analysis for oil or natural gas leasing on Federal lands administered by the Bureau of Land Management or the Forest Service, the Secretary concerned shall—

(1) identify and review the restrictions on surface use and operations imposed under the laws (including regulations) of the State in which the lands are located;

(2) consult with the appropriate State agency regarding the reasons for the State restrictions identified under paragraph (1);

(3) identify any differences between the State restrictions identified under paragraph (1) and any restrictions on surface use and operations that would apply under the lease; and

(4) prepare and provide upon request a written explanation of such differences.

At the end of section 6223 add the following:

(e) PRESERVATION OF FEDERAL AUTHORITY.—Nothing in this section or in any identification, review, or explanation prepared under this section shall be construed—

(1) to limit the authority of the Federal Government to impose lease stipulations, restrictions, requirements, or other terms that are different than those that apply under State law; or

(2) to affect the procedures that apply to judicial review of actions taken under this subsection.

In section 6225, in the quoted material—

(1) in paragraph (2)(A), insert ''and consultation with the Regional Forester having administrative jurisdiction over the National Forest System lands concerned'' after ''under paragraph (1)''; and

(2) add at the end the following:

''(3) The Secretary of Agriculture shall include in the record of decision for a determination under paragraph (2)(A)—

''(A) any written statement regarding the determination that is prepared by a Regional Forester consulted by the Secretary under paragraph (2)(A) regarding the determination; or

''(B) an explanation why such a statement by the Regional Forester is not included.

In Section 6303(2), in the quoted material—

(1) in paragraph (2)(A), insert ''and consultation with any Regional Forester having administrative jurisdiction over the lands concerned'' after ''under paragraph (1)''; and

(2) add at the end the following:

''(3) The Secretary of Agriculture shall include in the record of decision for a determination under paragraph (2)(A)—

''(A) any written statement regarding the determination that is prepared by a Regional Forester consulted by the Secretary under paragraph (2)(A) regarding the determination; or

''(B) an explanation why such a statement by the Regional Forester is not included.

In section 6234—

(1) insert ''(a) IN GENERAL.—'' before the first sentence;

(2) redesignate subsections (c) and (d) as subsections (b) and (c); and

(3) in the quoted material, strike the material preceding subsection (b) and insert the following:

''REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES

''SEC. 38. (a) IN GENERAL.—The Secretary of the Interior may, through royalty credits, reimburse a person who is a lessee, operator, operating rights owner, or applicant for an oil or gas lease under this Act for amounts paid by the person for preparation by the Secretary (or a contractor or other person selected by the Secretary) of any project-level; analysis, documentation, or related study required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease.

In section 6308(a), in the quoted material, strike the material preceding subsection (b) and insert the following:

''REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES

''SEC. 38. (a) IN GENERAL.—The Secretary of the Interior may, through royalty credits, reimburse a person who is a lessee, operator, operating rights owner, or applicant for a lease under this Act for amounts paid by the person for preparation by the Secretary (or a

contractor or other person selected by the Secretary) of any project-level analysis, documentation, or related study required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease.

Page 510, after line 8, insert the following new division, and make the necessary changes to the table of contents:

DIVISION G

SEC. 7101. BUY AMERICAN.

No funds authorized under this Act shall be available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from West Virginia (Mr. RAHALL) each will control 10 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

The manager's amendment before us does two basic things: first, it makes a number of technical changes in H.R. 4 that the committees of jurisdiction have agreed upon. Secondly, it incorporates a number of the amendments to H.R. 4 that were originally filed with the Committee on Rules and we thought were deserving of inclusion in the base bill going forward.

Most of these amendments are amendments that call for studies and for expanded research and for expanded scope of existing studies, many of them designed to examine the feasibility of new efficiencies and new energy savings that are critical to managing demand in our country.

With respect to this latter category, I want to commend in particular the gentleman from Arizona (Mr. SHADEGG) and the gentleman from Maryland (Mr. WYNN) of our committee, who worked in a bipartisan fashion to draft an amendment on historic pipelines. As you know, the National Historic Preservation Act was being interpreted to cover pipelines. This bill fixes that, but nevertheless incorporates those that wanted that designation and in fact have it.

The bottom line is this amendment is primarily technical with the study amendments added. I would hope that we could have an easy approval of this amendment. I understand we have some objection to it.

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. KIND), ranking member of the Subcommittee on Energy and Mineral Resources.

Mr. KIND. Mr. Chairman, I thank the gentleman for yielding time.

Mr. Chairman, as ranking member of the Subcommittee on Energy and Mineral Resources of the Committee on Resources, I reluctantly rise in opposition to the base bill.

The American people know we have a long-term energy crisis and that we need to develop a comprehensive and balanced plan. A plan that finds 21st century slolutions to deal with our 21st century energy needs. They were hoping we could work in a bipartisan fashion to accomplish it, but unfortunately this bill does not get us there.

I am glad, however, that there were a couple of amendments made in order. We are going to have an honest debate on whether or not it makes sense to go into the Arctic National Wildlife Refuge to explore and drill for more oil. I am glad we are going to have an honest debate on increasing the fuel efficiency standards of our cars and our trucks in this country.

But there were other important amendments, Mr. Chairman, that were not made in order that also deserve serious discussion. I, along with the ranking member on the Committee on Resources, the gentleman from West Virginia (Mr. RAHALL), and the gentleman from Wisconsin (Mr. PETRI), tried introducing an amendment talking about the oil royalty giveback provision of this bill, a multibillion-dollar giveback provision that we are about to give the oil industry to do what they are already doing. I do not know how many of my colleagues saw the front-page story in the Wall Street Journal on Tuesday which is titled: ''Pumping Money, Major Oil Companies Struggle to Spend Huge Hoards of Cash.'' What the report indicates is that there is over $40 billion of cash reserves that the oil industry is sitting on right now trying to figure out a way of investing it and using it. That number is going to explode to multibillion dollars more accordingly to industry analysts. Yet we are on the verge with this energy plan of giving them back billions of dollars in oil royalty relief that even the Bush administration is not asking for.

I think we also need to address some of the short-term energy problems that we have. I tried offering an amendment with the gentleman from California (Mr. GEORGE MILLER) that would allow the Department of Interior to recover its costs associated with oil and gas leasing on the 95 percent of the public lands that are currently accessible and available for oil and gas drilling. If we want to deal with the backlog of leasing that is existing in the Department of Interior, let us allow them to recover the costs in order to expedite that process to deal with our short-term energy needs. But that amendment was not made in order.

Unfortunately this bill is not balanced. I urge a ''no'' vote.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to my colleague and dear friend, the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, I am pleased to rise in support of this bill and in support of the manager's amendment, because it is not just about energy security which is crucial, it is not just about economic security which is crucial. It is also about national security.

That is exactly why I proposed an amendment that was included in the manager's amendment to mandate us to take all action necessary to decrease our reliance on foreign sources of oil. Specifically, it says that we are going to take every action necessary in the areas of conservation, efficiency, alternative source development, technology development, and domestic production to reduce U.S. dependence on foreign energy sources from 56 percent, where we are today and rising, to 45 percent by January 1, 2012, and to reduce U.S. dependence on Iraqi energy sources in particular from 700,000 barrels per day, where we are now, to 250,000 barrels per day by that same date, January 1, 2012.

We need to take a balanced approach that this bill demonstrates and involves if we are going to take the right step forward for national security as well as energy and economic security. Every day we wait, every day we do not act in all areas like conservation and alternative source and domestic production, Saddam Hussein sits back and laughs and collects more money and collects more leverage on our economy. We need to turn that tide around. This bill and this manager's amendment is a crucial and important first step in doing that.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY), a valued member of the Committee on Resources.

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Mr. MARKEY. Mr. Chairman, the Republican bill will spend $34 billion, and these are huge breaks, a royalty holiday, meaning the oil and gas companies will not have to pay for going on public lands. Other huge breaks.

Now, where are they going? They just had a huge tax break for the upper 1 percentile just 3 months ago. We have run out of the real surplus. Now people say well, you know what, we still have the Social Security, and we still have the Medicare surpluses.

So here is what they are doing. They are about to build their oil rigs, their gas rigs, on top of the Social Security trust fund, on top of the Medicare trust fund, and they are about to begin to drill so they can pump it dry. They are going to build a pipeline, a pipeline into the pockets of the senior citizens in our country. That is where the money has to come from.

Now, they did not allow the Democrats to make an amendment so that we could have the $34 billion come out of the tax break for the upper one-half of one percent percentile, who, after all, is also going to get this $34 billion. It is going to be a rig that goes directly into Social Security and Medicare, and they are not allowing us to make an amendment to stop this, and that is wrong. That is what this whole debate is all about. It is about this mindless commitment to ensuring that Medicare and Social Security money is spent on things other than the senior citizens in

this country, and blocking the Democrats from protecting these trust funds which have been promised to our seniors. Please.

Mr. TAUZIN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I do not know what kind of problems the gentleman that preceded me has with the Committee on Rules or the underlying bill, but the manager's amendment before us establishes, for example, studies on the feasibility of processing and converting municipal waste sewage to fuel, ethanol; to find ways to limit demand growth; to find a joint study on boutique fuels; to include using the excise tax program to help encourage new and alternative fuels in the marketplace. It is a good manager's amendment, whatever other problems you have with the bill.

Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I could not agree with the gentleman from Louisiana more. This is about increasing our energy supply and doing it domestically and doing it in an environmentally friendly way. If you want to depend on OPEC, then Social Security is going to be threatened.

Contained in the manager's amendment is a study by the Department of Energy on how to best promote turning municipal solid waste and sewer sludge into ethanol, or simply turning garbage into ethanol. Now, what do we do today? We bury our garbage, we spread it across the land, we spread our sewage across the land, we take it on barges and dump it in the ocean, we ship it 500 miles, resulting in air pollution, water pollution.

There is a better way, and that is to take our garbage, convert it into ethanol, and burn it as a clean burning fuel to replace MTBE fuels which pollute the water. The one thing that this bill has that is a revolutionary step that will prove 10, 20, 30 years from now to be one of the best things we did, is to start turning a problem into a solution, and that is garbage into ethanol, something we have too much of, to something we do not have enough of.

I commend the chairman for including this study. We will look back on this day and thank ourselves.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the distinguished ranking member of our Subcommittee on National Parks, Recreation, and Public Lands.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Chairman, I rise in opposition to the manager's amendment and H.R. 4, which really does not secure America's energy future. Instead, the bill threatens the future of Alaska's and one of the country's most pristine natural areas, cuts back on clean air standards, and opens up more of the public lands to mining and drilling, while relieving already rich oil companies of their responsibility for paying the American people for the right to drill on our lands.

Ninety-five percent of the Alaska wilderness is available for drilling. Let us save the 5 percent in the fragile refuge and use the vast lands already available to develop the oil and gas supplies and still create the jobs our workers need.

Let us reject this fig leaf amendment and H.R. 4.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the distinguished chairman for yielding me time, and I rise in support of the manager's amendment to the Securing America's Future Energy Act. I do so because I am very concerned, Mr. Chairman, with America's growing energy crisis.

Fuel economy and fuel efficiency are important, but we cannot afford to tinker with regulations for political purposes when they have no meaningful effect.

Some would like to see changes in the CAFE standards, and allege that such a change would actually help improve America's energy economy. I beg to differ, Mr. Chairman. The most likely response to higher CAFE standards is that safer cars will cost more and will be purchased less. Increasing those standards will undermine automobile safety, needlessly risking the lives of families and children who choose light trucks and other vehicles because they offer superior safety.

In addition, Mr. Chairman, in my own district in Indiana, we are part of a network of automotive manufacturers who help consumers get these safer cars. Arbitrarily increasing CAFE standards will put families at risk on the road and hardworking automotive families at risk at work, who could well lose their jobs if we damage this vital part of our automotive economy.

Say no to higher arbitrary CAFE standards, keep Americans safe on the road, Mr. Chairman, and keep auto workers safely employed.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the manager's amendment and hope I may allay some of the concerns of the gentleman from Louisiana about where our remarks are addressed. There are many reasons to oppose this amendment. I will limit my comments to those provisions of this amendment that falls within the jurisdiction of the Committee on Resources.

Under the pretence of improving several particularly egregious provisions of the bill as reported by the Committee on Resources, this manager's amendment does not, as the author suggests, perfect or correct these objectionable provisions.

In fact, the amendment actually maintains the majority's misguided intentions to open the entire Federal estate to oil and gas leasing and to transfer costs now borne by the oil and gas industry to the American taxpayers.

First, the amendment would add a misleading provision entitled ''preservation of Federal authority'' to lull the unsuspecting into believing that oil and gas leasing decisions will be consistent with Federal environmental laws. However, closer reading of the provision clearly states that Federal lease stipulations cannot be more stringent than State oil and gas laws. This means that if a wildlife or hunting regulation would require exploration and development to occur in certain months to protect wildlife breeding habitat, that the Federal Government could not impose that requirement on the oil and gas activity. The Sportsmen's Caucus should be very concerned about this provision.

Second, despite what its authors tell you, the manager's amendment maintains the flaw in H.R. 4 that takes Forest Service decision-making authority away from the Forest Service land manager and instead hauls it into Washington, D.C. It requires the Secretary of Agriculture not to force professionals in the field to decide where oil and gas leasing will occur in National Forest Service lands.

Third, the manager's amendment maintains a nice little kickback for big oil for its costs in preparing environmental impact statements. CBO says this particular provision will cost the American taxpayers $370 million, and, of that amount, the States, oil-producing States like Wyoming, Colorado, and Utah, will lose $185 million.

Why should American taxpayers foot the bill for NEPA documents for the oil and gas industry, which, according to The Wall Street Journal again, is enjoying huge profits and does not know where to spend their hordes of cash?

This amendment does precious little to improve a bad bill. It does not solve the environmental problems created by the Committee on Resources portion of the bill. I would urge my colleagues to vote against the manager's amendment.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Oklahoma (Mr. LARGENT), a valued member of the Committee on Energy and Commerce. New.

(Mr. LARGENT asked and was given permission to revise and extend his remarks.)

Mr. LARGENT. Mr. Chairman, there is a Chinese proverb that says that the best time to plant a tree is 20 years ago, but the next best time to plant a tree is today.

The same can be said for a national energy policy. The best time to have had a national energy policy in place would have been 20 years ago, because we would not be in the position we are in today had we done that. But the next best time is today.

Great leaders have the uncanny ability to climb to the highest vantage point to see where we are and where we

want to be, and I want to commend and applaud the efforts of the President and Vice President for climbing to that vantage point and seeing the necessity of having a national energy policy and beginning to implement it today.

Now, the key word in developing a national energy policy is the same key word in having a productive life, and that is balance. And this underlying bill and the manager's amendment, that I speak on behalf of at this time, strikes that balance.

A national energy policy should be balanced. We should strike a balance between our efforts on conservation, which this bill does. We should strike a balance on our fossil fuel resources, between oil and gas and coal, and we do that. We should have a balance in terms of the emphasis on research, or renewable resources as well, and this bill does that.

In the future, in the fall, we will be adding a complement bill to this that looks into how we can encourage and incentivize new additional nuclear power in this country, which is the right thing to do, and to continue to look at ways that we can clear up the electricity wholesale markets in this country, especially in terms of how we deliver electricity across State lines on the big bulk power grid. And that is going to be very important.

But this bill is a good bill, it is a balanced bill, it is a commonsense bill, it is a responsible bill, and I urge my colleagues to support this bill, because today is the next best time to have a national energy policy in place.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentleman for yielding me time and for his leadership.

Mr. Chairman, I rise against the manager's amendment because it does nothing to correct the rip-off of corporate welfare in the royalty-in-kind program. I also rise in opposition to the underlying bill, as it might as well have been written in 1901 instead of 2001. It spends billions of taxpayers' dollars on corporate welfare to help dirty, polluting oil energy sources, old energy sources, and it does little to encourage newer, cleaner fuels.

I am particularly disturbed that an amendment was not accepted of mine to delete the royalty-in-kind program and that this manager's amendment does not delete it. The oil companies call it a new way to pay. I call it a new way to rip off America's taxpayers.

Recently, because of work in this body and oversight, the oil companies were revealed that they were underpaying dramatically what was owed the Federal Government for oil extracted from federally owned lands. They settled over $5 billion to the Federal Government, admitting that they underpaid the Federal Government. Now that we have tied their payment to market price, they come up with a new idea, they are going to pay in oil.

What are we going to do with this oil? We are going to probably take it and send it back to the very same companies who just sold it to us and who have been historically cheating us and let them determine what the price is. I ask, why are we letting the government get into the oil business? Since when did this Congress consider creating new massive Federal bureaucracies that we have no idea what they cost?

There have been several GAO reports have pointed out that all of the royalty-in-kind programs have cost taxpayers money.

□ 1500

So why are we going to proceed with corporate welfare? What will this body do next? Will we allow bakers to pay their fees with pies? It is an outrage. It is wrong. Vote no.

Contrary to the Department of Interior's claim that the Wyoming RIK pilot program was successful, an independent analysis determined that it actually LOST almost $3 million compared to what would have been paid by Big Oil if royalties had been paid based on market prices.

FACT SHEET ON ROYALTY-IN-KIND IN H.R. 4, THE ENERGY SECURITY ACT

New Oil Rule Collects $70 Million More Annually—Stops Cheating. In June 2000 the Department of Interior implemented a final rule that collects $70 million more annually from companies drilling oil from federal and Indian lands. As a result, the oil industry's decades-long practice of shortchanging the taxpayers ended. The rule came after years of public debate and litigation that forced the industry to settle with the Justice Department for $425 million.

Oil Industry Pushes Royalty-in-Kind (RIK). During the oil rule battle, the industry promoted RIK—where companies pay royalties in, for example, barrels of oil rather than dollars—as their alternative to paying fair market value under the proposed rule.

RIK Pilot Programs Have LOST Money. Interior has completed two royalty-in-kind pilot programs. Both failed, losing significant revenues compared to dollars received from programs collecting cash. According to Interior, the first pilot program to collect gas royalties-in-kind lost $4.7 million. Earlier this year, a second pilot program to collect oil royalties-in-kind lost $3 million, in spite of Interior's claim that it made $800,000. An independent economist discovered that Interior used old valuation standards in estimating the profit.

Expansion Of RIK Pilots Can Only Lead to Further Losses for the Taxpayer. The two pilot programs failed despite the fact that the Interior Department selected oil and gas leases most likely to succeed in generating comparable income. Expansion of royalty-in-kind programs to leases less likely to succeed will only lead to additional revenue losses for the American people.

GAO Says RIK Won't Work For Federal Royalties. In 1998, the General Accounting Office analyzed the prospect for a successful federal RIK program and concluded: ''According to information from studies and the programs themselves, royalty-in-kind programs seem to be feasible if certain conditions are present . . . However, these conditions do not exist for the federal government or for most federal leases . . .'' The report also notes that requiring RIK on all federal leases will cost the government $140 million to $367 million annually.

There is no evidence that royalty-in-kind will end litigation or disputes over how much oil and gas companies should be paying. Pending lawsuits filed by whistleblowers allege that companies manipulated the volume and heating content of gas taken from public lands in order to avoid paying royalties. The allegations call into question the wisdom of accepting any payments in- kind—until the allegations are fully investigated.

Mr. TAUZIN. Mr. Chairman, I yield the remaining time to the gentleman from Virginia (Mr. TOM DAVIS) for a colloquy.

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Chairman, H.R. 4 contains provisions that would impose mandatory standards on the high-tech sector, a community that for 10 years has worked voluntarily with the Federal Government through the Energy Star program to achieve approximately 7,000 energy-efficient consumer products for more than 1,000 manufacturers. By imposing mandatory standards, we risk quelling innovation and, as a result, hindering growth.

I am concerned that inflexible, mandatory standards, as they exist now, could stunt the technology engines of our economy and compromise our competitiveness worldwide. For this reason, I would respectfully ask the chairman to work with me as we address some of these concerns as we prepare to go to conference on this measure.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I would be happy to work with the gentleman on those concerns, and hopefully, in the conference, we can alleviate those concerns.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I would simply like to say that this falls in line with the remarks that I made during consideration of the rule. I believe it is very important that we address the potential unintended consequences on this as we head into conference, so that we ensure that our very important friends in the technical industries that are creating 45 percent of the GDP growth in this country are not affected in a deleterious way on this issue.

Mr. RAHALL. Mr. Chairman, I yield myself the remaining time.

I think it is appropriate that that side had the chair of their Republican Campaign Committee as their cleanup hitter on this particular legislation.

I guess the reason the majority decided to wait until August 1 to bring this bill up was so they could not be tagged with providing Christmas in July for the major oil companies. They brought the bill up on August 1 because it is a grab bag of goodies for the oil companies.

The manager's amendment does nothing to eliminate any of these rip-

offs of the American taxpayer. The American taxpayers are still going to pick up the tab for many of the costs incurred by the major oil companies who are today reaping hoards of cash and do not know what to do with it.

Mr. BROWN of South Carolina. Mr. Chairman, this provision for a feasibility study of commercially owned and operated nuclear power plants is intended to be simple and straight-forward. We know that the nuclear plants operating today are quickly approaching the end of their serviceable years. If nuclear power is going to continue to provide a significant source of this nation's electricity, this study by DOE will help the Congress determine if there are any unique advantages to having commercial nuclear power plants on existing DOE sites. The fact is that nuclear power is our cleanest source of energy and provides about 20 percent of U.S. electricity generation. That compares to almost 76 percent in France, 56 percent in Belgium, and 30 percent in Germany. In my state of South Carolina, nuclear power provides 55 percent of our electricity. Demand for energy in the United States is rising and nuclear power can continue to help us meet this need. These DOE sites offer a potential solution to problems such as securing new land for the next generation of nuclear power plants, contentious licensing, absence of local community support, and investments in costly basic infrastructure.

The CHAIRMAN pro tempore (Mr. LINDER). All time has expired. The question is on the amendment offered by the gentleman from Louisiana (Mr. TAUZIN).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. TAUZIN. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. TAUZIN) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN pro tempore. It is now in order to consider Amendment No. 2 printed in part B of House report 107–178.

AMENDMENT NO. 2 OFFERED BY MRS. BONO

Mrs. BONO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mrs. BONO:

After section 141, insert the following new section and make the necessary conforming changes in the table of contents:

SEC. 141A. ENERGY SUN RENEWABLE AND ALTERNATIVE ENERGY PROGRAM.

(a) AMENDMENT.—The Energy Policy and Conservation Act (42 U.S.C. 6201 and following) is amended by inserting the following after section 324A:

"SEC. 324B. ENERGY SUN RENEWABLE AND ALTERNATIVE ENERGY PROGRAM.

''(a) PROGRAM.—There is established at the Environmental Protection Agency and the Department of Energy a government-industry partnership program to identify and promote the purchase of renewable and alternative energy products, to recognize companies that purchase renewable and alternative energy products for the environmental and energy security benefits of such purchases, and to educate consumers about the environmental and energy security benefits of renewable and alternative energy. Responsibilities under the program shall be divided between the Environmental Protection Agency and the Department of Energy consistent with the terms of agreements between the two agencies. The Administrator of the Environmental Protection Agency and the Secretary of Energy—

''(1) establish an Energy Sun label for renewable and alternative energy products and technologies that the Administrator or the Secretary (consistent with the terms of agreements between the two agencies regarding responsibility for specific product categories) determine to have substantial environmental and energy security benefits and commercial marketability.

''(2) establish an Energy Sun Company program to recognize private companies that draw a substantial portion of their energy from renewable and alternative sources that provide substantial environmental and energy security benefits, as determined by the Administrator or the Secretary.

''(3) promote Energy Sun compliant products and technologies as the preferred products and technologies in the marketplace for reducing pollution and achieving energy security; and

''(4) work to enhance public awareness and preserve the integrity of the Energy Sun label.

For the purposes of carrying out this section, there is authorized to be appropriated $10,000,000 for each of fiscal years 2002 through 2006.

''(b) STUDY OF CERTAIN PRODUCTS, TECHNOLOGIES, AND BUILDINGS.—Within 18 months after the enactment of this section, the Administrator and the Secretary, consistent with the terms of agreements between the two agencies, shall conduct a study to determine whether the Energy Sun label should be authorized for products, technologies, and buildings in the following categories:

''(1) Passive solar, solar thermal, concentrating solar energy, solar water heating, and related solar products and building technologies.

''(2) Solar photovoltaics and other solar electric power generation technologies.

''(3) Wind.

''(4) Geothermal.

''(5) Biomass.

''(6) Distributed energy (including, but not limited to, microturbines, combined heat and power, fuel cells, and stirling heat engines).

''(7) Green power or other renewables and alternative based electric power products (including green tag credit programs) sold to retail consumers of electricity.

''(8) Homes.

''(9) School buildings.

''(10) Retail buildings.

''(11) Health care facilities.

''(12) Hotels and other commercial lodging facilities.

''(13) Restaurants and other food service facilities.

''(14) Rest area facilities along interstate highways.

''(15) Sports stadia, arenas, and concert facilities.

''(16) Any other product, technology or building category, the accelerated recognition of which the Administrator or the Secretary determines to be necessary or appropriate for the achievement of the purposes of this section.

Nothing in this subsection shall be construed to limit the discretion of the Administrator or the Secretary under subsection (a)(1) to include in the Energy Sun program additional products, technologies, and buildings not listed in this subsection. Participation by private-sector entities in programs or studies authorized by this section shall be (A) voluntary, and (B) by permission of the Administrator or Secretary, on terms and conditions the Administrator or the Secretary (consistent with agreements between the agencies) deems necessary or appropriate to carry out the purposes and requirements of this section.

''(c) DEFINITION.—For the purposes of this section, the term 'renewable and alternative energy' shall have the same meaning as the term 'unconventional and renewable energy resources' in Section 551 of the National Energy Conservation Policy Act (42 U.S.C. 8259)''.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act is amended by inserting after the item relating to section 324A the following new item:

''Sec. 324B. Energy Sun renewable and alternative energy program.''.

The CHAIRMAN. Pursuant to House Resolution 216, the gentlewoman from California (Mrs. BONO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Mrs. BONO).

Mrs. BONO. Mr. Chairman, I yield myself such time as I may consume.

I would first like to commend the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL), along with the gentleman from Texas (Mr. BARTON) and the gentleman from Virginia (Mr. BOUCHER) for their hard work in putting together the part of H.R. 4 provided by the Committee on Energy and Commerce. After years of neglecting to formulate a national energy policy, I am thankful that this administration and Congress have turned their attention towards this vital issue.

A critical part of the diverse energy mix is renewable and alternative energy. This bill provides for more use of renewable energy by the Federal Government, alternative fuel vehicles, and a very aggressive program of research and development for renewables and alternative energy sources.

But we can do more. California's 44th congressional district has been a leader in the development of green power. Solar, wind, distributed energy, and other developing technologies help protect the environment and save money on consumer energy bills. This amendment would promote these promising technologies through a government-industry partnership project sponsored by the EPA and the DOE.

This initiative would be called the ''Energy Sun'' partnership program. It is modeled on the highly successful EPA–DOE program of a similar name, the Energy Star program, which focuses on promoting energy-efficient products. For the private sector, the Energy Sun program, like Energy Star, would be purely voluntary. It would promote renewable and alternative energy through consumer education and market forces, not mandates.

EPA and DOE would recognize only the best products, those that promise substantial environmental and energy security benefits. It would also recognize companies that use those products, creating a marketing incentive for companies to use environmentally friendly, renewable and alternative energy.

If adopted, I look forward to working on this program, not only with the Committee on Energy and Commerce, but also with the gentleman from New York (Mr. BOEHLERT) and the Committee on Science, who have also done a lot of work to promote the alternative forms of energy.

I believe this program would help promote our Nation's energy security, reduce pollution, and make a clean, diverse energy supply more affordable for all Americans. I ask my colleagues to vote for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, although I support the amendment, I claim the time in opposition, and I yield myself such time as I may consume.

I rise in support of the amendment offered by the gentlewoman from California (Mrs. BONO) to establish the Energy Sun program, a government-industry partnership to recognize promising renewable and alternative energy products and technologies.

Mr. Chairman, H.R. 4 already authorizes a very successful EPA and Department of Energy program called the Energy Star program. The point of Energy Star is to educate, not to mandate. It works because consumers want to save energy and they also want to save money on their energy bills. Energy Sun will do for renewable energy what Energy Star has done for efficiency.

Many consumers have heard of energy solar panels or wind power, or maybe even a green power program through an electric utility company. But the average consumer has no way of knowing which renewable source or alternative technology is really available, which one is practicable for their own needs. Like Energy Star, Energy Sun program will enhance our country's energy security by educating consumers, and then harnessing the power of the marketplace.

I would like to thank the gentlewoman from California (Mrs. BONO) for offering this amendment, and I encourage my colleagues to vote for it.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from Louisiana for yielding, and I asked that he do so only for the purpose of saying that we have no objection to this provision on our side. I want to commend the gentlewoman from California (Mrs. BONO) for a constructive amendment. I am pleased to support it, and I encourage others to do so.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from California (Mrs. BONO).

The amendment amends division A, which is based on text reported by the Committee on Energy and Commerce. The amendment establishes a new program within EPA and the Department of Energy regarding certain renewable and alternative energy products and technologies, and I commend her for that approach.

Under the Rules of the House, the Committee on Science has jurisdiction over all energy research development and demonstration, commercial application of energy technology, and environmental research and development.

Am I correct that the committee does not intend for the placement of this amendment in division A of H.R. 4 and its revision of the Energy Policy and Conservation Act to diminish or otherwise affect the jurisdiction of the Committee on Science?

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, the gentleman is correct. Both the Committee on Energy and Commerce and the Committee on Science have jurisdiction over energy-related programs of the Environmental Protection Agency and the Department of Energy.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for his clarification and cooperation. I look forward to working with him and his committee and my colleagues on the Committee on Energy and Commerce on this provision, as well as other provisions of mutual interest.

Mrs. BONO. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I thank the gentlewoman for yielding.

I rise to not only congratulate the distinguished chairman of the Committee on Energy and Commerce, but also to congratulate, from my perspective as a Californian, one of its three most important members, the gentlewoman from Palm Springs, California (Mrs. BONO). Focusing on the issue of renewable energy and conservation is a very important thing and pursuing this program, I believe, will go a long way towards doing just that.

So I compliment her and thank her very much for the leadership that she has shown on this very important issue.

Mrs. BONO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, I too rise in support of the Bono amendment.

I want to speak, however, to the amendment that is coming up after this one, the Corporate Average Fuel Economy standard increase.

Last year in my home State of Wyoming, registration of light trucks outnumbered passenger cars by about 2 to 1. While this statistic may be surprising to some of my colleagues, it is in no way surprising to me. Despite the many advantages that we enjoy living in Wyoming, its cold, harsh, long winters, long-distance traveling and often rugged terrain create additional safety and utility needs to such everyday events as traveling to a nearby town for business or for transporting one's children to soccer practice.

SUVs, Suburbans and minivans have replaced the station wagon as the soccer mom's vehicle of choice, because these vehicles provide levels of safety, passenger room and utility that allow an active family to meet their needs.

Wyoming's agriculture community also depends on light truck utility vehicles to accomplish the necessary work associated with farming and ranching. It should not take a farmer or a rancher to tell us we cannot haul a bail of hay in a Geo Metro. While that vehicle also has its place in the market, and I do not deny that, agriculture families simply have different needs.

Thankfully, the auto industry constantly works to address these needs by building and marketing larger and safer and, yes, more fuel-efficient vehicles. After all, these vehicles are what consumers want to buy, and it only makes sense for the market to respond to that consumer demand.

Increasing CAFE standards today would put automobile manufacturers at odds with consumers by forcing the auto industry to produce smaller and lighter vehicles. Such a requirement would not only translate into reduction of consumer choice, but would sacrifice the safety benefits that go along with larger vehicles.

The National Research Council's report on CAFE standards released only yesterday stated that without a thought for a restructuring of the program, additional traffic fatalities would be the trade-off that we must incur.

Mr. Chairman, I urge my colleagues to support the Bono amendment and vote against the Boehlert amendment.

Mrs. BONO. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I rise in support of the Bono amendment.

Mr. Chairman, I rise in support of the Bono Amendment to H.R. 4. Today we have an opportunity to advance the use of renewable and alternative energy products. The Energy Sun program has significant environmental and energy security benefits. I support extending the Energy Sun label to renewable and alternative energy products including solar, wind, biomass, and distributed energy. Specifically, I believe new technologies, like that of the stirling heat engine, will go far to reduce pollution and our dependence on dangerously strained electric power grids. Now is the time to recognize and encourage the use of products and

technologies that will improve our homes, our communities, and our environment.

Mr. TAUZIN. Mr. Chairman, I yield 1½ minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, I thank the gentleman for yielding time.

I too want to commend the gentlewoman from California (Mrs. BONO) for her commitment to promoting renewables.

Mr. Chairman, America needs a balanced energy policy. We need more renewables. We know ethanol cannot replace petroleum, at least not yet, but we think we can increase the market share for biofuels in this country and therefore lessen America's dependence upon foreign oil.

So for that reason I want to thank the gentleman from Louisiana (Mr. TAUZIN) for including in his manager's amendment a provision commissioning a study of administering a program to establish a renewable fuel standard for motor vehicle fuel sold in the United States. The provision, as offered, was based on a bill that I have cosponsored, or I should say, I sponsored, the Renewable Fuels for Energy Security Act of 2001.

While I believe this Nation is ready for such a program, I am encouraged by the chairman's willingness to direct EPA and the Department of Energy to review this approach. That, I believe, is a step in the right direction.

I look forward to working with the chairman and my colleagues in the House in ways that we can decrease our dependence upon foreign sources of energy and make renewable fuels, such as ethanol, biodiesel and biomass a significant part of the energy mix in this country.

A 3 percent market share for ethanol and biodiesel will displace about 9 billion gallons of gasoline annually, or between 500,000 and 600,000 barrels of crude oil a day, which is the amount that the U.S. now imports from Iraq.

We need a balanced energy policy, Mr. Chairman. We need to support renewables. I commend the gentlewoman from California (Mrs. BONO) for her effort in that regard, and I thank the chairman for his efforts in trying to move this forward.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 30 seconds if the gentlewoman from California (Mrs. BONO) would yield 30 seconds to the gentleman from New York (Mr. FOSSELLA).

Mrs. BONO. Mr. Chairman, I also yield 30 seconds to the gentleman from New York (Mr. FOSSELLA).

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Mr. FOSSELLA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I think it is easy to be against a lot of things, but the question is, what are we for as a Congress. We are for encouraging conservation. We are for encouraging energy efficiency. We are for the use of alternative sources of energy and renewables. That is what we are for.

The great thing about this country, our country, is when the American people are given the truth, they can make the determinations that best suit their needs, their families, and their businesses.

So what we are for are lower energy prices, lower electricity prices, lower gas prices, and at the same time, it strikes the balance by protecting our environment and providing safeguards so that the industries do not run wild. That is what the underlying bill does.

I commend the gentlewoman for complementing that and doing what is right and responsible for now and for America's future.

The CHAIRMAN pro tempore (Mr. LINDER). All time on both sides has expired.

The question is on the amendment offered by the gentlewoman from California (Mrs. BONO).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. TAUZIN. Mr. Chairman, on that I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Mrs. BONO) will be postponed.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 offered by the gentleman from Louisiana (Mr. TAUZIN); amendment No. 2 offered by the gentlewoman from California (Mrs. BONO).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 1 OFFERED BY MR. TAUZIN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Louisiana (Mr. TAUZIN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 281, noes 148, not voting 4, as follows:

[Roll No. 309]

AYES—281

Abercrombie
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Largent
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Mink
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Scarborough
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOES—148

Ackerman
Andrews
Baird
Baldwin
Barrett
Becerra
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Conyers
Coyne
Crowley
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Engel
Eshoo
Etheridge
Evans

Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Serrano
Sherman
Skelton
Slaughter
Solis
Spratt
Strickland
Tanner
Tauscher
Thompson (CA)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—4

Hall (OH)
Hutchinson
Spence
Stark

□ 1537

Ms. KILPATRICK, Messrs. OWENS, LANGEVIN, MORAN of Virginia, and Ms. McCOLLUM changed their vote from ''aye'' to ''no.''

Mr. POMEROY changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LINDER). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the next amendment.

AMENDMENT NO. 2 OFFERED BY MRS. BONO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentlewoman from California (Mrs. BONO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 411, noes 15, not voting 7, as follows:

[Roll No. 310]

AYES—411

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—15

Barr
Coble
Collins
Costello
Filner
Flake
Hostettler
Johnson, Sam
Jones (NC)
Kerns
Oberstar
Otter
Paul
Pence
Schaffer

NOT VOTING—7

Grucci
Hoyer
Hutchinson
Largent
Oxley
Spence
Stark

□ 1545

Mr. WAXMAN changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LINDER). It is now in order to consider Amendment No. 3 printed in part B of the House report 107–178.

AMENDMENT NO. 3 OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BOEHLERT:

Page 66, beginning at line 11, strike sections 201, 202, and 203 and insert the following:

SEC. 201. INCREASED AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) COMBINED STANDARD.—Section 32902(b) of title 49, United States Code, is amended to read as follows:

''(b) STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—(1) Except as provided in this section, the average fuel economy standard for the combination of passenger automobiles and light trucks manufactured by a manufacturer—

''(A) in each of model years 2005 and 2006 shall be 26.0 miles per gallon; and

''(B) in a model year after model year 2006 shall be 27.5 miles per gallon.

''(2) Except as provided in this section, and notwithstanding paragraph (1), the average fuel economy standard for passenger automobiles manufactured by a manufacturer in

model years 2005 and 2006 shall be 27.5 miles per gallon.''.

(b) AMENDING STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—Section 32902(c) of title 49, United States Code, is amended—

(1) by amending so much as precedes the second sentence of paragraph (1) to read as follows:

''(c) AMENDING STANDARD FOR COMBINATION OF PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—The Secretary of Transportation shall prescribe regulations amending any of the standards under subsection (b) of this section for a model year to any higher level that the Secretary decides is the maximum feasible average fuel economy level for that model year.''; and

(2) by striking paragraph (2).

(c) DEFINITION OF LIGHT TRUCK.—

(1) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended by adding at the end the following:

''(17) 'light truck' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, that is manufactured primarily for use on public streets, roads, and highways (except a vehicle operated only on a rail line), and that the Secretary decides by regulation—

''(A) is rated—

''(i) at less than 8,500 pounds gross vehicle weight, in the case of an automobile manufactured in model year 2005 or 2006; or

''(ii) at less than 10,000 pounds gross vehicle weight, in the case of an automobile manufactured in a model year after model year 2006;

''(B) is manufactured primarily for transporting not more than 10 individuals; and

''(C) is not a passenger automobile.''.

(2) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(A) shall issue proposed regulations implementing the amendment made by this subsection by not later than 6 months after the date of the enactment of this Act; and

(B) shall issue final regulations implementing such amendment by not later than one year after the date of the enactment of this Act.

(c) CONFORMING AMENDMENTS.—

(1) Section 32901(a)(3) of title 49, United States Code, is amended by striking ''and rated at—'' and inserting ''and is a light truck or is rated at—''.

(2) Section 32902(a) of title 49, United States Code, is amended—

(A) by striking ''NON-PASSENGER AUTOMOBILES.—'' and inserting ''STANDARDS FOR CERTAIN AUTOMOBILES.—''; and

(B) by striking ''(except passenger automobiles)'' and inserting ''(except passenger automobiles and light trucks)''.

(3) Section 32908(a)(1) of title 49, United States Code, is amended by striking ''8,500'' and inserting ''10,000''.

(d) APPLICATION.—The amendments made by this section shall apply beginning on January 1, 2005.

(e) APPLICABILITY OF EXISTING STANDARDS.—This section does not affect the application of section 32902 of title 49, United States Code, to passenger automobiles and light trucks manufactured before model year 2005.

SEC. 202. AMENDMENTS TO MANUFACTURING INCENTIVES FOR ALTERNATIVE FUEL AUTOMOBILES.

Section 32905 of title 49, United States Code, is amended—

(1) in subsection (b) by striking ''2004'' and inserting ''2008'';

(2) in subsection (b)(1) by striking ''.5 divided'' and inserting ''the number determined by (A) subtracting from 1.0 the alternative fuel use factor for the model, and (B) dividing the difference calculated under clause (A) by'';

(3) in subsection (b)(2) by striking ''.5 divided'' and inserting ''the number determined by dividing the alternative fuel use factor for the model by'';

(4) in subsection (d) by striking ''2004'' and inserting ''2008'';

(5) in subsection (d)(1) by striking ''.5 divided'' and inserting ''the number determined by (A) subtracting from 1.0 the alternative fuel use factor for the model, and (B) dividing the difference calculated under clause (A) by'';

(6) in subsection (d)(2) by striking ''.5 divided'' and inserting ''the number determined by dividing the alternative fuel use factor for the model by''; and

(7) by adding at the end the following:

''(h) DETERMINATION OF ALTERNATIVE FUEL USE FACTOR.—(1) For purposes of subsections (b) and (d) of this section, the term 'alternative fuel use factor' means, for a model of automobile, such factor determined by the Administrator under this subsection.

''(2) At the beginning of each year, the Secretary of Energy shall estimate the amount of fuel and the amount of alternative fuel used to operate all models of dual fuel automobiles during the most recent 12-month period.

''(3) The Administrator shall determine, by regulation, the alternative fuel use factor for each model of dual fueled automobile as the fraction that represents, on an energy equivalent basis, the ratio that the amount of alternative fuel determined under paragraph (1) bears to the amount of fuel determined under paragraph (1).''.

(c) APPLICATION.—The amendments made by this section shall apply beginning on January 1, 2005.

(d) APPLICABILITY OF EXISTING STANDARDS.—This section does not affect the application of section 32901 of title 49, United States Code, to automobiles manufactured before model year 2005.

SEC. 203. ENSURING SAFETY OF PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

The Secretary of Transportation shall exercise such authority under Federal law as the Secretary may have to ensure that passenger automobiles and light trucks (as those terms are defined in section 32901 of title 49, United States Code, as amended by this Act) are safe.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from New York (Mr. BOEHLERT) and a Member opposed each will control 20 minutes.

Mr. TAUZIN. Mr. Chairman, I claim the time in opposition and yield 9 of those minutes to the gentleman from Michigan (Mr. DINGELL) for the purposes of control.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I think virtually every Member of this body agrees that we need to raise the fuel economy of passenger vehicles. That is a no-brainer. Raising fuel economy saves money, makes us less dependent on foreign oil sources and helps protect the environment without cramping our life-style one bit. That is why even this bill, which is so tepid about conservation, includes a small increase in fuel economy standards. There is just no persuasive argument against raising the standards. It is the simplest, most basic step available to us.

The question, though, is whether we are going to just appear to take this step or whether we are going to do it for real. The language in this bill is about keeping up appearances. The Boehlert-Markey amendment is about actually saving oil. In fact, there is a chart before me which makes clear, our amendment would save more oil than would be produced from drilling in ANWR under even the most optimistic scenarios. Those figures come from the nonpartisan Congressional Research Service.

The proponents of H.R. 4 will say they are not just keeping up appearances. They plan to save 5 billion gallons of oil over 5 years. That is a big number, but it is not a lot in a Nation that oil burns more than 350 million gallons of oil as gasoline on our highways each and every day. That is why we usually measure oil in barrels because gallons are too small a unit to bother contemplating.

But the proponents will say, but 5 billion is a lot. It is like parking next year's production of SUVs for 2 years. But, guess what, during the second year, and the year after, and the year after that, ad infinitum, a whole new fleet of gas-guzzling SUVs will hit the highways and will not be metaphorically parked.

The Nation is importing more than half its oil, but the proponents of H.R. 4 have done nothing more on CAFE than put a finger in the dike. The CAFE provision in the bill will have no long-range impact on the Nation's demand for oil. The CAFE language in the bill is a distraction, not a solution.

Now, that might be okay if we did not have the technological wherewithal to build safe, affordable American cars and SUVs that meet a higher standard. But we do have that capability. In fact, we could reach CAFE standards far higher than the ones that we are proposing in this amendment, but we are taking a truly moderate approach.

The Boehlert-Markey amendment would, after 5 years, include cars and SUVs and light trucks in a single fleet that would have to meet a 27.5 mile per gallon average, the level cars must meet today. That gives the automobile manufacturers the flexibility, they get the flexibility to decide if they want to make cars more fuel efficient or SUVs more fuel efficient, or some combination of both.

Our amendment creates new incentives for the ethanol industry because we would provide credits to cars that actually run on ethanol, not to cars that could use ethanol but do not. So we give automakers incentives to make sure that ethanol does become a commonly available fuel.

In short, the standard we propose is flexible, fair, moderate and feasible. Members can tell that because our opponents have hit new rhetorical

heights in arguing against the amendment; but luckily, we have the latest science on our side. I refer Members to the report of the National Academy of Sciences that was released Monday. Here is what the Academy panel concluded:

First, the National Academy of Sciences says having separate standards for cars and SUVs makes no sense. My colleagues can refer to pages ES–4 and 5–10 for confirmation.

Second, the National Academy of Sciences says that raising fuel economy standards will be a net saver for consumers, and we want to help consumers save. Look at pages 4–7 to check that out.

Third, the National Academy of Sciences says raising fuel economy standards will not hurt American workers, and they base this on the real experience of past decades. That is on pages 2–16.

Fourth, the National Academy of Sciences says that raising fuel economy is perfectly feasible even with currently available technology, technology that is on the shelf, ready to be put into use, and even for higher standards than we are proposing. That is on page ES–5. And the front page of Automobile News that is on easel behind me illustrates the technology that auto companies already have to meet this new standard.

Fifth, and most important of all, the Academy says fuel economy can be achieved ''without degradation of safety,'' again, without degradation of safety, so let us put that bogeyman to rest. That is on page 4–26.

The opponents may say the automobile companies disagree. No surprise there. It is easier to keep making gas-guzzling cars, just like it was easier to keep making cars without seat belts and cars without air bags and cars without pollution control equipment, all advances that the auto industry now touts, even though it vehemently opposed each as they were initiated.

This case is no different. Just look at the credibility of the auto industry. Here is what a top Ford executive said about safety standards in 1971. ''The shoulder harnesses, the headrests are a complete waste of money, and you can see that safety has really killed off our business.'' That is what the auto people said.

Here is what GM said about pollution control in 1972. ''It is conceivable that complete stoppage of the entire production could occur with the obvious tremendous loss to the company,'' if we required pollution control equipment. Give me a break.

I could go on and on with examples like this.

Mr. Chairman, we should be used to these scare tactics by now and wise to them. Let us not believe the folks that said seat belts would destroy the auto industry when they say they fear for our safety if we raise CAFE standards.

I am going to listen to the National Academy of Sciences. We have the evidence we need to raise CAFE standards, we just need the will, the will to give the public what it wants. The public wants better fuel economy if for no other reason than to save money. And what the National Academy of Sciences report demonstrates is that we can give them that fuel economy without depriving them, including me, of our SUVs, without compromising safety, without threatening jobs.

Mr. Chairman, I urge support of the Boehlert-Markey-Shays-Waxman amendment.

Mr. TAUZIN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, for a year now I have been fighting tires that kill. I am on the floor today fighting an amendment that will kill. If the Boehlert amendment passes, the National Academy of Sciences says that this kind of an increase in CAFE too soon, too fast over a 4-year period, 46 percent increase, will force automakers to downsize and downweight automobiles, trucks, light trucks in particular, SUVs and minivans. They tell us, ''Additional traffic fatalities would be expected.'' That is the National Academy of Sciences.

Now, the bill contains reasonable increases in fuel savings, 5 billion gallons in this category of vehicles over the next 6 years. This is the language of the National Academy of Sciences warning us if my colleagues go further than the bill goes, my colleagues can expect fatalities.

Mr. Chairman, I want to show Members the list of SUVs and vans regulated by the bill without this amendment. This is the list of all of the SUVs and vans that this amendment would literally replace in the law, sections that provide a 5-billion gallon savings in this list of vehicles.

These vehicles alone consume 2.4 billion gallons a year. Our bill provides a savings of twice that, 5 billion.

Keep to the bill. Do not kill Americans with this amendment.

□ 1600

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent that the total time in support of the Boehlert-Markey amendment be equally divided between the gentleman from Massachusetts (Mr. MARKEY) and the principal author.

The CHAIRMAN pro tempore (Mr. LINDER). Without objection, the gentleman from Massachusetts can control 10 minutes.

There was no objection.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman for yielding time to me.

Mr. Chairman, I strongly support this CAFE amendment. It is urgently needed to restore some balance to this legislation. This is the most important conservation measure that we will have before us in the whole energy bill if this amendment is adopted. If this amendment is not adopted, I want Members to realize that the CAFE provisions in the bill itself are a mirage. The legislation claims to save 5 billion gallons of gasoline by 2010. This sounds like a lot of gasoline, but we are talking about a reduction of 5 billion gallons out of a pool of over 2.5 trillion gallons. So even if the provisions worked as advertised, the 5 billion-gallon reduction translates into only a cut of two-tenths of 1 percent. But, in fact, this bill will not even achieve these minuscule savings. The fine print of the bill contains CAFE loopholes that will allow fuel consumption to increase by 9 billion gallons.

Mr. Chairman, I include for the RECORD an analysis of the H.R. 4 provisions which will explain why we will even go backwards if H.R. 4 is adopted as it is written. It will allow under the Bush administration's analysis an increase of 9 million gallons. The loopholes make the CAFE provisions in this bill a step backward.

Just this week, the National Academy of Sciences released a new study on CAFE that shows we can do much more. The Boehlert-Markey-Shays-Waxman amendment will make reasonable, commonsense improvements in the fuel efficiency standards of our light trucks. And it will close the loopholes in the current law and in the bill before us.

I urge support of the amendment.

ANALYSIS OF THE H.R. 4 PROVISIONS WHICH AMEND THE CORPORATE AVERAGE FUEL ECONOMY (CAFE) LAW

On Wednesday, August 1, 2001, the House of Representatives is considering H.R. 4, the ''Securing America's Future Energy Act of 2001.'' This legislation contains an amendment offered by Rep. Richard Burr (R–NC) at Subcommittee which amends the federal law governing automobile fuel economy. This amendment was heralded by some as a significant increase in fuel economy standards applicable to sport utility vehicles (SUVs) and other light trucks. Upon analysis, this amendment appears to be seriously flawed.

I. BACKGROUND

Under current law, the Secretary of Transportation is directed to prescribe by regulation average fuel economy standards for light trucks 18 months prior to the beginning of each model year. Sec. 32902(a). The standard is set at the ''maximum feasible average fuel economy level'' that the Secretary decides the manufacturers can achieve in that model year. Id. In setting a standard, the Secretary is required to consider technological feasibility, economic practicability, the effect of other governmental motor vehicle standards on fuel economy, and the need of the United States to conserve energy. Sec. 32902(f). Under this approach, the maximum feasible average fuel economy standard is determined on an ongoing basis with new technology being recognized and considered in the development of standards each and every year.

The current CAFE standard for light trucks is 20.7 miles per gallon. Since 1995, the Secretary of Transportation has not been permitted to revise this standard due to a congressional prohibition on such action passed each year in the appropriations process.

II. THE IMPROVED FUEL ECONOMY PURPORTED TO BE ACHIEVED BY H.R. 4 IS INSIGNIFICANT

H.R. 4 purports to reduce the projected gasoline consumption of light trucks manufactured between 2004 and 2010 by 5 billion

gallons in the years 2004 through 2010. As discussed below, the achievement of any improvement in fuel economy is in doubt under this language. However, assuming that a 5 billion gallon reduction in projected gasoline consumption is achieved, this reduction is insignificant.

Under this legislation, light trucks manufactured between 2004 and 2010 must reduce consumption by 5 billion gallons over the years 2004 through 2010. During the period from 2004–2020, total consumption of petroleum is projected to be 2.27 trillion gallons of petroleum. Although 5 billion gallons sounds like a lot of gasoline, it amounts to a mere 0.22% reduction in projected petroleum use. The Union of Concerned Scientists has estimated that the fuel economy of light trucks would only need to be improved by one mile per gallon in model years 2004 through 2010 to achieve this goal.

III. H.R. 4 UNDERMINES CURRENT LAW

Proponents of H.R. 4 have stated that the 5 billion gallon reduction in projected gasoline use is merely the floor for increased fuel economy and that the integrity of the CAFE law is preserved, allowing for any other appropriate improvements in fuel economy to be made. Upon analysis, it appears that H.R. 4 would actually encourage the consumption of more fuel than it conserves, while substantially altering the way the CAFE law functions and inhibiting further progress on fuel economy.

A. H.R. 4 wastes more gasoline than it would purport to save by extending the flawed CAFE incentive for dual fueled vehicles for an additional four years

Even as H.R. 4 purports to save five billion gallons of gasoline, it includes provisions that the Bush administration has estimated would increase gasoline consumption by nine billion gallons.

H.R. 4 extends a flawed program which creates CAFE incentives for dual fueled vehicles. Under current law, the production of dual fueled automobiles earns significant CAFE credits. As a result, manufactures produce many of these vehicles. According to the New York Times, General Motors, Ford Motor and the Chrysler unit of DaimlerChrysler have made 1.2 million dual-fuel vehicles, almost all of which are designed to burn either ethanol or gasoline. These include most Chrysler minivans and some Chevrolet S–10 pickups, Ford Taurus sedans and Ford Windstar minivans. These vehicles differ from other vehicles only in that they contain a $200 sensor for burning ethanol, which their owners are often not even aware of.

Dual fueled automobiles are manufactured to run on ethanol yet virtually no vehicles actually do so. In fact, only 101 of the 176,000 services stations in the United States sell nearly pure ethanol. Most of these service stations are in the Midwest. There is not a single one on the West Coast and there are only two on the East Coast—one in Virginia and one in South Carolina.

These credits have allowed the automakers to reduce the average fuel economy of all vehicles they sell by five-tenths to nine-tenths of a mile per gallon. Under current law these credits are scheduled to sunset in 2004 unless the Administration extends the programs for an additional four years. H.R. 4 would statutorily extend the CAFE law until 2008, and allow for the credits to be extended until 2012.

According to a draft report prepared by the Bush Administration, continuing the program from 2005 to 2008 will increase gasoline consumption by nine billion gallons. This is almost twice as much fuels as H.R. 4 purports to save.

B. H.R. 4 fundamentally alters the standard-setting process for light trucks which may hinder incentives for advanced technology vehicles

H.R. 4 substitutes the yearly approach under current law with an approach that will set standards from 2004 through 2010. This is a substantial weakening of current law. While no one can definitively predict what the ''maximum feasible average fuel economy level'' will be in the future, the ''maximum feasible'' level is clearly higher than the miniscule requirements of H.R. 4.

C. H.R. 4 removes incentives for advanced weight reduction technologies and materials

Automakers have been learning that safer, more fuel efficient vehicles can be manufactured using lighter weight materials, such as aluminum, or through advanced engineering approaches like unibody construction which can produce lighter and structurally sound frames. Under the current system, manufacturers have incentives to deploy these weight reduction technologies and materials, because all light duty trucks fall under a single CAFE standard.

H.R. 4 promotes a weight-based system for establishing fuel economy standards for light trucks. This approach could eliminate the incentives for these advanced construction technologies and materials by assuming that the weight of light trucks cannot be reduced.

D. H.R. 4 does not address passenger vehicles and requires no improvements in the fuel economy of diesel vehicles

H.R. 4 does not direct any increase in the CAFE standards for passenger cars which make up about half of the new vehicles sold in the United States.

Similarly, H.R. 4 sets no targets for reducing the consumption of diesel fuel. The auto manufacturing industry has indicated that they intend to expand the use of diesel engines in the coming years. In fact, as discussed below H.R. 4 gives manufacturers additional incentives to increase diesel use as a means of meeting their obligations under H.R. 4.

E. H.R. 4 creates incentives for greater reliance on diesel vehicles

H.R. 4 sets a goal for avoided gasoline consumption for light trucks manufactured between 2004 and 2010. The way H.R. 4 is drafted this goal can be achieved by producing more diesel-powered light trucks and fewer gasoline-powered light trucks. Automakers could comply with the letter of the law by merely increasing the portion of light trucks that are diesel-powered.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CAMP).

(Mr. CAMP asked and was given permission to revise and extend his remarks.)

Mr. CAMP. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in strong opposition to the amendment offered by my colleagues, Mr. MARKEY and Mr. BOEHLERT that would set a combined fleet standard of 27.5 miles per gallon for cars and trucks. This amendment will cost jobs, consumer choice and safety.

This large increase in the light truck standard would have devastating impacts on light truck production from American automakers and threaten the jobs of over 1,000,000 auto workers in Michigan and many more around the country.

This amendment would also substantially restrict the ability of American automakers to continue to provide the vehicles that American consumers are purchasing. The product changes needed to accomplish this level of increase would adversely affect the most popular light trucks on the road-including restrictions on the sale by American automakers on the large pick-up trucks and SUV's that represent 50 percent or more of light truck sales.

Finally, raising CAFE standards would put Japanese automakers at a strategic advantage over U.S. automakers. The Japanese have an edge of a several miles per gallon because they have huge amounts of banked CAFE credits from the surpluses they have run in the past. This allows the Japanese to take advantage of selling larger vehicles in our market that do not meet the CAFE standards that U.S. automakers are expected to meet. Essentially, Japanese automakers have a credit cushion that would not require any product changes to meet CAFE for about two model years before it exhausts its banked CAFE credits. This disparity will cripple the U.S. auto industry. I encourage my colleagues to vote against this amendment.

Mr. DINGELL. Mr. Chairman, I yield myself 1½ minutes.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, this amendment affords you a rare opportunity to cast a vote for more jobs, for fewer deaths and injuries on the highway and against sharp price increases in the most popular of our vehicles.

All you have got to do is vote ''no'' on the amendment. I urge you to do so.

Take a look at the jobs that are involved here. Those are where your constituents work in automobile plants. There is nothing in the base bill which would preclude the Secretary of Transportation from fixing the levels of CAFE at those which are fixed by the Markey amendment. All that they would have to do is to find that it is technologically feasible and economically desirable and possible to so do.

The Secretary now can and will under the base bill save 5 billion gallons of gasoline. That is equivalent to taking off the road the production of 1999 pickups and SUVs for a period of 2 years. In a word, that ain't hay.

I would tell you some other things about this. The UAW and the American autoworkers are going to be most hurt if this amendment is adopted. It will force the auto companies to eliminate 135,000 jobs now held by American working men and women. It will force GM to close 16 of its plants and DaimlerChrysler to close two plants. That is about as bad as it gets until you consider that each auto company job supports seven other supplier jobs throughout the American economy.

What about safety? The National Academy of Sciences says that the higher CAFE standards contribute to more deaths and injuries by creating lighter and less safe vehicles.

I urge my colleagues to vote ''no'' on this amendment.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

(Mr. BUYER asked and was given permission to revise and extend his remarks.)

Mr. BUYER. Mr. Chairman, I rise in opposition to the Markey-Boehlert amendment.

Mr. Chairman, I rise in opposition to further increases in CAFE standards, and in defense of the common sense compromise that the Energy and Commerce Committee has included in the energy bill.

Like most everyone, I support fuel conservation. Conservation can reduce dependence on foreign oil and enhance environmental protection. That's why the Committee developed a compromise that sets an achievable conservation goal while protecting jobs and safety. The compromise would produce substantial fuel savings by setting a goal of saving 5 billion gallons between 2004 and 2010. This is a good and balanced compromise.

But some want to go beyond this compromise and set a new CAFE number. This would be a big mistake because this amendment will jeopardize jobs and public safety.

Proponents of the amendment also seem to disregard these safety concerns. A strong and growing body of evidence indicates that increased CAFE standards result in increased traffic deaths. We shouldn't pass these kinds of huge increases without fully understanding or considering these safety concerns.

Let's conserve fuel, but let's do it safely. Support the Committee's compromise, oppose further CAFE increases.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS), a valued member of the Committee on Energy and Commerce.

Mr. BASS. Mr. Chairman, I rise in opposition to this amendment as one who believes that fuel efficiency in light trucks and SUVs should be improved. But this is not the time for this amendment. For the last 6 years, DOT has been barred from examining the CAFE standards. Just yesterday, or the day before, the NAS released its report. Most of us have had almost no time to examine this report, and nowhere in this report am I under the impression that it recommends an approach similar to that envisioned by this amendment.

This amendment could have detrimental effects on a very delicate economy in this country. It may impact safety, as we have already heard. I am assured by the chairman of the Committee on Energy and Commerce that we will have complete hearings on this whole issue of CAFE and where we should be headed and come up with a real plan and not a knee-jerk reaction to a problem that has come up in the last 6 months.

Mr. Chairman, this amendment is premature, it is potentially counterproductive, and I think we should step back, relax, and support the committee in its reasonable efforts. It is a good start on the process of improving fuel economy.

Mr. BOEHLERT. Mr. Chairman, I yield 30 seconds to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I urge this body to vote in support of the Boehlert-Markey amendment. We heard that earlier this week the National Academy of Sciences issued their long-awaited report which concluded that technologies currently exist which can help our Nation substantially increase fuel economy. This amendment simply moves this conclusion forward. By raising the average fuel economy standards for cars and light trucks, we will save more oil than the most generous estimates suggest that ANWR would provide.

The NAS report also concludes that these improvements are both safe and economically affordable. The Boehlert-Markey amendment allows our Nation the opportunity to be a world leader in the development and advancement of new technologies to improve our environment.

Vote ''yes.''

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in 1974, the average for automobiles and light trucks in the United States was 12.9 miles per gallon. There was an energy crisis. In 1975, Congress responded. And they increased to 26.2 miles per gallon the fleet average. But believe it or not by 1981 they had already reached 24.6 miles per gallon, almost a doubling. Today, it is back to 24.7 miles per gallon. Our amendment, the Boehlert-Markey-Shays-Waxman amendment increases the average up to 27.5 miles per gallon, a 1.3-mile-per-gallon increase since 1987.

We have deployed the Internet since then, the human genome project, the Soviet Union has collapsed. We are arguing for a 1.3-mile-per-gallon increase since 1987, by the way, equal to how much oil is in the Arctic wilderness if you want to avoid having to vote to drill in that sacred land.

Mr. TAUZIN. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I think we need to keep in mind that the base bill we have been offered here saves 5 billion gallons of gasoline and does it flexibly, by giving some options to manufacturers to be able to do this safely. The National Academy of Sciences says that it may be possible to increase fuel economy for light trucks over the next 10 to 15 years, but the sponsors of this amendment want to do it in 4 years. The only way you can do that is to reduce the weight of these vehicles, which compromises safety.

In February of 1998, I was driving down the road from Santa Fe to Albuquerque and a truck in front of me dropped something off the back end. I swerved to avoid it. I avoided it, but the car started to roll at 75 miles an hour. I walked away that day. I had a lot to be thankful for. But the thing I was most thankful for was that I was alone in the car.

Mr. Chairman, women make most of the decisions in this country about what car to buy. It is the same in my family. I drive a Subaru Outback SUV because it is safe for my two little kids in the back seat. I want efficient vehicles in this country. This base bill gives it to us. But I am not willing to compromise their safety by an accelerated standard that is not technically possible.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Pennsylvania (Mr. DOYLE).

(Mr. DOYLE asked and was given permission to revise and extend his remarks.)

Mr. DOYLE. Mr. Chairman, I rise in opposition to the Boehlert-Markey amendment. Every American supports increasing the fuel efficiency of the vehicles that we drive, but the question that we are all faced with today is, what cost to our safety, our economy and our life-styles are we willing to accept to meet the unreasonable standards imposed by this amendment?

The bill we are debating will significantly reduce fuel consumption while ensuring that consumer safety and American jobs are not compromised. This balance will be threatened by this amendment.

The American auto and steel industries are working together to increase fuel economy through technologies such as zero emission fuel cells and lightweight steel. These technologies will decrease emissions, increase fuel economy, and preserve the high safety standards that protect each and every one of us. If this amendment passes, over 18 plants and 135,000 automotive jobs will be lost in addition to thousands of jobs in the American steel industry, an industry already facing high unemployment as a result of dumping of illegal steel into American markets.

In addition to the steel and automotive industries, workers in the rubber, aluminum, plastics, electronics and textile industries will not escape the job cuts that will be forced on the American economy. Furthermore, the National Highway Traffic Safety Administration has confirmed that higher CAFE standards may result in the use of weaker materials in construction which will increase the likelihood of injury and death on our national roadways.

For these reasons, for the loss of American jobs, the cost to the American economy and the safety of the American consumer, I ask that we defeat this amendment.

Mr. BOEHLERT. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding time.

I guess the question here is, for those of us who want a vote on this increase in gas mileage is, is it technically feasible? Do we have the brains, the will, the initiative to increase gas mileage and improve safety of these vehicles? The answer is yes, we have the brains, the skill, the technology. We can increase gas mileage, improve the environment and provide safety for those Americans who choose to buy SUVs or light trucks.

I urge support of the amendment.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Michigan (Mr. UPTON), the chairman of the Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce.

Mr. UPTON. Mr. Chairman, I would like to support the Boehlert amendment, but I cannot. The technology just is not ready yet.

One of the arguments presented here today is that the auto industry cried wolf in the 1970s on new CAFE standards and at the end of the day met the standards. But at what cost? More job loss and more market share loss. Can the auto industry meet this new standard called for in this amendment? Of course they can.

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But at what expense? More market loss and more job loss.

Last year, this year, next year the auto industry will be spending hundreds of millions of dollars each year on new technologies designed to improve efficiencies and reduce our dependence on foreign oil. One of them is the hydrogen fuel cell. Well, guess what? There is a limited supply of R&D dollars; and if they are forced to meet this new standard, there will not be the dollars to develop this new standard.

It is hoped that those cars will be in the showrooms in the next 8 to 10 years. If this amendment passes, it will not be 8 to 10 years; it will be more than 10 years away. Is that what we want? I do not think so.

Please join me in voting no. We have the technology to make this thing work. This amendment takes those dollars away and will hurt all consumers, period.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me time.

I rise in support of the Markey-Boehlert amendment. Let me state why. In the voices of my children, who are 32 and 30 years old, this debate is really about yesterday. What this amendment represents is tomorrow, is the future. It is exactly why people are attracted to America. So what we are battling is yesterday with this amendment.

The sham automobile efficiency provision in this bill is the proverbial drop in the oil bucket. They are talking 5 billion gallons of gasoline saved. We are talking 40 billion.

How anyone can say this is about jobs and the American automobile industry, it is a joke. This is enough to say that the Edsel is making a comeback.

The Congress can do better. The automobile industry is saying one thing. I understand that. We are not the automobile industry, we are the Congress of the United States. And when we vote this in, we are voting in less dependence on foreign oil, we are voting in high standards for our environment, we are saying you do not have to drill in ANWR, and we are saying that we have the technologies today to put into tomorrow's automobiles.

Support this amendment. It is a step toward the future. We will be better off as a result of it.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LATOURETTE). The Chair would ask that Members attempt to confine their remarks to the time yielded to them.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I strongly oppose this amendment. It does nothing more than punish the automobile industry for making cars that people want to buy.

I am opposed for many reasons, but let me focus on three. This amendment will force Americans to drive smaller cars that are less safe than what we drive now. Smaller cars mean more traffic fatalities; a fact confirmed by the recent NAS report.

This amendment will also have the devastating economic impact of affecting every worker in the auto industry whose job will be affected. There are seven others affected as a spin-off from the one worker in the factory.

This amendment will also impose these new standards on an impossible timetable, which the NAS report explicitly argued against.

Why should Congress adopt policies that cause economic hardship, reduce consumer choice and lessen auto safety? Obviously we should not.

I urge my colleagues to oppose this harmful and dangerous amendment.

Mr. BOEHLERT. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut (Mrs. JOHNSON).

(Mrs. JOHNSON of Connecticut asked and was given permission to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of this amendment.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Louisiana (Mr. JOHN).

(Mr. JOHN asked and was given permission to revise and extend his remarks.)

Mr. JOHN. Mr. Chairman, I rise in opposition to the Boehlert-Markey amendment. I do not have any auto manufacturing plants in my district, so I am not opposing this amendment out of concerns for that industry. Representing the seventh district of Louisiana, which is very rural and agricultural and whose people's livelihood depends on light trucks and pickup trucks, I am concerned that this amendment would put unrealistic standards, given the time tables, on this class of vehicles. Even if these stringent standards, and I emphasize, even if these stringent standards can be met, it will certainly increase the cost of these vehicles, in some reports up to $7,000.

My concern is that the manufacturers who make these vehicles, these light trucks and pickups, that this amendment will threaten their ability to continue making them. In fact, DaimlerChrysler says that they could not raise the fuel economy standards of their Dakota or Dodge Ram pickup trucks 50 percent in 5 years, as this amendment requires; and it would therefore possibly stop them from producing them.

I am not sure if it was the intent of the authors of this amendment to unduly hurt the farmers, ranchers, contractors, electricians, plumbers, carpenters, construction workers, and many others who use pickups and light pickup trucks as their office on wheels. By forcing heavy commercial pickup trucks that weigh less than 10,000 pounds to achieve car CAFE standards, this amendment sets a standard that no one, and, I repeat, no one, has demonstrated achievable without compromising safety.

I urge Members to vote no on this amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, the amendment before us requires only a 10 percent increase in fleet fuel efficiency by model year 2007; but, by 2010, it would save half a million barrels of oil a day, reduce our oil imports by 5 percent, and reduce carbon dioxide emissions by over 100 million tons each year.

But there is an even better reason to do this. Oil is the least abundant of all of our fossil fuels. All of it will be gone from this world before the end of this century if we and our fellow men continue to burn it at low efficiency. What then will we use for our industry, for the chemicals, clothing, construction materials, for every product used in our lives that is manufactured from polymers?

It is in our national interests to reduce our dependence on foreign oil, but it is a matter of national security that we conserve our most important industrial feedstock. The National Academy of Sciences report released this week tells us the technology already exists to take this modest step.

I urge my colleagues to support this bipartisan amendment.

Mr. TAUZIN. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Michigan (Mr. SMITH).

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Chairman, I–94 runs east and west through my Congressional Michigan District

going into Detroit. This is the auto supply route. Many businesses in this area supply the auto industry. The estimate from General Motors is that we would lose with this amendment 65,000 jobs, Daimler-Chrysler estimates a $35,000 job loss, a total of 130,000. Let me tell you at least partially why this job loss happens. The way we calculate these averages of miles-per-gallon means that some auto imports, for example, have accumulated so many credits that they could actually continue to sell their less-miles-per-gallon trucks and displace our more gas efficient miles-per-gallon vehicles that we are not going to be able to sell because of this amendment. This means fewer sales and less employment.

Mr. Chairman, I rise in opposition to this amendment.

Since the CAFE standards were implemented in 1978, the market for passenger vehicles has been severely distorted. As a result, today, lights trucks account for over have of the new car market. The American people do not want small under-powered, and unsafe vehicles to transport their family. But under CAFE, there are fewer change cars available as alternatives.

The recent report from the National Research Council report found that, ''CAFE standards, probably resulted in an additional 1,300 to 2,600 traffic fatalities in 1993.'' Further, it noted that if the increase standards resulted in lighter or smaller vehicles, ''some additional traffic fatalities would be expected.''

An earlier analysis reported in USA Today estimated that for each mile per gallon CAFE saved, 7,700 people lost their lives.

There is another price we will pay with this amendment—lost jobs. GM, Ford, and Daimler-Chrysler say they would be forced to eliminate 135,000 jobs. In my home state of Michigan, more than a million workers could be affected by this amendment.

Mr. Chairman, this amendment would limit consumer choice, reduce vehicle safety, and throw people out of work. I urge my colleagues to vote ''no.''

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I rise to oppose the Markey-Boehlert amendment to legislatively mandate increases in corporate average-fuel-economy standards. While I support the goal of improved fuel economy, this mandate is not the answer.

Despite proposing significant CAFE increases in the amendment, the phase-in time is a little more than 2 model years. Furthermore, it takes away flexibility mechanisms that allow auto makers to respond to unexpected changes in consumer behavior.

The National Highway Traffic Safety Administration is the appropriate venue for CAFE review. NHTSA must consider the safety trade-offs, utility impacts, and economic feasibility of any CAFE increase.

The National Academy of Sciences outlines these trade-offs in its report released this week. It warned of overly ambitious CAFE increases with short implementation periods. NAS stated that quick significant increases would have a detrimental effect on vehicle safety and the health of the auto industry.

If we adopt the Markey-Boehlert amendment, tens of thousands of jobs will be jeopardized as production plans are significantly disrupted. By comparison, the current bill takes the right approach by allowing NHTSA to determine the appropriate timetable and the appropriate fuel economy standard.

The auto industry is the largest manufacturing industry in the United States. We must be judicious in our approach and mindful of unintended consequences.

Vote no on the amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. HARMAN).

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, this debate is not fundamentally about cars, tail pipes, or engine technology, it is about health and what policy gets our country to better air quality standards in the most cost-effective way.

To be sure, CAFE standards are an imperfect tool. A fleet average has little bearing on what consumers are purchasing. Even though CAFE forces Detroit or Japan to manufacture a cleaner and more efficient vehicle, we see a proliferation of gas-guzzling SUVs, minivans, and trucks. They are what the consumer wants. If we are to increase fuel efficiency across the fleet of vehicles, we also need to change consumer behavior.

In the Committee on Ways and Means title of this bill we begin to tackle the consumer side of the equation through tax incentives and credits for the purchase of electric, fuel cell, hybrid, alternative fuel, and advanced burn vehicles. Striking the right balance is hard.

I opposed an earlier version of the Markey amendment in committee because I thought it imposed unreasonable burdens and unachievable goals. This amendment strikes a better balance. I believe industry can do this. I know that hybrid SUVs are close to production, and this amendment will push new technology solutions that are critical to increased fuel economy.

I side with Markey-Boehlert, because it sets the direction in which we need to go.

This debate is not about cars, tailpipes or engine technology. It's about health and what policy gets our country to better air quality standards in the most cost effective way.

This most fundamental and basic element of the discussion is lost entirely when it hits Washington. We think of fuel efficiency as a technology issue, or a financial issue, or a complex policy issue. But Corporate Average Fuel Efficiency (CAFÉ) and other clean air act rules are fundamentally about protecting public health. Our children's health will be decided by the decisions we make today.

We need nothing less than a massive shift of the tectonic plates of automobile tailpipe emissions policy and the standards used to promote efficiency and air quality improvement. Clearly the automakers have the resources to support further exploration of improved emissions reduction, but some of the onus must be placed on the consumer to buy the product and on the government to help consumers choose clean technology. Mandates should include a means of developing a consumer market for cleaner technology.

That's why, in my view, the notion of average duel efficiency over a fleet of cars—the concept underlying CAFÉ standards—has not worked particularly well.

A fleet average has little bearing on what consumers are purchasing. Even though CAFÉ forces Detroit to manufacture a cleaner and more fuel-efficient vehicle, we see a proliferation of gas-guzzling SUVs, mini-vans, and trucks. They are what the consumer wants and needs. As much as I love Toyota's Prius, it isn't a practical alternative for many families or workers in our society.

If we are to increase fuel efficiencies across the fleet of vehicles, we also need to influence changes in consumer behavior. We need to work hand-in-glove to develop policies that make energy-efficient vehicles attractive purchasing options. Fortunately, in the Ways and Means title of this bill, we begin to tackle the consumer side of the equation through some tax incentives and credits for the purchase of electric, fuel-cell, hybrid, alternative fuel and advanced lean burn vehicles.

Striking the right balance is hard. Both consumers and industry must be challenged. I opposed an earlier version of the Markey amendment in committee because I thought it imposed unreasonable burdens and unachievable goals. This amendment, co-authored by Messers. Markey and Boehlert, strikes a better balance. By moving SUVs and light trucks to the existing CAFÉ standards for cars—over five years—it closes the SUV loophole and challenges industry to clean up its most popular models.

I believe industry can do this. The timetable for achieving the target miles-per-gallon may be aggressive given the kinds of investments that must be made in retooling a new car line. But I know that hybrid SUVs are close to production, and this amendment will push new technology solutions that are critical to increased fuel efficiency.

This is a hard choice. But because we are in the business of making choices, I side with Markey-Boehlert as pointing in the direction we want to go. Combined with emerging technologies and tax incentives influencing consumer behavior, I think the goals are attainable.

Support Markey-Boehlert.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. ROGERS), a leader in the construction of the reasonable provisions of the current bill.

Mr. ROGERS of Michigan. Mr. Chairman, I am proud to hear the previous speaker talk about adverse health effects. You cannot get a more serious adverse health effect than death. The National Academy of Sciences report says one thing, if you arbitrarily, aggressively raise CAFE standards, more Americans will die.

Do we want politicians on this floor setting a political number that really

is not based on science, or do we want engineers, scientists, and moms making the decision about what goes on the road and how we get to conservation?

We chased moms out of station wagons in the seventies with CAFE increases, and they chose, for safety reasons for themselves and their families, minivans. We are fast approaching trying to chase moms out of minivans. Moms know best about safety for their family.

There are two ways to get here, Mr. Chairman: the way that this chairman of the committee has engineered, that says we want scientists and engineers to, over time, develop conservation standards that we know allows these vehicles to be safe; or the political CAFE amendment increase that says we want smaller, shorter wheelbases, lighter cars, that we know will take the lives of Americans, independent review said as many as 7,000 per mile a gallon. That is 53,000 families.

Mr. Chairman, make the choice today. Let scientists, engineers, and moms make the choice, not politicians on this floor.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Mr. Chairman, I have great respect for the authors of this amendment, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from New York (Mr. BOEHLERT), but this is a discriminatory amendment that is ill conceived and counterproductive. It would bring about a tremendous job loss, and that is the last thing we need at this particular time. I am talking about high-paying jobs, jobs where people are well paid and able to support their family and be able to live a strong and positive life.

I understand what the drafters are trying to do with this amendment, but this is the wrong way to go about it. This is a dangerous amendment.

□ 1630

I ask my colleagues to vote no on this amendment. The timing could not be worse.

I am hoping that my colleagues will recognize that fact and would even withdraw this amendment. But if they do not withdraw it, then I would ask my colleagues to vote no.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. SAWYER).

Mr. BOEHLERT. Mr. Chairman, I also yield 30 seconds to the gentleman from Ohio (Mr. SAWYER).

(Mr. SAWYER asked and was given permission to revise and extend his remarks.)

Mr. SAWYER. Mr. Chairman, I rise in support of the amendment. The Academy recommendation lays before us a framework for improving CAFE that is complex. It includes tradeable efficiency credits and weight-based fuel economy targets. It is complex, but we need to do it. We should begin now and move forward with care.

Do we have the technology to achieve it? Sure, we do. Improved aerodynamics, advances in engine management and combustion technologies, tire technology, advanced polymer materials that reduce weight and add strength, all of this is within our grasp. But production inertia and market acceptance rates may make the proposed time lines difficult, and perhaps impossible, so I have sympathy with the opponents of this amendment.

But we need to move the debate forward. Neither the amendment nor the bill includes the underlying recommendations of the Academy, so they do not fix the embedded problems in CAFE. So I support this amendment in the hope that it will not end, but start, the serious discussion that we need to have to move this process forward.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding time.

Mr. Chairman, we all want higher fuel efficiency for cars. Everybody believes in that goal, but we do not want to accomplish this goal at the expense of vehicle safety and workers' jobs.

This chart shows what the amendment is proposing. They are proposing a steep, steep increase in CAFE standards in an unworkable time line.

One point that I have noticed that has not been shared on the floor today is this: The foreign automobile manufacturers have more CAFE credits than the American automobile manufacturers do. So when this amendment passes, what we will be accomplishing is a shift in market share. We will be compromising American jobs. That means less Tahoes, less Suburbans, less Cherokees, less Wranglers and more Land Cruisers, more Range Rovers. So we are not going to pull these big SUVs off the road because the market demand is still there.

Mr. Chairman, this will put us at a competitive disadvantage. It will cost us jobs, thousands of jobs in America with no practical result, because the gap will be filled by the foreign competitors who will get an unfair competitive advantage over American auto producers if this amendment passes.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, so here is the question for all of us: If, in fact, the U.S. auto industry suffers from increased CAFE standards, then what is the effect and how much does the industry suffer and how much does our economy suffer when Americans import fuel-efficient automobiles from other countries? Because with the high cost of fuel, the detrimental effect on our environment, and the interest of American consumers to be independent of foreign oil, we will be purchasing fuel-efficient autos, domestic or foreign.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, it is called CAFE, but unless this amendment is approved, special interests will enjoy another free lunch as they guzzle down plates piled high to satisfy a very hefty energy appetite. With 200 million tons of global-warming pollution pouring through this unwarranted loophole every year, all the rest of us are left choking on this all-you-can-pollute buffet, and billions of gallons of gasoline are wasted.

Manufacturers have had 6 long years of Republican congressional dining at Cafe Delay to prepare for fuel economy. Now their allies combined some new ''do-little'' language with the same old doom-and-gloom scenario they have previously relied upon to oppose everything from seat belts to rollover protection.

Reject the excuses and enact genuine fuel economy.

Mr. TAUZIN. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Mrs. BONO).

Mrs. BONO. Mr. Chairman, I thank the gentleman for yielding time.

Mr. Chairman, I am concerned that unrealistic CAFE standards will result in more highway deaths. In 1999, a USA Today article reported on a National Highway Traffic Safety Administration and insurance safety study which found that in the years since CAFE standards were mandated under the Energy Policy and Conservation Act of 1975, about 46,000 people have died in crashes that they would have survived if they had been traveling in heavier cars.

We increased fuel efficiency standards for SUVs in this bill, but we did it in a responsible manner which balances the needs of the environment with the critical need to maintain high safety standards. As a mother of two children, I value these safety concerns and cannot support a measure which would compromise the safety of our kids.

Mr. BOEHLERT. Mr. Chairman, I yield 30 seconds to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, we will not have a world to live in if we continue our neglectful ways. Apologists for the automobile industry are going to kill America if they keep it up.

Two-thirds of all the oil used in the United States is consumed in the transportation sector. If SUVs and other light trucks were held to the same efficiency standards as today's cars, we would save more gasoline in just 3 years than is economically recoverable from ANWR, and these drivers would save $25 billion a year.

Higher mileage standards promise cleaner air and water, less oil imports, and billions and billions of dollars saved to the consumer.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, there is no longer a rational reason for

us to distinguish between SUVs and light trucks and other vehicles. They are mostly used as passenger cars in the first place.

The base bill simply does not provide enough conservation: approximately 6 days of oil consumption over the next 9 years. There is a big difference between the average car and a 13-mile-per gallon SUV. It is the equivalent of leaving a refrigerator door open for 6 years for the average year.

I would suggest that the opponents of this amendment are selling American industry short. There is no reason the American auto industry cannot keep pace with foreign competition. We should not drive Americans into their hands.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY), who deserves a great deal of credit for bringing the CAFE improvements in our bill forward.

Mr. TERRY. Mr. Chairman, I rise in strong opposition to this amendment.

This bill, our bill allows the Department of Transportation to explore many possible solutions for conservation, such as a weight-based system so we do not treat a Ford pickup truck like a Ford Fiesta; so that our farmers can do their hard work and our contractors can store their equipment in a vehicle a bit more substantial than the standard hatch-back.

By giving authority over fuel economy to the DOT, we allow more flexibility to deal with this complex issue with greater expertise.

We have heard about the NAS study which reaches dozens of conclusions, but yet this amendment relies on only one. If we were to take this report in its totality, we find that we should implement a weight-based system, which this amendment forbids, and we must not downweight our vehicles which, in essence, this amendment demands, and that we must continue to develop technology, which this amendment does not encourage. And we must allow sufficient time for its implementation, which this amendment also does not do.

Mr. Chairman, I urge my colleagues to support H.R. 4 and Buy American. Vote against this amendment.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the fuel economy standards in the United States are going down. In 1986, we peaked at about 26½ miles per gallon, and we have been going backwards ever since.

Now, if we have an energy crisis, should we not look at where we put two-thirds of all of the oil that we consume in the United States? It goes into gasoline tanks. If we want to do anything about an energy crisis, we have to look at gasoline tanks.

Now, our amendment just takes America back pretty much to where it was in 1986. This is not rocket science. This is auto mechanics. Every high school in America has a course on this.

Do not tell us this is going to cause some huge, unbearable burden to be imposed upon the auto industry. The burdens are upon the American people. We are importing too much oil.

The environmental consequences? Well, the President says he cannot comply with the Kyoto Treaty. Well, if we do not do anything about automobiles, we are not going to do anything about Kyoto. The American Lung Association says that there is a dramatic increase in lung disease, in asthma, especially among young children in this country. If we do not do anything about automobile emissions into our atmosphere, we are not doing anything about the American Lung Association's top agenda item.

So I say to my colleagues, we have a choice. All we are asking is that we improve by 1.3 miles per gallon the American auto fleet from where it was in 1986, and we give them until 2007, 21 years, to make that huge technological leap. We do not want to hear another word about the energy crisis, about how you cannot comply with Kyoto, about how you care about all the additional health care consequences in the country, if you cannot find some way of dealing with what is obviously the major cause of most of the problems in the environment in our country.

Mr. DINGELL. Mr. Chairman, I yield the remainder of our time to the distinguished gentleman from Michigan (Mr. BONIOR), the minority whip and my good friend.

Mr. BONIOR. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the auto industry has helped build this Nation. It has provided economic opportunities for generations, including generations of my own family. I believe a strong, a vibrant, and a domestic auto industry will continue to be the key to our economic future.

For our prosperity to continue, we need to lead the way in using new technologies that protect our environment. Hybrid and cell-fuel-powered vehicles are the future, and the future will soon be upon us. Our domestic auto companies are moving in that direction, and they are moving in that direction with speed. Forward. General Motors, Daimler Chrysler, they all recognize that consumers want safe, fuel-efficient vehicles. They have announced that they will increase the average fuel economy in the sports utility by up to 25 percent over the next 5 years.

In the future, we will be talking about ways to store hydrogen and natural gas in our fuel cells, not increasing CAFE. The CAFE debate that we are having on this floor may very well be one of the last that we will have. The future is in these new technologies, in hydrogen fuel cells, in hybrids that will be coming on line in some of our automobiles within a year.

N O T I C E

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3245. A letter from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Policy on Audits of RUS Borrowers; Management Letter (RIN: 0572–AB66) received July 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3246. A letter from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Policy on Audits of RUS Borrowers; Generally Accepted Government Auditing Standards (GAGAS) (RIN: 0572–AB62) received July 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3247. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Mexican Fruit Fly Regulations; Regulated Areas, Regulated Articles, and Treatments [Docket No. 99–075–5] received July 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3248. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tepraloxydim; Pesticide Tolerance [OPP–301148; FRL–6791–7] (RIN: 2070–AB78) received July 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3249. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Isoxadifen-ethyl; Pesticide Tolerance Technical Correction [OPP–301156; FRL–6794–3] (RIN: 2070–AB78) received July 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3250. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Pesticide Tolerances for Emergency Exemptions [OPP–301151; FRL–6792–5] (RIN: 2070–AB78) received July 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3251. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Carfentrazone-ethyl; Pesticide Tolerance [OPP–301149; FRL–6790–9] (RIN: 2070–AB78) received July 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3252. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Carfentrazone-ethyl; Pesticide Tolerances for Emergency Exemptions [OPP–301150; FRL–6792–2] (RIN: 2070–AB78) received July 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3253. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clomazone; Pesticide Tolerance [OPP–301139; FRL–6787–5] (RIN: 2070–AB78) received July 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3254. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Sulfentrazone; Pesticide Tolerances for Emergency Exemptions [OPP–301154; FRL–6793–1] (RIN: 2070–AB78) received July 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3255. A communication from the President of the United States, transmitting a request to make funds available for the Disaster Relief program of the Federal Emergency Management Agency; (H. Doc. No. 107–112); to the Committee on Appropriations and ordered to be printed.

3256. A letter from the Under Secretary, Department of Defense, transmitting certification that the survivability and lethality testing of the C–130 Avionics Modernization Program otherwise required by section 2366 would be unreasonably expensive and impractical, pursuant to 10 U.S.C. 2366(c)(1); to the Committee on Armed Services.

3257. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Annual Report on Retail Fees and Services of Depository Institutions, pursuant to 12 U.S.C. 1811 nt; to the Committee on Financial Services.

3258. A letter from the Acting Under Secretary for Domestic Finance, Department of the Treasury, transmitting the annual report on the Resolution Funding Corporation for calendar year 2000, pursuant to Public Law 101–73, section 501(a) (103 Stat. 387); to the Committee on Financial Services.

3259. A letter from the Acting Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—National School Lunch Program and School Breakfast Program: Identification of Blended Beef, Pork, Poultry or Seafood Products (RIN: 0584–AC92) received July 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3260. A letter from the Director, Minority Business Development Agency, Department of Commerce, transmitting the Department's final rule—Solicitation of Applications for the Minority Business Development Center (MBDC) Program [Docket No. 000724217–1193–03] (RIN: 0640–ZA08) received August 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3261. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Change in Specifications for Gum or Wood Rosin Derivatives in Chewing Gum Base [Docket No. 99F–2533] received July 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3262. A letter from the Trial Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Motor Vehicle Safety; Reporting the Sale or Lease of Defective or Non-Compliant Tires [Docket No. NHTSA–2001–10145] (RIN: 2127–AI23) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3263. A letter from the Trial Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Motor Vehicle Safety: Criminal Penalty Safe Harbor Provision [Docket No. NHTSA–2001–9779] (RIN: 2127–AI24) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3264. A letter from the Principal Deputy Associate Administrator, Enviromental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Pharmaceuticals Production [FRL–7020–3] (RIN: 2060–AE83) received July 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3265. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Oregon [OR 62–7277a, OR 71–7286a, OR 01–001a; FRL–7017–9A] received July 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3266. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Florida: Approval of Revisions to the Florida State Implementation Plan [FL–83–1–200101; FRL–7022–3] received July 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3267. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Bay Area Quality Management District and Ventura County Air Pollution Control District [CA 226–0284; FRL–7008–5] received July 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3268. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Promulgation of Extension of Attainment Date for the San Diego, California Serious Ozone Nonattainment Area [CA–038–EXTa; FRL–7023–9] received July 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3269. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [MO 120–1120a; FRL–7024–3] received July 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3270. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Maintenance Plan Revisions; Michigan [MI76–01–7285a; FRL–7023–2] received July 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3271. A letter from the Assistant Chief, Consumer Information Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommuncations Act of 1996; Access to Telecommunications Service, Telelcommunications Equipment and Customer Premises Equipment by Persons with Disabilities [WT Docket No. 96–198] received July 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3272. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 085–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3273. A letter from the Acting Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Exports of Agricultural Products, Medicines, and Medical Devices to Cuba, Sudan, Libya, and Iran; Cuba Travel-Related Transactions—received July 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3274. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation for the Extension of Authority to Provide Assistance to United Nations-Sponsored Efforts to Inspect and Monitor Iraqi Weapons Activities; to the Committee on International Relations.

3275. A letter from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting a report Required by Section 3157 of the National Defense Authorization Act for Fiscal Year 1998 of Accelerated Strategic Computing Initiative Participant Computer Sales to Tier III Countries in Calendar Year 2000; to the Committee on International Relations.

3276. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—Protection and Assistance for Victims of Trafficking [INS No. 2133–01; AG Order No. 2493–2001] (RIN: 1115–AG20) received July 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3277. A letter from the Attorney, Office of General Counsel, Department of Transportation, transmitting the Department's final rule—Privacy Act of 1974; Implementation [Docket No. OST–96–1437] (RIN: 2105–AC99) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3278. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Type of Contracts [FRL–7020–5] received July 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3279. A letter from the Acting Deputy Associate Administrator for Acquistion Policy, General Services Administration, transmitting the Administration's final rule—Federal Advisory Committee Management (RIN: 3090–AG49) received July 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3280. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Repayment of Student Loans (RIN: 3206–AJ33) received July 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3281. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Western Pacific

Pelagics Fisheries; Hawaii-based Pelagic Longline Restrictions and Seasonal Area Closure, and Sea Turtle and Sea Bird Mitigation Measures [Docket No. 010511123–1123–01; I.D. 042001D] (RIN: 0648–AP24) received July 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3282. A letter from the Acting General Counsel, Department of Justice, transmitting the Department's final rule—Motions To Reopen for Suspension of Deportation and Special Rule Cancellation of Removal Pursuant to Section 1505(c) of the LIFE Act Amendments [EOIR No. 128P; AG Order No. 2467–2001] (RIN: 1125–AA31) received July 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3283. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Nonimmigrant Classes: Irish Peace Process Cultural and Training Program Visitors, Q Classification—received July 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3284. A letter from the Senior Transportation Analyst, Department of Transportation, transmitting the Department's final rule—Nondiscrimination on the Basis of Disability in Air Travel [OST Docket No. 1999–6159] (RIN: 2105–AC81) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3285. A letter from the Senior Transportation Analyst, Department of Transportation, transmitting the Department's final rule—Transportation for Individuals With Disabilities—Accessibility of Over-the-Road Buses (OTRBs) [Docket No. OST–1998–3648] (RIN: 2105–AC00) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3286. A letter from the Regulations Officer, FHA, Department of Transportation, transmitting the Department's final rule—National Standards for Traffic Control Devices; Manual on Uniform Traffic Control Devices for Streets and Highways; Corrections (RIN: 2125–AE87) received July 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3287. A letter from the Trial Attorney, FRA, Department of Transportation, transmitting the Department's final rule—Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices [FRA Docket No. PB–9; Notice No. 20] (RIN: 2130–AB49) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3288. A letter from the Administrator, General Services Administration, transmitting informational copies of lease prospectuses that support the Administration's Fiscal Year 2002 Capital Investment and Leasing Program, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

3289. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation entitled, ''National Aeronautics and Space Administration Science and Technology Career Enhancement Act of 2001''; to the Committee on Science.

3290. A letter from the Acting Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Military Reservist Economic Injury Disaster Loans (RIN; 3245–AE45) received July 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

3291. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Montgomery GI Bill—Active Duty (RIN: 2900–AK06) received July 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3292. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Prospective Payment System for Inpatient Rehabilitation Facilities [CMS–1069–F] (RIN: 0938–AJ35) received August 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3293. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Rates and Costs of Graduate Medical Education: Fiscal Year 2002 Rates; Provisions of the Balanced Budget Refinement Act of 1999; and Provisions of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 [CMS 1131–F, CMS 1158–F, CMS 1178–F] (RINs: 0938–AK20; 0938–AK73; and 0938–AK74) received August 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3294. A letter from the Attorney General and the United States Trade Representative, Executive Office of the President, transmitting a draft of proposed legislation to repeal the provision regarding importation or sale of articles at less than market value or wholesale price in Title VIII of the Revenue Act of 1916; to the Committee on Ways and Means.

3295. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Disclosures of Return Information to Officers and Employees of the Department of Agriculture for Certain Statistical Purposes and Related Activities [TD 8958] (RIN: 1545–AX69) received July 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3296. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Subsidiary formed to comply with foreign law [Rev. Rul. 2001–39] received July 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3297. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Basis Shifting Tax Shelter [Notice 2001–45] received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3298. A letter from the General Counsel, Department of Defense, transmitting the Department's proposed legislation that would eliminate the requirement in section 1503 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001—received July 31, 2001; jointly to the Committees on Armed Services and Resources.

3299. A letter from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities-Update; Final Rule [CMS–1163–F] (RIN: 0938–AK47) received August 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

3300. A letter from the General Counsel, Office of Government Ethics, transmitting the Office's draft bill, ''to amend the Ethics in Government Act of 1978, as amended, to streamline the financial disclosure requirements for Executive Branch employees''; jointly to the Committees on the Judiciary, Government Reform, and House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. Supplemental report on H.R. 2587. A bill to enhance energy conservation, provide for security and diversity in the energy supply for the American people, and for other purposes (Rept. 107–162 Pt. 2).

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2501. A bill to reauthorize the Appalachian Regional Development Act of 1965 (Rept. 107–180). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. House Concurrent Resolution 25. Resolution expressing the sense of the Congress regarding tuberous sclerosis; with an amendment (Rept. 107–181). Referred to the House Calendar.

Mr. TAUZIN: Committee on Energy and Commerce. House Concurrent Resolution 36. Resolution urging increased Federal funding for juvenile (Type 1) diabetes research; with amendments (Rept. 107–182). Referred to the House Calendar.

Mr. TAUZIN: Committee on Energy and Commerce. House Concurrent Resolution 61. Resolution expressing support for a National Reflex Sympathetic Dystrophy (RSD) Awareness Month (Rept. 107–183). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WAXMAN (for himself, Mr. ENGEL, Ms. SCHAKOWSKY, Mr. HORN, Mr. FOLEY, Mr. HASTINGS of Florida, and Ms. SLAUGHTER):

H.R. 2693. A bill to provide for the establishment of the Holocaust Insurance Registry by the Archivist of the United States and to require certain disclosures by insurers to the Secretary of Commerce; to the Committee on Financial Services, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HORN:

H.R. 2694. A bill to redesignate the Environmental Protection Agency as the Department of Environmental Protection, and for other purposes; to the Committee on Government Reform.

By Mr. HOUGHTON:

H.R. 2695. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchase plans; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 2696. A bill to amend title 49, United States Code, to direct the Secretary of Transportation to require automobile manufacturers to provide automatic door locks and interior-opening trunk locks on new passenger cars manufactured after 2003; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 2697. A bill to authorize grants to States to fund arrangements between local

police departments and public accommodations to have the accommodations serve as emergency domestic violence shelters; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 2698. A bill to amend title II of the Social Security Act to provide monthly benefits for certain uninsured children living without parents; to the Committee on Ways and Means.

By Mr. DELAHUNT (for himself, Mr. HOUGHTON, and Mr. LANTOS):

H.R. 2699. A bill to provide for the protection of the due process rights of United States citizens (including United States servicemembers) before foreign tribunals, including the International Criminal Court, for the prosecution of war criminals, and for other purposes; to the Committee on International Relations.

By Mr. ENGEL (for himself, Mr. RUSH, and Mr. HONDA):

H.R. 2700. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to establish an office on victims of media bias; to the Committee on Energy and Commerce.

By Ms. HARMAN (for herself, Ms. PELOSI, Mr. BALDACCI, Mr. BONIOR, Mr. BORSKI, Mr. BOUCHER, Mr. CAPUANO, Mr. DEFAZIO, Mr. FARR of California, Ms. ESHOO, Mr. FRANK, Mr. FROST, Mr. GREEN of Texas, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. LEE, Mr. MATSUI, Mr. MCGOVERN, Ms. MCKINNEY, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. PAYNE, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. SANDLIN, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 2701. A bill to amend title XIX of the Social Security Act to allow children enrolled in the State children's health insurance program to be eligible for benefits under the pediatric vaccine distribution program; to the Committee on Energy and Commerce.

By Mr. HOYER (for himself, Mr. GREENWOOD, Mrs. TAUSCHER, Mrs. JOHNSON of Connecticut, Mr. BOUCHER, Mr. KIND, Mrs. MORELLA, Mr. BALDACCI, Mr. HINCHEY, Mr. WYNN, Mr. SMITH of Washington, Ms. SANCHEZ, Ms. MCCARTHY of Missouri, Mr. MALONEY of Connecticut, Mr. KOLBE, Mr. BENTSEN, Mr. MENENDEZ, and Mr. MOORE):

H.R. 2702. A bill to prohibit certain abortions; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISAKSON:

H.R. 2703. A bill to suspend temporarily the duty on certain steam turbines and generators for power generation; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas:

H.R. 2704. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to allow States and localities to provide primary and preventive care to all individuals; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H.R. 2705. A bill to modify the requirements applicable to the admission into the United States of H–1C nonimmigrant registered nurses, and for other purposes; to the Committee on the Judiciary.

By Mr. OSE:

H.R. 2706. A bill to improve the provision of telehealth services under the Medicare Program, to provide grants for the development of telehealth networks, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE:

H.R. 2707. A bill to restrict benefits of any nature and to take other action regarding Turkey until Turkey uses its influence with the Turkish Cypriot leadership to achieve a settlement on Cyprus based on UN Security Council resolutions; to the Committee on International Relations.

By Mr. PLATTS (for himself, Mrs. MORELLA, Mr. ENGLISH, and Mr. PAYNE):

H.R. 2708. A bill to repeal the sunset on the increased assistance pursuant to the dependent care tax credit provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 and to make the credit refundable; to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself and Mr. CARDIN):

H.R. 2709. A bill to amend title XVIII of the Social Security Act to improve access to MedicareChoice plans for special needs Medicare beneficiaries by allowing plans to target enrollment to special needs beneficiaries and by eliminating the beneficiary lock-in and other administrative barriers to serving this population; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS (for himself and Mr. TOM DAVIS of Virginia):

H.R. 2710. A bill to authorize public-private partnerships to rehabilitate Federal real property, and for other purposes; to the Committee on Government Reform.

By Mr. SHOWS (for himself, Mr. FROST, Mrs. JONES of Ohio, Mr. MCGOVERN, Mr. NORWOOD, and Mr. PAUL):

H.R. 2711. A bill to amend title 38, United States Code, to provide that retired members of the Armed Forces shall be eligible for priority health care from the Department of Veterans Affairs on the same basis as former prisoners of war; to the Committee on Veterans' Affairs.

By Mr. TANCREDO (for himself, Mr. STUMP, and Mr. NORWOOD):

H.R. 2712. A bill to effect a moratorium on immigration; to the Committee on the Judiciary.

By Ms. WATERS:

H.R. 2713. A bill to amend the Immigration and Nationality Act to permit the Attorney General to create a record of lawful admission for permanent residence for certain aliens who entered the United States at least 15 years prior to the application date; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. NADLER.

H.R. 68: Mr. OXLEY, Mr. HALL of Texas, and Mr. MCKEON.

H.R. 91: Mr. ENGEL.

H.R. 97: Mr. BISHOP and Mr. PETERSON of Minnesota.

H.R. 123: Mrs. BIGGERT, Mr. COBLE, and Mr. PETERSON of Pennsylvania.

H.R. 218: Mr. FILNER and Mr. GREENWOOD.

H.R. 250: Mr. HASTINGS of Florida and Mr. DICKS.

H.R. 285: Mr. MARKEY.

H.R. 437: Mr. BRADY of Texas and Mr. MCCRERY.

H.R. 476: Mr. SOUDER.

H.R. 488: Ms. MCCOLLUM, Mr. SAXTON, Mr. MCDERMOTT, and Mr. RAMSTAD.

H.R. 595: Ms. ROS-LEHTINEN.

H.R. 600: Mr. TIERNEY.

H.R. 638: Mr. TIERNEY.

H.R. 716: Ms. MCCARTHY of Missouri.

H.R. 747: Mr. FROST.

H.R. 751: Mr. DAVIS of Illinois and Mr. DOOLITTLE.

H.R. 760: Mr. ROTHMAN.

H.R. 822: Mr. CAMP.

H.R. 854: Mr. ROGERS of Kentucky, Mr. ISAKSON, and Mr. LEWIS of Georgia.

H.R. 902: Mr. GARY G. MILLER of California.

H.R. 938: Ms. LOFGREN and Ms. JACKSON-LEE of Texas.

H.R. 975: Mr. BALLENGER.

H.R. 981: Mr. WALDEN of Oregon.

H.R. 1091: Mr. HASTINGS of Florida.

H.R. 1097: Mr. MATSUI.

H.R. 1125: Mr. ACKERMAN, Mr. NADLER, Mr. BLAGOJEVICH, Mr. SERRANO, Mr. FROST, Mr. MCDERMOTT, Mr. JEFFERSON, Mrs. THURMAN, Mrs. JONES of Ohio, and Mr. WATT of North Carolina.

H.R. 1134: Mr. BARRETT and Mr. GORDON.

H.R. 1146: Mr. TANCREDO.

H.R. 1171: Mr. GILLMOR.

H.R. 1187: Mrs. MORELLA.

H.R. 1192: Ms. HOOLEY of Oregon.

H.R. 1212: Mr. HUTCHINSON and Mr. CALLAHAN.

H.R. 1269: Mr. UDALL of Colorado, Mr. ORTIZ, Mr. LEACH, Mr. REYES, Ms. HOOLEY of Oregon, Mr. BAIRD, Mr. BONIOR, Mrs. MINK of Hawaii, and Ms. ROYBAL-ALLARD.

H.R. 1296: Mr. COBLE and Mr. LAHOOD.

H.R. 1297: Mr. KIRK.

H.R. 1341: Mr. NORWOOD, Mrs. THURMAN, Mr. SANDLIN, Mr. ENGLISH, Mr. BACHUS, Mr. PICKERING, and Mr. CHAMBLISS.

H.R. 1342: Mr. SIMMONS, Mr. KINGSTON, Mr. PENCE, Mr. BRADY of Texas, Mr. CULBERSON, and Mr. SUNUNU.

H.R. 1353: Mr. DEAL of Georgia, Mr. PUTNAM, Mr. BEREUTER, Mr. MCINTYRE, Mr. ENGLISH, and Mr. CARSON of Oklahoma.

H.R. 1354: Mr. MEEHAN, Mr. ETHERIDGE, Mr. GORDON, and Ms. ROYBAL-ALLARD.

H.R. 1368: Mr. PAUL.

H.R. 1388: Mr. LEACH.

H.R. 1401: Ms. MCKINNEY.

H.R. 1405: Mr. MCGOVERN.

H.R. 1412: Mr. LAHOOD, Mr. RADANOVICH, and Mr. DREIER.

H.R. 1438: Mr. PETRI, Mr. GARY G. MILLER of California, Mr. BOSWELL, and Mr. EHLERS.

H.R. 1490: Mr. TURNER.

H.R. 1556: Mr. SAWYER, Mr. PITTS, and Ms. CARSON of Indiana.

H.R. 1609: Mr. DIAZ-BALART, Mr. PITTS, Ms. SLAUGHTER, and Mrs. KELLY.

H.R. 1682: Mr. RUSH.

H.R. 1683: Mr. NADLER.

H.R. 1693: Mr. FILNER.

H.R. 1700: Mr. HOLDEN.

H.R. 1723: Mr. KENNEDY of Rhode Island, Mr. SHERMAN, Mr. REYES, Mr. FILNER, Mr. BEREUTER, Ms. WOOLSEY, Mr. CAPUANO, Mr. HORN, Mr. STARK, and Mr. MEEHAN.

H.R. 1745: Mr. GILLMOR and Mr. SOUDER.

H.R. 1764: Mr. BECERRA, Ms. KAPTUR, Mrs. DAVIS of California, Mr. LUTHER, and Mr. SHIMKUS.

H.R. 1773: Mr. LAHOOD.

H.R. 1784: Mr. LAHOOD, Mr. NETHERCUTT, and Mr. GREENWOOD.

H.R. 1809: Mr. NADLER.

H.R. 1838: Mr. JEFFERSON.

H.R. 1841: Mr. OBERSTAR, Mr. DELAHUNT, Mrs. CAPPS, Mr. MCDERMOTT, Mr. HORN, Mr. MENENDEZ, Mr. WATT of North Carolina, Mr.

BALDACCI, Mr. LEWIS of Kentucky, and Mr. BORSKI.

H.R. 1882: Mr. GEORGE MILLER of California and Mr. SOUDER.

H.R. 1927: Mr. MEEKS of New York and Mr. PAYNE.

H.R. 1930: Mr. BENTSEN.

H.R. 1948: Ms. ESHOO.

H.R. 1968: Ms. SCHAKOWSKY.

H.R. 1979: Mr. SHAW.

H.R. 1986: Mr. DEUTSCH and Mr. BAKER.

H.R. 1987: Mrs. KELLY, Mr. GONZALEZ, Mr. DOOLITTLE, and Ms. CARSON of Indiana.

H.R. 1990: Mr. PASCRELL.

H.R. 2001: Mr. SHADEGG.

H.R. 2023: Mr. OXLEY, Mr. BLUNT, Mr. ROYCE, Mr. TOOMEY, Mr. SWEENEY, Mr. PAUL, and Mr. WELLER.

H.R. 2058: Mrs. MORELLA and Mr. PASCRELL.

H.R. 2074: Mr. TIERNEY and Mr. KUCINICH.

H.R. 2107: Mr. NETHERCUTT, Mr. LAMPSON, and Mr. GUTKNECHT.

H.R. 2123: Ms. HART.

H.R. 2125: Mr. WEXLER and Mr. CAPUANO.

H.R. 2149: Mr. CULBERSON.

H.R. 2152: Mr. HASTINGS of Florida and Ms. HOOLEY of Oregon.

H.R. 2165: Mr. LUCAS of Kentucky.

H.R. 2173: Mrs. NAPOLITANO and Mr. GORDON.

H.R. 2180: Mr. AKIN.

H.R. 2220: Ms. RIVERS.

H.R. 2308: Mr. LAHOOD.

H.R. 2316: Ms. PRYCE of Ohio, Mr. SWEENEY, Ms. GRANGER, and Mr. ENGLISH.

H.R. 2357: Mrs. MYRICK, Mr. SCARBOROUGH, Mr. BACHUS, Mr. ADERHOLT, Mr. SOUDER, Mr. SHOWS, Mr. NORWOOD, Mr. SMITH of New Jersey, Mr. SCHROCK, and Mr. PITTS.

H.R. 2368: Mr. BURTON of Indiana, Mr. SOUDER, and Ms. MCKINNEY.

H.R. 2410: Mr. SOUDER.

H.R. 2466: Mr. CANTOR.

H.R. 2498: Mr. RUSH.

H.R. 2560: Mr. LAHOOD.

H.R. 2563: Mr. BACA, Mr. PRICE of North Carolina, Mr. ALLEN, Ms. BALDWIN, Ms. RIVERS, and Ms. LEE.

H.R. 2592: Mr. SCHAKOWSKY.

H.R. 2613: Mr. MCDERMOTT, Mrs. NAPOLITANO, Mr. EVANS, Mr. MCHUGH, Mr. JONES of North Carolina, Mr. RODRIGUEZ, and Mr. GOODE.

H.R. 2670: Mr. WEINER and Mr. PASCRELL.

H.R. 2671: Mr. SANDERS, Mr. WEINER, Mr. FOLEY, and Mr. MCGOVERN.

H.R. 2675: Mr. GOODLATTE and Mr. PASCRELL.

H.R. 2692: Ms. BROWN of Florida.

H.J. Res. 6: Mr. CROWLEY.

H. Con. Res. 17: Mr. LARSON of Connecticut, Ms. NORTON, and Mr. JACKSON of Illinois.

H. Con. Res. 36: Ms. VELAZQUEZ.

H. Con. Res. 102: Mr. LAFALCE, Mr. LATHAM, Mrs. KELLY, Mr. SANDERS, Mr. GANSKE, and Ms. KAPTUR.

H. Con. Res. 131: Mr. HILLIARD and Mr. WOLF.

H. Con. Res. 180: Ms. SCHAKOWSKY, Mr. PASCRELL, Ms. MCCARTHY of Missouri, Ms. KILPATRICK, and Ms. LOWEY.

H. Con. Res. 188: Mr. LEACH, Ms. RIVERS, and Mr. SCHIFF.

H. Con. Res. 203: Mr. GUTIERREZ, Mr. HOEFFEL, Mr. HOEKSTRA, Mr. WELDON of Pennsylvania, Mr. FALEOMAVAEGA, Mr. MCNULTY, Mr. CAPUANO, Mr. BARTLETT of Maryland, Mr. LEVIN, Mr. DAVIS of Illinois, Mr. HINCHEY, Mr. KUCINICH, Mr. TIBERI, Mr. BEREUTER, Mr. HOLT, Mr. PAYNE, Mr. KNOLLENBERG, Mr. CHABOT, Mr. HAYWORTH, Mr. PITTS, Mr. CULBERSON, Mr. UDALL of Colorado, Mr. SESSIONS, Mr. HULSHOF, Mr. HORN, and Mr. KILDEE.

H. Con. Res. 206: Mr. BEREUTER.

H. Res. 185: Mr. SHERMAN.

H. Res. 200: Mr. SMITH of New Jersey, Mr. SKELTON, Mr. HOYER, Mr. HILLIARD, Mr. ROHRABACHER, Mr. BALLENGER, Mr. CHABOT, Ms. ROS-LEHTINEN, Mr. DELAHUNT, and Mr. PAYNE.

H. Res. 202: Mr. CLEMENT and Mr. WATT of North Carolina.

PETITIONS, ETC.

Under clause 3 of rule XII,

32. The SPEAKER presented a petition of a Citizen of Laredo, Texas, relative to a Petition for Review of the Decision for Segregation of Rights Upon a Woman by the Supreme Court of the United States—In Case No. 99–2014 of October 2, 2000—First Impression Case; which was referred to the Committee on the Judiciary.

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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

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Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

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

Gracious Father, great is Your faithfulness. All that we have and are is Your gift to us. Gratitude is the memory of the heart. We remember Your goodness to us in the friends and fellow workers who enrich our lives.

Today we want to thank You for those who make it possible for this Senate to do its work so effectively. We praise You for the parliamentarians and clerks, the staff in the cloakrooms, the reporters of debate, the doorkeepers, Capitol Police, elevator operators, food service personnel, and those in environmental services. And Lord, the Senators would be the first to express gratitude for their own staffs who make it possible for them to accomplish their work.

As a Senate family we join in deep appreciation and affirmation of Elizabeth Letchworth as at the end of August she retires as Secretary for the Minority. We praise You for this distinguished leader, outstanding professional, loyal friend to so many, and faithful employee of the Senate for 26 years. From her years as a Senate page to the position of an officer of the Senate, and in all the significant positions she has held in between, she has displayed a consistent dedication to You and patriotism in her service to our Nation through her work in the Senate. Bless her and her husband, Ron, as they begin a new phase in the unfolding adventure of their lives. Lord, thank You for the privilege of work and good friends with whom we share the joy of working together. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EMERGENCY AGRICULTURAL ASSISTANCE ACT OF 2001

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now resume consideration of S. 1246, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1246) to respond to the continuing economic crisis adversely affecting American agricultural producers.

Pending:

Lugar amendment No. 1212, in the nature of a substitute.

Voinovich amendment No. 1209, to protect the Social Security surpluses by preventing on-budget deficits.

The PRESIDENT pro tempore. The majority whip, the Senator from Nevada, is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will resume consideration of the Agriculture supplemental authorization bill. But at 11 o'clock this morning we will vote on cloture on the Transportation Appropriations Act, which has been pending for some time. The Senate will remain on the Transportation act until it is completed. Senator DASCHLE has also said that this week we are going to complete the Agriculture supplemental authorization, the VA–HUD appropriations, and the Export Administration Act.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 102 (S. 1246) a bill to respond to the continuing economic crisis adversely affecting American farmers:

Tom Harkin, Harry Reid, Jon Corzine, Max Baucus, Patty Murray, Jeff Bingaman, Tim Johnson, Edward M. Kennedy, John D. Rockefeller, Daniel K. Akaka, Paul D. Wellstone, Mark Dayton, Maria Cantwell, Benjamin E. Nelson, Blanche L. Lincoln, Richard J. Durbin, Herb Kohl.

The PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Mr. President, it is with regret that we are filing this cloture motion this morning. Obviously, it won't ripen until Friday. I don't know that there is any debate about the importance of getting this legislation finished. This is an emergency. This is a commitment that we must make prior to the time we leave, in large measure because the Congressional Budget Office has indicated they will not score it as money that can be utilized. We would not be able to commit the money prior to the time we leave.

We all know the stakes. But when Senators come to the floor and offer amendments on Medicare lockboxes on an emergency issue such as this, it is a clear indication that we are not really very serious about finishing this legislation on time.

I reluctantly will also ask for a vote to reconsider the Transportation appropriations bill at 11 o'clock this morning. That will at least temporarily take us off of Agriculture and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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move us back onto the highway legislation, the Transportation appropriations bill, because that, too, is a critical piece of legislation that has to be addressed before we leave. We have made that very clear.

I tell all of my colleagues that there will be no respite tonight, if Senators choose to use the full 30 hours, which is their right, prior to the time we go to final passage. We will be in all night long. There is no other recourse.

I want to put my colleagues on notice that will happen. I regret the inconvenience, but that is what we will have to do in order for us to finish this bill.

It is my expectation that if that also happens while we continue to negotiate to find some solution to this Agriculture bill—and let me applaud him while he is on the floor. The chairman has done an outstanding job of getting us to this point. And I, as always, have great admiration for our ranking Member of this committee as well. We couldn't have two better legislative partners than the two of them.

I am hopeful that over the period of time we are now debating the Transportation appropriations bill, and maybe even the VA–HUD bill, we can come to some resolution on this question. But clearly, no one should misinterpret what we are going to be doing this morning. We will continue to be on this bill for whatever length of time it takes to complete it and to do it right. I regret that it may be Friday, Saturday, or Sunday. But if that is the case, that is exactly what we are going to have to do.

I want to make sure that Members understand this delay is unfortunate. We are not apparently serious enough if we are going to be making up lockbox amendments. We have to use this time as productively as possible.

It seems to me that the best way to do that is to now take up the highway bill, finish it, and perhaps move to HUD–VA, and return—as we will—to the Agriculture emergency supplemental bill as soon as it is appropriate to do so.

I wanted to share that with my colleagues to make sure Members know what the exact schedule is likely to be for the remainder of the day. They should expect a very late night tonight if the 30 hours that is required prior to the time we go to final passage would be consumed prior to the time we have the ability to vote.

I expect a vote at 11 o'clock on the cloture motion on the Transportation appropriations bill.

I yield the floor.

The PRESIDENT pro tempore. What is the will of the Senate?

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, at 11 o'clock today there is, in my estimation, a very important vote. It is a vote that will allow the Senate to move on and complete another appropriations bill. This will make four bills we have completed during this year.

Last year at this time we had completed eight appropriations bills, and it was done, as the Presiding Officer will recall, by the minority diving in and helping the majority pass those bills. A lot of them—as all appropriations bills are—were very contentious and had a lot of amendments tied to them.

In the minority, I was given the assignment directly by our leader and the ranking member, the now-chairman, of the Appropriations Committee to do what I could to work through these amendments. And we did a good job. We helped the then-majority, I repeat, pass eight appropriations bills.

We are struggling to get through four. And we are going to do five before the break. I certainly hope we can do that. We can do it. The leader said we are going to do it.

This vote at 11 o'clock will terminate a very prolonged debate on something I believe we should have gotten out of here and taken, as is done in all legislative processes, to conference, where it would be worked out.

The issue of contention is one that deals with NAFTA, the North American Free Trade Agreement, and how trucks coming from Mexico are treated in the United States.

The House of Representatives, in their appropriations bill dealing with transportation, in effect, said there will be no Mexican trucks coming into the United States. However, in the Senate, Senator SHELBY and Senator MURRAY crafted what appeared to me to be a very reasonable process to determine what processes would be allowed for Mexican trucks to come into the United States.

We have a couple Senators who have been leading this effort who have said it is not good enough. Well, maybe it isn't, but it was something on which the two managers of this bill spent weeks of time. I say if people do not like it—and we understand the President of the United States does not like it—take the matter to conference, where the views of the White House are always listened to, and I will bet there would be a compromise worked out.

That is my belief. The way it is now, we are not completing the work that has to be done.

In the State of Nevada, we badly need a Transportation appropriations bill. I don't know what the rest of the 49 States want, but if we don't have a Transportation appropriations bill, it will do, in many instances, irreparable damage to the people of the State of Nevada. Las Vegas, the most rapidly growing city in America; Nevada, the most rapidly growing State, we need help.

Last year we needed to build one new school every month to keep up with the growth in Las Vegas. That has changed. Now we need to build 14 schools a year in Clark County to keep up with the growth of the area. We need roads. We need bridges. We need other programs this Transportation bill will take care of, including some programs that deal with mass transit.

I certainly hope the vote on cloture will allow us to move on and complete the legislation. The President has made his point clear. My friends, Senator GRAMM of Texas and Senator MCCAIN, have made their point very clear. They have done a good job of explaining what they believe. They believe this legislation is a violation of NAFTA. I personally disagree, having studied it, but they might be right. But take it to conference; deal with the House. Their provision, under any view, especially under the view of Senators MCCAIN and GRAMM, is much more in violation of NAFTA than our reasonable approach.

I can think of many places in the State of Nevada that need this highway bill. For example, there is money in this bill for a new bridge over the Colorado River to take pressure off Boulder/Hoover Dam. The only way to get across the Colorado River in that area is a road that goes over the dam. That traffic backs up for 5, 6, 7, 10 miles sometimes. People wait for hours to get across. Not only is it bad for commerce; it is dangerous. Think what a terrorist could do at Hoover Dam. It supplies the power to southern California and parts of Nevada. Through that system comes the water for southern California and for parts of Nevada.

Many years ago, we authorized a new bridge over the river. We are now funding it. Part of that money is in this bill. It is extremely important for Arizona and Nevada. Not far from where that new bridge will be is the place I was born, Searchlight, NV. That is the busiest two-lane highway in the State. I hate to have my children, when I am in Searchlight, come to visit me because of the road. I am afraid because of the danger of the road. I worry when I know they are coming until I see them come into my little house. I worry about them. That road is the busiest two-lane highway in the State of Nevada. It is dangerous. People are passing. They don't know how to drive on the two-lane highways, especially when there is so much traffic.

There is money in this bill to provide for doubling the lanes of traffic halfway, and then the next year hopefully we can do the rest of it. It means not only making roads safer but allowing commerce to proceed more rapidly.

Regarding I–15, the road between southern California and southern Nevada will be benefited if we pass this highway transportation bill. There are things in this bill that are very important to the State of Nevada. If we had all 100 Senators speaking, the same

would apply. I hope we can invoke cloture on this at 11 o'clock. It is extremely important for the country. I hope it can be done. Then we can get off of it quickly, and we will not have to spend the whole night here if we do. Many of us have already signed up for the night.

Mr. President, I will yield the floor, but I ask that because of a tragedy that occurred in Senator DAYTON's State in the last 24 hours, he be allowed to speak as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Minnesota, Mr. DAYTON, is recognized.

(The remarks of Mr. DAYTON are located in today's RECORD under ''Morning Business.'')

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I come to the Chamber this morning to express my frustration to my colleagues about where we are as a Senate in trying to resolve some very important issues for the American people: A Transportation appropriations bill on which I understand we will have a cloture vote at 11, and if cloture is successful, then we will be on that bill, I would guess, through its duration. That, therefore, replaces the current activity on the floor of dealing with the Supplemental Ag Emergency Act of 2001 that many of us believe is very important.

What is most important about this particular legislation is the timeliness of needing to deal with it before the August recess.

I also understand that the majority leader filed cloture on the Ag supplemental. That could ripen on Friday. If it does, and we are not on that debate until Friday, then we will work through the weekend.

There is a complication in dealing with the Ag supplemental emergency legislation prior to the weekend. If we differ from the House-passed version—and it is very possible that we will—those differences will have to be worked out. We know that is called a conference. A conference committee will be convened, appointed by the leaders of both Houses, to work out our differences. And from that committee will come a report on which this body must act.

The House plans to go out on late Thursday or early Friday for their August recess and may well not be here to act on a bill they acted on some time ago. In fact, they acted on it a number of weeks ago, recognizing the very critical nature of this emergency funding, and believed they would have it done in a timely fashion.

The bill passed by the House 6 weeks ago, and here we are now in the late hour prior to the traditional August recess trying to resolve our differences on this issue. And those time lines create a very real problem.

I have a letter from the Congressional Budget Office that I requested yesterday from Dan Crippen. I asked a very simple question: If we fail to act, what happens to the $5.5 billion that is in the budget for this emergency spending purpose? Basically, he said that it goes away. In other words, the scoring necessary to fall within the budget resolution would not be gained because the amount of money—the $5.5 billion—could not be expended before the September 30 deadline. Therefore, it would fall into next year. And what would happen to the money? Well, it would go to pay down debt. That is not all bad, but I think those of us who are concerned about the plight of production agriculture in this country—and farmers have really had it very tough—recognize that the chairman of the authorizing committee, who is in the Chamber, and the ranking member, have tried to resolve this issue and bring some relief.

There is a difference, though, in the House version of that relief and the Senate version of that relief. That difference may not get worked out. Yesterday, the Senator from Indiana, Mr. LUGAR, our ranking member on the authorizing committee, offered the House version; it was narrowly defeated. If we had passed it, it would be on its way to the President's desk possibly today or tomorrow. It could well be signed into law before we even leave for the August recess. If that were true, there is no question that the Department of Agriculture would have time to cut the checks, and the money would be expended before the September 30 end of fiscal year timing that would cause this money to disappear, to go away, or in other words, be applied to the debt.

I must tell you, Mr. President, that I don't agree totally with the House version. There are provisions in the Senate bill that I would like to see us work our differences out on with the House. But that may not be possible at this moment. If we strive for the perfect, we may end up not serving the need of American farmers and ranchers in a way that I think this Senate intends to and wants to, and we should.

So it is a question of timing. It is a question of how we deal with this issue on the floor and the give and take that is going to be necessary over the last days before the August recess to resolve this, to comply with the wishes of the majority leader to get Transportation done, get the Agriculture supplemental done and, I believe, VA–HUD. I and others have insisted that we try to respond in an appropriate way to the President and the nominees he has sent to the Senate to be confirmed so that he can run the Government—at least the executive branch of Government, which he is charged with doing and which the American people elected him to do.

There are 25 or 30 nominees who should have been confirmed weeks ago, who could be in place now making decisions at agency levels and district or regional levels of agencies, and they are not in place today. The human side of that little story and that equation is that many of these nominees have young families and they need to have them in place before the end of August because kids are going back to school. And these are not wealthy people. They need to sell their home where they live to buy a home here in the Washington, DC, area. They can't do that largely because the Senate has not responded in a timely and appropriate fashion in some instances.

That is too bad. I hope we can—at least for those who have had hearings and have been dealt with in the appropriate fashion before the authorizing committees and the committees of jurisdiction—we ought to get them confirmed before we adjourn for the August recess. There are others I wish we had hearings on.

Obviously, there is foot dragging—I believe that—on the part of some chairmen who have philosophical differences. I guess my point is that there is a lot of work to get done, and that work is going to depend on our willingness to come together on some of these issues as to cloture now. And to move to Transportation when we have not resolved the Mexican trucking issue is really amazing to me. We have a very simple compromise to be worked out on that. If we haven't worked that out, my guess is that we run the limit of the Transportation timing of cloture, and then we go to Agriculture and, my goodness, that puts us into next week. That is not going to make for a lot of happy campers in the Senate. But then again, let us stay and let us do our work appropriately. That is necessary and appropriate. That is the choice of the majority leader to bring us to that point. I guess that is the burden of leadership.

At the same time, there is one most time-sensitive issue of all that we are talking about, and that is this Emergency Agriculture Assistance Act of 2001. Oh, we can muscle up and say: House, stay in place, do your work before you leave town. The only problem is, they did their work 6 weeks ago and we are now just doing our work. So it is not really, shall I say, kosher to suggest that they ought to stay in town beyond their time for adjournment. Maybe we ought to say: Get it done Senate, and get it done now.

Let's agree on something that we can come together quickly on and not deprive the American food producers of a little bit of relief from some very difficult price squeezes and now some difficult input costs of energy and other requirements. Those are the issues before us.

The Congressional Budget Office, in the letter I have, makes it very clear:

Get it done, get it signed, and the Department of Agriculture cuts the checks before September 30, or this money, in fact, goes away and we have lost the opportunity to expend $5.5 billion for the American agricultural producers.

Of course, Mr. President, as you know, as chairman of the Appropriations Committee, dollars are short and needs are great. As we move now into September and October, with new fiscal reports out about a recession and a waning total surplus, our flexibility gets limited.

So I urge Senators to come to like mind and deal with that which we can deal with now before we move on to other issues because at 11 o'clock, I assume cloture will be gained and our window of opportunity to work and help the American farmer begins to close. We should not allow that to happen.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Iowa, Mr. HARKIN, is recognized.

Mr. HARKIN. Mr. President, I have listened very carefully to the comments of my friend and colleague from Idaho. I say to my friend from Idaho that right now we could be in conference with the House—the Agriculture Committee—right now, this morning, but for the fact that on his side of the aisle we are being held up. We reported this bill out of committee. We debated it in committee. We had our votes in committee. On a 12–9 vote this bill was reported out.

In good faith, the ranking member, my good friend from Indiana, offered an amendment yesterday to go to the House bill. It was fully debated. I thought it was a good debate. And we voted, as we are supposed to do. That didn't succeed. Then, I think the proper thing is to go ahead and vote up or down on the bill we reported from the Agriculture Committee, I say to my friend from Idaho, and let us go to conference and work out the difference.

Yesterday morning, the chairman of the House Agriculture Committee was present on the floor along with the ranking member. I indicated to both of them if we could finish the bill today—meaning yesterday—we could meet today. There are not that many differences in the House and Senate bill. The difference really is in money. There are not big policy differences that, when you go to conference, require a lot of time to work out. Money differences can be worked out. I still believe if we can get to conference with the House, we can probably be through with the conference in a few hours. But we can't go because we can't get to a final vote on this bill.

Let us look at the record. Last Friday, I say to my friend from Idaho, we had to file a cloture petition on the motion to proceed to get to the Agriculture bill. That chewed up a couple of days right there. When we finally had the vote, I think it was 95–2 to go to the bill.

When we finally got on the bill—and I thought we had a good day yesterday. We had our debate yesterday on the major substance of whether we would go with the committee bill or a substitute. That vote was taken. It was a close vote, but it was a vote nonetheless. One side won and one side did not. It seemed to me, at that point we were ready to go.

We have no amendments on this side of the aisle. Yet last night, I believe it was the Senator from Ohio on that side of the aisle who offered a lockbox amendment on this emergency Agriculture bill. That did not come from this side. That is going to delay it even more.

I say to my friend from Idaho, but for the delay on your side of the aisle, we would be sitting in conference at 10:40 a.m. on August 1, maybe even with a view to wrapping it up by noon. But they will not let us go to conference.

I thought we were operating in good faith yesterday. There was an amendment offered again on a dairy compact. I thought maybe we would have to vote on that, too. Okay, fine. Then that was withdrawn. I thought, hope springs eternal; that maybe that would be the end of it and we could go to third reading.

No, there was more delay. Now we have a lockbox amendment that has absolutely nothing to do with this bill. That is going to delay it even further. I understand now, I say to my friend from Idaho, we are in the position of maybe filing a cloture petition on the bill itself just so we can get to a vote on it.

We may have some difference of opinion on how much we ought to be putting into the emergency package for Agriculture, but we had that debate in the Agriculture Committee. We had those votes both in committee and in the Chamber.

Again, we had to file cloture on the motion to proceed, and now maybe we will have to file cloture on the emergency bill. I do not think this is the way to handle an essential bill like this.

The PRESIDENT pro tempore. The time of the majority has expired.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I will be brief. I appreciate the frustration just expressed by the chairman of the authorizing committee who is managing this supplemental. He has every right to be frustrated. This is an important issue, and I have expressed that.

I must say when we got to dairy compacts yesterday, we all know that was a bipartisan issue. It was not driven by one political side or the other. Both sides wanted to debate that issue, and there was a period of time when it was talked about and then it was withdrawn, as the chairman said. It was withdrawn with the anticipation it would be reoffered today, or it would have been debated yesterday and probably debated long into the evening, and we might still well be debating that issue today.

There is an outstanding issue that is yet to be resolved on both sides, even if we can agree to go to final passage, and that would be the dairy compact issue. That is, without question, a bipartisan issue. As a filler, yes, one of our colleagues came and offered a lockbox amendment.

I agree that could fit anywhere. It does not necessarily find itself appropriately on an Ag supplemental appropriations bill or an emergency spending bill, but it can fit there. What is important is there is one large issue left unresolved, and that is the dairy compact extension, as I understand it, and that one writes itself very clearly as a bipartisan issue. If it has been resolved, I am unaware of it. I follow that issue closely because it is an important issue to me and my State.

I do not believe we are ready to go to final passage on Agriculture unless those who are intent on offering amendments to deal with dairy compacts, either the Northeast or the opportunity to extend that authority to other areas of the Nation, have resolved their differences and plan not to offer the amendment. If that is the case, then I suggest that is resolved. I understand there are no dilatory tactics holding this bill from a third reading and final passage.

I yield the floor.

Mrs. CARNAHAN. Mr. President, I am pleased to have the opportunity to express my support for the Emergency Agricultural Assistance Act of 2001. I commend Senator HARKIN for his leadership on this, his first piece of legislation as the chairman of the Senate Agriculture Committee.

The bill provides much needed relief for our farmers and farm communities. The market loss assistance payments will provide an immediate boost to the sagging farm industry in Missouri.

I am especially grateful to Senators HARKIN and LEAHY for their assistance in providing $25 million in relief to farmers whose crops have been damaged by an invasion of armyworms. Armyworms marching through Missouri have left a trail of crop destruction and economic loss in their wake. The armyworm is a caterpillar only about one and a half inches long, but they march in large groups, moving on only after completely stripping an area. Last winter's unusually warm weather and this summer's drought have conspired to make life easy for the armyworm and hard for the farmer.

Thousands of farmers across southern Missouri have been devastated. One official at the Missouri Department of Agriculture said that this year's invasion is the worst he has seen in his 38 years at the Department. Damage reports are still being compiled, and it may be a while before we know the full extent of the damage. We do know that in Douglas County 3,281 farms lost more than 50-percent of their hay and forage crop. In Wright County it is 2,430 farms.

The armyworms work extremely fast. Jim Smith, a cattle farmer in Washington County, completely lost 30 acres of hay field and most of the hay on another 30 acres. He said that he did not even know he had armyworms until 20 acres had been mowed down ''slick as concrete'' by the insects. In his 73 years on the farm, Mr. Smith says this is the worst he has ever seen.

Dusty Shaw, a farmer in Oregon County, normally harvests 80–100,000 pounds of fescue grass seed which is used all over the Nation for lawns and turf building. This year, however, all 1,000 acres of his seed fields were eaten by armyworms. Even at a conservative estimate of 20 cents a pound, this represents a loss of $16,000 for Mr. Shaw.

This invasion has had severe economic consequences for my State. Missouri is second in the nation in cattle farming. With nothing to feed their cattle, farmers are forced to sell yearlings early and liquidate parts of their herd. The U.S. Department of Agriculture estimates that Howell County lost over $5 million and Oregon County has already lost over $3 million. With little or no hay crop this summer, farmers will have no hay reserves this winter. The effects of this infestation will be felt long into the next year.

It isn't just the farmers that are suffering economic loss. When the farmers hurt financially so do the feed merchants, farm supply dealers and gas stations. Dusty Shaw told me he is only buying what he has to. The fences will have to hold for another year, the barn will have to hold out the snow for another winter, and the fields will have to do with less fertilizer than last season.

The funds provided in this bill will help these farmers feed their cattle, and keep their farms. So I support this bill, I look forward to its speedy passage in the Senate, and hope it is soon signed into law.

The PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. Mr. President, I will comment briefly on the colloquy we are having on the responsibilities with regard to the Agriculture bill. I respect very much my colleague from Iowa, the distinguished chairman of the committee, pursuing this vigorously, as I am.

Without being repetitious, let me point out even if the bill were in conference as of 10:45 this morning, it is unlikely we would have success.

The predicament I have pointed out and others have pointed out is an important one; namely, our conference has to find a result in a bill that will be signed by the President of the United States.

The President of the United States visited with Senators on the Hill yesterday. It is not conjecture. The President indicated we ought to take seriously our budget responsibilities. The President said this directly to us.

In addition, both the distinguished chairman of the committee and I have received from the President's advisers this message, and let me quote some relevant paragraphs: The administration strongly opposes S. 1246, the bill that came out of the Agriculture Committee, because spending authorized by the bill would exceed $5.5 billion, the amount provided in the budget resolution and the amount adopted by the House.

If S. 1246 is presented to the President at a level higher than $5.5 billion, the President's senior advisers will recommend he veto the bill.

When the President of the United States then comes to the Hill, as he did yesterday, and asks Senators whom he addressed to do their duty, this is not conjecture. I have tried to say in every way I can it seems to me we ought to take the President seriously.

I offered the House language yesterday, not because I was author of the language or find all of that language to be perfection, but it is a bill that has passed the House. It is a bill that, if adopted by the Senate, would make a conference unnecessary. It is a bill the President would sign immediately, which would guarantee that money goes to farmers.

I am prepared to accept the fact we have debated this thoroughly, and the Senate, by a vote of 52–48, chose to go another way; namely, to try out for size the $7.5 billion.

Apparently, Senators who had an interest in the bill felt it was worth the gamble. I hope the farmers who are watching this debate understand that.

I do not see many farmers on this floor. I do not see very many people even intimately involved in agriculture, with the exception of my dear friend from Iowa, Mr. GRASSLEY, who, I know, has a son managing a farm and working the soil out in Iowa, and my modest efforts in Indiana. I still do take responsibility for that farm, do the market plan, try to understand crop insurance, try to understand the bills we do. I am not certain there are too many people here who are going to be affected by this bill.

We have a lot of advocates for farmers, a lot of people pleading the farmers' case, a lot of people saying, ''I feel your pain,'' and this goes on hour by hour. In terms of direct assistance that makes any difference to farmers, not a whole lot is happening.

I sincerely respect the right of any Senator to plead the case for any number of farmers he wants to plead for, but I hope ultimately common sense will dictate this is an emergency. We have heard that if we do not act the money goes away. If, in fact, we are not going to be able to act and have a bill the President signs, no money will go to any farmers from all of this effort. That is the unfortunate truth of the debate.

I do not know how we arrive at a solution. Presumably, if we had a conference, to take one hypothetical, and the distinguished Senator from Iowa sat down with Mr. COMBEST and Mr. STENHOLM or others around the table, our distinguished House Members have already told us: Take the House bill. They came here yesterday. They were in the aisle right here about a quarter after 12. They said: Please, we are planning to leave Thursday, tomorrow. The distinguished Senator from Iowa said we can all work it out; there is not much difference—just money—involved in this bill.

There is all the difference from $7.5 billion and $5.5 billion. Maybe our conference would come to $5.5 billion. We could confer and accept the House bill because that is the one the President will sign, or we could speculate and say the President really did not mean it. After all, Presidents bluff, advisers send over these letters; OMB really did not mean it; this was all meant to color the flavor of the debate; let's try them on; let's settle for, say, $6.5 billion; let's split the difference as honest people might do. Try that one on for size.

We will try to get it back through the House and the Senate. We hope the House is still there at that point to pass the bill. Let's say the corporal's guard remains and they wave it on.

Then the President says, unfortunately: You did not hear me, but you had better hear me because this is likely to happen again and again with appropriations bills. This is a pretty small bill in comparison to things I am going to have to face down the trail, but I am prepared to do my duty; I hope you are prepared to do yours. And at last he vetoes the bill. We are gone at that point, and the American farmers have no money.

I do not mean to be repetitive, but this is a fairly straightforward situation without great complexity. It is a test of wills. The Senate may decide the President really did not mean it or the President should not mean it or, on reflection, he will not mean it. Maybe that is right, but that is not the President I saw eyeball to eyeball yesterday at noon.

We are looking at a very straightforward situation that I hope will be resolved. The resolution of it is to accept the House language and to get on with it. Any other course of action now is to have a rather protracted situation ending with a veto, and that would be a misfortune for the Senate and for American agriculture.

I yield the floor.

The PRESIDING OFFICER (Mr. INOUYE). Who yields time?

Mr. LUGAR. I yield to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Reserving the right to object, how long does the Senator intend to speak?

Mr. COCHRAN. My request was to speak for up to 5 minutes.

Mrs. MURRAY. Mr. President, I ask unanimous consent that following the statement of the Senator from Mississippi, I be given 2 minutes to speak before the vote on the cloture motion.

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

(The remarks of Mr. COCHRAN are printed in today's RECORD under ''Morning Business'').

TRANSPORTATION APPROPRIATIONS

Mrs. MURRAY. Mr. President, in every part of our country, Americans are frustrated by the transportation problems we face every day.

We sit in traffic on overcrowded roads.

We wait through delays in congested airports.

We have rural areas trapped in the past—without the roads and infrastructure they need to survive.

We have many Americans who rely on a Coast Guard that doesn't have the resources to fully protect us.

We have many families who live near oil and gas pipelines and who want us to ensure their safety.

Our transportation problems frustrate us as individuals, and they frustrate our Nation's economy—slowing down our productivity and putting the brakes on our progress. It is time to help Americans on our highways, railways, airways, and waterways, and we can, by passing the Transportation appropriations bill.

For months, Senator SHELBY and I have worked in a bipartisan way—with almost every Member of the Senate—to meet the transportation needs in all 50 States.

You told us your priorities—and we found a way to accommodate them. We have come up with a balanced, bipartisan bill that will make our highways safer, our roads less crowded, and our country more productive. And now is our chance to put this progress to work for the people we represent.

Our bill has broad support from both parties. It passed the subcommittee and the full committee unanimously. Now it is before the full Senate—ready for a vote—ready to go to work to help Americans who are fed up with traffic congestion and airport delays.

Today, I hope the Senate will again vote to invoke cloture so we can begin working on the many solutions across the country that will improve our lives, our travel, and our productivity.

This vote is about two things: fixing the transportation problems we face; and ensuring the safety of our transportation infrastructure.

If you vote for cloture, you are voting to give your communities the resources they need to escape from crippling traffic and overcrowded roads.

If you vote for cloture, you are saying that our highways must be safe—that trucks coming from Mexico must meet our safety standards—if they are going to share our roads.

But if you vote against cloture, you are telling the people in your State that they will have to keep waiting in traffic and keep wasting time in congestion.

And if you vote against cloture, you are voting against the safety standards in this bill. A ''no'' vote would open our borders to trucks that we know are unsafe—without the inspections and safety standards we deserve. This is not about partisanship or protectionism. It is about productivity and public safety.

I want to highlight how this bill will improve highway travel, airline safety, pipeline safety, and Coast Guard protection. First and foremost, this bill will address the chronic traffic problems facing our communities.

In fact, under this bill, every State will receive more highway construction funding than they would under either the President's request or the levels assumed in TEA–21. Our bill improves America's highways. Let's vote for cloture so we can begin sending that help to your State.

Second, this bill will improve air transportation. It will make air travel more safe by providing funding to hire 221 more FAA inspectors. Let's vote for cloture so we can begin putting those new inspectors on the job for our safety.

Third, our bill boosts funding for the Office of Pipeline Safety by more than $11 million above current levels. Let's vote for cloture so we can begin making America's pipelines safer before another tragedy claims more innocent lives.

Fourth, this bill will give the Coast Guard the funding it needs to protect us and our environment. Let's vote for cloture so we can begin making our waterways safer.

These examples show how this bill will help address the transportation problems we face. This vote is also about making sure our highways are safe—so I would like to turn to the issue of Mexican trucks. And I want to clear up a few things.

Some Members have suggested that Senator SHELBY and I have refused to negotiate on this bill. That is just not the case. As I have said several times here on the floor, we are here, we are ready, and we are listening. And we have also had extensive meetings bringing both sides together.

Last week, our staffs met several nights until well after midnight. One day our staffs met from 2 o'clock in the afternoon until 3 a.m. in the morning. We have worked with all sides to move this bill forward. But I want to point something else out to those who say we must compromise, compromise, compromise.

The Murray-Shelby bill itself is a compromise. It is a balanced, moderate compromise between the extreme positions taken by the administration and the House of Representatives. On one hand, we have the administration—which took a hands-off approach to let all Mexican trucks across our border—and then inspect them later—up to a year and half later.

Even though we know these trucks are much less safe than American or Canadian trucks, the administration thinks it is fine for us to share the road with them wihtout any assurance of their safety. At the other extreme, was the ''strict protectionist'' position of the House of Representatives. It said that no Mexican trucks can cross the border, and that not one penny could be spent to inspect them.

Those are two extreme positions. The administration said; Let all the trucks in without ensuring their safety. The House of Representatives said; Don't let any trucks in because they are not safe.

Senator SHELBY and I worked hard, and we found a balanced, bipartisan, commonsense compromise. We listened to the safety experts, to the Department of Transportation's inspector general, to the GAO and to the industry. And we came up with a compromise that will allow Mexican trucks onto our highways and will ensure that those trucks and their drivers are safe.

With this balanced bill, free trade and highway safety can move forward side-by-side. This bill doesn't punish Mexico—and that is not our intention. Mexico is an important neighbor, ally, and friend. Mexican drivers are working hard to put food on their family's tables. We want them to be safe—both for their families and for ours.

NAFTA was passed to strengthen our partnerships, and to raise the standards of living of all three countries. We are continuing to move toward that goal, and the bipartisan Murray-Shelby compromise will help us get there. Because right now, Mexican trucks are not as safe as they should be.

According to the Department of Transportation inspector general, Mexican trucks are significantly less safe than American trucks. Last year, nearly two in five Mexican trucks failed their safety inspections. That compares with one in four American trucks and only one in seven Canadian trucks. Even today, Mexican trucks have been routinely violating the current restrictions that limit their travel to the 20-mile commercial zone.

We have a responsibility to insure the safety of America's highways. The Murray-Shelby compromise allows us to promote safety without violating NAFTA. During this debate we have heard some Senators and White House aides say that they think ensuring the safety of Mexican trucks would violate NAFTA.

I appreciate their opinions. But with all due respect, there is only one authority, only one official body, that decides what violates NAFTA and what doesn't. It's the arbitral panel established under the NAFTA treaty itself. That official panel said:

The United States may not be required to treat applications from Mexican trucking

firms in exactly the same manner as applications from United States or Canadian firms . . .

U.S. authorities are responsible for the safe operations of trucks within U.S. territory, whether ownership is United States, Canadian, or Mexican.

It is that simple. We can ensure the safety of Mexican trucks and comply with NAFTA—and this bill shows us how with commonsense safety measures.

Under our bill, when you are driving on the highway behind a Mexican truck, you can feel safe. The administration's plan is far too weak. Under the administration's plan, trucking companies would mail in a form saying that they are safe and begin driving on our highways.

No inspections for up to a year and a half. The administration is telling American families that the safety check is in the mail. I don't know about you, but I wouldn't bet my family's safety on it. I want an actual inspector looking at that truck, checking that driver's record, making sure that truck won't threaten me or my family.

The White House says: Take the trucking company at its word that its trucks and drivers are safe. Senator SHELBY and I say: Trust an American safety inspector to make sure that truck and driver will be safe on our roads. This is a solid compromise. It will allow robust trade while ensuring the safety of our highways. The people of America need help in the transportation challenges they face every day on crowded roads.

This bill provides real help and funds the projects that members have been asking for. Some Senators would hold every transportation project in the country hostage until they have weakened the safety standards in the Murray-Shelby compromise. That is the wrong thing to do.

Let's keep the safety standards in place so that when you're driving down the highway next to a truck with Mexican license plates you will know that truck is safe. Let's vote for safety by voting for cloture on this bill.

So in closing, this vote is about two things: Helping Americans who are frustrated every day by transportation problems and ensuring the safety of our transportation infrastructure.

Voting for cloture means we can begin making our roads less crowded, our airports less congested, our waterways safer, our railways better, and our highways safer.

Those who vote for cloture are voting to begin making progress across the country and to ensure the safety of our highways.

Those who vote against cloture are voting to keep our roads and airports crowded and to expose Americans to new dangers on our highways.

The choice is simple, and I urge my colleagues to vote for cloture so we can begin putting this good, balanced bill to work for the people we represent.

The PRESIDING OFFICER. The Senator from Nevada.

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

The PRESIDING OFFICER (Mr. MILLER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Resumed

The PRESIDING OFFICER. Under the previous order, the hour of 11 o'clock having arrived, the motion to proceed to the motion to reconsider and the motion to reconsider the failed cloture vote on H.R. 2299 are agreed to.

The clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on H.R. 2299, the Transportation Appropriations Act:

Pat Murray, Ron Wyden, Pat Leahy, Harry Reid, Hillary Rodham Clinton, Charles Schumer, Jack Reed, Robert C. Byrd, Jim Jeffords, Daniel K. Akaka, Bob Graham, Paul Sarbanes, Carl Levin, John D. Rockefeller IV, Thomas R. Carper, Barbara Mikulski, and Tom Daschle.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on H.R. 2299, an act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—100

Akaka	Crapo	Inouye
Allard	Daschle	Jeffords
Allen	Dayton	Johnson
Baucus	DeWine	Kennedy
Bayh	Dodd	Kerry
Bennett	Domenici	Kohl
Biden	Dorgan	Kyl
Bingaman	Durbin	Landrieu
Bond	Edwards	Leahy
Boxer	Ensign	Levin
Breaux	Enzi	Lieberman
Brownback	Feingold	Lincoln
Bunning	Feinstein	Lott
Burns	Fitzgerald	Lugar
Byrd	Frist	McCain
Campbell	Graham	McConnell
Cantwell	Gramm	Mikulski
Carnahan	Grassley	Miller
Carper	Gregg	Murkowski
Chafee	Hagel	Murray
Cleland	Harkin	Nelson (FL)
Clinton	Hatch	Nelson (NE)
Cochran	Helms	Nickles
Collins	Hollings	Reed
Conrad	Hutchinson	Reid
Corzine	Hutchison	Roberts
Craig	Inhofe	Rockefeller
Santorum	Snowe	Torricelli
Sarbanes	Specter	Voinovich
Schumer	Stabenow	Warner
Sessions	Stevens	Wellstone
Shelby	Thomas	Wyden
Smith (NH)	Thompson	
Smith (OR)	Thurmond	

The PRESIDING OFFICER. On this vote, the yeas are 100, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Who seeks recognition?

The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senate has now, by a vote of 100–0, moved forward to a time where we can finally go to final passage on the Transportation appropriations bill. I hope that occurs sooner rather than later. All of us have constituents who are waiting in traffic for us to make sure we do the right thing for the infrastructure of this country.

As I have said before, Senator SHELBY and I have worked very hard together. I commend him and his staff, and our staff, for the many hours they have worked to get to the point where we have a bill that represents the important needs of our country—whether it is our airports, our waterways, our highways, our infrastructure. I think we have done a good job with that.

There have been a lot of remarks over the last several weeks regarding the Mexico truck provision. I want to submit for the RECORD a letter from members of the Hispanic caucus in the House.

Mr. President, I ask unanimous consent to have the letter printed in the RECORD.

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

WASHINGTON, DC,
July 31, 2001.

Hon. PATTY MURRAY,
Hon. RICHARD C. SHELBY,
Senate Appropriations Committee, Subcommittee on Transportation, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS MURRAY AND SHELBY: We are writing to express our disbelief over comments we have read implying that the truck safety measures that you have included in the Transportation Appropriations Bill for Fiscal Year 2002 are somehow ''anti-Hispanic'' or ''anti-Mexican.'' As you know, when the Transportation Appropriations Bill passed the House, an amendment was adopted that prohibited any Mexican trucks from being granted authority to operate in the United States during Fiscal Year 2002. In a seemingly less extreme approach, the Senate version of the bill, as drafted by your subcommittee, includes several provisions intended to address obvious safety concerns regarding Mexican trucks that have been voiced by impartial and knowledgeable observes such as the U.S. Department of Transportation Inspector General.

The issue of safety on our highways is not an ''Hispanic issue.'' All Americans are equally at risk from unsafe conditions on our highways for all Americans and we share that goal.

Sincerely,

Ed Pastor, Grace F. Napolitano, Lucille Roybal-Allard, Hilda L. Solis, Solomon P. Ortiz, Silvestre Reyes, Luis V. Gutierrez, Joe Baca, Nydia M.

Velázquez, Rubén Hinojosa, Ciro D. Rodriguez.

Mrs. MURRAY. I think those words speak for themselves. I am happy to submit it for the RECORD and to assure our colleagues we are working for the safety of all Americans.

I have a number of points to which, if this debate continues, I will be speaking this afternoon. But I truly hope that now we can move on and put this bill into place so that we can move to conference, and to make sure we have done the right thing in terms of the infrastructure in our country that is so important to all of our constituents.

I thank the President and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I would like to quickly respond to the Senator from Washington. The Senator from Texas and I, and others, may not use too many hours on this issue, but I want to assure the Senator from Washington we are not moving on. We are not moving on. We have the opportunity to have three more cloture votes on this issue. We intend to fight every single one of those when we return in September.

So to put the mind of the Senator from Washington at ease, we are not moving on. We may have a vote for final passage. We are not moving on. We are not moving on until we have exhausted every last remedy because there is a great deal at stake. There is a huge amount at stake: Not only the fact, according to the Presidents of both nations, that this language represents a violation of a solemn treaty entered into by three nations, but it also sets a terrible precedent.

Are we going to have appropriations bills that violate treaties in the view of the executives of both nations? The proponents of this legislation can say it does not violate NAFTA until they are blue in the face. That is fine with me. But none of those Members was elected President of the United States. We have one President. That President and his advisers have said this language is in violation of a solemn treaty entered into by three nations. That treaty is being violated, and he will veto the bill. And I say, with supreme confidence, that we can muster 34 votes to sustain a Presidential veto.

The Senator from Washington and the proponents of this bill should understand that because the President has made it perfectly clear that he will veto this bill, the responsibility then for the veto will rest with the proponents of this bill who refuse to seriously negotiate on this bill. They have refused to sit down and have meaningful negotiations. They have said it, and they have alleged it, but they have not done it.

I have not been around here as long as the Senator from Texas or other Senators, but I have been around here long enough to know serious negotiations when I see them, and unserious negotiations when I see them. Negotiations have not been serious. As I have said before, I have negotiated a whole lot of very difficult issues, ranging from a line-item veto, to a Patients' Bill of Rights, to campaign finance reform, with people who were serious about negotiating. I know serious negotiations when I see them. They are not present on this issue.

So without serious negotiations, without removing the unacceptable provisions of this legislation, the President of the United States will veto the bill. The responsibility will be for those who have refused to reach an accommodation not with just the Senator from Texas and me but with the administration.

I might add, those who say they are voting for this bill to move it along, even though they agree with our opposition, well, thanks, but, in all candor, the way you stop legislation around here is by voting against it.

So, Mr. President, this is a serious issue. I have never, since I entered this body in 1987, impeded the legislative process. I have certainly voted against and spoken against a lot of the measures with which I disagreed. I have never used parliamentary procedures to hold up legislation, and I hope I never will again, because I think it is an extreme measure to do so.

I know we have important issues to address. But when we are talking about legislation on an appropriations bill, with never a hearing, never a markup in the Committee on Commerce, Science, and Transportation—oh, there were hearings; there was a hearing on Mexican trucks. We could mark up a bill in the Commerce, Science, and Transportation Committee tomorrow—tomorrow—and bring it to the floor of this Senate. Then it would be done in the appropriate fashion. I do not know if the chairman of the Commerce Committee was consulted on this particular language in the appropriations bill; I know I was not; and I know no Member on my side of the aisle was consulted when this language was inserted by people who have not given a proper airing of this issue and have clearly not taken into consideration the views of the President of Mexico and the President of the United States.

So I repeat, we will not move on. We intend to do whatever is necessary to try to bring about a set of negotiations in which we know the administration would be eager to join, so that we could reach removal of basically four issues that remain that are of difference. There are only four issues, but they are significant differences.

We have received clear written notification from the administration that if either the provisions of this bill or the House-passed measure regarding cross-border trucking are sent to the President, we can expect the bill to be vetoed. I quote from the Statement of Administrative Policy transmitted to the Senate on July 19:

The Senate committee has adopted provisions that could cause the United States to violate our commitments under NAFTA. Unless changes are made to the Senate bill, the President's senior advisors will recommend that the President veto the bill.

There have been some beneficial effects of Senator GRAMM's and my activities on this issue because it has gotten the attention of editorial writers around the country. I would like to quote from some of those editorial writers from different newspapers around the country for the benefit of the President. I quote from an editorial in the Atlanta Constitution, a July 31 editorial, headlined ''Open U.S. Roads to Mexican Trucks.''

Can you imagine a world in which Mexican 18-wheelers were allowed to roam freely across U.S. highways—maybe properly inspected, maybe not, with drivers maybe properly trained and licensed, maybe not?

A lot of folks seem unable to grasp what they believe would be a frightening vision, but they really don't have to look very far to get a reliable glimpse of what it would be like. All they have to do is look less than 20 years into the past, when Mexican trucks were permitted free access to America's roads as a matter of course. That practice ended only when Ronald Reagan changed the policy in a dispute over access for U.S. trucks to Mexico's roads.

The old right of access was supposed to have been restored as part of the North American Free Trade Agreement, and President Bush has been pushing to do just that. But now he's having to fight the Teamsters' Union, the Democrats in Congress who habitually do labor's bidding, and even a few members of his own party who don't seem to have bothered to examine the issue.

The truckers' union, of course, is interested only in job protectionism. Under current rules, Mexican trucks can carry goods into border states, but only for a maximum of 20 miles; then, cargo must be loaded onto American trucks, driven by American drivers, most of whom—what a coincidence—happen to be members of the Teamsters. They have disguised their self-interest, however, in a provocative pitch for public safety, painting a picture of U.S. highways plagued by decrepit, faulty vehicles driven by unskilled and careless Mexican cowboys.

There is probably as much prejudice as protectionism in this image; actual statistics do show that Mexican trucks crossing the border fail inspections at higher rates than American vehicles, but the difference has been steadily narrowing. In 1995, 54 percent of the Mexican trucks failed, but that figure has fallen to 36 percent; besides, the Teamster-driven vehicles are no paragons—the failure rate for U.S. trucks is a surprising 24 percent. (Canadian trucks fail at a rate of only 17 percent; maybe we should ban U.S. trucks and only allow those from north of the border.)

It should be noted that the Mexican trucks failing the tests are untypical of that country's fleet. Border crossings can take hours, so companies use older, less tidy vehicles for the short runs for cargo transfers. Trucks that would be used for long-distance hauling within the United States are much newer, some more modern than those used by American firms. (Authorities sometimes catch Mexican trucks that went illegally outside the 20-mile border area; of those, just 19 percent failed inspections, which is a better record than U.S. trucks can boast.)

Continuing to restrict access is a mistake, especially because it would be a continuing violation of U.S. obligations under NAFTA, a trade agreement that has brought unparalleled economic benefits to all three of its

member countries. The Bush administration plans to spend $144 million for new state and federal inspection stations and personnel, and for checking the safety records and practices of Mexican carriers. That should be enough to allay the concerns of anyone who is truly concerned about safety on the highways—especially since it will create a much more dependable system than the one that existed for all the decades when Mexican trucks did roam freely on our roads.

Republicans in Congress should do a little more homework, and the Democrats should start trying to be something other than toadys for labor unions. This is a battle for self-interest, not for safety, and it's time for it to be over.

Mr. President, I ask unanimous consent that Washington Post editorials and a San Diego Union-Tribune editorial be printed in the RECORD.

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

[From the Washington Post, July 29, 2001]

NAFTA IN TROUBLE

On Thursday U.S. Trade Representative Robert Zoellick gave a stirring speech about the North American Free Trade Agreement (NAFTA), which seven years ago created the world's largest free trade area. He noted that U.S. exports to the two NAFTA partners—Mexico and Canada—support 2.9 million American jobs, up from 2 million at the time of the agreement, and that such jobs pay wages that are 13 percent to 18 percent higher than the average in this country. Trade with Mexico alone has tripled. Mexico now buys more from the United States than from Britain, France, Germany and Italy combined.

Unfortunately, Mr. Zoellick's fine speech was not the only NAFTA news last Thursday, for the Senate was simultaneously debating the treaty. A large majority of senators—Thursday's procedural vote went 70 to 30—appears to believe that NAFTA's provisions on trucking across the Mexico border need not be implemented promptly. As a result, Mexico's government is likely to retaliate with $1 billion or more in trade sanctions. The great forward momentum of the U.S.-Mexican economic relationship may start to be unraveled.

Under NAFTA, Mexican trucks in the United States must abide by U.S. regulations: If they are too dangerous or dirty, they can be pulled off the road. But NAFTA's opponents want to keep Mexican trucks out—period. For the past seven years, the United States has bowed to protectionists by refusing to process Mexican applications for trucking licenses, a practice that NAFTA's dispute-settlement panel has condemned. Now the Bush administration wants to end this obstructionism, but Congress is getting in the way. The House has passed a transportation spending bill that would bar the administration from processing Mexican applications. The Senate is adopting the subtler approach of allowing Mexican trucks in—but only on various burdensome conditions that will have the effect of delaying the opening of the border by a year or more.

The sponsors of the Senate measure, Patty Murray (D-Wash.) and Richard Shelby (R-Ala.), say these conditions are reasonable because Mexican trucks fail U.S. safety standards 50 percent more often than American ones. But this claim is based on questionable numbers, and the right response to high Mexican failure rates is to apply existing U.S. trucking regulations rigorously. The Senate measure goes beyond legitimate rigor and blurs into imposing discriminatory regulations on Mexican carriers. President Bush says he will veto legislation unless such discrimination is removed from it. That is the right course.

[From the Washington Post, July 31, 2001]

BAN ON MEXICAN TRUCKS CALLED ''ISOLATIONIST'' SIGN; WHITE HOUSE TURNS TABLES ON CRITICS

(By Dana Milbank and Helen Dewar)

White House officials, borrowing one of their critics' main lines of attack, charged yesterday that those who opposed President Bush's free-trade positions were ''isolationist'' and ''unilateralist.''

The immediate issue in question was a Democratic proposal before the Senate to block Mexican trucks from U.S. roads. The proposal, which critics say includes 22 separate safety provisions that together would have the effect of barring Mexican trucks for two to three years, is included in a transportation funding bill for next year. The House has already passed a ban on Mexican trucks.

Bush ''thinks that the action taken by the United States Senate is unilateralist,'' White House press secretary Ari Fleischer said yesterday. He called the issue one of the ''troubling signs of isolationism on the Hill.''

The argument, echoed by others in the administration, signaled a new defense of Bush's policies that goes beyond the narrow issue of what inspections would be required of Mexican trucks entering the United States. Democrats and other critics of the administration have argued that Bush is pursuing a ''unilateralist'' foreign policy by rejecting international efforts to limit global warming, small arms, biological weapons and tax havens, and by promoting a missile-defense proposal.

Bush advisers have decided to turn the tables on critics by painting the Democrats as isolationists in other areas. In a speech Thursday, U.S. Trade Representative Robert B. Zoellick used a similar argument to promote the North American Free Trade Agreement in general, warning against ''economic isolationists and false purveyors of fright and retreat.''

In addition to Mexican trucks and NAFTA, White House officials indicated they would make the ''isolationist'' charge against Democrats over objections to giving Bush broader trade negotiating authority and over their delay in confirming Bush's choice for United Nations ambassador. Consideration of the nominee, John D. Negroponte, has been held up by criticism of his work as ambassador to Honduras in the 1980s.

''There's a series of issues Congress is taking up now where it has to chose between an isolationist response and whether America can compete and win in the world, and Congress is leaning in the direction of isolation,'' Fleischer said.

In the debate over Mexican trucks, the White House and its allies also tried to reverse an argument about racial insensitivity often used by Democrats. Last week, Senate Minority Leader Trent Lott (R–Miss.) criticized Democrats for ''an anti-Mexican, anti-Hispanic, anti-NAFTA attitude.''

White House officials declined to join Lott in that argument, saying only that the opposition to Mexican trucks in the United States is ''unfair to Mexico'' because it would single out that nation rather than impose a single standard for the United States, Canada and Mexico. ''This is an issue where the Democrats have to be careful or they're going to cede the Hispanic vote to Republicans in 2002,'' a senior GOP official said yesterday.

The Senate Democrats' proposal to impose strict safety standards on Mexican trucks remained stalled yesterday by GOP delaying tactics aimed at forcing a compromise acceptable to the White House. Supporters of the Democrats' proposal, which Bush has threatened to veto as an infringement on NAFTA, got more than enough votes to cut off one filibuster against it last week, virtually assuring its passage at some point. But the proposal, opposed by Sens. John McCain (R–Ariz.) and Phil Gramm (R–Tex.), faces more procedural hurdles before it can be passed.

Senate Majority Leader Thomas A. Daschle (D–S.D.) yesterday reiterated his determination to win passage of the measure before the start of Congress's month-long summer recess this weekend. Lott held out some hope that a House-Senate conference might approve language satisfactory to Bush. If not, he said, Bush will veto the bill and Congress will sustain the veto.

As the Senate marked time on the issue, Enrique Ramirez Jackson, president of the Mexican Senate, met separately with Lott and Daschle on issues affecting the two countries and expressed Mexico's hopes that its trucks will be given full access to the United States, according to Senate aides.

[From the San Diego Union-Tribune, July 30, 2001]

FIGHT FOR FREE TRADE

Under the North American Free Trade Agreement, U.S. trucks are supposed to have unrestricted access to Mexico, and Mexican trucks are supposed to have unrestricted access to the United States. But for six years the powerful Teamsters union has succeeded in keeping Mexican trucks off American roads—in plain violation of NAFTA.

Now, it falls to President Bush to stand up once and for all to the Teamsters' political muscle and defend the vital principle of free cross-border trade. Bush should not hesitate to veto a $60 billion transportation spending bill that is the vehicle for the domestic trucking lobby's efforts to block Mexican truckers' access to American highways.

Based on pre-NAFTA rules, which still are being enforced, Mexican trucks are permitted to operate only within a 20-mile zone north of the border. Beyond the border zone, their cargoes must be transferred to American trucks for shipment elsewhere in the United States or Canada. This is a costly and time-consuming process that drives up prices for American consumers.

Last year, when provisions of NAFTA required that Mexican trucks be allowed to travel freely throughout the United States, the Teamsters persuaded the Clinton White House to suspend the requirement, on grounds that Mexican trucks were unsafe. At the time, Vice President Al Gore was courting the Teamsters' backing for his presidential campaign. When Mexico rightly challenged the Clinton administration's politically motivated action, a NAFTA arbitration panel ruled that the U.S. ban on Mexican trucks violated the trade agreement.

To its credit, the Bush administration announced earlier this year it would honor American obligations under NAFTA and lift the restrictions on Mexican trucks. That touched off a fierce lobbying drive by the Teamsters on Capitol Hill to overturn the president's decision.

In response, the House voted to retain the ban on Mexican trucks, while the Senate approved a milder version that would impose much tougher safety standards on Mexican trucks than exist for Canadian trucks, thereby making it more difficult for Mexican trucks to enter the United States. (Because many of its 1.4 million members are Canadians, the Teamsters union has not sought to curb access by Canadian commercial vehicles to American roads).

The Teamsters and their allies contend Mexican rigs are unsafe, but the union's real

motivation is to thwart competition from Mexican truckers. When the House voted on the ban, it even refused to appropriate the money President Bush had sought to strengthen border inspection stations and keep out unsafe vehicles.

The White House is right on this issue.

President Bush should stand his ground and veto the transportation measure if the onerous trucking provisions are not removed. The simple way to deal with potentially unsafe Mexican trucks is through robust inspections that turn back unsafe vehicles—not through legislative subterfuge that is little more than thinly disguised protectionism.

Mr. McCAIN. Mr. President, the papers I am quoting from—the New York Times, Washington Post, Atlanta Constitution, Cleveland Plain Dealer—are not renowned rightwing conservative periodicals.

This is from the Cleveland Plain Dealer of July 30, 2001:

The Democrat-controlled Senate, with the help of enough Republicans to block a filibuster, decided last week that equal protection under the law doesn't apply to Mexico under NAFTA.

Beneath a veneer of safety concerns, the Senate refused to eliminate the trade barriers that keep Mexican trucking companies from carrying freight beyond a 20-mile border zone, no matter that among their fleets are some of the most modern, best-equipped trucks on any nation's roads.

It's a witches' brew of protectionist politics disguised as precaution, fueled by the demands of organized labor, that gives off a stench of old-fashioned ethnic prejudice. What's more, it invites a trade war of retaliation, should Mexico decide to close its borders to U.S.-driven imports. Combined with an even harsher House-passed version incorporated in the Department of Transportation appropriations bill, it invites a veto by President George W. Bush.

No one supporting Mexico's rights under the North American Free Trade Agreement ever has argued that American roads should be opened to unsafe vehicles. But in the years since NAFTA was passed, Mexico has made giant strides to improve its fleets. Some of its largest trucking companies now have rigs whose quality surpasses those of American companies.

But safety is little more than a straw dog in this fight. What this is about is the $140 billion in goods shipped to the United States from Mexico each year, and the Teamsters Union's desire that its members keep control of that lucrative trade.

Labor—which documents gathered in a four-year Federal Elections Commission Probe show has had veto power over Democratic Party positions for years—has never accepted the benefits of expanded hemispheric trade. It has been adamant in its opposition to allowing Mexican trucks, no matter how modern the equipment or well-trained the drivers, access to U.S. highways. It was this opposition that kept President Bill Clinton from implementing the agreement, and it is this opposition that yet drives labor's handservants, who now control the Senate.

This position should be an embarrassment to a party that makes a show of its concerns for the poor and downtrodden. It is a setback to U.S.-Mexican relations, and an insult to Mexico's good and earnest efforts to improve relations with its northern neighbor. It is an abrogation of our treaty responsibilities, and it must not be allowed to stand.

I repeat, that is from the Cleveland Plain Dealer.

Quoting from the New York Times from July 30, the Monday edition, titled ''Teamsters May Stall Bush Goals for Mexican Trucks and Trade,'' an article by Philip Shenon:

A lobbying campaign led by the Teamsters union to keep Mexican trucks off American roads is on the verge of handing organized labor a major legislative victory over President Bush, endangering one of his most cherished foreign policy goals and reminding the White House of the political muscle still flexed here by labor unions.

If the Teamsters prevail, it could undermine the president's hopes of improved trade and diplomatic ties with Mexico, which has demanded the opening of the border to Mexican trucks under terms of the eight-year-old North American Free Trade Agreement. Mr. Bush had hoped to comply by next year.

Nafta and its liberalized trade rules have long been a target of the Teamsters, which has 1.4 million members, many of them truck drivers.

Mr. President, it is a very interesting article. I won't take the time to read it all. It basically points out the facts, which are that this is not really about safety; this is about the Teamsters Union and labor flexing their muscles. I will repeat, as I have over and over again, the Senator from Texas and I have put detailed, comprehensive safety requirements into our legislation which would clearly protect every American from any unsafe Mexican truck entering into the United States of America because it requires every Mexican truck to be inspected. But, obviously, that is not good enough for the Teamsters or for those who support the legislation that is presently in the Transportation appropriations legislation.

I want to say a few words about the underlying bill. It is interesting. So far this year, spending levels, including this bill, have surpassed the President's total budget request by nearly $4 billion. This year's bill contains 683 earmarks, totaling $3.148 billion in porkbarrel spending. Last year there were 753 earmarks, totaling $702 million. There has been a dramatic increase in the number of earmarks and porkbarrel spending.

According to the Office of Management and Budget, the number of unrequested projects inserted into spending bills approved by Congress rose from 1,724 in 1993 to 3,476 in 2000 and, ultimately, to 6,454 in the current fiscal year.

Our colleagues in the House of Representatives requested close to 19,000 earmarks this year, at a cost of $279 billion if all were approved. This year's overindulgence of earmarks is so egregious that Mitch Daniels, Director of OMB, wrote a letter to the Senate Appropriations Committee imploring them to cut the excessive earmarks included in the House-passed appropriations bills when they got to the Senate.

As always, some benefit substantially more than others. I have mentioned the State of West Virginia, which will be the proud recipient of $6,599,062 under the National Scenic Byways Program. I have also mentioned the State of Washington, which benefits substantially from the National Scenic Byways Program. Under that portion of the bill, Washington will receive $2,683,767, of which $790,680 will fund the North Pend Orielle Scenic Byway—Sweet Creek Falls Interpretive Trail Project, et cetera, et cetera.

I am sure these are worthy projects. Why in the world weren't they authorized? Why was there not a hearing? Why were they inserted in legislation which gave no consideration to other projects and programs that other States have? Every State deserves the right to compete for Federal dollars under programs such as the National Scenic Byways Program, not just States that are fortunate to have representation in the congressional Appropriations committees.

I can't let this opportunity go by again without mentioning the $4.650 million that is carved out of the Coast Guard portion of this bill to ''test and evaluate'' a currently developed 85-foot fast patrol craft that is manufactured in the United States and has a top speed of 40 knots. Mr. President, translation. That is ''French'' for a porkbarrel project for the State of Washington. It is the only place where this vessel can be tested and evaluated in the United States, and it has a top speed of 40 knots. Guess where. Guardian Marine International, located in Edmonds, WA. Not only did the U.S. Coast Guard not ask for this vessel, they looked at the Guardian vessel, considered its merits, and concluded it would not meet the Coast Guard's needs.

What is wrong with that? Well, we have severe personnel problems with recruitment and retention in the Coast Guard today. We need to spend this money not on an 85-foot patrol craft that the Coast Guard doesn't want or need; we need to spend it on the men and women in the Coast Guard, improve their housing, improve their living conditions. We need to provide them with the pay and benefits they need and deserve.

What are we doing spending $4.650 million on a project that will be useless? This will be a one-of-a-kind vessel. It will sit by itself, and it will have huge maintenance and upkeep costs because it will be one of a kind, instead of giving the Air Force the craft they need.

I guess the Senate Appropriations Committee has a better understanding than the Coast Guard of what equipment will and won't work best. Maybe we are all wasting our time. Perhaps we should abolish the Department of Transportation and allow our appropriators to act as our new transportation specialists.

I will mention one thing that was in Congress Daily this morning:

Nussle Warns of Possible Fiscal Year 2001 Spending Cuts.

House Budget Chairman Nussle warned Tuesday that if budget forecasts continue to worsen, Congress might have to take drastic

steps, including trimming Federal spending, to preserve surpluses for debt reduction. ''Spending may have to be curtailed after CBO releases the midsession review,'' Nussle said. ''If we want to pay off more debt, we need to reduce spending.''

What is this appropriations bill doing? Increasing spending. What did the others do? Already we have increased spending in the appropriations bills we have passed by some $4 billion. It is a dangerous course of action we are engaged in. This continued earmark porkbarrel spending is going to exact a very heavy price. This bill is replete with them. This bill, in my view, is typical of the kind of product for which we may pay a very heavy price in the future, where we may have to make cuts in really needed programs, including those that are for those who are in need in our society and our Nation.

So I want to assure my colleagues that, contrary to what may have been contemplated here, yes, we will have a vote on final passage of the bill. Then there will be three votes after that concerning the appointment of conferees that are key and are debatable and will require cloture motions as well. So, clearly, we will have stretched this issue out into the month of September, at least.

I remind my colleagues that our President is welcoming the President of Mexico to the United States in September. In fact, I am told that the first official state dinner hosted by President Bush will be in honor of President Fox. I think that is a very appropriate and very important and significant occasion because of the importance of our relations with Mexico. I hope we will not be continuing on a course of violating a solemn treaty between our two nations while the President of Mexico is present and being honored in the United States of America.

I thank my colleague from Texas for his steadfast efforts in this endeavor. I think he may join me again this year in being voted ''Miss Congeniality.'' Perhaps we will share the honor. The fact is that we believe passionately that this kind of activity —legislative activity on an appropriations bill—is absolutely, totally inappropriate, and the impact and implications of passage of such legislation through the Congress of the United States not only is very bad for our relations with one country, but if this body gets into the business on appropriations bills of amending treaties and making solemn treaties illegal and unconstitutional, and violates them, then of course that kind of precedent is very bad for all of the institutions of this great democracy of ours.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I have a number of editorials which support the position the majority of Senators have taken in terms of the commonsense safety approaches written in the underlying Transportation bill.

Let me begin by quoting from the Seattle Post-Intelligencer editorial board from this morning:

Mexican trucks are welcome in this country so long as they make the same safety criteria required of all the vehicles that travel here. Senator Patty Murray has taken just the right approach to this sensitive and contentious issue. The Bush administration, which unwisely has threatened to veto the transportation bill over this matter, contends that under terms of the North American Free Trade Agreement, Mexican trucks should be allowed to travel freely beyond the 20-mile commercial zone at the southern border to which they are now restricted.

The House of Representatives disagrees. It voted to keep the trucks limited to where they now are, permitted to travel when delivering Mexican goods to U.S. markets. Murray, who heads the Senate Appropriations Subcommittee on Transportation, wrote the transportation bill that rightly requires Mexican trucks to have safety inspections and to be insured by a carrier licensed to do business in the United States before they can travel in this country. These are simple, commonsense requirements.

From the Roanoke Times & World News:

Among other things, certainly the inspections indicate an element of protectionism but of the public safety, not the spirit of free trade. By a large bipartisan majority, 19 Republicans joined all 50 Democrats and one independent. The Senate voted Thursday to end a filibuster to kill the tougher standards. Senate Minority Leader Trent Lott charged that the initiative was anti-Mexican and anti-Hispanic and suggested that Mexican trucks should be inspected according to the same standards as Canadian trucks. Lott commits aggravated silliness.

A recent study by the Inspector General of the Transportation Department found that nearly two in five Mexican trucks failed basic safety inspections compared with one in four U.S. trucks and one in seven Canadian trucks. In addition, Mexican truckers are often overworked and their fatigue could pose a danger to American drivers.

As for violating the free trade spirit of NAFTA, the treaty already contains provisions allowing legitimate safety regulations. Given the clear evidence presented by the Transportation Department, Congress would be remiss by opening U.S. borders to trucks known to be unsafe.

From the Press Democrat in Santa Rosa, CA:

With Mexican trucks failing border inspections nearly two in five times, safety is a far more important concern. The dismal record is an indication that a well-funded border inspection program is critical. The Senate proposal, which requires around-the-clock border inspections, is a balanced measure that will allow trucking while still keeping roads relatively safe. But with one in four American trucks failing safety tests, do not take your eyes off the rear view mirror any time soon.

From the Sarasota Herald Tribune:

Public safety, not politics, money, free trade or international relations, should be the priority as American leaders debate whether to allow tractor trailers from Mexico to deliver goods in the United States.

From the Deseret News:

A Senate bill would apply a simple solution. It would require the Mexican truckers to obtain U.S. insurance and to pass safety inspections before crossing the border. Then the trucks would be free to travel where they would like within the United States and presumably to Canada. These are sensible requirements that ultimately could save lives. The only objection the President can offer is that Congress does not hold Canadian truckers to the same standards, but Congress does not need to do so. Canada already holds its truckers to standards more rigid than those in the United States.

They go on to say:

The only way to end the problem of illegal immigration is to help Mexico's economy grow to the point where leaving the country no longer is necessary for survival and prosperity. But this cannot be done at the peril of highway safety in the United States. Despite the threats of a veto, Congress needs to pass tough standards on all trucks that come from south of the border.

From the Providence Journal:

Kudos to the Senate for voting 70–30 for strict safety standards for Mexican trucks on U.S. roads. The government has the duty to ensure that foreign truckers follow the same rules that American ones do. Statistics show trucks from Mexico with more lenient safety standards than the United States are 50 percent more likely to fail U.S. inspections than ours. A race to the bottom is intolerable.

From the Seattle Times Editorial Board:

Suggesting inspections will inhibit free trade is more than a bit disingenuous, given that current law keeps Mexican trucks within a 20-mile zone along the U.S. border. Earlier this summer, the House of Representatives passed a harsh measure to block any Mexican trucks from venturing beyond that zone. Opening U.S. highways to Mexico's trucking industry is in the full spirit of NAFTA, as long as the trucks are safe and insured. This is hardly onerous. Indeed, Canadian trucks and truckers have a better inspection record than U.S. trucks. Do not take too much of the Teamsters Union's backing the safety measure as if to suggest it was a topic with heavy labor influence. Only a fraction of U.S. drivers are represented by organized labor. This fight is fundamentally about highway safety. Creating a haven of lesser standards south of the border might invite the U.S. trucking industry to essentially reflag their fleets where regulations are lax.

Madam President, I ask unanimous consent that all of the editorials to which I have referred, as well as a press release from the AAA of Texas chapter, be printed in the RECORD.

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

[From the Seattle Post-Intelligencer, Aug. 1, 2001]

IMPOSE U.S. SAFETY STANDARDS ON MEXICAN TRUCKS

Mexican trucks are welcome in this country—so long as they meet the same safety criteria required of all other vehicles that travel here.

Sen. Patty Murray, D-Wash., has taken just the right approach to this sensitive and contentious issue, which threatens to derail the transportation bill and some $140 million in much-needed funding earmarked by Murray for this state.

The Bush administration, which unwisely has threatened to veto the transportation bill over this matter, contends that under terms of the North American Free Trade Agreement, Mexican trucks should be allowed to travel freely beyond the 20-mile

commercial zone at the southern border to which they are now restricted.

The House of Representatives disagrees; it voted to keep the trucks limited to where they now are permitted to travel when delivering Mexican goods to U.S. markets.

Murray, who heads the Senate appropriations subcommittee on transportation, wrote the transportation bill that rightly requires Mexican trucks to have safety inspections and to be insured by a carrier licensed to do business in the United States before they can travel in this country.

These are simply common-sense requirements. However, care must be taken in implementation to avoid having them become a bogus trade barrier.

Murray contends Mexican trucks are less safe than U.S. trucks. She says a recent study by the inspector general of the Department of Transportation found that nearly two in five Mexican trucks failed basic safety inspections compared with one in four American trucks and one in seven Canadian trucks. Since Canadian trucks appear safer than American ones, there seems no rationale for imposing additional requirements on them.

But President Bush, rightly has at the top of his international agenda improving relations with Mexico, says it would be too expensive and time-consuming to require the Mexican trucks to meet U.S. safety and insurance standards. However, introducing unsafe trucks on U.S. highways is unlikely to improve relations between our two countries; quite the opposite.

Mexico, meanwhile, has raised the possibility that it might restrict the import of American agricultural goods in retaliation. That's non-productive. A better course is to assure Mexican trucks meet international safety standards.

Murray, who also chairs the Democratic Senate Campaign Committee, happens to be on the same page in this dispute as the all-powerful Teamsters union, which ardently opposes the entrance of Mexican trucks and their low-paid, often overworked, non-unionized drivers. The Teamsters clearly have a self-interest in putting the brakes on the entrance of Mexican trucks.

Murray's business, however, is the public interest, not that of the Teamsters. We believe that in insisting that Mexican trucks comply with U.S. laws, she's property discharging that larger duty.

As a NAFTA arbitration panel acknowledged last February, the United States is ''responsible for the safe operation of trucks within U.S. territory, whether ownership is U.S., Canadian or Mexican.''

[From the Roanoke Times & World News, July 28, 2001]

REQUIRE MEXICAN TRUCKS TO MEET THE SAFETY TEST

As frequent drivers of Interstate 81 can attest, sharing the road with high-balling semi-trailer trucks intensifies anxiety about highway safety, even with the assumption those behemoths meet safety-inspection standards.

The same assumption cannot be applied to Mexican trucks, about 40 percent of which fail U.S. standards, so the U.S. Senate's hesitation this week to allow free entry of big commercial Mexican vehicles onto U.S. highways in January is both understandable and prudent.

President Bush, the Senate's Republican leadership and the Mexican government have opposed an amendment to the pending $60 billion Senate transportation spending bill that would require much stricter safety inspections before allowing the Mexican trucks to venture freely onto U.S. highways. Opponents contend that such a restriction violates the North American Free Trade Agreement.

Certainly, the inspections indicate an element of protectionism—but of the public safety, not the spirit of free trade. By a large bipartisan majority—19 Republicans joined all 50 Democrats and one independent—the Senate voted Thursday to end a filibuster to kill the tougher standards.

Senate Majority Leader Trent Lott, R-Miss., charged that the initiative was ''anti-Mexican'' and ''anti-Hispanic,'' and suggested that Mexican trucks should be inspected according to the same standards as Canadian trucks.

Lott commits aggravated silliness. A recent study by the inspector general of the Transportation Department found that nearly two in five Mexican trucks failed basic safety inspections, compared with one in four U.S. trucks and one in seven Canadian trucks. In addition, Mexican truckers are often overworked, and their fatigue could pose a danger to American drivers.

As for violating the free-trade spirit of NAFTA, the treaty already contains provisions allowing legitimate safety regulations. Given the clear evidence presented by the Transportation Department, Congress would be remiss by opening U.S. borders to trucks known to be unsafe.

President Bush has threatened to veto the entire transportation spending bill if Congress fails to remove the tougher inspection standards. Some alarm has been expressed by farming states and agriculture lobbyists after Mexican officials threatened to consider restrictions on U.S. agricultural imports if the bill becomes law.

Congress should be more concerned about the lives of Americans driving on U.S. highways.

[From the Press Democrat Santa Rosa, July 30, 2001]

MEXICAN TRUCKS SENATE PROPOSAL ALLOWS FREE TRADE WHILE ENSURING SAFER ROADS

In February an arbitration panel determined that the Clinton administration policy limiting Mexican trucks to a 20-mile border zone violated the North American Free Trade Agreement.

Since that ruling, Congress, President Bush and the Teamsters union have been fighting over how to regulate 18-wheelers originating from Mexico.

The Teamsters union opposes opening the border to Mexican truckers because it fears losing union jobs. In other words, having lost the free trade battle in 1993, it is now trying to unravel NAFTA piece-by-piece. It seems the Teamsters' time would be better spent improving U.S. truckers' competitiveness.

With Mexican trucks failing border inspections nearly two in five times, safety is a far more important concern. The dismal record is an indication that a well-funded, border inspection program is critical.

The Senate proposal, which requires around the clock border inspections, is a balanced measure that will allow trucking while still keeping roads—relatively—safe. But with one in four American trucks failing safety tests, don't take your eyes off the rearview mirror anytime soon.

[From the Sarasota Herald-Tribune, July 31, 2001]

NO SUBSTITUTE FOR SAFETY TRADE PACT DOESN'T PRECLUDE HIGH STANDARDS FOR TRUCKS

Public safety—not politics, money, free trade or international relations—should be the priority as American leaders debate whether to allow tractor-trailers from Mexico to deliver goods in the United States.

President Bush wants to enable Mexican trucks to begin making long-haul deliveries on U.S. highways in January as part of the North American Free Trade Agreement with Mexico and Canada. Currently, big trucks from Mexico are limited to a 20-mile zone near the border.

In recent days, a bipartisan group in the Senate has pushed for a stricter U.S. inspection program for Mexican trucks. They cite statistics indicating that trucks from Mexico are almost 50 percent more likely to fail inspections than U.S. trucks.

But Bush and his allies on this issue, including Sen. John McCain, R–Ariz., contend that the safety fears are overblown and that the proposed standards are tougher than those in place for Canadian trucks. Sen. Trent Lott, R-Miss., takes the rhetoric further and accuses Democrats of being ''anti-Mexican'' and ''anti-Hispanic.''

The cries of discrimination make for great TV sound bites, but if there is evidence that inspections are less rigorous in Mexico, why shouldn't the United States do more to ensure that Mexican vehicles are safe before they enter U.S. roads?

Tractor-trailers are already a significant safety concern in this country. In recent years, federal safety officials have documented a steady increase in the number of deaths caused by accidents involving big trucks. Let's not add to the carnage in the name of free trade, or politics.

[From the Deseret News, July 31, 2001]

ALL TRUCKS NEED STANDARDS

As usual in Washington, the debate over whether to apply tough standards to Mexican trucks that cross the border has to do with a lot more than the simple issue at hand. For the Bush administration, it has to do with the Hispanic vote, of which he obtained only 35 percent last year. For the Democrats, it has to do with organized labor, which would love to drive into Mexico but doesn't want to lose any jobs by allowing the Mexicans to drive here.

Those are the currents running swiftly beneath the surface. On the top, however, the debate is centering on the only thing that really ought to matter—safety.

Organized labor lost its fight to keep Mexican businesses out eight years ago when Congress passed the North American Free Trade Agreement. Bush's support among Hispanics, and his relationship with Mexican President Vicente Fox (who has threatened trade retaliation against the United States) have to be dealt with in a different arena. This is a question of keeping unsafe vehicles off the highway.

Current rules allow Mexican trucks to travel no further than 30 kilometers (18.6 miles) over the border—just far enough to unload their cargo onto American trucks. Border inspectors there have found that more than one-third of Mexican trucks fail to meet the safety standards required of American trucks.

A Senate bill would apply a simply solution. It would require the Mexican truckers to obtain U.S. insurance and to pass safety inspections before crossing the border. Then the trucks would be free to travel where they would like within the United States and, presumably, to Canada. These are sensible requirements that ultimately could save lives. The only objection the president can offer is that Congress doesn't hold Canadian truckers to the same standards.

But Congress doesn't need to do so. Canada already holds its truckers to standards more rigid than those in the United States.

In many ways, this is an example of the types of conflicts that will occasionally arise when attempting free trade with a nation

whose economy is struggling to stand on its own. Mexico has made great strides in recent years, eliminating much of the corruption that used to plague its one-party government. The United States should reward those efforts with increased trade. The only way to end the problem of illegal immigration is to help Mexico's economy grow to the point where leaving the country no longer is necessary for survival and prosperity.

But this can't be done at the peril of highway safety in the United States. Despite the threats of a veto, Congress needs to pass tough standards on all trucks that come from south of the border.

[From the Providence Journal, July 29, 2001]

DIVERS RUMINATIONS

Kudos to the Senate for voting, 70 to 30, for strict safety standards for Mexican trucks on U.S. roads. The government has the duty to ensure that foreign truckers follow the same rules that American ones do. Statistics show trucks from Mexico, with more lenient safety standards than the United States's, are 50 percent more likely to fail U.S. inspections than are ours. (Mexican trucks' emissions problems are bad, too.) A race to the bottom is intolerable.

Meanwhile, President Bush is commendably backing off from an idea floated to give a blanket amnesty to illegal Mexican immigrants but not necessarily for illegal immigrants from other nations. We are leery of any blanket amnesty because it would tend to encourage lawbreaking. But basic fairness requires that a plan to ''regularize'' illegals, not single out one nationality.

Rumor has it that stars usually bound for the likes of the Hamptons have discovered the pastoral and coastal beauties of Westport and South Dartmouth, and are eyeing real estate there. The names bruited so far include Harrison Ford, Paul McCartney, Dennis Quiad and David Duchovny. Will the glitz, and soaring prices, that have soured Long Island's south shore infect Buzzards Bay towns, too? Better for us if celebs use assumed names if they buy land.

To protect its right to regulate land use, North Kingstown commendably keeps battling developer/nightclub owner Michael Kent. Mr. Kent is infamous for chopping down the trees and painting the stumps blue and red on a parcel that the town said he couldn't build on. Now he dumps manure and says he might keep ostriches there, as he puts up signs calling his spread ''Plum Beach Park.'' Enough!

[From the Seattle Times, July 30, 2001]

FREE TRADE AND SAFE HIGHWAYS

Washington Sen. Patty Murray led a strong, appropriate effort to require tougher safety standards for Mexican trucks entering the United States.

The White House and Republican leadership waged a phony war against this highway-safety measure with claims it undermined the 1993 North American Free Trade Agreement and relations with our neighbor.

Senate Minority Leader Trent Lott, R-Miss., stooped so low as to suggest the effort was anti-Mexican. Poppycock. This is about improving standards for Mexican trucks that are 50 percent more likely to fail U.S. inspections than American vehicles.

Nineteen Republicans joined Senate Democrats to knock down parliamentary attempts to tie up the requirements for regular U.S. inspections of Mexican trucks and drivers, on-site audits of Mexican trucking firms, and more scales and inspectors at 27 U.S. border stations.

Suggesting inspections will inhibit free trade is more than a bit disingenuous given that current law keeps Mexican trucks within a 20–mile zone along the U.S. border. Earlier this summer, the House of Representatives passed a harsh measure to block any Mexican trucks from venturing beyond that zone.

Opening U.S. highways to Mexico's trucking industry is in the full spirit of NAFTA, as long as the trucks are safe and insured. This is hardly onerous. Indeed, Canadian trucks and truckers have a better inspection record than U.S. trucks.

Don't make too much of the Teamsters Union backing the safety measure, as if to suggest it was a topic with heavy labor influence. Only a fraction of U.S. drivers are represented by organized labor. This fight is fundamentally about highway safety.

Creating a haven of lesser standards south of the border might invite the U.S. trucking industry to essentially re-flag their fleets where regulations are lax.

At the same time, Congress must not create a system of rules and standards that are thinly veiled trade barriers. Murray and Sen. Richard Shelby, R-Ala., transportation committee allies on this effort, are not headed in that direction.

The White House wants to make sure NAFTA is supported and that Mexico is nurtured as a friend, ally and trading partner. But the Bush administration's garbled, inconsistent response on truck safety only confused matters.

Opening America's roads to Mexican trucks and truckers is in the best spirit of free trade. Expecting those rigs to be adequately maintained and insured is a modest price to pay for access to the world's most-prosperous consumer market.

[From the Roanoke Times & World News, July 28, 2001]

REQUIRE MEXICAN TRUCKS TO MEET THE SAFETY TEST

As frequent drivers of Interstate 81 can attest, sharing the road with high-balling semi-trailer trucks intensifies anxiety about highway safety, even with the assumption those behemoths meet safety-inspection standards.

The same assumption cannot be applied to Mexican trucks, about 40 percent of which fail U.S. standards, so the U.S. Senate's hesitation this week to allow free entry of big commercial Mexican vehicles onto U.S. highways in January is both understandable and prudent.

President Bush, the Senate's Republican leadership and the Mexican government have opposed an amendment to the pending $60 billion Senate transportation spending bill that would require much stricter safety inspections before allowing the Mexican trucks to venture freely onto U.S. highways. Opponents contend that such a restriction violates the North American Free Trade Agreement.

Certainly, the inspections indicate an element of protectionism—but of the public safety, not the spirit of free trade. By a large bipartisan majority—19 Republicans joined all 50 Democrats and one independent—the Senate voted Thursday to end a filibuster to kill the tougher standards.

Senate Majority Leader Trent Lott, R–Miss., charged that the initiative was ''anti-Mexican'' and ''anti-Hispanic,'' and suggested that Mexican trucks should be inspected according to the same standards as Canadian trucks.

Lott commits aggravated silliness. A recent study by the inspector general of the Transportation Department found that nearly two in five Mexican trucks failed basic safety inspections, compared with one in four U.S. trucks and one in seven Canadian trucks. In addition, Mexican truckers are often overworked, and their fatigue could pose a danger to American drivers.

As for violating the free-trade spirit of NAFTA, the treaty already contains provisions allowing legitimate safety regulations. Given the clear evidence presented by the Transportation Department, Congress would be remiss by opening U.S. borders to trucks known to be unsafe.

President Bush has threatened to veto the entire transportation spending bill if Congress fails to remove the tougher inspection standards. Some alarm has been expressed by farming states and agriculture lobbyists after Mexican officials threatened to consider restrictions on U.S. agricultural imports if the bill becomes law.

Congress should be more concerned about the lives of Americans driving on U.S. highways.

[Press release from the ''Triple A'' Texas Chapter]

TRUCK SAFETY INSPECTIONS MUST DRIVE PLAN TO OPEN BORDER; AAA TEXAS CALLS ON CONGRESS TO PUT MOTORIST SAFETY FIRST

(News/Assignment Editors & Government/Automotive Writers)

HOUSTON—(Business Wire)—July 25, 2001.—AAA Texas is urging Congress to significantly increase the safety inspections of Mexico-origination trucks before allowing them unrestricted access to roads in Texas and the rest of the U.S. as provided under the North American Free Trade Agreement (NAFTA).

Currently, trucks based in Mexico are allowed to travel up to 20 miles inside the U.S. border. Under the administration's proposal, Mexico-origination trucks would be allowed unrestricted access for up to 18 months before audits and safety inspections of the owner's facilities, drivers and their practices would be conducted. With more than 1,200 miles of border, more than 70 percent of the truck traffic from Mexico will travel on Texas roads.

''Texas motorists are concerned about the safety of these trucks and their drivers,'' said Public and Government Affairs Manager Anne O'Ryan. ''Until recently, Mexico had few safety or enforcement standards for the vehicles or the drivers.'' Department of Public Safety officials estimate that half of the short-haul trucks from Mexico don't meet U.S. safety standards. The U.S. Department of Transportation reports that more than 35 percent of trucks from Mexico were taken out of service for safety violations in 2000. That compares to 24 percent for U.S. trucks and 17 percent for trucks from Canada.

The U.S. Senate is debating a proposal that would require Mexico-origination trucks to meet the same U.S. safety standards as trucks from Canada. Many of AAA's suggestions are being considered in the proposal.

AAA has offered the following safety recommendations:

On-site safety audits at the company facility, prior to authorizing their trucks to cross the border;

Significant improvements in safety inspections at the border including enforcement of U.S. weight limits;

Adequate resources for enforcement throughout the U.S.;

Adequate and verifiable insurance on each vehicle;

Shared tracking of the company's truck and driver safety records between U.S. and Mexican authorities; and

Enforcement of safety laws, including limiting the number of continuous hours spent driving.

''The safety of the motoring public should not be risked in the rush to meet an apparently arbitrary deadline,'' said O'Ryan. The

Senate proposal is being debated this week for inclusion in the Department of Transportation Appropriations bill.

Mrs. MURRAY. I will read this press release to my colleagues. It is dated July 25. It says:

AAA of Texas is urging Congress to significantly increase the safety inspections of Mexico-origination trucks before allowing them unrestricted access to roads in Texas and the rest of the U.S. as provided under the North American Free Trade Agreement. Currently, trucks based in Mexico are allowed to travel up to 20 miles inside the U.S. border. Under the administration's proposal, Mexico-origination trucks would be allowed unrestricted access for up to 18 months before audits and safety inspections of the owner's facilities, drivers and their practices would be conducted.

With more than 1,200 miles of border, more than 70 percent of the truck traffic in Mexico will travel on Texas roads. Texas motorists are concerned about the safety of these trucks and their drivers, said Public and Government Affairs Manager Anne O'Ryan.

Until recently, Mexico had few safety or enforcement standards for the vehicles or for the drivers. Department of Public Safety Officials estimate that half of the short-haul trucks from Mexico do not meet U.S. safety standards.

The U.S. Department of Transportation reports that more than 35 percent of trucks from Mexico were taken out of service for safety violations in 2000. That compares to 24 percent for U.S. trucks and 17 percent for trucks from Canada. The U.S. Senate is debating a proposal that would require Mexico origination trucks to meet the same U.S. safety standards as trucks from Canada. Many of AAA's suggestions are being considered in the proposal.

AAA has offered the following safety recommendations: On-site safety audits at the company facility prior to authorizing their trucks to cross the border; significant improvements in safety inspections at the border, including enforcement of U.S. weight limits; adequate resources for enforcement throughout the United States; adequate and verifiable insurance on each vehicle; shared tracking of the company's truck and driver safety records between U.S. and Mexican authorities; enforcement of safety laws, including limiting the number of continuous hours spent driving.

I quote from O'Ryan:

The safety of the motoring public should not be risked in the rush to meet an apparently arbitrary deadline. The Senate proposal is being debated this week for inclusion in the Department of Transportation appropriations bill.

These are not my words. They are not the words of Senator SHELBY. They are not the words of any Senator. They are the words of the AAA of Texas chapter.

Our opponents have clearly lost the safety debate and, unfortunately, instead of allowing us to move forward with a balanced bipartisan compromise, they have used many parliamentary tactics to slow down this process in hopes of extracting some concessions.

Their approach, I believe, is unfortunate and unsuccessful. I am not here to respond in kind. Their attacks have done a disservice to this important debate on the highway safety issue. I want my colleagues to recognize these insults have been unnecessary and have delayed putting this bill to work for the American people. Opponents held hostage a $60 billion bill that funds transportation solutions in every State because they want to lower safety standards for Mexican trucks.

We can improve free trade and ensure our own safety at the same time. This bill is a balanced and bipartisan compromise. I will turn to some of the specific provisions that have the other side so concerned. They are simple and they make sense. They do not violate NAFTA. Most importantly, they will help keep Americans safe on the highways.

Here is what our bill requires: Mexican trucks only be allowed to cross the border at stations where there are inspectors on duty; our bill requires the Department of Transportation's inspector general to certify border inspection officers are fully trained as safety specialists capable of conducting compliance reviews; further, the administration cannot raid the safety personnel who are working at other areas today just to staff the southern border; that the Department of Transportation perform a compliance review of Mexican trucking firms and that these take place onsite at each firm's facilities; that Mexican truckers comply with pertinent hours of service rules; that the United States and Mexican Governments work out a system where United States law enforcement officials can verify the status and validity of licenses, vehicle registration, operating authority, and proper insurance; that all State inspectors, funded in part or in whole with Federal funds, check for violations of Federal regulations; that all violations of Federal law detected by State inspectors will either be enforced by State inspectors or forwarded to Federal authorities for enforcement action; that the Department of Transportation's inspector general certify there is adequate capacity to conduct a sufficient number of meaningful truck inspections to maintain safety; that proper systems be put in place to ensure compliance with United States weight limits; that an adequate system be established to allow access to data related to the safety record of Mexican trucking firms and drivers; and finally, that the Department of Transportation enact rules on the following points: To ensure that motor carriers are knowledgeable about United States safety standards; to improve training and provide certification of motor carrier safety auditors; to ensure that foreign motor carriers be prohibited from leasing their vehicles to another carrier to transport products to the United States while the firm is subjected to a suspension, restriction, or limitation on rights to operate in the United States; and that the United States permanently disqualify foreign motor carriers that have been found to have operated illegally in the United States.

These are commonsense standards which the President is opposing. These simple, reasonable standards are what those on the other side have used to stall this bill. Senator SHELBY and I have spent hours, which have turned into days, and now weeks, trying to find accommodation with the opponents of this provision. Safety opponents seem most upset by the onsite inspection and the insurance requirements, but the truth is these are the same standards we currently follow with Mexico in areas such as food safety.

Let's start with the requirement that American inspectors review the records and conduct onsite inspections in Mexico. Safety opponents want us to believe this is somehow an invasion of Mexico's sovereignty, but there is nothing uncommon about this provision. The trucking records and the facilities are in Mexico. That is where our inspectors need to go if they are going to check. Onsite safety inspections are common in other industries.

In my home State of Washington, we grow the best apples in the world. I know the Presiding Officer may disagree, but I believe we do. They include varieties such as the Red Delicious, the Gala, the Johnny Gold, and the Fuji. We grow these apples in my home State of Washington, and we export them all over the world, including Mexico. Before Mexico will allow the growers in my State to send those apples to Mexican consumers, those apples have to be inspected. Who inspects them? Mexican inspectors. Where are these apples inspected? Onsite, in Washington State. In fact, American apple growers foot the bill for Mexican inspectors to evaluate our fruit in my home State of Washington.

It is not just Washington State. Mexican inspectors are in California, inspecting fruit, checking for pests in crops such as mangoes and avocados.

Today on food safety issues, Mexican inspectors are in the United States conducting onsite investigations in our orchards and on our farms. To the other side, that is OK. But for some reason, when we want our safety inspectors to conduct onsite inspections at Mexican trucking facilities, it is an attack on Mexican sovereignty. On food safety issues, inspectors are in both countries with the full support of both Governments.

Why should traffic safety be any different? How can we argue that we should protect our agricultural interests and neglect the very real safety concerns on America's roadways? How can we protect the food destined for America's children yet leave them vulnerable to unsafe trucks on our roadways?

I turn now to a second issue. Safety opponents do not like the insurance portion of this bill which requires Mexican trucks to carry adequate insurance with an insurer that is licensed to operate in the United States. Our safety opponents have been on the floor saying that is discriminatory. The truth is, Canadian trucks have to follow the same rule today. And even

more significantly, Mexico requires the same thing of American drivers today. That is right. I invite my colleagues to go to the Web page of the State of Texas Department of Insurance. You will find a special message from the Texas Insurance Commissioner, stating:

If you plan to drive to Mexico, your preparations should include making sure you have car insurance that will protect you if you have an accident south of the border. Don't count on your Texas auto policy for protection.

It goes on:

Mexico does not recognize auto viability policies issued by U.S. insurance companies. It is important, therefore, to buy liability coverage from authorized Mexican casualty insurance companies before driving any distance in Mexico.

Madam President, that applies to trucks, as well. Let me repeat what the State of Texas Insurance Commissioner is warning American drivers:

Mexico does not recognize auto liability policies issued by U.S. insurance companies. It is, therefore, important to buy liability coverage from authorized Mexican casualty insurance companies before driving any distance in Mexico.

Why is it OK for American drivers to be required to get Mexican insurance to drive to Mexico but discriminatory for Mexican drivers to be required to get American insurance when they drive in the United States? The truth is, there is no difference.

On yet another point, the opponents of safety standards lose because what they oppose is already part of our relationship with Mexico and they cannot have it both ways. We have nothing against Mexican truck drivers. Like American truck drivers, they are just trying to earn a living and put food on their family's table. We welcome them to the United States. We want their trucks to be able to share our roads. But we want them to be safe, first, both for our well-being and for their well-being.

Unfortunately, today Mexican trucks are not as safe as American trucks. In fact, there is not even a system in place to check the safety of Mexican drivers. We want to enable Mexico to meet our safety standards, which are the same safety standards Canadian drivers must meet every day.

Right now, Mexican standards are not up to American standards. For example, Mexico has a far less rigid safety regime in place than Canada or the United States. Mexico has no experience with laws restricting the amount of time a driver may spend behind the wheel. The United States and Canada do. Mexico has no experience with logbook requirements as a way to enforce hours of service regulations. The United States and Canada do.

Mexico has no requirement for the periodic inspection of their equipment for safety purposes. The United States and Canada do.

Mexico does not have a fully operational roadside inspection regime to ensure compliance with driver and equipment safety standards. The United States and Canada do.

Mexico does not have adequate data regarding Mexican firms or drivers to guarantee against forged documentation as we do with domestic and Canadian firms.

All of this means that when a Mexican truck crosses the border into the United States, we will have virtually no assurance that those trucks meet U.S. highway safety standards. The proof is in the record. Mexican trucks that cross the U.S. border to legally serve the commercial zone have been ordered off the road by U.S. motor carrier inspectors 50 percent more frequently than U.S.-owned trucks.

Some of my colleagues in the administration think this is just fine. I do not and Senator SHELBY does not and a majority of the Senate does not. We as a country have made great strides to improve our highway safety. One of the greatest contributions to highway safety was an initiative by Senator Danforth requiring a uniform commercial driver's license or CDL here in the United States. That requirement came in the wake of numerous horror stories where U.S. truckdrivers had their licenses revoked and then got new licenses in other States so they could continue driving. Jack Danforth put a stop to that. He established a system in the United States where we monitor the issuance of commercial driver's licenses in all 50 States to ensure that multiple licenses are not being issued to the same driver. There is no such system in Mexico. In fact, there is hardly a system at all that allows access to the driving record history of Mexican drivers.

None of us want to learn of a catastrophic truck accident that could have been avoided. For some reason our commonsense safety provisions are being called discriminatory. Under NAFTA, we are entitled to treat Canadian, U.S., and Mexican trucking firms differently based on what we know about the safety risks they represent.

The opponents of this provision are fond of quoting the NAFTA provisions related to national treatment and most-favored-nation treatment, and they read, respectively:

Each party shall accord to service providers of another party, treatment no less favorable than it accords in like circumstances to its own service providers.

Each party shall accord to service providers of another party, treatment no less favorable than it accords in like circumstances to its own service providers of any other party or of a nonparty.

The opponents of this provision have focused on the ''no less favorable'' language of this clause, but they have left the other part out. I want to spend a moment discussing ''like circumstances'' language. It permits differential treatment where appropriate to meet legitimate regulatory goals, including highway safety. Don't take my word for it. Let's look at NAFTA, chapter 21, which says clearly ''nothing in chapter 12''—this is the cross-border trade services section:

. . . shall be construed to prevent the adoption or enforcement by any party of any measures necessary to security compliance with laws or regulations that are not inconsistent with the provisions of this agreement including those related to health and safety and consumer protection.

In 1993, when Congress ratified the NAFTA-implementing language, it also approved the U.S. Statement of Administrative Actions which says in part:

The ''no less favorable'' standard applied in articles 1202 and 1203 does not require that service providers from other NAFTA countries receive the same or even equal treatment as that provided to local companies or other foreign firms. Foreign Service providers can be treated differently if circumstances warrant. For example, a State may impose special requirements on Canadian and Mexican service providers if necessary to protect consumers, to the same degree as they are protected in respective local firms.

Ultimately there is one authority that decides what violates NAFTA and what does not, despite what we have heard on this floor over the last week and a half. Who decides is the NAFTA arbitration panel. Here is what they had to say in their ruling on this very topic:

The United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from the United States or Canadian firms. U.S. authorities are responsible for the safe operations of trucks within U.S. territory, whether ownership is United States, Canadian, or Mexican.

So the NAFTA treaty itself stipulates that the U.S. can take measures to ensure the safety of its citizens. Congress' intent was clearly to allow this, and the NAFTA arbitration panel agrees.

Opponents have repeatedly quoted just part of the NAFTA treaty to make their case. But when you look at the entire treaty, at the specific implementing language passed by our Congress—and I will again remind our colleagues I voted for that—and at the official arbitration panel's ruling, it is clear that our safety provisions are consistent with NAFTA.

Those are the facts. But in spite of the facts, we hear the administration's allies suggesting this is driven by special interests. Let's take a look at who those special interests are, suggesting the Congress fulfill its obligation to protect the health and welfare of our citizens.

Let me read to you who those special interests are who back the majority of the Senate and the safety provisions in this bill: Advocates for Highway and Auto Safety, Public Citizen, Parents Against Tired Truckers, Consumer Federation of America, the Trauma Foundation, Triple A of Texas, American Insurance Association, the California Trucking Association, Citizens for Reliable and Safe Highways, Commercial Vehicle Safety Alliance, an independent drivers association in Mexico, Friends of the Earth, the Owners, Operators and Independent Drivers Association, the Sierra Club, and organized labor.

Those are the special interests that believe our constituents should be safe on our highways.

Finally, let me address the issue of implementation of NAFTA. To be sure, this is not a problem that the Bush administration created. It is one that it inherited. The problem is how this administration has chosen to respond to the challenge.

As I have stated previously, this debate is not about how to keep Mexican trucks out of the United States. This is about the conditions under which we will let them enter. For all of the discussion of our obligations to our neighbors to the south, my first obligation is to the people who elected me. We can comply with NAFTA, promote free trade, and ensure the safety of our roadways simultaneously.

I believe Senator SHELBY and I have crafted a provision that will help us achieve those goals.

The administration and its allies have taken considerable exception to this, and while I am working with them to seek ways to address their concerns, I am unwilling to sacrifice my principles. With the provision contained in our bill, when you are driving on the highway behind a Mexican truck you can feel safe. You will know that the truck was inspected and the company has a good truck record.

You will know that American inspectors visited their facility and examined their records.

You will know the driver is licensed and insured, and that the truck was weighed and is safe for our roads and for our bridges.

You will know that they will keep track of which drivers are obeying laws and which ones are not.

You will know that drivers who break our laws won't be on our roads because their licenses will be revoked.

You will know that the driver behind the wheel of an 18-wheeler has not been driving for 20 or 30 straight hours.

You will know that the truck didn't just cross our border unchecked but crossed where there were inspectors on duty.

That is real safety. We should get about the business of passage.

I urge my colleagues to reject the delay and the insults and pass this good, balanced bill that will help our country make progress on the transportation challenges that are getting worse every day. This bill is balanced; it is bipartisan; and it is beneficial. Let's put it to work for the American people.

I retain the remainder of my time.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Texas.

Mr. GRAMM. Madam President, our dear colleague from Washington says opponents of this provision—such as the New York Times, the Washington Post, the Chicago Tribune, the Cleveland Plain Dealer—are trying to cloud the issues. But supporters of her provision, such as the Deseret News, see it in crystal-clear terms.

Let me begin by saying that our colleague from Washington asked: Who can be opposed to truck safety? How could anyone be in favor of unsafe trucks on American roads? The answer to that is very simple. No one is opposed to truck safety. No one wants unsafe trucks on our roads.

I will begin by asking that amendment No. 1053, which is the substitute that Senator MCCAIN and I submitted, and which is supported by the administration, be printed in the RECORD.

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

AMENDMENT NO. 1053

On page 72, beginning with line 14, strike through line 24 on page 78 and insert the following:

SEC. 343. SAFETY OF CROSS-BORDER TRUCKING BETWEEN UNITED STATES AND MEXICO.—No funds limited or appropriated by this Act may be obligated or expended for the review or processing of an application by a motor carrier for authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border until—

(1) the Federal Motor Carrier Safety Administration—

(A)(i) requires a safety review of such motor carrier to be performed before the carrier is granted conditional operating authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border, and before the carrier is granted permanent operating authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border;

(ii) requires the safety review to include verification of available performance data and safety management programs, including drug and alcohol testing, drivers' qualifications, drivers' hours-of-service records, records of periodic vehicle inspections, insurance, and other information necessary to determine the carrier's preparedness to comply with Federal motor carrier safety rules and regulations; and

(iii) requires that every commercial vehicle operating beyond United States municipalities and commercial zones on the United States-Mexico border, that is operated by a motor carrier authorized to operate beyond those municipalities and zones, display a valid Commercial Vehicle Safety Alliance decal obtained as a result of a Level I North American Standard Inspection, or a Level V Vehicle-Only Inspection, whenever that vehicle is operating beyond such motor carrier operating a vehicle in violation of this requirement to pay a fine of up to $10,000 for each such violation;

(B) establishes a policy that any safety review of such a motor carrier should be conducted on site at the motor carrier's facilities where warranted by safety considerations or the availability of safety performance data;

(C) requires Federal and State inspectors, in conjunction with a Level I North American Standard Inspection, to verify, electronically or otherwise, the license of each driver of such a motor carrier's commercial vehicle crossing the border, and institutes a policy for random electronic verification of the license of drivers of such motor carrier's commercial vehicles at United States-Mexico border crossings;

(D) gives a distinctive Department of Transportation number to each such motor carrier to assist inspectors in enforcing motor carrier safety regulations, including hours-of-service rules part 395 of title 49, Code of Federal Regulations;

(E) requires State inspectors whose operations are funded in part or in whole by Federal funds to check for violations of Federal motor carrier safety laws and regulations, including those pertaining to operating authority and insurance;

(F) authorizes State inspectors who detect violations of Federal motor carrier safety laws or regulations to enforce such laws and regulations or to notify Federal authorities of such violations;

(G)(i) determines that there is a means of determining the weight of such motor carrier commercial vehicles at each crossing of the United States-Mexico border at which there is a sufficient number of such commercial vehicle crossings; and

(ii) initiates a study to determine which crossings should also be equipped with weight-in-motion systems that would enable State inspectors to verify the weight of each such commercial vehicle entering the United States at such a crossing;

(H) has implemented a policy to ensure that no such motor carrier will be granted authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless that carrier provides proof of valid insurance with an insurance company licensed in the United States;

(I) issues a policy—

(i) requiring motor carrier safety inspectors to be on duty during all operating hours at all United States-Mexico border crossings used by commercial vehicles;

(ii) with respect to standards for the determination of the appropriate number of Federal and State motor carrier inspectors for the United States-Mexico border (under sections 218(a) and (b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31133 nt.)); and

(iii) with respect to prohibiting foreign motor carriers from operating in the United States that are found to have operated illegally in the United States (under section 219(a) of that Act (49 U.S.C. 14901 nt.)); and

(J) completes its rulemaking—

(i) to establish minimum requirements for motor carriers, including foreign motor carriers, to ensure they are knowledgeable about Federal safety standards (under section 210(b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31144 nt.)),

(ii) to implement measures to improve training and provide for the certification of motor carrier safety auditors (under section 31148 of title 49, United States Code), and

(iii) to prohibit foreign motor carriers from leasing vehicles to another carrier to transport products to the United States while the lessor is subject to a suspension, restriction, or limitation on its right to operate in the United States (under section 219(d), of that Act (49 U.S.C. 14901 nt.)),

or transmits to the Congress, within 30 days after the date of enactment of this Act, a notice in writing that it will not be able to complete any such rulemaking, that explains why it will not be able to complete the rulemaking, and that states the date by which it expects to complete the rulemaking; and

(2) until the Department of Transportation Inspector General certifies in writing to the Secretary of Transportation and to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Appropriations that the Inspector General will report in writing to the Secretary and to each such Committee—

(A) on the number of Federal motor carrier safety inspectors hired, trained as safety specialists, and prepared to be on duty during

hours of operation at the United States-Mexico border by January 1, 2002;

(B) periodically—

(i) on the adequacy of the number of Federal and State inspectors at the United States-Mexico border; and

(ii) as to whether the Federal Motor Carrier Safety Administration is ensuring compliance with hours-of-service rules under part 395 of title 49, Code of Federal Regulations, by such motor carriers;

(iii) as to whether United States and Mexican enforcement databases are sufficiently integrated and accessible to ensure that licenses, vehicle registrations, and insurance information can be verified at border crossings or by mobile enforcement units; and

(iv) as to whether there is adequate capacity at each United States-Mexico border crossing used by motor carrier commercial vehicles to conduct a sufficient number of vehicle safety inspections and to accommodate vehicles placed out-of-service as a result of the inspections.

In this section, the term ''motor carrier'' means a motor carrier domiciled in Mexico that seeks authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border.

Mr. GRAMM. Madam President, I want people to see this amendment because the amendment requires that every Mexican truck be inspected. It requires that the most stringent safety standards are met before Mexican trucks come into America, but it does it in a way that complies with NAFTA, a treaty obligation of the United States. It does it in a way that is common sense, to use the Senator's words, and that deals with legitimate safety concerns.

Rather than going on all day, let me try to do the following thing, which I think represents about as fair a way of responding to the Senator from Washington as one can respond.

She sets the standard that it be common sense and that it meet legitimate safety concerns. I wish to add to that that it not violate treaty obligations of the United States.

I would like to take four provisions of the amendment of the Senator from Washington, and I would like to submit it to those tests.

I have to say that I am quite pleased that the major newspapers in America have not been confused by this debate. In fact, the Chicago Tribune probably put it best in their lead editorial entitled ''Honk if you smell cheap politics.''

The truth is that Teamsters truckers don't want competition from their Mexican counterparts.

I am pleased that people have not been confused. But in case anybody still has any confusion about what we are talking about, I want to take five provisions from the Murray amendment and submit them to her test of common sense, legitimate safety concerns, and do they violate NAFTA.

The first has to do with a provision of the Motor Carrier Safety Improvement Act of 1999. This is a bill that was adopted by Congress, that has not been implemented fully by either the Clinton administration or the Bush administration, and it has to do with safety. These provisions apply to every truck operating on American highways. They apply to United States trucks, to Canadian trucks, and to Mexican trucks.

The Senator from Washington says in her amendment that until this 1999 law is fully implemented, even though it applies to American trucks, American trucks can continue to operate; and even though this law applies to Canadian trucks, Canadian trucks can continue to operate; but until this law is fully implemented, until the regulations are written—and the administration says that these regulations cannot be written and this bill cannot be fully implemented for at least 18 months—until that is the case, no Mexican truck would be allowed to operate in interstate commerce in the United States. And that provision would be clearly in violation of NAFTA.

I ask a question: If it is common sense that we don't want trucks to operate until this law is implemented, why don't we say all trucks? In fact, if we said all trucks, we probably would not be able to eat lunch this afternoon. But it would be common sense and it would not violate NAFTA.

The first provision of the Senator's amendment, in essence, says that something that cannot happen for 18 months has to be done before we are going to comply with a treaty related to Mexican trucks. That is as arbitrary as saying that Mexican trucks can't come into the United States until the 29th of February falls on a Tuesday. It is totally arbitrary, and it is aimed at only one objective; that is, to treat Mexican trucks differently than American trucks, differently than Canadian trucks, and in the process of violating NAFTA.

I think any objective person would say that requiring an action that has nothing to do with Mexican trucks to be undertaken by the U.S. Government before we are going to live up to a solemn treaty obligation of the United States has no element of common sense in it, nor does it have anything to do with legitimate safety. If it had anything to do with legitimate safety, we would restrict all trucks until this law was implemented.

Finally, the final test: Does it violate NAFTA?

Our requirement under NAFTA is very simple. It is one sentence. It is in the section on cross-border trade and services on page 1129. It says:

Each party shall accord the service providers of another party treatment no less favorable than that it accords in like circumstances with its own service provider.

This is the point: We are saying to American truckers that you can operate every day, even though this 1999 law is not implemented. We say a few Canadian trucks can operate today, even though this law is not implemented, but Mexican truckers can never operate, even though in NAFTA we promised they could. They can never operate until this law is fully implemented and the regulations are written.

That is clearly not equal protection of the law; it is clearly not equal treatment; and it clearly violates NAFTA.

The second provision of the Murray amendment that doesn't make common sense, that has nothing to do with legitimate safety, and that violates NAFTA has to do with truck leasing.

Let me set it in context. Big trucking companies don't own trucks anymore. They lease them to each other. The last thing any trucking company can afford to do is have trucks that cost $250,000 sitting in their parking lot.

(Mrs. BOXER assumed the chair.)

Mr. GRAMM. So what happens is, when a trucking company loses business or is under some limitation, the first thing they do is get on the Internet, and they put their trucks out for lease. They lease them to other companies, and the trucks are used. You cannot stay in the trucking business if you cannot lease your trucks.

The second provision of the Murray amendment says, if any Mexican trucking company is under any suspension, restriction, or limitation, they cannot lease their trucks.

There is not a major trucking company in America today that is not under some restriction or some limitation. You cannot operate trucks in America without having some restriction or limitation. It may be that you thought your turn signal was working, and it was not when you were inspected, or your mud flap tore off, but there is not a major trucking company in America today that does not have some limitation.

What the Murray amendment says is it is OK if a Canadian company has a limitation or has a suspension; they can lease their trucks to another company to operate—after all, they would go broke if they could not do it—and any American company that is under a restriction or a limitation can lease its trucks. But under the Murray amendment, a Mexican company that is under a restriction or a limitation cannot lease its trucks.

Does that make common sense? No. Is that a legitimate safety issue? No. Does that violate NAFTA? You bet your life it violates NAFTA because it treats Canadian companies and it treats American companies different from Mexican companies.

Why, if your objective is safety, would you want to have a provision that says that while Canadian companies can lease trucks and American companies can lease trucks—because they have to do it to stay in business—Mexican companies cannot lease trucks? You do not put that in an amendment because you are concerned about safety; you put it in an amendment as a poison pill to make it impossible for Mexican companies to operate in the United States. It is as arbitrary as saying: We can take our safety exams in English, but Mexican truck

drivers have to take their safety exams in Chinese. It is totally pernicious and totally discriminatory against Mexico.

Now look, you can argue we should have or we should not have entered into an agreement to allow a North American market to be opened to trucks of the three countries that joined the agreement. But the point is, we did agree to it. It was signed by a Republican President. We ratified it in Congress under a Democrat President. The final enforcement is occurring under a Republican President. We are committed to the obligations we entered into here.

No one can argue that not allowing Mexican companies to lease trucks—when no major American company could operate without being able to lease trucks—is a legitimate safety concern. No one can argue that that has anything to do with the application of common sense, nor can anybody argue that that does not violate NAFTA.

Now, today, almost every truck in Canada is insured by a company that is domiciled outside the United States. Most of them are insured by Lloyds of London. Some are insured by Canadian companies. Some are insured by European companies. The plain truth is, it is almost impossible in the world in which we live to know where an insurance company is domiciled because insurance companies are now doing business all over the world. So it is very difficult to know what ''nationality'' they are.

American trucking companies are not required to buy insurance from American companies. In fact, some of them have insurance with Dutch companies, with British companies and with Canadian companies. That is the way we operate. And that is common sense. That meets legitimate safety concerns. And that does not violate NAFTA. But whereas we let Canadian trucking companies buy insurance that is not sold by American-domiciled companies, and whereas we let American trucking companies buy insurance that is not sold by American-domiciled companies, the Murray amendment requires that Mexican trucks purchase insurance from companies domiciled in the United States. That violates common sense. It is not a legitimate safety issue, and it clearly violates NAFTA.

No. 4, as I mentioned earlier, almost any trucking company, at any one time, would have numerous violations—some small, some large, but it would have numerous violations—and you have a gradation of penalties for those violations. The same is true with regard to Canadian companies. But under the Murray amendment, if you are a Mexican company—we say in NAFTA that you are going to be treated exactly as an American company, exactly as a Canadian company; no better, no worse—but under the Murray amendment, if you have a violation, you are barred from operating in the United States of America. You have a penalty, and it is the death penalty.

Does that make common sense? Is that a legitimate safety concern? Is that a violation of NAFTA? The answer is, no, no, yes. It does not make common sense; it is not a legitimate safety concern; and it does violate NAFTA.

Let me just take a simple provision. If you needed living proof that this debate has nothing to do with safety, let me pose the following question: If you really wanted safe Mexican trucks—and I remind my colleagues that with the support of the administration, Senator MCCAIN and I offered an amendment that required the inspection of every single Mexican truck coming into the United States, something we do not do with regard to Canadian trucks, something we do not do with regard to our own trucks, but if you were really concerned about safety, and you were going to implement NAFTA and allow Mexican trucks in interstate commerce, would you want to take your best, most experienced inspectors and put them where they are going to be inspecting Mexican trucks? I would. And I think that is a reasonable question.

If your concern is safety and not protectionism, if your concern is legitimate safety and not a back door way of violating NAFTA, if your concern is about safe trucks, not about keeping Mexican trucks out of the United States, wouldn't you want to have your most experienced inspectors inspecting Mexican trucks —and we require inspecting every one of them—because you want your best people inspecting new trucks that are coming into the country for the first time? Doesn't that make sense?

Would it make any sense, if your objective was safety, to have a provision that current inspectors who have training and experience could not be moved to inspect Mexican trucks? Could anyone who had any concern about safety of Mexican trucks support a provision that said you could not take inspectors who are trained and experienced and move them to the Mexican border to inspect existing trucks?

You have to start from scratch. You have to hire new people, you have to train them, and you have to get them experienced. Remember, months, years are ticking off the clock.

Could anybody have any reason to believe that a provision that said experienced inspectors could not be moved so they would be inspecting new Mexican trucks coming into the United States—if your concern was about safety, that would be the last provision you would ever put in your bill. If you were concerned about safety, you would never ever support a provision that said you have to inspect Mexican trucks, but you cannot take people who are trained and experienced—who are now inspecting trucks —and move them so that they can inspect Mexican trucks. That would be the last thing on Earth you would ever do. But the Murray amendment does it.

Remarkably enough, the Murray amendment says that they are so eager to inspect these Mexican trucks, that they are so concerned about their safety, that not one inspector who is currently inspecting trucks in America, not one inspector who currently has both training and experience, can be moved to meet this new need of inspection.

Why on Earth would anybody who is concerned about safety ever have such a provision? The only reason that any such provision would ever be written into an amendment is if the objective was not safe Mexican trucks but the objective was no Mexican trucks.

The Murray amendment literally says: Anybody who is currently inspecting trucks, anybody currently licensed to inspect trucks, anybody currently trained to inspect trucks cannot be moved so that they inspect Mexican trucks. They have to be recruited, trained, and then they have to get practical experience.

The net result of that is not safe Mexican trucks; quite the contrary. To the extent they came into the country, it would mean unsafe trucks. But the objective, the only logical, commonsense reason that such a provision would ever be in a bill is if you want to prohibit Mexican trucks.

Our colleagues can say over and over and over and over again that this is about safety. The problem is, the administration, Senator MCCAIN, and I support inspecting every Mexican truck, something we do not do with Canadian trucks, something we do not do with American trucks. We support employing exactly the same standards in requiring them to meet every standard we have to meet, and we support a more stringent inspection regime until they prove they are meeting those standards.

What we do not support, what we cannot support or accept, and what we will continue to oppose through three more clotures and ultimately a Presidential veto, is discrimination against Mexico. We will not support and we will not accept provisions that go back on our commitment in NAFTA.

The greatest country in the history of the world does not violate commitments it makes in treaties. I repeat: While I know it is easier to cover this story by saying this is about various levels of safety standards, the things that the administration objects to and the Mexican Government objects to and Senator MCCAIN objects to and I object to have nothing to do with safety. They have to do with provisions that are written for one and only one purpose; that is, to prevent Mexican trucks from coming into the United States and, in the process, violating NAFTA.

I have outlined—there are others I could go through—five irrefutable examples where we say: Until some regulation is promulgated that applies to all trucks, not just Mexican trucks, that Mexican trucks shall not come into the country.

I have talked about not letting Mexican trucking companies lease their

trucks when we let American and Canadian companies lease their trucks. The only reason you would not do it is if you want to make it so people cannot be in the trucking business. I have talked about buying insurance. We don't make our own companies buy American insurance. We make them buy insurance that is licensed, that meets our standards, but they can buy Dutch insurance, British insurance, Canadian insurance, Japanese insurance. What this provision would do is treat Mexico differently than everybody else.

This is not about safety. This is about discrimination. This is about treating Mexico, an equal partner in NAFTA, as a second-class citizen. This is about sham safety provisions that basically have the result of preventing Mexican trucks from operating in the United States and violating NAFTA.

Let me conclude by making the following point: It is an incredible paradox. A lot of talk has been made about Mexican trucks. Today Mexican trucks bring goods to the border, come across the border, go to a warehouse, and unload and go back. The Mexican trucks that are operating in the 20-mile radius of the border are basically hauling watermelons and cabbages and vegetables. You are dealing with old trucks. People do not haul cabbages across the border in 18-wheelers.

The figures being used about safety inspections, even though Mexican trucks are being inspected twice as much as Canadian trucks today—and by the way, the drivers in the inspections are being rated better than American drivers; many of them are college graduates—people are using trucks that are hauling cabbages as an example of the kind of trucks that are going to be operating in interstate commerce.

The plain truth is that Mexican trucking companies are going to lease trucks from the same leasing companies that lease trucks to American trucking companies, and they are going to buy new trucks to lease. The debate is not about safety. The debate is about protectionism. The debate is about a well-organized special interest group, the Teamsters union, which has worked very hard to try to prevent the United States from living up to NAFTA. They are not going to win.

First of all, we have three more clotures, and we intend to use every right we have because this is an important issue. I have to say, I am surprised that so many of the major newspapers in America—the New York Times, the Washington Post, the Chicago Tribune, the Cleveland Plain Dealer—despite all of this fog of rhetoric, ''safety, safety, safety, safety,'' when the provisions in dispute have nothing to do with safety, I am pleased that they have seen through the fog.

The reason the Founding Fathers structured the Senate as they did was that they were not counting on the New York Times or the Washington Post seeing through the fog. They recognized that there were going to be issues where you were going to have well-organized special interest groups standing outside that door. They were going to be lobbying. They were going to be pushing, and it was going to be possible to take raw, rotten special interests—in this case, special interests that would have us violate a solemn treaty agreement of the United States—and make us hypocrites all over the world when we call on our trading partners to live up to their agreements, when we are violating our agreement with our neighbor to the south.

The Founding Fathers recognized that people would get confused, that issues would get clouded. And so when they structured the Senate, they gave a few Senators—one Senator, any Senator—rights to defend their position. Senator MCCAIN and I have used those rights. We are going to continue to use them. There are three more clotures before this bill will ever go to conference. The bill, if it does get to conference, will be fixed, or the President will veto it, and we will start the whole process over.

In the end, when we are dealing with something as important as NAFTA, when we are dealing with something as important as America living up to its treaty obligations, if that is not worth fighting for, the job of a Senator is not worth having.

I am pleased that the major papers in America are not confused. I am pleased that it is clear to them that people should know that this is about special interests. This does violate NAFTA. I have given five clear examples, beyond any reasonable doubt, where no person could argue that the provisions of the Murray amendment have any objective at all other than preventing Mexican trucks from coming into the country.

The one that I spent the most time on is the one that has to do with simply the question of whether you want inspectors to inspect Mexican trucks. The Murray amendment says no. Any inspector currently inspecting trucks in America can't go inspect Mexican trucks. You have to hire new people. You have to train them. You have to let them get experience.

That provision is not about safety. That provision is about raw, rotten protectionism. Happily people are recognizing it for what it is.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I think it is very important that we go back and look at what has happened on the issue of Mexican trucks, NAFTA, and the safety of American highways.

When NAFTA was passed, it was explicit in permitting the Federal Government and individual States to establish and enforce their own requirements for truck safety. It also said that there should be a single standard in every jurisdiction. So the standard should apply to trucks from the United States, Mexico, and Canada.

However, what I think has been missed in this debate is the ruling of the international tribunal in February which, it has been pointed out, did find the United States in violation because we actually had halted the truck safety rules in 1995 in this country, and so the United States had failed to meet the deadline.

But the other part of this Mexican tribunal ruling was that the United States does not have to treat applications from Mexican-based carriers in exactly the same manner as United States or Canadian firms. In fact, there are some differences in the treatment of Canadian firms because of different operating authorities in that sovereign country.

The panel also said that the United States is not required to grant operating authority to any specific number of Mexican applicants. I went back and looked at the makeup of the NAFTA tribunal because I thought it would be important to know. The tribunal was two Mexican citizens, two United States citizens, and the chairman was from Britain. The vote was unanimous because it was noted that there could be different rules for certain countries because of the significant differences in the country's safety regimes. So this was not a 3–2 vote, where the Mexican nationals voted differently from the United States and British nationals. It was a unanimous vote that acknowledged there would be differences that could be addressed.

The Bush administration, to its credit, is playing catchup because we have had 5 years of delays from the previous administration. Their proposed rule that came out of the Department of Transportation was a start, but it was not adequate to provide clear United States safety under any kind of term that would be considered acceptable.

The original Department of Transportation rule would require that, for the first 18 months of operation, Mexican carriers would be required to comply with documentary production, insurance requirements, and undefined safety inspections. The rule was vague and insufficient. That is why I sat down with officials from the Department of Transportation and I said: These rules are inadequate. We cannot allow trucks to come into our country that haven't either been certified or inspected, and the certification would only come from inspection. That would not be prudent. It would not be responsible.

The Department of Transportation authority agreed. We have been working all along—Senator MURRAY, Senator SHELBY, Senator GRAMM, and Senator MCCAIN, along with myself—with the Department of Transportation to beef up those rules. I think it is fair to say that the Murray-Shelby language has part of the requirement for beefing up those rules, and Senators MCCAIN and GRAMM have suggested, in the form

of drafts, other requirements. In fact, I have offered other requirements that are not in either bill, which I think are very important.

Yes, I think we can change some of the parts in this underlying bill. I think the discussion that has been going on for almost 2 weeks on this floor is really a process discussion, not a substantive one. I say that because I think we are very close to agreeing to the parts of the underlying bill that should remain, the parts that should change; and I think all of us are in agreement that the House version is unacceptable because the House version does what has caused us to get in trouble under the NAFTA agreement, and that is shut down the regulations and act as if we are just not going to comply. That is not responsible. The House position is not tenable.

On the other hand, I think we are very close to significant changes in the original Department of Transportation regulation because they were totally inadequate and they now have stepped up to the plate and agreed, working with Senator MURRAY, myself, and with Senators GRAMM and MCCAIN, to come up with good safety regulations.

The bottom line for all of us is that we must have inspections of every truck. When we talk about whether we go into Mexico to the site of the trucking company to make the inspection, I think we should do that if we have the permission to do it. And it will be in the interest of the trucking company in Mexico to allow the inspectors in, because if you get the certification stamp on your truck as a result of being inspected onsite, then your truck will not be stopped at the border. It will have been inspected and certified, and you will be able to operate it under the same rules as a U.S. truck operates. And if the Mexicans agree that it is in their best interest—and I think they will—then that is going to alleviate a lot of problems, and it is going to ensure the inspections that will ensure the safety.

Secondly, the Murray language in the underlying bill does something very important to implement this regulation, which the House failed to do, and that is, it has the $103 million that has been requested by the President to finance the infrastructure to hire and train the inspectors at the border and to provide aid to States to inspect trucks along the United States-Mexico border.

Now, I cannot imagine anything worse than saying we are going to have all these regulations, but we are not going to have any inspectors. One of the reasons so many of my border constituents are concerned about the Mexican truck issue is because we have had Mexican trucks within a 20-mile limit through the border, and they have not all been inspected; they have not all met the requirements that would make people on our highways feel safe. In fact, I will quote from the AAA Texas Chapter press release in which it says:

The U.S. Department of Transportation reports that more than 35 percent of trucks from Mexico, under this 20-mile rule, were taken out of service for safety violations in 2000. That compares to 24 percent for U.S. trucks and 17 percent for trucks from Canada.

It is very important we look at the people who are living with this problem the most right now. We have had a lot of editorials read into the RECORD, and I will read two editorials from Texas newspapers, one from the El Paso Times. The heading is: ''It Is About Safety. No ifs, ands or trucks—unless they pass the test.''

Just as the U.S. Senate was voting in favor of tough safety standards for Mexican trucks crossing into the United States, a new truck-inspection site sprang up at Delta Drive and Hammond Street, near the Bridge of the Americas.

It was a welcome surprise, given the extreme level of concern about the safety of Mexican trucks coming into the country and driving through El Paso.

The new inspection station near the Americas Bridge should furnish a clearer picture of how bad the safety problems with Mexican trucks are or are not. Between January and June, inspectors at international bridges placed 132 American trucks out of service, and 944 Mexican trucks. This indicates a severe problem exists.

So it is very important.

I ask unanimous consent the editorial from the El Paso Times be made a part of the RECORD.

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

[From the El Paso Times, July 29, 2001]

IT'S ABOUT SAFETY—NO IFS, ANDS OR TRUCKS—UNLESS THEY PASS TESTS

Just as the U.S. Senate was voting in favor of tough safety standards for Mexican trucks crossing into the United States, a new truck-inspection site sprang up at Delta Drive and Hammett Street, near the Bridge of the Americas.

It was a welcome surprise, given the extreme level of concern about the safety of Mexican trucks coming into the country and driving through El Paso.

State Rep. Joe Pickett, D-El Paso, said the information gleaned from the inspections would be forwarded to President Bush to let him know ''what kind of trucks are coming through.''

Bush is currently engaged in a bitter fight with Congress over how tough safety standards should be for Mexican trucks entering this country. Bush has threatened to veto the tougher rules the Senate is advocating.

The new inspection station near the Americas Bridge should furnish a clearer picture of how bad the safety problems with Mexican trucks are or aren't. Between January and June, inspectors at international bridges placed 132 American trucks out of service—and 944 Mexican trucks. That indicates a severe problem exists.

Pickett said the state isn't planning to make the new inspection station a permanent fixture. But during its lifespan, it should be able to furnish much pertinent information to the discussion over truck safety.

Meanwhile, the president and Congress have to meet at some middle ground concerning Mexican trucks. The North American Free Trade Agreement mandates allowing Mexican trucks access to all parts of the United States.

That, of course, should be honored.

But both Congress and the president must also look out for the safety of American highways and American motorists.

Mrs. HUTCHISON. Madam President, I will also read from the Austin American Statesman of July 31, 2001; the headline, ''No Matter Their Origin, Trucks Must Be Safe.''

For Central Texans, the fight over Mexican trucks on America's roads and highways is more than just an inside-the-beltway partisan political battle. Austin is ground zero for trucks coming across the border and up Interstate 35. I–35 from San Antonio to Dallas is already one of the most dangerous stretches of interstate in the Nation. Adding thousands of unsafe trucks to the mix increases the threat to accidents, injuries and fatalities. What is spirited debate and hardball politics in Washington is deadly reality in Austin. In fact, both sides may be right. A NAFTA panel said as much earlier this year when it found the United States in violation of the treaty for restricting Mexican trucks but then added, the safety of trucks crossing the border is a legitimate issue and an important responsibility of the Federal Government.

That is the tribunal that was unanimously speaking with two Mexican members, two United States members, and a British chairman.

It goes on to say:

Congress should not abrogate NAFTA for purely political purposes and force Mexican trucks to meet stiffer standards than the American-Canadian fleets. If the Mexican trucks do not meet the standards, however, pull them off the road. It should, as President Bush suggests, step up inspections and increase enforcement of the safety standards already in place.

That is exactly what the bill before us today does. It beefs up inspections.

This is common sense. Of course we must beef up inspections. The Murray language does that. Of course we must pay for it. The Murray language makes it a priority.

After the House passed the amendment that would shut down the inspections at the border and take the money away, I went to Senator MURRAY and said, this is not responsible governing. She agreed, and she has worked with a lot of different interests to try to forge what is right. Maybe it is not perfect. I do not agree with every single part of it. I think Senator GRAMM and Senator MCCAIN have made a few good points, but I do not think holding up the bill and keeping progress from going forward is the right approach. They certainly have the right to do that, as any Member of the Senate does, but I do not think we are going to get to the goal they want by holding up the bill.

We have a workable bill before us. We can make some changes, and I think Senator MURRAY will work with us to make those changes.

The Department of Inspection and President Bush have made very solid suggestions on what we need to uphold NAFTA and to uphold the integrity of safety on the U.S. highway system.

I hope the games will end. I hope we can go forward with a very good start on this problem so we will be able to immediately begin the process of putting those border inspection stations in

place, because without the inspections, none of this is going to make sense. I assure my colleagues, we will not have safety if we do not have the capacity to inspect, and that is the most important goal we should all have.

I agree with the Austin American Statesman and the El Paso Times. These are two cities. Austin is our State capital. El Paso is the largest Texas border city with Mexico. The largest Mexican city on the entire border is Juarez. We know safety is important for every person who is on our highways: Americans, Hispanic Americans, Black Americans, Asian Americans, and foreign people traveling on our highways. We have a reputation for safety. We must uphold that reputation for the sake of our families and our children.

I do not want unsafe American trucks. I do not want unsafe American cars. That is why we have inspection requirements because people traveling on our highways feel safe, and we must assure they stay that way.

We are close to a compromise. I do not really think we are talking substance anymore. We are talking process. We have a solution the Department of Transportation, the President of the United States, and every Member of the Senate is going to agree is the right solution. The real donnybrook is whether we put it on the bill now or we hammer it out in conference with all sides at the table. We can do it in conference with all sides at the table.

Reasonable minds can disagree on this. I certainly think every Senator has the right to hold up progress, but inevitably we are going to sit down at the table in conference and work this out. I hope that does not mean September because we will have lost a month of setting up those inspection stations and starting the process of getting our house in order to have inspections of every truck coming into our country, from Canada or Mexico.

If we wait until September, because of the process initiatives that have been going on for over a week on this bill, we are not serving the best interests of our constituents and the people who depend on us to make the right decisions. I hope we will listen to the tribunal that spoke out and said we have the sovereign ability to keep our roads safe. We can come to an agreement that will do that and comply with our responsibilities under trade agreements as well.

I yield the floor.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. ALLARD. Madam President, I ask unanimous consent to speak on a subject unrelated to the topic that is now before us, and that my comments follow those of the Senator from Mississippi this morning, Mr. COCHRAN, who spoke on missile defense.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, could I ask the Senator for how long he wishes to speak?

Mr. ALLARD. I request 20 minutes.

Mr. REID. That will be fine. I ask unanimous consent I be recognized at the expiration of those remarks.

Mr. DORGAN. Reserving the right to object, and I shall not, of course, object to the request to speak, my understanding is we are on the Department of Transportation appropriations bill. I came over intending to speak on that matter, on the amendment that has been discussed most recently.

The Senator from Nevada wishes to be recognized following the Senator from Colorado; is that correct?

Mr. REID. Yes.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. DORGAN. I shall not object. I did want to indicate I wanted to speak on this bill, on the amendment, but I will certainly defer to the morning business request.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

(The remarks of Mr. ALLARD are printed in today's RECORD under ''Morning Business''.)

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I heard this morning the Senator from Washington, the manager of this bill, talk about why this legislation is important. Earlier this morning, I talked about why this legislation is important to people of the State of Nevada. I heard her this morning read into the RECORD the names of organizations that support this legislation, and a few minutes later I walked over to my office.

As I walked to my office, one of my friends said: I would like you to meet someone. As I proceeded over to see the person that I was asked to meet, I was introduced to a woman from the State of Maine. I cannot remember her name. I was introduced to her outside this Chamber. She was here representing Parents Against Tired Truckers. It doesn't sound like much, does it?

This woman lost a son. In 1993, her son was killed by a truckdriver who had been on the road too long. That is what this legislation is all about, making sure our roads are safer. I acknowledge that there are things we could do with American truckdrivers that would create safer ways for me and my family to travel on these roads. But we do not need to get into that today.

What we need to get into today is recognizing what Senators MURRAY and SHELBY have done, which is to write legislation to make our roads safer so that we do not have this organization gaining more parents who have lost children as a result of tired truckers.

I told the woman whose son was killed in 1993: I appreciate you being involved for so long.

She said: I am never going to give up.

That is how I look at the Senator from Washington: She is never going to give up. She believes strongly that what she and Senator SHELBY have crafted is fair. Keep in mind, it is not as if the Senator from Washington is working in a vacuum.

What the House of Representatives did, by a 2–1 vote, is outlaw Mexican trucks coming into the United States. So it seems to me this approach is reasonable; it does not outlaw all Mexican trucks coming into the United States, but to say we want Mexican trucks coming into the United States to have certain basic safety features. And we want to check to see if they are adhering to those safety features. That is what her legislation does.

So I personally am very happy with this legislation. It is no wonder that we have people lobbying the Senate. When you hear about lobbyists, the first thing you think of are people wearing Gucci shoes and driving in limousines. The woman from Maine did not have a limousine, and she was not wearing Gucci shoes. She paid her own way here to advocate for safer highways. This legislation is important to her.

That is why we have all kinds of organizations—too lengthy to put in the RECORD; some of these names have already been put in the RECORD—that are advocates for highway and auto safety.

Public Citizen is a public interest organization that is involved in many things dealing with consumer safety. They are concerned about this legislation. They favor the Murray proposal.

Consumer Federation of America: Of course, we know what the Consumer Federation of America is. It is an organization that supports consumers getting a fair break in America. That is what the legislation is from the Senator from Washington. It is just to make sure that the traveling public will be on highways and roads where the trucks coming from other countries have certain minimal safety features. That is how I look at it. Others may look at it differently.

The Trauma Foundation: Why would the Trauma Foundation be interested in legislation such as this? The Trauma Foundation is interested in legislation such as this because people get hurt on these roads—people get maimed, injured, and killed. That is why the Trauma Foundation of America supports this legislation.

I think one of the most interesting aspects of this legislation is that the Texas Automobile Association of America supports this legislation. I think that is pretty good. In fact, the Texas AAA issued a press release, going line by line over the legislation of the Senator from Washington, supporting her legislation.

On-site safety audits at the company facilities prior to authorizing their trucks to cross the border: This isn't

what Senator MURRAY is saying; this is what the Texas Automobile Association of America is saying.

They also say there should be significant improvements in safety inspections at the border, including enforcement of U.S. weight limits. They also said there should be adequate resources for enforcement throughout the United States. They believe there should be verifiable insurance on each vehicle. It does not seem too bizarre to me that this legislation calls for trucks coming into the United States to have adequate and verifiable insurance information on each vehicle.

There should be shared tracking of the company's truck and driver safety records between the United States and Mexican authorities. The Texas AAA says there should be enforcement of safety laws, including limiting the number of continuous hours spent driving. That also does not seem too outrageous to me, that if we are going to have these huge trucks with over 100,000 pounds of material on them, we are asking that the drivers have a limited amount of hours driving these trucks. I think that is something that is extremely important.

So they end their press release by saying: The safety of the motoring public should not be risked in the rush to meet an apparently arbitrary deadline. They believe that it is extremely important. So I think it kind of says it all, if we have the Texas AAA asking that we uphold this legislation. It is reasonable legislation.

Madam President, I ask for the yeas and nays on the pending legislation.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. HOLLINGS. Madam President, I would be delighted to yield.

Madam President, I want to say a word about the Mexican truck amendment, the Murray-Shelby amendment, particularly to commend both Senator MURRAY and Senator SHELBY on their diligence. The Senator from Washington has been persistent and has been ultimately fair.

What happens is—since we have been criticized about even putting this on an appropriations bill—many times the cart gets before the horse. And what happened on this occasion was that the President of the United States announced summarily that come January 1 we were going to admit the Mexican trucks, ipso facto—bam, that was it.

I go back immediately to the debate that we had about NAFTA, where it had been suggested that we use the common market approach rather than the free market approach. The Europeans learned long since that the free market approach did not work. On the contrary, they said: What we need to do is to develop the infrastructure of a free market; namely, property ownership, labor rights, respect for the judiciary, the infrastructure, if you please, for safety and for health care.

The Europeans thereafter taxed themselves some $5.7 billion over a 5-year period, setting those elements of infrastructure up within Greece and Portugal before they admitted Greece and Portugal into the common market.

We see the result of not having done that. Here we are faced with the announcement by the President and, thereupon, the action by the House in their appropriations bill. So while we had, in the authorizing committee, scheduled a hearing with respect to the Mexican trucking problem, we had to act in the Appropriations Committee in order to make it deliberate and sound and fair.

The action on the House side was not that deliberate, sound, or fair. On the outside they just said: Look, we cut off any and all funds for the admission of Mexican trucking into the United States come January 1—or during the fiscal year 2002.

I would agree with the President, that would be a nonstarter. So what we did then, working with Senator MURRAY and Senator SHELBY at the authorizing level, is we continued, we had the hearing, and we addressed elements included in the Murray-Shelby amendment providing just those things that are required by U.S. truckers.

I was particularly sensitive to that. There was no one who opposed NAFTA any more strongly than this particular Senator. Yet now we have it. It is not going to be repealed. It should be made to work.

Very interestingly, since my colleague from Texas is on the floor, what happened was, it didn't work, NAFTA didn't work. Drugs got worse. Immigration got worse. The take-home pay of Mexicans got worse. We were supposed to get 200,000 jobs. We lost 500,000 jobs. Instead of a $5 billion-plus balance of trade, we have a $25 billion deficit in the balance of trade with Mexico.

There was one good message that went to the American people. For the first time in some 82 years, they kicked out the PRI. And who is in as the Foreign Minister? Jorge Castaneda, one of the biggest opponents of NAFTA. Who is in as security chief down in Mexico? Mr. Adolfo Aguilar Zinser. I worked with these gentlemen. They were trying to build up Mexico's infrastructure.

Yesterday, I met with Mexico's Minister of the Economy, Luis Ernesto Derbez. I said: Mr. Minister, point out to me whereby there is any one of these provisions here in Murray-Shelby that is not required of the American truckers. He couldn't point out a one. I said: I know you haven't had a chance to study it because the White House and others have been calling around, jumping on them down in Mexico, saying: Get on up here. We have an anti-Mexican thing going on here. They are jumping all around, and they don't know what they are talking about.

I said: Write me a letter and point out whereby we don't require of our American truckers what we are requiring in Murray-Shelby. Of course, they can't do it.

So this idea of ''negotiate, negotiate,'' and ''they bypassed us,'' and all that, that is out of whole cloth. We had an authorizing hearing. We had the witnesses appear. This isn't pro-Mexican; it isn't anti-Mexican. Trade is a two-way street. If we require it of the Mexicans, that which we are requiring of our own truckers, they immediately will counter and require it of our American truckers. When you do not have the infrastructure, that is when the damage is done; so we put in Murray-Shelby that on-site safety inspections take place.

The Secretary of Transportation, my good friend, said: Are we going in to inspect them? The Mexican inspectors come up to Senator MURRAY's home State of Washington to check the apples, and, yes, we are going in to check those stations, like the Canadians check ours and we check theirs. Why? Because once we know the work there at that safety station is sound and thorough and reliable, then they can come to the border with a sheet of paper and we will pass them right on through. We can't just have passthroughs and a sheet of paper giving you nothing.

This thing has gotten wholly out of kilter. I think it was really done to slow down the process, because we were doing too well over here. We passed the Patients' Bill of Rights, and we have been passing other things around here. We are going to pass some appropriations bills.

Our opponents say we haven't negotiated. Baloney. I've been negotiating and I remain ready to negotiate.

Put up your amendment, and we will vote. Let's get on with this particular measure. Get it over to the conference. Pass this one and move forward. But don't put this in the context of anti-Mexican or unfair or in violation of NAFTA.

I went immediately to the arbitration panel, and Minister Derbez yesterday agreed. He said: No, we understand safety is required on both sides of the border. It is part of NAFTA. It is not in violation of NAFTA. So we know we hadn't violated NAFTA and violated our treaty. I don't know why all this sanctimony about violating treaties around here. That is all we have ever had, violations of these trade treaties. I had the book this morning put out by the special trade representative—it is an inch and a half thick—of all the violations, 68 pages by the Japanese. Come on. We can't get into Japan 50 years later. So we really have to honor our treaty and all that? Come on.

I have heard enough of it now. The Senator from Alabama, Mr. SHELBY, and Senator MURRAY have gone about this in a purely bipartisan manner. There is no partisan or anti-Mexican feature to this whatsoever. It is a political slowdown. They know it.

Let's get on with the slowdown and let's go on home as we are supposed to in the month of August. The month of August has arrived. I see the distinguished minority leader is here. He likes to go home at 7 o'clock. I like to go home in August.

I yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Republican leader.

Mr. LOTT. Madam President, in the interest of time, might I inquire of the Senator from North Dakota, was he seeking time to speak further on the issue?

Mr. DORGAN. Madam President, I came to speak on the amendment in the bill. I agreed to a unanimous consent request to allow a Member on the minority leader's side to do 20 minutes of morning business on this subject. I have waited to have an opportunity to speak for about 8 to 10 minutes on the issue of Mexican trucks.

Mr. LOTT. Madam President, of course we try to accommodate each other on both sides of the aisle. We try to go back and forth in those speeches. I was not aware of that earlier agreement. I am perfectly willing to allow the Senator to go forward at this point. Then I will speak next in line.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. The Senator from Mississippi, the minority leader, is most generous. There was not an agreement. When the Senator from Colorado sought 20 minutes in morning business, I was here waiting to speak on the bill. He certainly was entitled to speak in morning business. I thank the Senator for his generosity.

I rise to address the issue of Mexican trucks. My friend, the Senator from Arizona, has spoken about it today. My friend, the Senator from Texas, has spoken.

After all the debate, it is important for everyone to understand, there is nothing here about punishment or being punitive to the country of Mexico. That is not what this is about. Some of my colleagues have said we are being discriminatory. That is not true.

The truth is, this issue is about highway safety. Senator MURRAY from the State of Washington has put a provision in the appropriations bill that is not only appropriate but needs to be kept in this bill in order to assure safety on America's highways. Frankly, I wish she had chosen to use the House language which was presented by Congressman SABO. It is stronger language. It would prohibit, during this coming fiscal year, the use of funds in this legislation to certify Mexican trucks desiring to go beyond the 20-mile limit.

I wish Senator MURRAY had included that. She did not. She chose to take a different approach. She has taken an approach that also will provide a measure of safety for American highways.

What is this issue really about? It is not about whether we are violating a trade agreement. No one can credibly argue that any trade agreement at any time under any circumstances requires this country to sacrifice safety on its highways.

It is about using common sense to understand when and under what circumstances shall we allow Mexican long-haul truckers to go beyond the 20-mile limit that now exists.

Some will say: Let's immediately allow Mexican long-haul trucks to operate throughout the United States. That is what President Bush says. On January 1, we intend to allow long-haul Mexican truckers into this country beyond the 20-mile limit. He says we will provide inspections and so forth.

The fact is, there will not be sufficient inspections. There are not sufficient inspection stations. There are not sufficient inspectors. There are not sufficient compliance officers. There is not a ghost of a chance of that happening. Everyone knows it.

I sat in a 3- to 4-hour hearing in the Commerce Committee with the Secretary of Transportation and the Department of Transportation Inspector General. All of us understand that the numbers of inspectors and compliance officers requested for the border fall short of what is required for safety monitoring.

To those who say we can allow access throughout the United States to Mexican trucks on January 1 and those traveling on our highways will be protected, the numbers don't add up. We will not be protected. There are not the resources available to hire the number of inspectors or the compliance officers to allow this to happen.

Are there reasons for us to be concerned if you don't have a regime of inspections? The answer clearly is yes. I would refer again to a news report about long-haul trucking in Mexico that featured in the San Francisco Chronicle in March. This article simply mirrors what most of us know about the lack of standards in Mexico. A reporter went down and traveled for 3 days with a Mexican long-haul trucker. In 3 days this Mexican long-haul trucker drove 1,800 miles and slept 7 hours. Yes, that is right; in 3 days, he slept a total of 7 hours. He didn't run into safety inspections because safety inspections are not common in Mexico. The driver didn't keep a logbook because, although they are required in Mexico, drivers don't keep them.

The fact is, in Mexico, they don't have limitations on hours of service, and so a truckdriver can drive 3 days and sleep only 7 hours and will not be in violation of Mexican laws.

The question is, Would you want the truckdriver in the San Francisco Chronicle article to cross the U.S.-Mexico border into this country, after having slept only 7 hours in 3 days while having driven 1,800 miles in a truck that could not meet this country's safety standards because it had a broken windshield? I don't think anybody would want him to cross into this country and travel on America's highways. That clearly compromises safety on our highways.

So, the Senator from Washington has placed a provision in this legislation. She had to put it on this appropriations bill because the President indicated he intends to move on January 1. Really, the only option to stop the President's intentions is to put the provision in the appropriations bill and give us some assurance of safety on America's highways. That is what this dispute is about.

I agree that there is room for different opinions, but on this legislation, the facts are quite clear. I sat in a hearing for hours on this subject, hearing from the Department of Transportation's Inspector General. The Inspector General's report represents the base of facts here. The Mexican trucking industry does not have the same standards we do. There is no requirement for such standards. The inspection stations that should exist in the United States don't exist. Those inspection stations that do exist are not open sufficient hours to for proper inspection. If trucks happen to be inspected, at the vast majority of sites, there aren't enough spaces to park the trucks with serious safety violations. You can't send them back to Mexico because, for example, they may not have brakes. These are insurmountable problems to overcome prior to January 1.

That is why the Senator from Washington has done what she did. She needed to put restrictions in this legislation that I think are necessary to assure highway safety.

My understanding is that the Senator from Kentucky would like me to yield for a unanimous consent request. I would be happy to yield to him for that purpose, providing I am recognized following that.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Under the provisions of rule XXII, I yield my hour to the minority leader.

The PRESIDING OFFICER. The Senator has that right.

Mr. DORGAN. Madam President, in the interest of time and in the interest of responding to the Senator from Mississippi, who graciously allowed me to be recognized, I will complete my statement only by saying this: My colleague from South Carolina made a statement about the issue of the NAFTA trade agreement. I saw another colleague smile to himself as to what my colleague, Senator HOLLINGS, said. The NAFTA trade agreement has been awful. Some people walk around here and think it is one of the best things that ever happened to this country. I have no idea why they think that. This

is a trade agreement that turned a trade surplus we had with Mexico into a huge deficit and a growing deficit. It took a modest deficit with Canada and doubled it very quickly. It is beyond me how someone can view that as progress. I think, in fact, it has injured this country in many, many ways.

I was intrigued by a statement by Senator GRAMM, who said, ''Do you know what the Mexicans have said? They have said if we put this provision in this appropriations bill restricting President Bush's ability to allow Mexican long-haul trucks to come into this country beyond the 20-mile limit, Mexico is going to retaliate against us on the issue of high-fructose corn syrup.''

High-fructose corn syrup. I wonder if my colleague knows that Mexico has already been dealing with high-fructose corn syrup in a way that essentially abrogates the NAFTA treaty and, in fact, Mexico has been found guilty of violating the trade agreement on the corn syrup. Mexico is already in violation on syrup, and they are threatening that somehow if we don't take the Murray language out of the bill they are going to take action on corn syrup. I am sorry, they already took that action and it violated the NAFTA trade agreement.

Incidentally, nothing that protects America's highways, in my judgment, should ever be considered a violation of a trade agreement. The next time somebody says there is a violation of NAFTA or a trade agreement, I will simply observe that on corn syrup, which has been the one area raised on the floor, the only violation that exists is Mexico violating a trade agreement with the United States.

So I find it intriguing that there is this sort of blame-our-country-first on all these issues. Our country has been open; it has been willing to embrace all kinds of trade expansion opportunities almost everywhere in the world. But every time we turn around we discover that either a trade agreement was negotiated in an inappropriate way or someone is refusing to enforce a trade agreement.

This is a circumstance that is very simple. Senator MURRAY has put in a rather simple, easy-to-understand amendment. We ought to be willing to stand behind it on behalf of safety on America's highways. This is not about anti-Mexico. It is not about sending a discriminatory message to anybody; it is about standing up for safety on America's highways. We are nowhere near ready to be able to allow Mexican long-haul trucks into this country. Their safety standards are nowhere near compatible with ours, and it would compromise safety on our highways to allow Mexican trucks to operate throughout the United States beginning on January 1. That is what the Murray amendment says. That is why we are trying to keep that amendment in this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. It is my understanding that the minority leader from Mississippi may be seeking recognition. I don't believe he is at this moment. I will yield as soon as he is prepared to speak. I want to make a statement on this issue in a moment.

I thank the Senator from North Dakota because I think he summarized this issue. I went home to Illinois over the weekend. It is interesting how many people are following this debate but no real surprise. How many of us are out on the highways now going back and forth to work or on vacations? Look on the freeways in Chicago or on the interstate highways in downstate Illinois; you see a lot of trucks. We can rightly assume, if they are American trucks, that they are subject to pretty substantial standards in terms of the safety of the vehicle and the competency of the driver. What kind of standards? An inspection, No. 1, to make sure the brakes work, make sure the trucks don't weigh too much, make certain the lights work on the trucks, and basic things such as that.

Secondly, when it comes to the competency of American truckdrivers, we are pretty demanding. We ask them to keep a log and tell us how frequently they are driving and for what period of time. We subject them to drug tests and alcohol tests. We go through a lengthy background check to see if they have a history of driving under the influence or reckless driving. We make them pass a CDL exam for their license and to go out on the road. It is a demanding examination. We want them to understand the highway standards and regulations for safety in the United States.

When my family is driving down the highway for a vacation—which I hope will happen sometime in August—and we see a truck coming up behind us, if it is an American truck from an American trucking company with an American driver, I at least have the peace of mind that it is more likely than not that the truck has been inspected and that the driver has passed the test.

What is this amendment all about? This is about trucks that aren't American trucks and are driven by people who are not American citizens. We are talking about trucks coming in from Mexico. Many of the people who come here today and support this provision by Senator MURRAY requiring standards for Mexican truck inspection, standards for Mexican truckdrivers, voted against the North American Free Trade Agreement. Some of them, as previous speakers have said, believe it was not in the best interest of the United States.

I don't come from that position at all. I am from the State of Illinois. Exports are critical to Illinois, whether it is in the agricultural sector or the manufacturing sector. I voted for NAFTA.

I voted for NAFTA believing we were doing two things: opening up a potential market for the United States in Mexico and opening up a potential market for Mexico in the United States. I believe in free trade so long as it is fair, so long as it is subject to standards and rules that are enforced.

In the middle of this debate, it could have been one of the most contentious debates I recall in Congress. I was a Member of the House of Representatives when the NAFTA issue came before us. During the course of this debate, there was a high intensity feeling, particularly opposition from a number of people, environmentalists, those representing labor unions. They were opposed to NAFTA.

A number of us went to the Clinton administration and said, if we pass this NAFTA treaty, we want to understand how it is going to work. The first question I asked, and received a response in writing, was this: If we agree to NAFTA, a trade agreement with Mexico, will we have to compromise any of our health and safety standards in the United States?

The answer came back, unequivocally, no. If a health and safety standard is imposed on an American company, the same standard can be imposed on the Mexican company and product coming into the United States. Whether it is the safety of food that is brought in or whether it is the safety of trucks driven in from Mexico, they are subject to the same standards.

A few weeks ago the Ambassador of Mexico came to my office. He is a very nice gentleman. I met him there and then again in Chicago when President Vicente Fox visited Chicago 2 weeks ago. We had a long talk about this.

I said: Mr. Ambassador, let me ask one basic question. If we will hold Mexico to the same standards when it comes to the safety of trucks on the highway and the competency of drivers that we hold American trucks and American truckdrivers to, will that be acceptable?

He said: Yes, that is not unreasonable.

I remember this particularly. He said: When it comes to logbooks, tell us what is wanted in these logbooks. The color of the cover of the logbooks can be told to us. We will live by the same standard as American truckdrivers.

I thought that was a reasonable position to take. It certainly is what I understood when we voted for NAFTA, but if one listens to the critics of Senator MURRAY's amendment, they are suggesting holding Mexico to the same standards as the United States is protectionist; it is violating free trade; it is violating NAFTA.

Nothing could be further from the truth. I think they have overreacted. I invite them to read the language Senator MURRAY has put in this bill. What she has said time and again is: The Mexican trucks and Mexican truckdrivers will be subject to the same standards.

What if we should take out the Murray language altogether? What if we had no such language in the law? What could we expect?

There are several things we know about Mexican trucking companies. One, under Mexican law, there is no limit to the number of hours a driver can drive a truck. In the United States, there are specific limits. We believe that if someone is behind the wheel for a long period of time, it can take its toll. They are not as responsive as they should be. They may not be as careful as they should be. In Mexico, there is no limitation.

We heard the comments earlier from the Senator from North Dakota, when a reporter from the San Francisco newspaper traveled with the Mexican truckdriver, they covered 1,800 miles in 3 days and the truckdriver slept a total of 7 hours. Think about yourself driving 1,800 miles, perhaps driving from St. Louis to Los Angeles. Or going back and forth across the country, and in a span of 3 days you cover that trip with 7 hours' sleep. How good are you going to be behind the wheel at that point?

Let us change this. You are not just behind the wheel of your car. You are driving a truck down that highway that could weigh 135,000 pounds. That 135,000 pounds is another important figure because we have a limitation on the weight of trucks in the United States at 85,000, but not in Mexico. They can put trucks on the road at 135,000 pounds.

We have a driver who has no limitation on the number of hours that he can consecutively drive down the highway, with a truck that is substantially larger than anything permissible under the law in the United States. That driver keeps no logbooks because the law is not enforced in Mexico. That driver is not subject to the same drug and alcohol testing as American truckdrivers because they have not established the laboratories for testing. We see that time and time again. The Mexican truck companies and the Mexican truckdrivers do not meet the minimum standards we expect in the United States.

What if there was an accident? This is worth noting, too. In the United States, if someone has a truck on the road, with an American truckdriver and an American truck, their liability insurance will range from $750,000 to $5 million. A Mexican truckdriver has average insurance of $70,000. Think about how little that covers if one is in a serious accident with a lot of injuries.

The Murray amendment is a reasonable amendment. It is one I hope those who support free trade, as I support free trade, will understand is part of the bargain. We are prepared to say to Mexico, we will live up to their standards when it comes to our exports to their country. They should live up to our standards when it comes to their exports to the United States of America.

That is not unreasonable. That is what fair trade is all about. The Murray amendment is a substantial step forward to establish a standard.

When people in Illinois have said to me, Senator, when you get back to Washington make sure the Mexican trucks are safe, they understand, as well as I do, when we are going down the highway with our family, heading for vacation and look in the rearview mirror, we should not have to look twice to try to determine whether that license plate is from the United States or from Mexico as to whether it is safe.

We ought to know wherever those trucks are from, they are going to be safe for all families on the highway in the United States.

I yield the floor.

The PRESIDING OFFICER. The Presiding Officer, in her capacity as a Senator from New York, pursuant to rule XXII, yields her hour to the Senator from Washington, the manager of the bill.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Madam President, Senator DASCHLE and I have been talking and working on what agreement can be worked out about how to proceed for the remainder of the evening and tomorrow and maybe even into September. While we are checking with all the interested parties, I have not spoken at length on this issue. I do not wish to speak at length now, but I think I should speak to some of the issues that are before us with regard to the Transportation appropriations bill and this very important issue of how the operation of buses and trucks from Mexico and the United States are able to go back and forth across the border.

First of all, I emphasize I appreciate the work that has been done by the manager of this legislation on both sides of the aisle with regard to transportation. Transportation is a very important part of what the Federal Government does and it is one of those areas where the Federal Government does the allocation of funds in the right way. We do not generally direct all the money must go to one place or another, even though there are some areas where we provide direct instructions. The bulk of the money is sent to the States based on a formula that is decided, of course, in the TEA–21 bill. The States get a large sum of money and then they decide what the priorities are in terms of what roads or what bridges are worked on and in what priority, how much of that money can go for railroads, because we gave a lot more flexibility under TEA–21, the Transportation Act, that we passed a couple of years ago. I guess it has been 3 years ago now. That money can go into railroads or it can go into mass transit. There has been a lot of flexibility, but most of the key decisions are made by the States once they get the money. So this is important legislation.

As we look to the future economic growth of this country, in my mind, obviously, how the Government works with the people, can we control regulations? Can we control the burdens? How much are people able to keep of their own money? That is a very important part of economic growth. I think the energy area is a very important area of our future economic growth. It is a matter of national security, but certainly it is key to being able to have a growing economy in this country.

We are going to have to have more exploration for oil and gas, more use of other fuels, more opportunity for alternative fuels, more incentives for conservation, the entire energy package. As a part of this, trade is important, but transportation is also critical. It does create jobs. It is about safety on our highways.

If we are going to have a growing country and a growing economy, we have to have the whole package, too. It is not just about roads and bridges. It is about urban mass transportation, railroads, airports, rivers, and harbors, all the different aspects of transportation.

In my own State, I have tried to emphasize that as we try to make economic progress, it is critical to focus on improving education and that we have a decent transportation system because so many areas that needed economic development could not get them. It was next to impossible. The roads were not four lanes; they were two lanes narrow and dangerous. Many people, including my own father, were killed on those roads because of the unsafe hilly nature of our road system. If we are going to have the economic development we are seeking, we have to have a good overall transportation system.

Of course, the third component is jobs creation. If you are not aggressively pursuing expansion of existing industries and businesses and seeking other industries to come in, international corporations to come in, as we have in my own State of Mississippi—Nissan is constructing a facility that will cost approximately $1.2 billion, the largest new single-industry plant in the history of our State. In order for that to succeed, they will have to have access to a transportation system.

I commend the managers of the legislation for the work they have done on this bill. I in no way object. I approve of what is in this legislation to the extent I know exactly what is in it.

How did we reach this point on the Mexican truck issue? When the Senate was prepared to vote on the North American Free Trade Act, I had some reservations about it and expressed those reservations. Some of the concerns I had were addressed as we went through the process. I kept asking

questions and expressing concern about trucks and truck safety coming out of Mexico. Those around at the time or those following it will remember it was one of the last issues that was addressed in the NAFTA legislation. I was sympathetic. Nobody wants unsafe trucks on America's highways. Nobody wants unsafe trucks, whether they are from Mexico, Canada, or America. We have all had the scary experience of having an 18-wheeler meet us and come too close or go by us with flaps blowing in the wind. We did resolve the problem. We have been living with that.

Again, I think sometimes trucking and truckers do get a bum rap; that companies are conscious of safety needs. These drivers in the United States, our own drivers, are good men and women whose lives are at stake, also. I had an occasion for a few years to be a part owner of a trucking company. I know all that is involved in trying to make ends meet with a trucking company and how difficult it is to have a truckload going to Chicago and come back empty. A company can wipe out an entire profit with empty backhauls.

I know a little bit about all the licensing requirements in America, the number of tags needed, the different requirements in the different States. For every truck that comes into my State, and I guess other States in America, there is a weigh station. They are lined up coming from Mobile, AL, headed to my home State, to pull off the highway and go through the weigh station and be inspected. Quite often, we have the highway patrol observing who is going and coming.

I do not want to in any way demonize truckers in this country for the job they do. They are an important part of our economy.

This has become very much a problem in this particular bill. Why? The truth is, I think there was too much of a rush to just say, come on in, trucks from Mexico, without proper inspection. That is inadequate, unacceptable, but also the situation where we have trucks come from Mexico to within a 20-mile zone and they hand off the goods to American trucks. They cannot come any further than that. I had occasion last December to be in Laredo, TX. I saw the trucks lined up down the highway, but they could only come so far, and then there was a very expensive and dilatory process of passing on the goods to come on into the United States.

We have a growing, improving relationship with our neighbors to the south. President Bush has worked with the leaders in Mexico, both as the Governor of Texas, and now as President, with their new President Fox. They are addressing a number of issues, including drug trafficking, how we deal with the necessary extradition of criminals between the two countries, how we deal with the immigration question, and, yes, transportation, how we deal with the border crossings and the illegal aliens who, in many instances, prefer to be legal aliens. These are all difficult issues but they are important and we are addressing them now in a broader sense than ever in my memory.

I met this past week with four members of the Mexican Senate including the President, President Jackson. We talked about some of these issues and how they don't always agree. I think they represented three different parties; they do not always agree with President Fox; they do agree we should continue to have free-flowing trade and transportation and communication between our countries.

The idea that trucks from Mexico can only come in 20 miles and must stop and cannot go further is unacceptable. Also, the idea that trucks can come into this country without proper inspection, without proper insurance, without proper licensing, without safety inspections, is unacceptable.

I have never suggested trucks from anywhere be able to come into this country on our roads and not comply with our safety requirements. But there is a limit how far that can go. They have to have credible insurance. The idea that some say they cannot have insurance coverage from a Mexican company, what kind of attitude is that? We can't require that they have to have insurance in America. Both countries should require in the other country's case that it has to be credible insurance; it has to be a real company; it has to be sufficient; and there has to be a process so we know who is providing that insurance from Mexico, and they can turn the tables on us and say we must know it is credible insurance of the United States.

The drivers must be properly trained and licensed. You do not just jump in an 18-wheeler and take off. You cannot even shift gears in those things. I have tried it. They have to meet certain licensing requirements.

There is no disagreement that we should have inspection, but it should be reasonable and fair. It should be affordable in terms of what the government has to pay, and it has to be done in a reasonable period of time. Those who don't want Mexican trucks on our American highways have an ''anti-attitude.'' Some people don't like it that I have called it anti-Hispanic or anti-NAFTA. How can anyone justify that kind of an attitude? We cannot have that.

We need to find a way to work through this because of perhaps an eagerness to get this process underway that contributed to the difficulty we are having now. The House of Representatives lost control of the issue and wound up putting the same old language in the Transportation bill that basically said you would not be able to bring the trucks in here; just stop it. They made a big mistake. It does not make a difference if it is a Republican or Democrat House, whether it is bipartisan or unanimous. That cannot be where we leave the issue.

Then the administration contacted members of the Appropriations Committee in the Senate and said: We have a big problem with that language; so will Mexico. We are running the risk of being held in noncompliance with NAFTA. We are running the risk of having action taken against American goods, whether it is telecommunications or corn syrup products. We have to solve this problem.

The appropriators, to their credit, Republican and Democrat, worked on the language. They came up with what is now referred to as the Murray-Shelby language. They thought, I believe, that they had made sufficient progress. Subsequent to that, on reviewing that language, it was clear that language was very problematic.

Secretary of Transportation, Norm Mineta, expressed his concern to a number of Senators, including to me, personally, about how there were too many restrictions; there was not enough flexibility; it would cost almost twice as much as what the President asked for, which I think was $88 million for safety compliance. And because of the restrictions and the extra costs and the contracting involved, the trucks from Mexico would not be able to come into the United States for months or even a year or more.

By the way, it is a two-way street. As long as we are not letting Mexican trucks come into the United States, American trucks are not going to be able to go to Mexico. That is why the Mississippi Truckers Association wants to get this matter worked out and why they oppose the Murray language. They want to be able to take our products from throughout the Southeast or anywhere in the country and haul it in the other direction.

So that is when a number of Senators started saying the language that came out of the Appropriations Transportation Subcommittee presented too many problems; we need to find a way to correct it.

What are those concerns? It does have to do with flexibility. Does the Department of Transportation have sufficient flexibility to effectively administer safety requirements? It is a basic question. We want safety requirements and responsibilities, but there must be some degree of flexibility, of how those are administered. The language in section 343 of this bill, S. 1178, raises serious questions about that.

In order for the operators from Mexico to come across the border, there were some 22 separate requirements that had to be met. Standing alone, certain requirements may be acceptable, but taken as an aggregate, they result in a violation of commitments.

It is going to lead, as I pointed out, to delays. Just one example of the type of thing we talked about is the one I referred to in a number of discussions earlier, the cost of the weigh stations, for instance. The requirements to install weigh-in-motion systems, fixed scales, electronic scanning machines,

and hand-held tracking systems as well as requirements to employ additional inspectors and to conduct inspections within Mexico would just require lots of extra money, lots of delays, and lots of time. I will give a couple of examples.

Why would you require weigh-in-motion scales and static scales, both, not one or the other? And, by the way, if you require them both, you have to contract it. You do not just run out there and take these scales off the shelf. You have to contract for them; you have to get them and have them put in place. This would require you to have both. I do not think we have that in most of our States. When trucks come in from Arkansas or Louisiana or Tennessee, we weigh them statically. Maybe we do weigh some of them in motion, but we do not have to have both of them.

The other example is conducting inspections in Mexico. As time goes forward, perhaps both countries would like to have some of that. I had one Senator say to me: Look, FAA requires inspection at the base before a plane flies into the United States. There is a big difference, though. When a plane leaves Mexico, the next stop is an airport or landing strip in the United States. The difference between the place of doing business of a truck in that situation is they have to cross the border. There is a point at which there would be an inspection.

Perhaps this can be worked out. But to impose at the beginning the requirement that we have to go into the place of business and inspect within that country and they are going to require the reverse—that they be able to come in and inspect in our country—is just one more example of some of the problems we have.

Never, ever have I seen a bill where a compromise could have been more easily and quickly worked out than this one. Yet the warring sides refuse to agree to do that. I think sometimes maybe there were misunderstandings. Somebody told me on this side of the aisle, on the Democratic side—or maybe I should not say just Democratic—the proponents of the language in the bill said: Why wouldn't you go with the California solution? I said: Great, it sounds fine to me. Why don't we do what they do in California, the inspection areas where they have crossings into California? They said it was because your opponents to this language would not agree to it.

That came as a surprise to me. As a matter of fact, in talking to Senator GRAMM and Senator MCCAIN, I had the clear impression that what they were advocating was the California inspection regimen. So I think the two sides passed in the night here.

Mrs. MURRAY. That is actually in the bill.

Mr. LOTT. There was an agreement, yet they never could seem to come to closure on it.

I know the Teamsters, a group with whom I do not have a problem. I have worked with the Teamsters. I have been supported by the Teamsters sometimes—probably not again anytime soon. I understand their concern. But because this language was in the appropriations bill because, it appears to me, the Teamsters really do not want Mexican trucks to come into America, and because of misunderstandings, and, yes, because of personalities, we could not resolve this.

We could have done this bill at least a week ago. Everybody in this room and everybody on both sides knows it can be done. Now the appropriators said: Wait a minute, you are getting too exercised. This is not necessary. We will fix it in the conference. Don't worry, don't worry, we will fix it in the conference.

Yes, and usually I buy that argument. But there is a little problem with this one. You have totally unrealistic, unacceptable language in the House bill, the Sabo language. And the language in the Senate Transportation appropriations bill also has a number of concerns—these 22 requirements. So if you have a bad situation and a worse situation, how do you split the difference? That is usually what happens in conference. You go somewhere between where the House is and where the Senate is. Yet the solution is outside both.

I know the immaculate conceptions that come out of these conferences. It really doesn't make a difference what the House and Senate did; the conferees will do what they want to, particularly on a bill that is not an appropriations bill, because they are not affected by rule XVI anymore. So maybe they will come out with something that is fair, understandable, not unduly restrictive, affordable, that both the proponents and opponents are satisfied with and the President can sign, and we can go on with our business.

But I have been a little ill at ease about that. So I have gone back to some of the supporters of the language we have in this bill and asked them again: Will you assure me that in conference there will be this dedicated effort, and in fact you will get a bill the President can sign? And they have assured me of that.

I guess if they do not sign the conference, they might make that stick. Maybe others will say we will see about that. And there are those who are thinking: We will do what we want to. If the President vetoes it, we will override the veto.

That will not happen. That will not happen. I can guarantee the Senate right here, right now, if this is not properly resolved and the President does not sign it, if he vetoes it, we will sustain the veto. We will sustain the veto.

But have I advocated that? No. The President doesn't want to veto this bill, and I don't want him to veto the bill. I don't want to have to make sure we have the votes to sustain the veto. The solution is: Resolve this. Make it NAFTA compliant. Let's be fair to both sides.

I don't always agree with what this administration or previous administrations have advocated with regard to Mexico—or Canada, for that matter. I get very upset with what Canada is doing to the United States in our trade relations. I think what they are doing with regard to soft lumber products is totally unacceptable, and I think this administration should be at least as aggressive as the previous administration, through the Customs Office and through our Trade Representative, in assuring that the Canadians comply with our lumber agreements.

So it is not that I am one who is always here taking firm stands in support of our neighbors and in support of even the treaties when I think the treaties are not being administered fairly or they turn out to be basically fair. So I don't profess to be 100-percent pure on this.

But you cannot defend, legitimately, honestly, and intellectually, a situation where we say to our neighbors and to legitimate truckers, you cannot come any more than 20 miles into the United States. That is not where we should be.

So the President has expressed his interest in this. I think he has tried to be restrained in terms of threats. But he has made it clear this is important. President Fox is going to be in the United States the first week in September when this bill is going to be in conference, I guess, or about to go to conference. I hope we will not be in the process of passing legislation and sending to our President at the time something that clearly President Fox will not agree with and will be opposed to while he is in town. I guess he is coming to town September 3 or 4 or 5, or something of that nature.

We do have correspondence here that clearly states the Mexican Government's concern. I have a letter.

Madam President, I ask unanimous consent this letter be printed in the RECORD.

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

JULY 24, 2001.

Hon. TOM DASCHLE,
Senate Majority Leader,
Washington, DC.

We have been following the legislative process regarding cross border trucking on the floor of the U.S. Senate. This is an issue of extreme importance to Mexico on both legal and economic grounds. From a legal standpoint, Mexico expects non-discriminatory treatment from the U.S. as stipulated under the NAFTA. The integrity of the Agreement is at stake as is the commitment of the U.S. to live up to its international obligations under the NAFTA. I would like to reiterate that Mexico has never sought reduced safety and security standards. Each and every truck company from Mexico ought to be given the opportunity to show it complies fully with U.S. standards at the state and federal levels.

The economic arguments are clear-cut: Because of NAFTA, Mexico has become the second largest U.S. trading partner with $263

billion of goods now being exchanged yearly. About 75% of these goods move by truck. In a few years, Mexico may surpass Canada as the U.S. largest trading partner and market. Compliance with the panel ruling means that products will flow far more smoothly and far less expensively between our nations. Doing so will enable us to take advantage of the only permanent comparative advantage we have: that is our geographic proximity. The winners will be consumers, businesses and workers in the three countries.

We are very concerned after regarding the Murray amendment and the Administration's position regarding it that the legislative outcome may still constitute a violation of the Agreement. In this light, we hope the legislative language will allow the prompt and nondiscriminatory opening of the border of international trucking.

Finally I would like to undermine our position, that to the Mexican government the integrity of the NAFTA is of the utmost importance.

Sincerely,

LUIS ERNESTO DERBEZ BAUTISTA,
Secretary of the Economy.

Mr. LOTT. This is a letter from the Secretary of the Economy in Mexico. It says:

The economic arguments are clear-cut. Because of the NAFTA, Mexico has become the second largest U.S. trading partner with $263 billion dollars of goods now being exchanged yearly. About 75 percent of those goods move by truck. In a few years, Mexico's may surpass Canada as the U.S. largest trading partner and market.

It goes on to note they believe the language in this bill does not meet the requirements of NAFTA.

They believe it is a violation of our agreement and that reasonable change and a reasonable agreement should be worked out soon.

I very rarely agree with what I read in the editorial pages of the Washington Post. But to my absolute amazement, on Saturday I got up and read the Washington Post, and there it was—an editorial saying ''NAFTA in trouble''—the Washington Post editorializing against the restrictions on the Mexican trucks coming into the United States. The concluding sentences are shocking sentences. It says:

President Bush says he will veto legislation unless such discrimination is removed from it.

That is the right course.

That is what this is all about.

I don't affix blame at any one place, or the administration, or on us. Somehow or another we have gotten to where we are. Now we can't seem to find a way to let go. Now we have a situation where Senators were willing to pass this on a voice vote at 2 o'clock. Now it is 10 minutes until 3. We are not going to have a vote on it, I guess, until tomorrow. That delays other legislation we are working on with interested parties on both sides. Senators DASCHLE, REID, and NICKLES have been involved along with Senators GRAMM and MCCAIN.

A lot of this is just totally unnecessary. Here we are talking, once again, about an issue we have been talking about for a week or more. Who is to blame? Yes. Sure. I am sure Senators will say we would have been glad to have voted on this last week. I have been through this explanation of how we got here.

But I wanted to make the point that we were ready to finish with this issue an hour ago, and we couldn't get it done. I hope maybe we can use this as a case study.

When you go to law school, you learn the law by studying trials, lawsuits, and cases that have gone before. This should be a case study for the administration, for the House, for the Senate, for our trading partners, and for us as to how not to deal with an issue. I hope we will learn from it.

I hope we can put it behind us and move on in a positive way to other appropriations and other bills. But it has been a difficult one.

I have supported Senators MCCAIN and GRAMM in their efforts. I have had some Members on the other side ask: Why would you do that? You haven't always agreed with those guys on other subjects. Right. But the difference this time is I thought they were right. It is real simple. I wasn't mad at anyone. I just couldn't defend where the United States is at this time with regard to Mexican trucks.

I had not spoken on the floor on this issue. I wanted to give a little bit of the history and urge my colleagues to find a way to complete this and move on to other legislation that is also very important for our country. Rather than recriminations, let's just learn from the experience.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, presently negotiations are going on to try to get a unanimous consent agreement to resolve this issue, and to move on to other issues. Among those negotiations is the subject of nominations. I hope that is part of any agreement that may be made.

(The further remarks of Mr. MCCAIN are printed in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

AMENDMENT NO. 1213

Mrs. MURRAY. Mr. President, I send a management package to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself and Mr. SHELBY, proposes an amendment No. 1213.

Mrs. MURRAY. I ask unanimous consent the 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 ''Amendments Submitted.''

Mrs. MURRAY. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1213.

The amendment (No. 1213) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, earlier today, my colleague from Texas, Senator GRAMM, asked that his substitute be printed again in the RECORD. Much has been said about this substitute amendment. The claim is made that this substitute will protect safety while complying with NAFTA. That is just plain wrong. This claim is indicative of the problem we have had in these negotiations—the fact that our opponents define compliance with NAFTA as gutting the safety provisions in our bill.

Lets look at the specifics of the McCain-Gramm substitute.

The McCain-Gramm amendment is a legislative sleight of hand intended to take the teeth out of the safety provisions that were approved unanimously by the Appropriations Committee.

They create loopholes large enough to drive a Mexican truck through.

Their amendment looks and sounds very much like the committee-adopted provisions when, in fact, the amendment weakens the committee-adopted provisions in several critical and dangerous ways.

First, the McCain-Gramm amendment completely does away with the requirement that all Mexican trucking companies undergo a thorough compliance review before they are given authority to operate in the United States. Instead of that requirement, the McCain-Gramm amendment substitutes a cursory ''safety review''.

A safety review is a much comprehensive review of a trucking company's operations. It is a quick and dirty paper check. It is not a thorough examination to ensure that a trucking company complies with all U.S. safety standards. It does not approach a compliance review in terms of ensuring that a trucking firm's operations are safe.

My colleagues should not be fooled. A safety review and a compliance review are not the same thing. They are two

very different things. A safety review should provide the American public with a whole lot less comfort than a compliance review when it comes to the operations of Mexican trucking firms.

Second, the McCain-Gramm amendment completely does away with the requirement that compliance reviews be performed on site at each trucking firm's facility. Every time a U.S. Motor Carrier Safety Inspector performs a compliance review on a U.S. trucking firm, it is done at the trucking firm's facility. Every time a U.S. Motor Carrier Safety Inspector performs a compliance review on a Canadian trucking firm, it is done at the Canadian trucking firm's facility. Now when it comes to Mexico, the McCain-Gramm amendment wants to allow compliance reviews to be conducted at the border. This is a farce.

A compliance review, by definition, requires the inspector to carefully review the trucking firm's vehicles, record books, log books, wage and hour records, and much, much more. You can't perform a compliance review at a remote site. It is not even a poor substitute.

There is a long list of abuses that can result if inspectors never visit a trucking company's facility. For the life of me, I can not imagine why the sponsors of the McCain-Gramm amendment want to allow those potential abuses on the part of Mexican trucking firms while insisting that every compliance review here in the United States and in Canada is performed on site.

Third, the McCain-Gramm amendment waives the requirement that the DOT publish critical safety rules before allowing trucks across the border. The McCain-Gramm amendment would allow the requirement to be waived by the Secretary by simply signing a letter stating that he will not publish these rules and sending it to Congress.

The provision unanimously adopted by the Appropriations Committee requires that critically important safety rules must be completed by the DOT before the border can be opened. These rules were not randomly selected. The rules that we require to be published before the border can be opened are targeted at the specific safety concerns surrounding Mexican trucks.

The McCain-Gramm amendment pretends to mandate that these rules go forward but simultaneously includes a provision that guts the same requirement. My colleagues—don't be fooled, the requirement in the McCain-Gramm amendment is a phony one that severely weakens the measures included in the committee-adopted provision.

Fourth, the McCain-Gramm amendment does away with the requirement that the inspector general certify that critical safety measures are in place before the border is opened.

Instead of requiring that the inspector general certify that it is safe at the border, the McCain-Gramm amendment simply requires that the Secretary of Transportation periodically submit reports to the committee on the state of problems at the border.

This is a monstrous loophole. It creates more and more paperwork in Washington while the Mexican trucks come streaming across our border. It completely guts a number of the critical requirements in the underlying committee provision.

The Committee on Appropriations receives a great many mandated reports by the Department of Transportation. Unfortunately, the record of the Department of Transportation in submitting reports to the committee is a poor one.

As of this date, the Department of Transportation is overdue in submitting more than 22 reports to our committee from five different agencies within the Department of Transportation. Some of the deadlines of these reports date as far back as December 1995.

This provision, frankly, is an insult. What our highway safety agenda needs is not more reports, it needs real improvements in the safety of the vehicles and drivers moving 18-wheelers across our country.

That observation is not only applicable to Mexican drivers, it is applicable to United States drivers and Canadian drivers as well. All the reports in the world are not going to improve the condition of highway safety in the United States.

What we need are firm mandates like those adopted by the Appropriations Committee to ensure that critical safety measures are in place before we face an influx of Mexican trucks that we are not ready for.

The provisions in the committee bill must not be watered down. The committee provisions won't stop trade across our border. But they will stop unsafe drivers and unsafe trucks from threatening the American public. These provisions must not be weakened.

Under our bill, when you are driving on the highway and there's an 18-wheeler with a Mexican license plate in front of you, you can feel safe.

You will know that the truck was inspected.

You will know that the company has a good track record.

You will know that an American inspector visited their facility—on site—and examined their records—just like we do with Canadian trucking firms.

You will know that the driver is licensed and insured.

You will know that the truck was weighed and is safe for our roads and bridges.

You will know that we're keeping track of which companies and which drivers are following our laws and which ones are not.

You will know that, if a driver is breaking our laws, his license will be revoked.

You will know that the truck didn't just cross our border unchecked, but crossed where there were inspectors on duty—ensuring our safety.

That is a real safety program. That program must not be watered down, weakened, or gutted, as is proposed by the McCain-Gramm amendment.

Mr. President, the committee bill is a solid compromise. It will allow robust trade—while ensuring the safety of our highways. I urge all Members to reject this effort to weaken the committee bill and endanger lives on our highways.

WOODROW WILSON MEMORIAL BRIDGE

Mr. ALLEN. Mr. President, I rise today to engage in a short colloquy with Virginia's Senior Senator, Senator WARNER; Senators MIKULSKI and SARBANES from Maryland; Transportation Appropriations Subcommittee chair, Senator MURRAY and ranking member, Senator SHELBY regarding the Woodrow Wilson Memorial Bridge.

Ms. MIKULSKI. Mr. President, the Woodrow Wilson Memorial Bridge was completed in 1961 and carries more than 200,000 vehicles per day—far exceeding the 75,000 vehicle per day design. It is the Nation's only federally owned bridge. Newspaper accounts from 1994 cited the fact that the deteriorating condition of the bridge and its inadequate number of lanes has contributed to accident rates twice those of other segments of the Capital Beltway.

Mr. WARNER. Mr. President, last year after years of negotiating, Congress was able to reach a compromise to finally replace this dilapidated bridge. We were able to work with our colleagues on both sides of the aisle, from Maryland, and from the House to make certain this much needed replacement project was fully funded. This decision by Congress demonstrates the strong commitment by the United States Senate to provide all our citizens a flexible, safe, and efficient interstate highway system.

This year, the administration and the House of Representatives have demonstrated their support of this project as the President requested $28.2 million and the House allocated $29.5 million for Fiscal Year 2002. However, the Senate FY2002 Transportation appropriations bill does not address funding for the Wilson Bridge, placing this project in jeopardy.

Mr. President, the unique nature of this roadway as a federally owned bridge, its importance to the Capital region, and the surrounding mid-Atlantic region, demands that we restore these funds.

Mr. SARBANES. Mr. President, in working with the Senators from Washington and Alabama, it is our understanding that they intend to work with the conferees to retain funding at the House level. Because of the Federal Government's ownership, the Woodrow Wilson Bridge continues to be a priority legislative issue for me and for my Senate colleagues. Accordingly, this appropriation will help keep the

replacement project on pace and maintain the safety of the current bridge in the interim.

Ms. MURRAY. Mr. President, I understand the importance of the Wilson Bridge for the eastern coastal region. I can assure the Senators from Virginia and Maryland that Senator SHELBY and I will keep their views in mind when the bill goes to conference.

Mr. SHELBY. I agree, Mr. President, on the importance of the Federal Government's role in maintaining a safe interstate highway system and will work with the chairwoman and other interested Senators to fulfill the federal commitment and maintain the interstate.

Mr. ALLEN. Mr. President, I thank the Transportation Appropriations chair and ranking member for their willingness to work with us on this issue and for their leadership in crafting a bill that increases transportation funding across the entire country. I also thank my colleagues from Maryland and Senator WARNER for their continued representation and leadership for the people of the region and America. We look forward to completing the much-needed Woodrow Wilson Memorial Bridge replacement and closing the debate on the bill permanently.

FLORIDA PROJECTS

Mr. NELSON of Florida. Mr. President, the report language that accompanies the fiscal year 2002 Transportation Appropriations bill identifies many worthy projects that the committee recommends be funded by the Department of Transportation. I thank the chairwoman for her and the committee's support of projects in Florida that were requested by Senator GRAHAM and myself. However, many other worthwhile projects were not included on this list. It is my understanding that the report language is intended to guide conferees in setting the final spending measure, but does not preclude other projects from also being considered for inclusion. Is this correct?

Mrs. MURRAY. The Senator from Florida is correct. The committee endorses the projects included in the bill's report, and will press for the adoption of that list in conference on this bill. However, the limited nature of that list does not prevent other projects from being supported during conference, should available resources be found.

Mr. NELSON of Florida. I thank the Senator for that clarification. The bill before us makes the best of a difficult situation by spreading limited funds over as many worthwhile transportation programs and projects as possible. I believe the committee has worked diligently to support a great number of projects in spite of limited resources. I further understand that if additional resources cannot be found, it might be possible to redistribute funds over a more diverse list of worthwhile recipients than is currently outlined in the Committee's report. Specifically, there are two counties in Florida, Brevard County and Polk County, that are deserving of federal funds for bus acquisition, which were unfortunately not included in either the House or Senate reports. I understand that the Senator from Washington may be able to work with conferees to see that these counties receive some federal funds for bus and bus facilities, either by finding additional resources or by reallocating funds within this account. Is this correct?

Mrs. MURRAY. I will be happy to work with you to address these concerns as the Transportation bill moves through the process.

Mr. NELSON. I thank the distinguished Senator. I appreciate your support and that of your staff on this issue, and look forward to working with you.

ASR–9 AIRPORT RADAR SERVICE LIFE EXTENSION PROGRAM

Ms. MIKULSKI. Mr. President, it is my understanding that the Appropriations Committee has recommended an increase of $10M above the FAA's $12.8M budget request to expedite the ASR–9 service life extension program. Unfortunately, the House Transportation bill failed to provide an increase in funding for this critical program.

I have been advised that major portions of the ASR–9 radar processor will be unsupportable within 2 years. The supply of various critical spare parts—which are no longer manufactured by various commercial suppliers—is nearing a critical stage. When the supply of these parts run out, we run the risk of dangerous radar outages at 125 of our countries busiest airports.

I am particularly concerned that if this $10 million of additional funding is not preserved in conference, delays in program startup will prevent the insertion of new technology in time to avoid potential radar outages.

Mrs. MURRAY. Let me say to the Senator from Maryland that we will keep her concerns in mind as the Transportation bill moves through conference.

Ms. MIKULSKI. I thank the chairwoman for her leadership on this issue and look forward to working with you on this important issue.

TRANSPORTATION RESEARCH

Mr. BINGAMAN. Mr. President, I would like to spend just a few minutes today discussing two existing transportation research programs with the chairman of the Transportation Appropriations Subcommittee, my friend Senator MURRAY. Is the distinguished chairman aware of the existing New Mexico Road Lifecycle Innovative Financing and Evaluation (RoadLIFE) program at the Federal Highway Administration and the National Transportation Network Analysis Capability (NTNAC) program funded through the Department's Transportation Planning, Research and Development Program?

Mrs. MURRAY. Yes, I am aware of these two valuable programs in the Department of Transportation and appreciate the opportunity to discuss them with you.

Mr. BINGAMAN. The ongoing RoadLIFE program is a partnership between FHWA, the State of New Mexico, and several universities to demonstrate the possible benefits of innovate financing methods, such as Grant Anticipation Revenue Vehicle (GARVEE), and performance warranties on highway safety, road quality and on the long-term costs to maintain a highway. Last year, the Department announced a 20-year research agreement between the Department, the Volpe Center and the State of New Mexico to validate the cost savings to the government of these innovative funding approaches. Does the chairman agree that this study could provide valuable information that could change the future of road building in America?

Mrs. MURRAY. The Senator from New Mexico, is correct. The RoadLIFE program could be a valuable effort not only to New Mexico, but to all states that are interested in using innovative highway financing methods.

Mr. BINGAMAN. The State of New Mexico will continue to shoulder most of the costs associated with the RoadLIFE research initiative and the FHWA has been an essential and valued partner in the development and implementation of the innovative approaches to financing and warranties being tested in New Mexico. Does the chairman join me in encouraging the FHWA and Volpe Center to give priority consideration to continuing to provide staff and financial support to the RoadLIFE program to ensure that the results will be useful to the Nation?

Mrs. MURRAY. Yes, I agree, the Department should give priority consideration to continuing of this important project.

Mr. BINGAMAN. The National Transportation Network Analysis Capability (NTNAC) is being developed to simulate the operation of the national transportation system, including individual modes—trucks, trains, planes, waterborne vessels—and the transportation infrastructure used by these carriers. Based on the technology underlying the successful TRANSIMS model, NTNAC is a simulation that will view the national transportation infrastructure as a single, integrated system. Los Alamos National Laboratory is the lead technical agency for this effort. Does the chairman agree that NTNAC could provide the DOT with new capabilities to assess and formulate critical policy and investment options that take into account transportation economics, modes, public safety, and environmental concerns, as well as infrastructure requirements and vulnerabilities?

Mrs. MURRAY. Yes, I agree that this ongoing effort could provide DOT an

important tool to assess the consequences of transportation policies before they are implemented.

Mr. BINGAMAN. Prior efforts on NTNAC have demonstrated the capability to model nation-wide freight transportation and provided valuable analytical insights into the nation's freight and transportation system. For example, NTNAC is currently capable of simulating the movement of millions of trucks across the nation's highway network from point-of-origin to final destination. Does the chairman agree that the Department of Transportation should give priority consideration to providing additional funding in fiscal year 2002 to extend and consolidate these achievements and to move towards a full-scale development.

Mrs. MURRAY. I agree, the Department should give priority consideration to continuing the NTNAC project under the Transportation Planning, Research and Development Program.

Mr. BINGAMAN. I thank the distinguished chairman for her fine work on this bill and for this opportunity to discuss these two important research programs in New Mexico.

AIRLINE INDUSTRY

Mr. WYDEN. I would like to take a moment to talk about a transportation issue that is very much on the mind of many Americans as we head into the busy summer travel season. That issue is potentially unfair and deceptive practices in the airline industry. My good friend and Pacific Northwest colleague, Senator MURRAY, has heard me talk about this before, in the context of pushing for passenger rights legislation. But today, I would like to talk briefly about a small step the government could take without enacting any new legislation. It wouldn't solve all the problems, but I think it would be a step in the right direction.

Mrs. MURRAY. Senator WYDEN has certainly been a leading and forceful voice for consumer protections in the airline industry. So I would be happy to hear his idea on this subject.

Mr. WYDEN. I thank the Senator, both for this opportunity and for all her hard work and leadership in crafting an excellent Transportation appropriations bill. The bill will do a great deal for all types of transportation in this country, including aviation. She has served the public well, as she has done throughout her service here in Congress.

But as the Senator knows, airline travelers are frustrated. In the last five years, delays, cancellations, and consumer complaints have all risen dramatically. Earlier this year, the DOT inspector general reported that ''the aviation system is not working well.''

Part of the problem is insufficient capacity. That is why I support efforts to increase capacity by building more runways and improving air traffic control. It is also why Senator MURRAY's efforts on the aviation portions of this year's are so appreciated.

At the same time, part of the problem is that there isn't enough competition. Airlines too often treat consumers in ways that would not be tolerated for long in other industries—and the airlines get away with it because passengers have limited choices for air travel.

The Department of Transportation is charged with protecting consumers against airlines that engage in ''unfair and deceptive'' practices. But the truth is, the Department of Transportation is not primarily a consumer protection agency. It has limited resources for this task, and limited experience with ''unfair and deceptive'' practice enforcement.

The agency with the most expertise in this area is the Federal Trade Commission. Protecting consumers against unfair and deceptive practices is the FTC's bread and butter. Under existing law, the FTC cannot take enforcement actions against airlines. And I am not proposing to change that.

However, while the FTC has no enforcement authority over airlines, nothing prevents it from studying and reporting on unfair practices in the airline industry. I believe the FTC could do a real service to the flying public by providing some much needed expert analysis of arguably unfair practices in the airline industry.

For example, I think it would be very illuminating for the FTC to take a look at whether airlines tend to cancel flights simply because they are not sufficiently full. A movie theater doesn't cancel the 3:00 matinee just because only a handful of people show up. But does this happen in the airline industry? The FTC, with its strong economic and investigatory staff, would be in an excellent position to get to the bottom of this issue.

Let me be clear. I am not in a position to tell the FTC what to do. And I am not proposing to impose new requirements on them through legislation. I am simply saying that if the FTC chose to look into this, I think its conclusions would carry a lot of weight. In my opinion, the FTC's involvement here, on a purely investigatory basis, could make an important contribution to our understanding of what goes on in the airline industry.

I think there is that potential. To do any really serious analysis, the FTC would need cooperation from the Department of Transportation for important data and statistics. Clearly, the sharing of data would be more efficient and cost effective than having the FTC try to duplicate all the extensive data gathering that the Department of Transportation has already done.

My fear is that everything could get bogged down in institutional jealousies and jurisdictional squabbles. If the Department of Transportation chose not to cooperate, the FTC's effort would be slowed tremendously or even stalled entirely.

The good news is, I don't see any legitimate reason why the Department of Transportation shouldn't cooperate. As chair of the Transportation Appropriations Subcommittee, is the Senator aware of anything in this year's funding bill or in any other law governing the Department that would prevent it from cooperating, in the event that FTC chose to pursue one or more airline-related investigations?

Mrs. MURRAY. No, I agree with the Senator that the Department of Transportation would be free to cooperate.

Mr. WYDEN. I appreciate that response, and I heartily agree. If I could just briefly sum up my point here, it is that if the FTC decides to investigate airline practices—which it can already do under current law—I believe it could do an important service. And I wouldn't want lack of cooperation from the Department of Transportation to stand in the way.

I thank my friend from Washington for her attention.

APPROACH LIGHTING SYSTEM IMPROVEMENT

Mr. GRAHAM. Mr. President, I am pleased to see that the Senate Transportation appropriations bill has included a provision which makes $33,331,000 available for the Approach Lighting System Improvement Program (ALSIP). I thank my colleague from Washington, the chair of the Subcommittee, Mrs. MURRAY for her help in securing this funding.

Mrs. MURRAY. The Senator is correct, $33,331,000 is available for ALSIP.

Mr. GRAHAM. The language on page 51 of the Senate Report (107–38) does not specify that the funding that is made available is provided both for the installation of the previously purchased medium approach lighting systems with runway alignment indicator lights (MALSR) and for future procurement, so as to keep the production line operational. I would like to ask for clarification: is money in this account to be used both for installation and procurement?

Mrs. MURRAY. Yes, that is correct.

Mr. GRAHAM. I hope that language to this effect can be included in the conference report.

Mrs. MURRAY. I will look to clarify this in the final language.

SECTION 315 (GP) AND AIR TRAFFIC CONGESTION IN THE CHICAGO REGION

Mr. BAYH. Mr. President, I believe the chairwoman and ranking member are aware of the air traffic congestion and capacity issues facing the Chicago area. Not only are these important issues for the national aviation system, but for the greater Chicagoland area as well. I thank the chairwoman and the ranking member for the attention given to this regional and national dilemma.

As you know, the Chicago area desperately needs additional airport capacity. I believe the Gary/Chicago Airport is capable of immediately providing the capacity needed to relieve Chicago's O'Hare and Midway Airports. I continue my longstanding support for the Gary/Chicago Airport as an integral part of the solution to meet the air traffic needs of the region.

I am working closely with my colleagues Senator LUGAR, Congressman VISCLOSKY in the House of Representatives, Indiana Governor Frank

O'Bannon, and with local officials in Indiana to ensure that the Gary/Chicago Airport is included in any discussions at the federal level about how to relieve air traffic congestion in the Chicago region.

Section 315 (General Provisions) requires the Secretary of Transportation to work with the Federal Aviation Administrator (FAA) to encourage a locally developed and executed plan between the State of Illinois, the City of Chicago, and affected communities for the purpose of modernizing O'Hare International Airport. It is my hope that any discussions in Congress, at the FAA, or elsewhere, include Indiana and the Gary/Chicago Airport as a part of the solution to this crisis.

Mr. LUGAR. Mr. President, I appreciate the attention the Appropriations Committee has given to this important issue. I join with my colleague from Indiana Senator BAYH in sharing with the committee our thoughts about section 315 of the bill. I hope the committee will be mindful of our strong interest in this issue, and that we believe Indiana should be specifically listed and included in any matters or discussions relating to federal proposals or legislation intended to relieve air traffic in the Chicago region.

The Chicago region needs additional airport capacity and some of this capacity can be accommodated at the Gary/Chicago Airport. Throughout my service in the Senate, I have been a strong supporter of the Gary/Chicago Airport as a viable part of the solution that will help meet the current pressing air traffic needs of the region.

Earlier this year, the Gary Airport submitted to the FAA a draft of its phase II20-year master plan/airport layout plan. This effort proposes an expansion of existing airport facilities, including navigational improvements, runway extensions and construction of parallel runway. I strongly support the airport's plan for future growth and believe this master plan is an essential part of the solution to helping relieve air traffic congestion now and in the long term. It is especially important to keep in mind that the Gary/Chicago Airport today is an active, fully operational aviation facility with a 7,000 foot main runway and a crosswind runway that can help provide immediate relief to the problem of aviation congestion in the Chicago region.

On June 12, I hosted a meeting in Washington with Transportation Secretary Mineta and was joined by my colleagues Senator BAYH and Representative VISCLOSKY, along with Indiana Governor O'Bannon and Gary Mayor King. During this productive and positive meeting, we emphasized to Transportation Secretary Mineta our strong and unified support for the master plan/ALP submitted by the Gary/Chicago Airport that is currently being evaluated by the FAA. We specifically requested Secretary Mineta's assistance in ensuring that Gary's master plan/ALP receive full and fair consideration, and that the FAA work to expedite their consideration of Gary's plan. We hope Gary's master plan/ALP will be approved by the FAA this year.

The problem of air congestion in the Chicago region and the urgent need for relief should be national priorities. I believe that existing, operating, regional airport facilities such as the Gary/Chicago Airport should be included as part of both short-term and long-term solutions to this aviation safety and public transportation challenge. I wish to thank the chairwoman and ranking member for their attention to our concerns about this important matter.

Mrs. MURRAY. Mr. President, the committee is aware of the Senator's strong interest in making sure that Indiana is a part of these important discussions, and the committee agrees that the Gary/Chicago Airport should be specifically included as part of federal deliberations concerning air traffic congestion in the Chicago region.

SAN BERNARDINO METROLINK

Mrs. FEINSTEIN. Mr. President, I rise with the chairman and ranking member of the Transportation Appropriations Subcommittee to discuss a transportation infrastructure project that is of great importance to the southern California region.

I want to first, however, thank Chairman MURRAY and Senator SHELBY for their outstanding work on this bill. The fiscal year 2002 Transportation Appropriations bill provides appropriations for important transportation and transit projects in the State of California and the rest of the nation. The transportation needs in California alone are tremendous. I understand the difficulty you faced in trying to meet as many of these needs as possible under tight budget constraints.

I am concerned, however, that this is an important California project that was not funded—the Metrolink's double track project on the San Bernardino line.

Mr. SHELBY. The committee is aware of this project. It is my understanding that as one of the fastest growing commuter rail systems in the country, Metrolink is integral to the commuting requirements of the citizens of the Los Angeles basin. It provides service to Orange, Riverside, San Bernardino, Los Angeles, Ventura, and San Diego Counties.

Mrs. MURRAY. Metrolink has received appropriations in each of the past 2 fiscal years. A local match of 70 percent is already in place, representing a substantial local and state commitment to the project. I understand the Senator from California's concern over this project and I will continue to work with her to try to determine whether funding can be made available for this project.

Mrs. FEINSTEIN. I thank the chairman and ranking member for their understanding and willingness to work with me on this project. The Metrolink system is quickly reaching capacity. With continued federal support, it will be able to meet the growing demands for its service, while reducing congestion and improving the air quality of southern California.

FUNDING TO IMPROVE THE HIGHWAY SYSTEM OF AROOSTOOK COUNTY IN NORTHERN MAINE

Ms. COLLINS. I thank the chairman and ranking member of the Subcommittee on Transportation Appropriations for providing needed funding for projects of great importance to Maine. My senior colleague from our great State and I would like to engage you in a brief colloquy about one such project—the improvement of the highway system in northern Maine. The Senate report accompanying the fiscal year 2002 Transportation appropriations bill sets aside $6 million to help us move forward extending Maine's highway system beyond the termination point of Interstate 95 in Houlton. Having been born and raised in northern Maine I can tell you first hand about the critical importance to that region's economy of improving the highway system of Aroostook County.

Ms. SNOWE. As Senator COLLINS expressed, your efforts on behalf of our State are deeply appreciated. We are committed to improving the highway system in Aroostook County and therefore welcome your support for this project. Interstate 95's current termination point is more than one hundred miles away from Maine's northernmost communities, which inhibits their ability to interact and to transact with the rest of the State and beyond.

Mrs. MURRAY. We are well aware of the importance of this project to the State of Maine and are pleased to provide support.

Ms. COLLINS. We would respectfully ask that you make every effort to retain the $6 million earmark in the conference on your bill with the House of Representatives, so that these funds can be used next year to cover engineering, construction, and planning costs associated with enhancing the highway system in northern Maine.

Mrs. MURRAY. I can assure you that I will keep your concerns in mind as we go to conference with the House.

Mr. SHELBY. And I provide you similar assurances of support for your project, as you have described it, during the conference on the Transportation appropriations bill.

Ms. SNOWE. We very much appreciate your willingness to advocate on our behalf, and on behalf of our State. The $6 million will be a critical downpayment on this ambitious project.

NORTHSTAR CORRIDOR COMMUTER RAIL PROJECT

Mr. WELLSTONE. Mr. President, I rise to engage in a colloquy with my distinguished colleague from Washington, the chairwoman of the Appropriations Subcommittee on Transportation. The purpose is to discuss an important initiative in the State of Minnesota, the Northstar Corridor. I would also like to thank the chairwoman and the subcommittee for providing funding to support several projects in my

state including the Hiawatha Corridor, the Minnesota Valley Regional Rail Authority, the Phalen Boulevard, Trunk Highway 610/10, as well as bus procurement for the Metro Transit and Greater Minnesota Transit Authorities.

As my colleague knows, many regions of our country are experiencing significant growth. This is true for the Twin Cities Metropolitan area in Minnesota. In order to help commuters and reduce congestion in the North metro area, the Northstar Corridor project has been undertaken by local authorities to provide commuter rail service between Minneapolis and St. Cloud. This project is one of the corridors included in the comprehensive Twin Cities Transitways Project to provide much needed light rail and commuter rail services in the region.

Specifically, the Northstar Corridor, which was authorized in TEA–21, will provide a direct connection between two major regional centers for business, education and health care. The 80-mile commuter rail line will operate on existing BNSF track. The Northstar Corridor has been identified by both the Minnesota Department of Transportation and the Twin Cities Metropolitan Council as the highest priority corridor for implementation of commuter rail in the state. While the bill before us contains significant funding for new start construction projects under the jurisdiction of the Federal Transit Authority, including the Hiawatha light rail corridor in Minneapolis, funding was not included for the Northstar Corridor. However, H.R. 2299 does include $10 million for the Northstar Corridor. This funding will support right of way acquisition, final design and engineering of stations, vehicles, capacity improvements to existing track and maintenance facility. I would seek my colleague's assurance that during consideration of the conference report on the FY 2002 Department of Transportation appropriations bill, that she would be supportive of the Northstar Corridor commuter rail project.

Mrs. MURRAY. I am aware of the Twin cities Transitways Project and I am pleased that this bill includes $50 million to support the Hiawatha Corridor. While the subcommittee was unable to provide funding for the Northstar Corridor initiative, we will give that project consideration when we go to the conference committee with the House on the FY 2002 Department of Transportation Appropriations bill.

Mr. WELLSTONE. I thank my colleague for her work as chairwoman and for her support for the Northstar Corridor.

MICHIGAN ITCS PROJECT

Ms. STABENOW. Mr. President, I rise to engage in a colloquy with the distinguished chairwoman of the Transportation Appropriations Subcommittee. As the chairwoman knows, since Fiscal Year 1996, the Congress has appropriated a total of $13 million for the Michigan Incremental Train Control System (ITCS) Project, a public—private partnership to develop, test, prove and demonstrate an advanced positive train control system on a portion of the Detroit—Chicago rail corridor between Kalamazoo and Porter, Michigan to provide high speed rail operations. The Michigan ITCS project focuses on upgrading the existing wayside signal system to facilitate passenger train speeds in excess of 80 miles per hour, while still controlling freight trains that move at slower speeds.

The administration's Fiscal Year 2002 DOT Budget proposal provides that $3 million of funding provided for ''high speed train control systems'' under the Next Generation High Speed Rail Program be allocated to the Michigan ITCS Project, which is entering its final phase. In the bill before us, a total of $11 million is provided for ''high speed train control systems'' with $5 million of those funds allocated to a PTC project in Wisconsin. Mr. President, I ask distinguished chairwoman to give this important project consideration in conference, and provide $3 million for the final phase of Michigan ITCS project, consistent with the administration's budget request. Any consideration that the distinguished chairwoman can provide is much appreciated.

Mr. LEVIN. Mr. President, I join my colleague from Michigan in urging you to give this worthy project consideration in conference. The Detroit-Chicago Corridor has been designated as one of only ten high-speed rail corridors in the nation. In order to make that designation a reality we must develop the necessary technology to allow high-speed rail to operate safely on existing infrastructure. That means completing the development of an effective train control system. This project, as a public-private partnership, has had the ongoing participation and support from the State of Michigan, the Federal Railroad Administration, Amtrak and Harmon Industries, the company developing the technology. It also has the support of Michigan's two Senators and I hope we can find a way to continue Federal support for this project.

Mrs. MURRAY. Mr. President, I thank the distinguished Senators from Michigan, and I will be happy to work with her in conference on this important Michigan ITCS project.

Ms. STABENOW. I thank the distinguished chairwoman of the subcommittee.

FEDERAL HIGHWAY ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to engage the esteemed Chair of the Senate Transportation Subcommittee in a brief colloquy regarding a recent Federal Highway Administration (FHWA) interpretative memorandum.

FHWA, in response to a legitimate concern about maintaining the uniformity of the signs on our nation's highways, has issued a memorandum proscribing restrictions for the text of signs used in state Adopt-A-Highway programs.

FHWA's intention, I believe, is a good one—to prevent the commercialization of our nation's relatively uniform interstate highway signs. It might amuse my colleague's to know that uniformity is the result of very serious tome entitled the Manual on Uniform Traffic Control Devices, or ''MUCTDA'' as some call it.

Despite its funny name, MUCTDA represents sound public policy. Since the inception of Adopt-A-Highway programs, several participating states have referred to MUCTDA's section 2D–47, when trying to determine how to appropriately recognize the roadway sponsor on Adopt-A-Highway signs.

This section states that ''messages, symbols, and trademarks that resemble any official traffic control device shall not be used on Adopt-A-Highway signs.'' This implies that other logos which do not resemble official traffic control devices are acceptable.

The recent interpretive memorandum, however, says that all logos constitute advertising and, as such, Adopt-A-Highway signs with any logos must come down.

This is extremely problematic for New York, which has awarded over $26 million in Adopt-A-Highway contracts since 1996. Without the ability to post any logos, both corporate and non-corporate sponsors will end their involvement. This could undermine a great deal of progress we have made in keeping New York's roadways clean and safe.

In short, this interpretive memorandum could completely hobble the Adopt-A-Highway program in my state and in others, which I am sure is not FHWA's intent.

I am not trying to block FHWA from proscribing regulations pertaining to Adopt-A-Highway signage, but I do believe that the affected states should be consulted first because so much revenue for maintaining highways is at stake.

As the Senator prepares for conference committee deliberations I hope she will agree that FHWA has an obligation to work with the affected states to find some resolution to this Adopt-A-Highway signage issue because this interpretative memorandum appears to change FHWA's policy at mid-course.

Mrs. MURRAY. I agree with the Senator from New York that FHWA should engage the state transportation departments to find some resolution that provides for a uniform national policy without, if possible, unnecessarily jeopardizing existing Adopt-A-Highway contracts.

NEW STARTS TRANSIT PROGRAM

Mr. SARBANES. Mr. President, I rise today to highlight the fact that the bill pending before us provides an additional $100 million for the New Starts transit program above the amount guaranteed in the Transportation Equity Act for the 21st Century (TEA–21).

This is a critically important investment in our nation's transportation infrastructure which will ultimately provide more transportation options for all Americans.

All across the country, congestion and gridlock are taking their toll in terms of economic loss, environmental impacts, and personal frustration. According to the Texas Transportation Institute, in 1999, Americans in 68 urban areas spent 4.5 billion hours stuck in traffic, with an estimated cost to the nation of $78 billion in lost time and wasted fuel. And the problem is growing.

In response, Americans are searching for alternatives. According to the American Public Transportation Association, Americans took over 9.4 billion trips on transit in 2000—the highest level in 40 years. In fact, over the past five years, transit ridership has increased by 21 percent, growing more than four times faster than the U.S. population. Over 200 communities around the country, in urban, suburban, and rural areas, are considering light rail or other fixed guideway transit investments to meet their growing transportation needs.

When Congress passed TEA–21 in 1998, we made a significant commitment to supporting communities' public transportation investments. TEA–21 authorized almost $8.2 billion over six years to fund new rail projects; $6 billion of that amount was guaranteed.

In the years since TEA–21's passage, it has become clear that communities' need for New Starts funding has grown even faster than anticipated in 1998. Yet the program has consistently been funded only at the guaranteed level, leaving the remaining authorization unutilized. Now, for the first time, the Appropriations Committee has provided funding for New Starts above the amount guaranteed by TEA–21, appropriating $100 million of the $430 million non-guaranteed authorization. I commend the Committee for taking this step toward addressing the growing need for transit funds within TEA–21's statutory framework.

Increased investment in transit will ultimately benefit all Americans. For example, as cities and towns across America are discovering, public transit can stimulate the economic life of any community. Studies have shown that a nearby transit station increases the value of local businesses and real estate. Increased property values mean more tax revenues to states and local jurisdictions; new business development around a transit station means more jobs. Moreover, I believe the potential of mass transit to help address our nation's current energy crunch has been consistently overlooked. With gas prices soaring and congestion increasing, public transit offers one of the best solutions to America's growing pains.

I am gratified to see that the Appropriations Committee has recognized the strong demand for transit in communities across the country by funding the New Starts program above the guaranteed level. This is an important first step toward addressing America's long-term transportation needs.

PORTS TO PLAINS HIGH PRIORITY CORRIDOR

Mr. ALLARD. Mr. President, I would like to briefly engage the Chairman and Ranking Member of the Senate Transportation Appropriations Subcommittee on a transportation issue important to the State of Colorado.

The Ports to Plains High Priority Corridor is a most pressing issue for my state, however, I have concerns about language currently in the Transportation Appropriations bill. As it stands, the bill contains a $1 million feasibility study for a section of the corridor on US 64/87 in New Mexico.

Mrs. MURRAY. I would say to the Senator from Colorado that I am certainly aware of the issues surrounding the Ports to Plains corridor and I understand his concerns.

Mr. ALLARD. I appreciate that. As the Senator knows the states of Texas, New Mexico, Oklahoma and Colorado have been engaged for several years now in determining the best route for this TEA–21 authorized trade corridor. Just last week, the Colorado Transportation Commission voted unanimously for designation of the Eastern Colorado route from the Oklahoma panhandle to Denver via US 287. A feasibility study for a New Mexico section of this route would clearly send a signal that Congress intends to legislate that the corridor be routed up Interstate 25 into Denver.

Mr. INHOFE. I would like to add a similar resolution passed by the Oklahoma Transportation Commission also supports US 287 as the preferred route to Denver, CO. I think it should also be noted that the Texas Department of Transportation has indicated that it would defer to Colorado to negotiate the alignment of the northern section of the corridor. I share the concerns of the Senator from Colorado about a New Mexico feasibility study.

Mr. ALLARD. I thank the Senator from Oklahoma for his support. We understand the wishes of our friends in New Mexico. However, we feel that the overwhelming support for the US 287 route coupled with the massive opposition in Colorado to encouraging any further traffic on Interstate 25 simply needs to be heard. Further, the existence of the Camino Real High Priority Corridor on Interstate 25 should be taken into account—allowing another High Priority Corridor on already-congested Interstate 25 just doesn't make sense. It should be noted that many of the high population centers along Interstate 25 south of Denver have made their opposition to the corridor well known. Those along US 287 in Eastern Colorado have made their support equally as well known.

In fact, just this week, the four states got together one more time and have been able to iron out a compromise that accommodates all parties. Allowing this feasibility study to stay in the bill would further complicate and delay a process that is clearly working.

Mr. SHELBY. I would say to the Senators from Colorado and Oklahoma that I am certainly aware of the actions of the states on this and I would agree that their views are of utmost importance in any final designation. I would share with the Senators that I am hesitant for the Congress to designate routes when the process among the States to determine the corridor's working toward conclusion.

Mrs. MURRAY. I would agree with the distinguished Ranking Member and I agree that we will need to address this in the joint Senate-House Conference Committee.

Mr. SHELBY. I would concur with the Chairman and would say that it is my intent as well to minimize or eliminate Congressional involvement in this issue at this time.

Mr. ALLARD. I thank the Senators for their interest in working with us on this issue. I look forward to the conference committee's outcome.

AIR TRAFFIC INSTRUCTIONAL SERVICES

Mr. SHELBY. Mr. President, the Federal Aviation Administration operates a critical program of proficiency and developmental training for air traffic controllers. It has been demonstrated that this training reduces operational errors and makes the skies safer for the flying public. Over the past several years the Senate Transportation Appropriations Subcommittee has required that the Federal Aviation Administration spend its appropriated funds on the Air Traffic Instructional Services, or ATIS, program and not reprogram these funds to other accounts without approval of the subcommittee. This has worked well in the past and has insured proper expenditure of these funds.

I hope this support for the ATIS program will continue in fiscal year 2002. Is it your understanding that the operational account of the FAA fully funds the budget request for the ATIS program? Do you agree that these funds are to be spent only on this account unless expressly approved by the Subcommittee?

Mrs. MURRAY. I appreciate the opportunity to address this matter. It is my intention to continue to press for full funding of the ATIS program in conference committee deliberations with the House. It should also be known that the subcommittee believes that full funding for ATIS is critical to the safety of our airways and that any reprogramming by the FAA should be done only after consultation with the subcommittee.

TENNESSEE PUBLIC TRANSPORTATION

Mr. FRIST. Mr. President, I would like to take this opportunity to thank the Chairwoman and Ranking Member of the Subcommittee on Transportation Appropriations for their efforts in securing the 5309 appropriations for public transportation in our state of Tennessee. Our state's public transit

programs historically have not received the necessary federal funding critical to supply invaluable services to the people of Tennessee. Our state is one of only five in the nation that provides public transportation to citizens in each county, with eleven rural and twelve urban transit systems servicing all 95 counties. To fund this effort and compensate for lower federal funding in recent years, it is my hope that the Conference Committee will recognize that the $12 million funding level recommended by the House is fully justify for public transportation initiatives in Tennessee. I have shared my concerns with Senators MURRAY and SHELBY about the importance of effective transit programs in a growing state like ours and I hope that my friends will do all that they can to ensure that Tennessee's public transportation system will be provided $12 million in federal funding when the Conference Committee convenes. Again let me reiterate my appreciation to the Chairwoman and Ranking Member. I look forward to working with both of you on this issue.

Mr. THOMPSON. Mr. President, I strongly support the words of my good friend and colleague from Tennessee. I, too, would like to thank Chairwoman MURRAY and Ranking Member SHELBY for their leadership on the Transportation Subcommittee. I give my full support to developing effective public transportation programs that serve the needs of all Tennesseans. Our public transit systems have not historically seen the level of federal support they need to develop properly. As our cities grow and our transportation needs change 279 active urban transit buses now exceed their 12-year useful service life. Additionally, there are 218 rural transit vans with mileage in excess of the 100,000-mile service life. The $12 million funding level provided in the House will improve public safety and reduce maintenance costs while ensuring that an adequate infrastructure is in place to better serve all the counties of our growing state. It is my sincere hope that the Conference Committee will restore the full funding level recommended by the House.

Mr. FRIST. I would like to echo the sentiment of my friend and colleague and reiterate the need to develop and expand public transportation services in our state. The federal contribution to these services has been low for some time. I look forward to working with the Conference Committee to act in the interests of those who depend upon efficient public transportation by providing the full $12 million, as provided by the House.

Mr. THOMPSON. I thank my colleague from Tennessee for his work on this issue of great importance to thousands of our constituents. I eagerly await with him for action by the Conference Committee.

Mrs. MURRAY. I have duly noted the concerns of my friends from Tennessee and look forward to working with them on this issue.

Mr. SHELBY. I thank the Senator from Tennessee for raising their concerns and I also will work with my friends from Tennessee to address their concerns during conference.

Mr. FRIST. I thank my friends and colleagues. Mr. President, I yield the balance of my time.

ESSENTIAL AIR SERVICE PROGRAM

Ms. SNOWE. I thank the chairman and ranking member of the Appropriations Subcommittee on Transportation for working closely with me and Senator COLLINS on projects of importance to our state, as well as critical national priorities. Your efforts are very much appreciated. As you know, one issue of great importance to my home state of Maine, as a rural state with many small, remote communities, is the U.S. Department of Transportation Essential Air Service—EAS—program. Air service in rural areas is not simply a luxury, it is an imperative. Any municipality or small business owner will tell that without quality, affordable air service, economic development is virtually impossible. The EAS program is designed to ensure that small communities that were served by commercial air carriers prior to deregulation maintain scheduled air service. Today, the EAS program serves over 80 rural communities nationwide. The reality of deregulated air service is that four of Maine's six commercial airports—including the State Capital's airport in Augusta—rely on EAS to have any service to all. Unfortunately, the Administration has proposed a change in the eligibility criteria for the program which would result in the elimination of air service to a number of rural communities nationwide, including Augusta.

Ms. COLLINS. I would like to express my appreciation to the Chairman and Ranking Member of the Subcommittee as well, and would like to add to what my colleague from Maine has said regarding the EAS program, which is so critical in Maine. The EAS program sustains important economic, social, and quality of life benefits for the rural communities it serves. In Maine's case, Augusta, Maine, the State of Capital, would lose air service. Commercial air service in our Capital is absolutely crucial. Loss of service would undermine the region's economy and hinder the operation of the State government.

Mrs. MURRAY. I am aware of your concern and I can assure you that during the Senate-House conference on this bill, we will keep your views in mind.

Mr. SHELBY. Likewise, I am well aware of your support for the program, and I know how important it is to rural areas including the community of Muscle Shoals, Alabama. I will work with the Chair during the conference to address the concerns you have raised.

Ms. COLLINS. Thank you very much. We appreciate your willingness to address this important matter. We look forward to working with you as the appropriations process continues.

Mrs. SNOWE. Once again, I would like to thank the Subcommittee for its strong support and its willingness to make an effort to address issues of concern to rural states like Maine. Thank you both very much.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the yeas and nays on the bill be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

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

The bill (H.R. 2299), as amended, was passed.

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

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, I ask unanimous consent that we proceed to executive session to consider en bloc the following nominations: Calendar Nos. 201, 251, 253, 254, 255, 256, 257, 258, 259, 260, 261, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 301, and 302; that the nominees be confirmed, 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. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Jack Dyer Crouch, II, of Missouri, to be an Assistant Secretary of Defense.

DEPARTMENT OF VETERANS AFFAIRS

Gordon H. Mansfield, of Virginia, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

DEPARTMENT OF AGRICULTURE

Eric M. Bost, of Texas, to be a Member of the Board of Directors of the Commodity Credit Corporation.

William T. Hawks, of Mississippi, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Joseph J. Jen, of California, to be a Member of the Board of Directors of the Commodity Credit Corporation.

James R. Moseley, of Indiana, to be a Member of the Board of Directors of the Commodity Credit Corporation.

J.B. Penn, of Arkansas, to be a Member of the Board of Directors of the Commodity Credit Corporation.

SECURITIES AND EXCHANGE COMMISSION

Harvey Pitt, of North Carolina, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2002.

Harvey Pitt, of North Carolina, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2007. (Reappointment)

DEPARTMENT OF ENERGY

Dan R. Brouillette, of Louisiana, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Josefina Carbonell, of Florida, to be Assistant Secretary for Aging, Department of Health and Human Services.

DEPARTMENT OF STATE

Sue McCourt Cobb, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Mercer Reynolds, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein.

Russell F. Freeman, of North Dakota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

Michael E. Guest, of South Carolina, 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 Romania.

Stuart A. Bernstein, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

Charles A. Heimbold, Jr., of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Jim Nicholson, of Colorado, to be Ambassador Extraordinary and Plenipotentiary United States of America to the Holy See.

Thomas J. Miller, 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 Greece.

Larry C. Napper, of Texas, 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 Kazakhstan.

Thomas C. Hubbard, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary United States of America to the Republic of Korea.

Marie T. Huhtala, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary United States of America to Malaysia.

Franklin L. Lavin, of Ohio, to be Ambassador Extraordinary and Plenipotentiary United States of America to the Republic of Singapore.

Roger Francisco Noriega, of Kansas, to be Permanent Representatives of the United States of America to the Organization of American States, with the rank of Ambassador.

Clark Kent Ervin, of Texas, to be Inspector General, Department of State.

NOMINATION OF JOHN WALTERS TO BE THE DIRECTOR OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY

Mr. MCCAIN. Mr. President, I want to turn to the nomination of John Walters, the President's choice for drug czar, who also deserves a confirmation hearing so he can offer his views on how to reduce drug abuse in our nation.

With all the damage drugs are doing to our children and to adult Americans, why in the world is the Senate dragging its feet on even having a confirmation hearing for our nation's highest ranking drug policy official?

John is uniquely qualified for the job of drug czar.

He distinguished himself during the first Bush administration as Deputy Director for Supply Reduction, Chief of Staff and National Security Director, and Acting Director of the Office of National Drug Control Policy. During the administration of President Reagan, John served as Chief of Staff and Counselor to the Secretary of Education, as well as Assistant to the Secretary, the Secretary's Representative to the National Drug Policy Board, and the Secretary's Representative to the Domestic Policy Council's Health Policy Working Group.

John is currently serving as president of the Philanthropy Roundtable, a national association of charitable donors who are doing great work in our communities. He was previously president of the New Citizenship Project, an organization created to promote greater civic participation in our national life.

John also served on the Council on Crime in America, a bipartisan commission on violent crime co-chaired by Bill Bennett and President Carter's Attorney General Griffin Bell. And, in 1988, John created the Madison Center, a nonprofit organization dedicated to early childhood education and drug abuse prevention.

Mr. President, John Walters has now waited almost 2 months for a confirmation hearing. I urge my colleagues to move forward on his nomination.

NOMINATION OF JOSEFINA CARBONELL TO BE ASSISTANT SECRETARY FOR AGING

Mr. NELSON of Florida. Mr. President, I want to voice my enthusiastic support for Josefina Carbonell's nomination to be Assistant Secretary for Aging at the Department of Health and Human Services. She has served her community admirably, and is highly respected for her work with the Little Havana Activities and Nutrition Centers of Miami-Dade County. This is an organization she founded in 1972. Under her leadership, it has grown from a one-site project into the largest aging, health and nutrition program in Florida and the largest Hispanic geriatric health and human service organization in the nation. Today Little Havana operates twenty-one different sites, serving over 55,000 registered clients. The program served over one million meals to 50,000 older Americans in 2000, and now operate six senior centers and three adult care centers, and while providing services through numerous federal health-care and employment programs.

As a young girl, Ms. Carbonell came to this country from Cuba and dedicated her life to serving her community. Her contributions to the well-being of the greater Miami community are well-known, and, I would say some have become legendary.

Her many years living and working among South Florida's large senior population and her direct hands-on experience providing services for these citizens make her a superb choice to be Assistant Secretary for Aging at the Department of Health and Human Services.

In Josefina Carbonell, our seniors will have an outstanding advocate in Washington. I look forward to working with her to improve both the quality of life for our senior citizens and the services we provide them.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, I further ask unanimous consent the majority leader may, after consultation with the Republican leader, turn to the consideration of the export administration bill, S. 149, but not before September 4, 2001; further, that the Senate now turn to the consideration of H.R. 2620, the VA–HUD appropriations, and Senator MIKULSKI be recognized to offer the text of the Senate bill, S. 1216, as a substitute amendment.

The PRESIDING OFFICER. Is there is objection?

Mrs. MURRAY. Reserving the right to object, and I will not object, but if I could just have 2 minutes before we go to VA-HUD for some final cleanup on the Transportation bill?

The PRESIDING OFFICER. Is there objection?

The Senator from New Jersey.

Mr. TORRICELLI. Reserving the right to object, could I have 2 minutes after Senator MURRAY?

Mr. DASCHLE. Mr. President, I ask that be part of the unanimous consent request.

Mr. MCCAIN. Reserving the right to object, I reserve 2 minutes after the Senator from New Jersey.

Mr. DASCHLE. I add that one, too.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, as in executive session, I ask unanimous consent that immediately following the next rollcall vote, the Senate proceed to executive session to consider the nomination of ASA HUTCHINSON to be Administrator for Drug Enforcement, that there be 30 minutes for debate equally divided among Senators

LEAHY, HATCH, and HUTCHINSON, that at the conclusion of that debate the Senate vote on the confirmation of that nomination, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statement thereon be printed in the RECORD, and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object for two purposes, first of all, let me clarify. In the middle of this request it says that there be—is it 10 minutes each for LEAHY, HATCH, and HUTCHINSON, as opposed to 2 minutes for debate as has been earlier indicated? You put it at 10 minutes each for those 3; is that correct?

Mr. DASCHLE. That is correct, 30 minutes of debate equally divided among three Senators, 10 minutes each.

Mr. LOTT. Mr. President, I was going to reserve on behalf of Senator THOMPSON, but I see that he is present. I withdraw my reservation so Senator THOMPSON can make this request himself.

The PRESIDING OFFICER. Is there objection?

Mr. THOMPSON. Mr. President, reserving right to object, I wanted to ask whether or not the unanimous consent request covered the consideration of the Export Administration Act.

Mr. DASCHLE. The Senator is correct. The Export Administration Act is part of the unanimous consent agreement that we entered into a moment ago. It allows the majority leader to call up the bill on September 4.

I say to my colleagues, and especially to my colleague from Tennessee, that this is an agreement he and I discussed prior to entering into the agreement. It acknowledges that we would have at least 2 full days of debate that would accommodate the interest of the Senator from Tennessee in discussing this issue prior to the time I would file a cloture motion. I confirm that for the RECORD, and fully expect that those 2 full days of debate will be immediately following the time we come back.

Mr. THOMPSON. Mr. President, my understanding was that there would be 2 full days of debate on the bill and amendments. Does the Senator state in the unanimous consent as to when the bill would be taken up? Would it be September 4 or is that left open?

Mr. DASCHLE. Mr. President, I indicated in the unanimous consent request that it would be at the discretion of the majority leader, but we did list September 4 as the anticipated date for the beginning of the consideration of the bill.

Mr. THOMPSON. Mr. President, if I may inquire, I believe we also discussed that the 2 full days—if that be the case—would be September 5 and 6. Cloture would not be filed before September 7. Is that correct?

Mr. DASCHLE. The Senator is correct.

Mr. THOMPSON. I have no objection.

Mr. CRAIG. Mr. President, reserving the right to object, I thank the majority leader for his willingness to move a large number of nominees forward and to work with Senator NICKLES also and Senator REID to bring us the number we have today. I trust that some can move tomorrow out of committee, and possibly by Friday we will even advance a good many more. But I must tell you that there are others hanging in committee—some that have been there since April and May.

I must tell you that I was very frustrated when the chairman of the Judiciary Committee asked about one nominee in particular and said we might get to him sometime next year. I do not know how to read that statement. But I will tell you, if I read it the way I thought it was intended, that is unacceptable. He has not had a hearing. And I know the chairman of the Judiciary Committee talked about the frustration of timing. But he has been before the committee since May 24.

Things change around here substantially. All of us know that and accept that. But to suggest that we will not get to one of our President's important nominees for 1 year nearly after he is nominated, if that were to happen, September is going to be a pretty difficult month around here for all of us. I don't say that as a threat. I don't threaten. We know that. We don't do that in the Senate. But we cannot accept those kinds of statements coming from key chairmen of committees who have a responsibility to deal in a timely fashion with these nominees. If there is a problem, have the hearing, bring him out and vote him down. But don't suggest to him or to the administration that sometime next year we will have this happen.

I was inclined to object. But thanks to Senator NICKLES and also Senator REID, and the work done here and the majority leader's willingness to advance it, I will not.

But there are other opportunities. There is a very clear timeline to get an awful lot of work done in the Senate. I hope I am sending a message to the chairman of the Judiciary Committee that those kinds of statements and those kinds of actions cannot stand. Most importantly, if he chooses that, then vote him down and tell the administration that they have picked the wrong person—or people—and there are other nominees or someone who is more acceptable to that chairman and to the committee and to the Senate as a whole.

As you know, I talked to the leader about the pure human side of this. People need to move their kids by August to get them in school. I think the majority leader has been sensitive to that. I mean that most sincerely, because the majority leader is moving a large number now, and that will allow them time to do what they need to do in the human sense.

But it will be a real tragedy, if this Senate becomes part of a limiting factor on any administration's ability to bring together its team and execute the responsibility of the executive branch.

I have spoken enough. I think my feelings are very clear. I must tell you that there will be an increasingly concerted effort, if those kinds of remarks and actions that follow are ones that will not move nominees, or give them their day, or vote them down and move on so we can fill these very important decisionmaking positions for our Government.

I will not object. I yield the floor.

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

Mr. DASCHLE. Mr. President, I thank the Senator from Idaho. I feel I may need to call an ambulance. I think I just bit off my tongue.

I will say in all sincerity that I think he just gave the speech that I have repeated probably 25 or 30 times over the last 6 years, verbatim. I can't tell you how many people languished for not days or weeks but years. But I have said on this floor repeatedly that we will not engage in payback. We will not engage in that kind of practice because I don't believe in it. But I must say the record so far speaks for itself.

Since assuming the majority—and we have only been able to deal with nominations since we came back. Prior to that time, we didn't have Members on committees. Since the organizing resolution passed, we have held hearings on 114 Presidential nominees. This last week Democrats reported favorably out of committee 17 nominees. In addition, during the 17-day period when Democrats won the majority in January, 13 hearings were held on Cabinet level appointees. During the brief time since the organizing resolution was passed, four judicial nominees have already had hearings before the committee, 100 percent more than were held before Senator LEAHY became chairman. The majority has already confirmed three judicial nominees. President Bush has been slow to send the necessary documentation on some of the nominees. As of July 24, 34 percent of the 132 nominees announced by the administration have not had their paperwork sent to the Senate.

I guess my point is that we are trying to accommodate all of those nominees whose paperwork has been sent. I think today again demonstrates the sincere desire to continue making progress just as quickly as the committees report out their work. We have confirmed 110 nominations since taking the majority, with an agreement on one more as soon as Mr. HUTCHINSON has been confirmed.

Mr. CRAIG. Mr. President, will the leader yield?

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

Mr. CRAIG. Mr. President, I thank the majority leader. I mean this most sincerely. We are about at the status quo between what Republicans were

able to do and what Democrats were able to do for President Clinton and what the majority leader is now doing. But I must tell you because the gentlemen and/or ladies have languished in these committees since April and May and their paperwork was there, there is something amiss.

That was my objection. Obviously, the majority leader has now expedited them. We have worked with the majority leader, and I compliment him for that. I think that is important.

But if there is a problem, let us not suggest that the gentleman doesn't get heard before next year. Let's send the right message instead of that kind of a statement. If there is a problem, what is the problem? If this person is unacceptable, hold the hearing, vote on him, and move him out or move him down.

That is my point. We need to get on with the business of allowing our President to have his people in place to govern. We made a major step, and I thank the majority leader for that.

Mr. DASCHLE. Mr. President, I thank the Senator from Idaho for his comment. There clearly will be nominees who will face challenges. We see that in the Commerce Committee as we speak. There will be others. But we will do our level best. That does not mean we are going to roll over and rubberstamp every nominee who comes forward because that isn't why we are here.

We have an obligation to ask questions, to review the data, and to make a decision. We are going to do that. But to whatever extent possible, we are going to be fair, and we are not going to reciprocate, even though I must say there are sometimes temptations that are fairly powerful. I hope we will continue to make progress on the nominations.

I also thank my colleagues, Senator REID and Senator NICKLES, for moving us along on the nominations, and Senator LOTT in particular for his work in trying to reach an accommodation.

My desire now is to work relatively late into the evening so that we might be able to get some of these amendments disposed of tonight. I do not think we will finish the bill tonight, but there is a lot of work to be done on the VA–HUD bill. We still have the Ag appropriations legislation left to do. So there is much to be done. Today is Wednesday afternoon, and we still have a day and a half, or 2, 3, 4, or 5 days perhaps, to do our work. But it is going to get done before we leave.

We will move now to the VA–HUD bill after the Senators who sought recognition are allowed to speak.

I yield the floor.

TRANSPORTATION APPROPRIATIONS

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am very pleased that the Senate has now finally passed the Senate Transportation appropriations bill. It has been a long and arduous process, but we have done the right thing today. We have done the right thing for our constituents who have been sitting in traffic, for our constituents who are concerned about safety at our airports, for our constituents who daily travel in this country, who use our waterways and our highways and our air transportation system.

We have moved this bill forward in a way that I think is very sound. We have tried to meet the needs, as I said, of all of the Senators, who I think have done a good job on this floor. But, most importantly, I am especially pleased that we have moved the Senate Transportation Appropriations bill out of the Senate without compromising one iota on the safety of our families on our highways in regard to the Mexican truck provision. I think that is absolutely the way to go. I commend my colleagues who stood with me on this issue as we have moved this bill through the Senate.

I also take this opportunity to thank my staff: Peter Rogoff, Kate Hallahan, Denise Matthews, Cyndi Stowe, Angela Lee, and Dale Learn; as well as Senator SHELBY's staff: Wally Burnett, Paul Doerrer, and Candice Rogers; and our Commerce Committee staff: Debbie Hersman.

All of our staff members have spent countless hours in this Chamber, negotiating late into the night on many evenings over the past 10 days. I especially thank all of them for their tremendously good work and hard work and for being a part of getting this bill passed out today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I congratulate Senator MURRAY for her success on Transportation appropriations. This Senate, commencing a summer recess, is required to deal with Mexican trucks and northeastern cows. We now have one success behind us, and one more to go.

There are those who are going to claim that our insistence on the inspection of Mexican trucks is somehow a defeat for free trade. Nothing could be further from the truth. The commitment of this Senate to free, fair, and open trade is complete. We understand that the foundation of our prosperity rests upon open markets and free trade. But because we worship at the altar of free trade does not mean we have abandoned our faith in truck safety, the rights of labor, or environmental protection. We must keep a commitment to all of these things at the same time.

The roads of the United States are open to Mexican trucks—as they are open to Canadian trucks—when Mexico can pass a regimen of truck weights, the licensing of drivers for hazardous cargo, that licenses are issued to 21-year-old drivers, and that the Mexican trucks can meet our safety requirements.

Upon current inspections, nearly 40 percent of Mexican trucks are failing inspections. Our borders are not ready for 24-hour inspections to ensure safety. We want Mexico to have access to American highways. But for 50 years we have insisted that all trucks on our highways have limited weights, properly licensed drivers, and disclose hazardous cargoes. As we have insisted upon these requirements for Canadian and American drivers, we insist upon them for Mexican drivers. We welcome that day. What we have done today is a success.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. TORRICELLI. I know in time Mexico will be able to comply with these requirements.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I extend my appreciation to the majority leader and to the Republican leader for negotiating this issue out so that we could move forward. I did not enjoy this exercise. As I mentioned before, I have never—and I have been in the Senate since 1987—engaged in parliamentary maneuvering in order to block consideration of a bill. And I would not have—and I hope I never have to again—if it were not for the fact that it is a solemn treaty. So I thank the majority leader for his assistance in working this out, as well as Senator LOTT.

During the upcoming recess, we are going to meet with the Department of Transportation administration officials to find out exactly what language it is that they need in order to satisfy the concerns we all have about the present language in the bill, which they view and the Mexicans view as a violation of NAFTA. I hope we can come back, at the end of the recess, and we can agree on that language. Then we can move forward.

However, I remind my colleagues that there are three more—three more—cloture votes that may be required which will all involve, of course, extended debate. I do not want to do that. But, if necessary, we will continue through until finality because we really are concerned about language on an appropriations bill affecting a solemn treaty made between three nations.

So again, I thank the majority leader for working this out and giving us the courtesy he has extended. I apologize to him for impeding the important work of the Senate. I hope he understands why we had to do this. I am hopeful this will all be worked out over the recess so that we can come to an agreement on language which will achieve the goal we seek, which is to make sure that every vehicle that enters the United States is safe and inspected and every driver is licensed and qualified.

So I hope we can get this issue resolved. I hope the administration will

be able to work with us and the other side and develop the necessary language. I hope we do not have to continue this parliamentary maneuvering, but we will, if necessary. I hope all understand that this is the importance of this issue.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

Ms. MIKULSKI. Mr. President, I call up the VA–HUD appropriations bill.

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

The legislative clerk read as follows:

A bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

Ms. MIKULSKI. Mr. President, I am indeed quite happy and proud to present the Senate with the VA–HUD and independent agencies appropriations for fiscal year 2002.

I thank Chairman BYRD and Senator STEVENS for working with the subcommittee in order to give us an allocation that made the bill workable. The funding level falls within the subcommittee's 302(b) allocation. I also thank Senator BOND and his staff for their bipartisanship and cooperation in support of this bill.

This subcommittee has had a history of bipartisanship. That tradition continues today.

When we began the 107th Congress, Senator BOND chaired this subcommittee. It is one of the most important because it funds so many of the agencies that meet compelling human need as well as the long-range needs of the United States of America.

When the transition came, it came in an orderly, seamless, and collegial way. I hope that will also be the general tenor of our debate, that we can move forward on this bill on a bipartisan basis.

I believe this bill is balanced, fair and meets the needs of the American people.

My guiding principles in drafting this bill were simple: keep the promises to our veterans; meet the compelling day-to-day needs of working poor; re-build our neighborhoods and communities; and, invest in science and technology to create jobs today and jobs tomorrow.

Based on the President's budget proposal and our subcommittee's allocation, we had to focus on restoring cuts in the President's budget and avoiding riders.

Our overriding goal was to make sure that the core programs in veterans and housing were taken care of first, and we did that.

We could not increase spending for any programs until our core programs for veterans and the poor were taken care of.

While I wish the subcommittee had more resources for science, we did the best we could do given our allocation.

I remain fully committed to doubling the budget for NSF over the next 5 years, but without the support of the administration, the authorizing committees, and the Budget Committees, the appropriators can not do it alone.

Finally, we did not break new ground this year. We are staying the course because this is a year of transition both in the administration and in the Senate.

For our Nation's veterans, we have increased VA healthcare by $1.1 billion over last year, for a total of $21.4 billion. This is $400 million more than the President's request. This will allow the VA healthcare system to serve 4 million patients in 2002 through 172 medical centers, 876 outpatients clinics, 135 nursing homes and 43 domiciliaries.

VA continues to shift from an inpatient focus to outpatient care to serve more veterans in their communities. The funding in this bill will allow VA to open more community based outpatient clinics to better serve our Nation's veterans. This bill provides funding for VA to open 33 new outpatient clinics in fiscal year 2002.

This marks the second year in a row that we have had billion-dollar-plus increase for veterans healthcare.

We have also increased funding for VA medical research by $40 million over last year and $30 million above the President's request. This funding level will allow VA to continue progress in the treatment of chronic diseases; diagnoses and treatment of degenerative brain diseases, such as Alzheimer's and Parkinson's, and; research involving special populations, especially those who suffer from spinal cord injury, stroke, nervous system diseases, and posttraumatic stress disorder.

VA is also a training ground for doctors, nurses, and physician assistants.

VA medical care and research is a national asset that benefits both veterans and non-veterans.

We have also maintained our commitment to the VA State home construction program. As our veterans age in place, their needs and the needs of their families are changing. Outpatient clinics and State veterans homes bring the delivery of healthcare and healtcare services closer to our veterans and their families. This approach reduces costs for the VA and improves the quality of services for the veterans.

We have also provided funding to speed the processing of veterans claims. From the time a veteran files a claim, to the time he or she receives a decision, takes an average of 205 days or nearly 7 months. This bill includes $46 million to hire additional claims processors to help reduce waiting times to 100 days by the summer of 2003.

For the Department of Housing and Urban Development, we had two overall goals: expand housing opportunities for the poor, and rebuild our neighborhoods and communities; and help special needs populations.

First, we have fully funded the renewal of all section 8 housing vouchers by funding the housing certificate fund at $15.6 billion. This is $1.7 billion more than last year.

This amount includes an advance appropriation of $4.2 billion, for fiscal year 2003.

This advance appropriation was included as part of the concurrent budget resolution for fiscal year 2002 adopted earlier this year. We have carried this advance appropriation for the last several years and continue it this year.

Within the section 8 account, we have provided funding for 17,000 new or ''incremental'' vouchers to provide more vouchers for people waiting for section 8 assistance.

We have restored the cuts proposed by the President to critical the public housing capital account.

The Public Housing Capital Program provides funds to public housing authorities to repair and renovate public housing units to update heating, ventilation, electrical, and plumbing systems. Funds can also be used to construct new public housing, as well as renovating existing units.

We have provided $2.9 billion for public housing capital which is just below last year's level.

We have restored funding for the Drug Elimination Grant Program to fight crime and drugs in public housing.

We have provided $300 million for the Drug Elimination Program, just below last year's funding level. President Bush eliminated this program in his budget.

We cannot stop or delay our fight against drugs and crime in public housing. HUD needs to be a force for stability in the neighborhoods that surround public housing.

We increased funding for the CDBG program by $200 million over last year, to just over $5 billion in FY 2002. The CDBG program is one of the most effective tools for local economic development efforts. It gives our State and local officials flexibility to use Federal funds to meet local needs.

For other HUD programs, we have continued funding at last year's levels for: empowerment zones; brownfields; homeless grants; and housing for the elderly and disabled. We would like to have increased funding for these programs this year, but our allocation was simply not high enough to provide across-the-board increases.

We have included language to raise the FHA loan limits for multi-family housing by 25 percent this year—the first increase in many years.

This proposal was included as part of the administration's budget request, and we included it as part of our bill. Raising the loan limits will help increase the supply of multi-family housing in this country.

I wish we could do more for housing production. We cannot voucher our way out of our housing crisis. We need a new production program.

I look forward to the recommendations of the Millennial Housing Commission and the Commission on Senior Housing. These two congressionally chartered commissions will give the Congress a blueprint for addressing the crisis in affordable housing. Once we receive those recommendations, I hope the Congress can take a step forward in solving this crisis.

In the area of predatory lending and flipping, we are providing HUD with expanded legal authority to deny FHA insurance to lenders who have high default rates to help fight flipping and predatory lending.

Earlier this year, I held a field hearing in Baltimore on the subject of flipping. Unfortunately, despite some progress, this despicable practice continues.

To give HUD more resources to fight this problem, we have provided the Inspector General's office with $10 million specifically targeted to anti-predatory lending activities.

In the area of community development, one of my highest priorities has been to help this country cross the digital divide. In this bill, we provide $80 million to help create computer learning centers in low-income neighborhoods through competitive grants to local governments and non-profits.

For EPA, we provide $7.75 billion, an increase of $435 million above the President's request.

We ensure that Federal enforcement of environmental laws remains strong by restoring the 270 enforcement jobs cut by the President's request.

The President proposed a major shift in policy this year. He proposed to cut 270 environmental ''cops on the beat'' and shift enforcement to the States through a new $25 million State enforcement grant program.

But major concerns have been raised about this approach. The EPA inspector general has found numerous examples of weaknesses in State enforcement programs. This is a very important issue, and we need to hear from our authorizers about how we should allocate our resources before we make a major policy shift. So we did not break new ground in this area, and we maintained the status quo for Federal enforcement.

This bill also keeps our commitment to clean and safe water by fully funding the Clean Water State Revolving Loan Fund at $1.35 billion.

The Nation is facing an enormous backlog of funding for water infrastructure projects—some estimates say as high as $23 billion per year. The committee acknowledges the validity of the problems faced by large cities and small communities alike in upgrading sewer and drinking water systems.

Unfortunately, the administration chose to fund the new Combined Sewer Grant Program at the expense of the Clean Water State Loan Fund. This approach was opposed by our authorizers, and GAO told us it was a bad idea because it would weaken the Clean Water Fund.

We regret that the administration took this approach and that we cannot provide the $450 million requested for the sewer grant program.

We hope that in the future, the President's request will be more adequate to meet the needs of our communities.

For the Federal Emergency Management Agency, our bill provides a total of $3.3 billion. Of this total, $2.3 billion is designated for the disaster relief account to be available in the event of an emergency or natural disaster.

I should note for my colleagues that of the $2.3 billion designated for disaster relief, $2.0 billion is designated as an emergency under the terms of the Budget Act.

Tropical Storm Allison had a devastating impact on Texas, Louisiana, and Pennsylvania. We need to replenish the disaster account so the funds continue to be available for the victims of Allison and future disasters we may face.

We restore $25 million for Project Impact, an important effort that helps to raise visibility and public awareness for the need for pre-disaster mitigation.

We also increase the FEMA fire grant program to $150 million. In the first year of this program, FEMA received over 30,000 applications requesting nearly $3 billion for fire fighting equipment, vehicles, and protective clothing.

After seeing what our firefighters in Baltimore went through to deal with the Howard Street tunnel fire, the least we can do for these brave men and women is help give them the equipment and support they need to deal with the hazardous, life threatening situations they constantly confront on our behalf.

We have also provided the FEMA Director with support to establish and run the new office of national preparedness as requested by the President. This new office will coordinate all the various Federal programs dealing with consequence management resulting from weapons of mass destruction. This is a very important initiative; so much so that the Appropriations Committee held 3 days of hearings earlier this year on the President's action plan.

And we provide nearly $140 million for the emergency food and shelter and over $20 million to help FEMA modernize their flood mapping operation.

We provide $14.6 billion for NASA programs, $50 million over the President's request and $300 million over last year.

This was one of the more difficult parts of the appropriations bill to put together. We found ourselves dealing with a $4 billion plus overrun on the international space station.

Let me say that while I am disappointed and appalled at the mismanagement of the space station, I am still committed to seeing the space station completed.

NASA is currently having an outside review team conduct a thorough independent evaluation of the space station. That will give us a new road map for the station. Although we do make a slight reduction to the overall space station budget, we did not make any major decisions regarding the future of the station. We want to wait and see what the administration will do later this year and in their 2003 budget.

Unfortunately, this is not the first cost overrun we have had with the space station. Since 1993 we have seen at least six different revised cost estimates that have taken the station's cost from $17.4 billion up to a staggering $28.3 billion—a stunning 61 percent increase.

The committee is adamant that this has to stop. We are committed to completing the space station and that it be the world class research facility it was also supposed to be. But the culture at NASA has got to change so that NASA management gets these costs under control.

The committee is not going to let NASA raid other important space programs to pay for these space station management failures. So here's what we do.

First, we provide $1.7 billion for continued construction of the international space station. We redirect $50 million to the shuttle for safety upgrades. Protecting our astronauts is one of the most important priorities within the committee.

Second, we cap total space station costs over the next 4 years at a total of $6.7 billion. Any proposal to exceed this cap must come with a presidential certification that it is needed and the additional costs are well known.

Third, to ensure the station is in fact a world-class research facility, we add $50 million to the life and microgravity research program, which takes the program up to $333.6 million for fiscal year 2002. Then we transfer space station research out of the human space flight account into the science account where we protect it from being used any further to pay for space station overruns.

Finally, we want NASA to create an independent review committee to develop options that will increase the amount of time crew members will have to conduct research on board the station.

If this is going to a world-class research facility, we have to be sure the personnel on board have the time and support to carry out a viable research program.

Over in the Science, Aeronautics and Technology account, we provide $7.7 billion. This is $478 million more than the President's request and is driven primarily by the transfer of the biological and physical sciences research program out of the space station account and into the science account to improve aviation safety and commercial competitiveness.

For the National Science Foundation, we provide a total of $4.7 billion for research and education. This is an increase of $256 million or 6 percent over last year.

We had hoped to provide more. Senator BOND and I—and a large number of our Senate colleagues—believe it is in the national interest to double the NSF budget over the next 5 years.

This recommendation represents a downpayment on that policy objective.

We reject the administration's proposal to cut the NSF research programs and instead, we increase them by $187.5 million over the request.

We provide nearly $500 million for nanotechnology and information technology—two critically important research activities related to the Nation's economic competitiveness; $150 million to help meet the needs of developing institutions and States with $110 million for EPSCoR, Experimental Program to Stimulate Competitive Research, $25 million specifically for instrumentation at smaller institutions, and $15 million for innovation partnerships between smaller schools and local industry.

We provide $55 million for supercomputing hardware: $45 million for an earthquake research network, and $12.5 million to continue constructing a new radio telescope, called ALMA.

We link hi-tech economic development with out academic centers of excellence through a new $10 million regional innovation clusters initiative designed to bring universities, industries and local government together to map out and carry out strategic R&D and economic development plans.

Math and science education programs increase by nearly $90 million or 11%—to over $870 million, $872.4 million. We provide $190 million for the President's Math and Science Partnership program, $130 million in this bill; additional $60 million through hi-tech visa fees. We increase the stipends for graduate students in science and engineering by nearly 20 percent (or $3,500) to $21,500 per year. We provide $20 million for a new undergraduate workforce initiative. We increase support for programs related to historically black colleges and universities and other underrepresented groups to $100 million.

This is a Science Foundation budget that emphasizes three critical goals:

(1) support for people—from the scientist to the grad student to our elementary and secondary school teachers of science and math;

(2) support for the basic research enterprise of this country in strategic areas as well as to core disciplines in science and engineering; and

(3) support for tools—the cutting edge equipment and instrumentation that is so crucial to move science forward.

We have funded National Service at $420 million, which is $4 million more than the President's request, to keep National Service strong.

Volunteerism is our national trademark. It highlights what is best about America.

Volunteer programs are the backbone of our communities. They help preserve the safety net for seniors, keep our communities safe and clean, and get our kids ready to learn.

The 2002 VA–HUD bill maintains our commitment to AmeriCorps by providing funding to support 50,000 members to continue our spirit of providing community service, reducing student debt, and to creating ''habits of the heart.''

We also continue our promise to bridging the digital divide. We provide $25 million to teach-the-teachers, to bring technology skills to those who have been left out or left behind in our digital economy.

The bill meets compelling human needs and invests for our future.

I would like to have been able to do more for science, technology and housing production, but this is the best we can do under our allocation and satisfy the priorities of our Members.

To reiterate, this committee reported the bill and it compromises $84 billion in discretionary budget authority and $88 billion in outlays. The bill is balanced and fair and meets the needs of the American people. Our job was to meet certain compelling issues.

My guiding principles were, No. 1, to keep our promises to the veterans for them to have the health care they need and not stand in line when they have to apply for their pensions; to work in the area of housing and urban development, that we would develop the programs and policies that would empower the poor to be able to move to a better life as well as rebuilding our neighborhoods and our community; also to stand up and protect the environment and invest in science and technology to create jobs today and jobs tomorrow.

Based on the President's budget proposal and the subcommittee allocation, we had to focus on restoring cuts in the President's budget and, of course, we worked very hard to avoid riders. Our overriding goal was to make sure that core programs in veterans and housing and the environment were taken care of. We did that. We could not increase the funding for every program that was meritorious, but we could meet the basic needs of our responsibilities.

One of the areas that we were sorry we could not increase funding to the level we wanted was in doubling the budget for the National Science Foundation over the next 5 years.

I want to talk about what we have done for veterans. We increased VA health care by over $1 billion. This is $400 million more than the President's request. It will allow the VA health care system to serve 4 million patients through 2002, 172 medical centers, 876 outpatient clinics, and over 135 nursing homes. VA continues to shift from inpatient focus to outpatient care. The funding in this bill will allow VA to open more community-based clinics.

This marks also the second year in a row that we have increased funding for veterans health care. We have also increased funding for VA medical research by $40 million over last year.

This funding level will allow VA to continue its progress in the treatment of chronic diseases, also the diagnosis and treatment of degenerative brain diseases such as Alzheimer's and Parkinson's, and special populations, often those who bear the permanent wounds of war, that of spinal cord injury and post-traumatic stress.

VA is a training ground for health care providers, and we have been able to keep our programs that encourage scholarships and other grant programs to do this.

The other area we worked on was to increase the speed of processing for veteran claims. Right now, when a veteran files for a claim, it takes 205 days or nearly 7 months. We don't think veterans should have to stand in line to get this consideration. This bill includes $46 million to improve technology and hire additional processors.

In the area of HUD, for the Department of Housing and Urban Development, we had two overall goals: expand housing opportunities for the poor, but in an empowerment way, rebuild our neighborhoods and communities; and also help special needs populations.

First, we fully fund the renewal of all section 8 housing vouchers by funding the housing certificate fund at $15.6 billion. This is $1.7 billion more than last year. This amount also includes an advance appropriation of $4.2 billion. This advanced appropriation was included in the concurrent budget resolution.

Within the section 8 account, we provided funding for 17,000 new or incremental vouchers. We also restored the cuts proposed by the President to the public housing capital account. The public housing capital program provides funds to public housing authorities to repair and renovate public housing units, to update heating, ventilation, and plumbing.

These are absolutely essential. We should not be a slum landlord. We have to raise those standards. Also, we have provided $300 million in the drug elimination program. President Bush eliminated this program, and we have very serious question about what is the best way to proceed.

This year we didn't want to break new ground in terms of our general policies, so we have kept in the $300 million for drug elimination. We asked the authorizers to hold hearings on what is the best way we can keep drugs out of public housing and make sure that drug dealers don't use public housing as small business incubators for their deals.

We also increased funding for CDBG by $200 million, taking it to just over $5 billion.

We continued funding empowerment zones, brownfields, homeless grants, and housing for the elderly and disabled. We would surely like to have increased funding for these programs, but our allocation was not enough to do this. We hope that in next year's budget, we could take a look at it because

these certainly are very meritorious. We have also included language to raise the FHA loan limit for multiple family housing by 25 percent. This is the first increase in many years. This proposal was included in the administration's budget request. Raising the loan limit will increase the supply of multiple family housing in this country. We need more affordable apartments. Rents are going sky high. We cannot voucher our way out of a housing crisis. We also need it for the middle class.

Also, again, on a bipartisan basis, we know we need a new production program. We are looking forward to the recommendations of the housing commission and the Commission on Senior Housing so that we could then get a framework for proceeding.

Also, my senior colleague, Senator PAUL SARBANES, chairing the Housing and Banking Committee, has been leading the fight against predatory lending. We started that fight in this committee under Senator BOND, and we are going to continue that. We have added funds in the inspector general's office to target the antipredatory lending activities.

Also, we have provided in this bill $80 million to create computer learning centers in low-income neighborhoods. These will be competitive grants to nonprofits and to local governments. I prefer to keep it to nonprofits. This will help cross the digital divide and, we believe, can be used for job training during the day, structured afterschool activities in the afternoon, and essentially be one of the important empowerment tools.

Let's move on to the environment. For EPA, we provide $7.5 billion, an increase of $435 million above the President's request. We ensure that the Federal enforcement of environmental programs remains strong. We restore 270 enforcement jobs cut by the President. The President proposed a major shift in policy this year. These 270 jobs are like our environmental cops on the beat. The President wanted to shift this to a grants program of $25 million. We again felt we were breaking new ground without the authorizers taking a look at what is the best way to enforce the environmental laws. We know it needs to be a Federal-State partnership. But we didn't want to eliminate our current framework until we had really a very clear, well-thought-through process.

The EPA inspector general found numerous examples of weaknesses in State enforcement programs. That is why we had so many yellow flashing lights.

This bill keeps our commitment to clean and safe water by fully funding the clean water State revolving loan fund at $1.35 billion. This Nation is facing an enormous backlog of funding for water infrastructure projects—some estimate as high as $23 billion per year. Out of all the requests we got for congressionally designated projects, probably the largest number and those that just cried out for a response were in water and sewer, from very small rural communities that are on the brink of disaster to large metropolitan water supplies where the water and sewer was built over 100 years ago and are on the verge of collapse.

Mr. President, we really hope that it will be a major initiative of the authorizing committee to look at our infrastructure needs. I think this is very important in terms of a public investment for our communities.

Let's go to FEMA. Our bill provides, for the Federal Emergency Management Agency, $3.3 billion. Of this total, $2.3 billion is designated for the disaster relief account to be available in the event of an emergency or natural disaster.

I should note for my colleagues that of the $2.3 billion designated for disaster relief, $2 billion is designated as an emergency under the terms of the Budget Act. Tropical Storm Allison had a devastating impact on Texas, Louisiana, and Pennsylvania. We have to replenish this disaster account and at the same time have a cushion for these impending disasters. We restore $25 million for Project Impact and increase the FEMA fire grant program to $150 million. I will be saying more about that in the course of the bill.

Mr. President, I want to move on to NASA. We provided $1.46 billion for NASA programs—$50 million over the President's request—and $300 million over last year. This was one of the more difficult parts of our appropriations. We found ourselves dealing with a $4 billion-plus overrun on the international space station. I will say that again. We found ourselves dealing with a $4 billion overrun on the international space station. I am very disappointed and dismayed at the way the space station is being managed. I am going to be very clear on the record. I am absolutely committed to the space station, and I am going to do all I can to see that it is completed. But NASA needs to get its act together on the space station and deal with these cost overruns.

We really want to ensure that we do complete the space station but not at the expense of cannibalizing other programs or reducing the space station to only three astronauts. You cannot do the space station science for which this whole project was completed with three astronauts. We also need to be sure that our astronauts can return safely. We need to focus on the safety of our astronauts, and this is one of the other reasons we are working on shuttle upgrades.

On the National Science Foundation, know that Senator BOND and I wanted to double it, but we could not. We did increase it by $256 million. We hope to provide more. Senator BOND and I, and a large number of colleagues, think it is in our national interest to do so. This recommendation represents a downpayment on that policy objective.

We provide nearly $500 million for nonotechnology and information technology, and $150 million to meet the needs of institutions and States. We also are increasing math and science education, as well as supercomputing hardware.

The Science Foundation budget will emphasize three goals: Support for people—from the scientist to the graduate student; to develop support for the basic research enterprise of this country; and also support for the tools we need for future science and technology.

Let me go into national service. We funded national service at $420 million. This keeps national service strong. Voluntarism is our trademark and it highlights the best of America. What we did here was provide $25 million to teach-the-teachers in technology. We have included that in the bill to encourage veterans to volunteer with our young people. Again, we could have done more, but we just didn't have the money. I think what we did do meets these needs.

This speech is kind of boring because it is about numbers and data—$500 million over here, $300 million this, and the President's that, and our requests, et cetera. But when you get down to it, what this money represents is really a commitment to honoring our veterans, building our communities, housing and urban development, protecting our environment, and investing in space in the National Science Foundation so that we have the new ideas to come up with the new products, encouraging voluntarism.

We also provide that in the event any community is hit by a national disaster, while they have to go through the records, they would not have to forage for funds to pay for it.

I thank Senator BOND and his very capable staff for their most collegial and cooperative efforts in moving this bill forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I am very pleased to stand wholeheartedly in enthusiastic support of S. 1216, the VA–HUD fiscal year 2002 appropriations bill as reported from the Committee on Appropriations.

My compliments to Senator MIKULSKI as the new chair of the VA–HUD-Independent Agencies Appropriations Subcommittee for her hard work and her commitment to making this bill a balanced piece of legislation for all Members, for the administration and, most of all, for the people who are served by it—and they are many—as the Senator has so eloquently outlined.

I could not ask for a better chair and, previous to the transmogrification, a better ranking member. I know that some identify us as one of the more collegial teams in this Chamber. I am proud of that. I think we make a good team.

After extensive, hard work on the very important and difficult and complex issues in this bill, we agree on the

policy outlines and on the specific allocation included in this bill for the VA–HUD fiscal year 2002 bill. I think the bill is grounded both in good policy and fiscal responsibility. As the Senator from Maryland has discussed, the legislation is within our 302(b) discretionary funding allocation of $84 billion-plus in budget authority and some $88 billion in outlays.

In addition, while no bill is perfect or addresses every Member's concerns—and certainly we had many hundreds and thousands of concerns—I think the bill strikes the right balance in funding both the Members' priorities and the administration's priorities.

In particular, despite our tight allocation, we have done our best to satisfy the priorities of Senators who made special requests for economic development grants, water infrastructure improvements, as well as requests for other State and local priorities. Such requests numbered over 1,600 individual requests, totaling over $22 billion, which illustrates the level of interest and demand for assistance in the bill. That means, on the average, each Senator submitted 16 requests, costing a total of $220 million for our humble little bill. We obviously could not address all of these requests, but we have tried hard to address as many of the most pressing needs as we could.

We have also met most of the administration's funding priorities. I compliment the administration for not looking to create a series of new programs, but instead focusing on—with some exceptions—maintaining existing program levels and reforming program implementation to ensure that the agency can deliver the needed assistance under existing program requirements.

Again, I emphasize that we don't need a lot of new programs in this bill. We do need to ensure that existing programs are managed well and effectively and the people who are to be served receive the benefits that are intended in the bill.

I will be relatively brief in my review of the bill because the VA and veterans' needs remain the highest priority, and funding decisions in the bill are designed to ensure the best quality of medical care for our veterans, to keep the best doctors in the VA system. To achieve this, we have funded VA medical care at $21.4 billion, an increase of some $400 million over the President's request, and over $1.1 billion over the 2001 level.

I know some Members believe the funds are inadequate, but I emphasize we have increased this account every year and have worked hard to ensure there are adequate funds for the medical needs of our veterans. In fairness, we can spend only so many funds efficiently and effectively. I believe we have done the best we can.

Moreover, Senator MIKULSKI and I are committed to meeting the medical needs of veterans, and we are working with VA to ensure successful implementation of the new CARES process that will result in better VA facilities, the better targeting of services and medical care throughout the country, assuring we do not waste money that is meant for veterans medical care on maintaining unneeded or excessive capacity buildings.

The 2002 VA–HUD Senate appropriations bill provides $31 billion for the Department of Housing and Urban Development, which is $443 million over the budget request and $2.5 billion over last year's level. This includes funding needed to renew all expiring section 8 contracts and also provides funds for 17,000 incremental vouchers.

I personally remain deeply concerned that vouchers do not work well in many housing markets. We need to develop new production programs that assist extremely low-income families in particular.

We have also included $650 million for the Public Housing Capital Fund over and above the President's budget request, and have added $300 million for the Public Housing Drug Elimination Program, a program the administration sought to eliminate in its budget. These are both important programs, and the VA–HUD bill essentially preserves last year's funding levels.

In particular, I emphasize my support for the public housing capital funding, which is critically needed to address some $20 billion in outstanding public housing capital needs. We must ensure those people who live in assisted housing have decent housing in which to live and to raise their families. As a civilized and developed nation, we owe the least of our citizens, in terms of economic wealth, at least that much.

In addition, we maintain funding for both the CDGB and HOME programs at the 2001 level, while rejecting an administration set-aside of $200 million in home funds for a new downpayment program. The set-aside is unnecessary, in our view, since this activity is already eligible under the HOME program. I stress my support for both HOME and CDBG because they rely on decisionmaking guided by local choice and need. We are asking the people who are there on the ground, in the community, to determine how best to use funds for community development and to meet the housing needs of the population in their communities.

I hope and trust these funds are used by States and localities as an investment in housing production to meet the increasing housing needs of low-income and extremely low-income families.

In addition, the bill funds section 202 elderly housing at $783 million; section 811 housing for disabled at $217.7 million. These funding levels are the administration's requests and approximately the same as the 2001 level. The bill includes over $1 billion for homeless funding, with a separate account of almost $100 million for the renewal of the expiring shelter plus care contract. Again, these funding levels reflect the administration's request at last year's funding levels.

As for the Environmental Protection Agency, the bill includes $7.75 billion, which is some $435 million over the 2002 budget request. It includes $25 million for State information systems as requested by the administration.

We did reject the administration's request to transfer some $25 million for State EPA and enforcement efforts, keeping these funds at EPA. I support that premise. As one who was a Governor, I ran environmental protection programs in my State. I have a great regard and a great respect for the work done at the State level, but the proposed transfer of enforcement responsibilities from EPA to the States may be premature. It appears to us a number of States may need to upgrade their enforcement capacity before a transfer of EPA enforcement responsibilities to States is warranted.

In addition, the bill maintains funding of the clean water State revolving fund at $1.35 billion instead of reducing this amount by $500 million for the funding of a new sewer overflow grants program.

Funding of this new sewer overflow program is premature without additional funding. Both the clean water and drinking water State revolving funds are key to building and rebuilding our Nation's water infrastructure systems and should not be compromised with new programs without significant new funding.

I cannot emphasize too strongly the importance of continuing to maintain funding for these State revolving funds. For clean water infrastructure financing alone, there is a need for some $200 billion over the next 20 years, excluding replacement costs and operations and maintenance.

For FEMA, the bill appropriates an additional $2 billion in disaster relief. The chairman and I intend to offer an amendment to make these funds available upon enactment. We feel strongly these additional funds should be available as soon as possible in the event we face disasters beyond the normal expectations during the remainder of this fiscal year. If we do not have that money, then this body is going to be put in a real bind to try to respond to a disaster which might occur in any of our States. I believe every Member should support this program because almost everyone represents a State which has benefited recently from the availability of these important disaster assistance funds in the face of some unexpected and unfortunate disaster in their States.

We need to ensure FEMA has the necessary funds to meet all possible emergency contingencies during this fiscal year and the next fiscal year. The VA–HUD appropriations bill also funds NASA at $14.56 billion. This is an increase of $307.5 million over last year. It is $50 million above the budget request. This includes $6.87 billion for human space flight, while capping the

funds available for the international space station at $1.78 billion.

Senator MIKULSKI and I share huge concerns over the current status of the space station, as she has so forcefully and eloquently noted, especially when cost overruns currently exceed $4 billion this year alone. There also appears to be a total loss of management control by NASA with regard to the space station.

In the current configuration, the space station must depend upon the Russian Soyuz for any emergency escape capacity from the station, and there continues to be inadequate habitation space that is needed for science research, the primary justification for the construction of this station.

Right now, they can only hold three astronauts in the space station. The time of two and a half of them is required to operate the station. That means we go through all the work and trouble of sending up a space shuttle, sending up astronauts, and we get one-half of one FTE working on science. That is a disaster, and it is and should be an embarrassment for NASA.

Not to be too bleak, however, NASA is making great strides in other areas of research, including space and Earth science. Remote sensing is becoming a viable and important technology and many of our space science missions are unlocking the mysteries of the universe.

In addition, the bill continues our commitment to the space launch initiative, the SLI. This is a critical program that should provide for the development of alternative technologies for access to space. Nevertheless, I have heard some reports that NASA may be losing control of the SLI program. Again, NASA needs to keep a tight focus on technologies being proposed and the funding which is approved.

In addition, the bill reaffirms our commitment to aeronautics, and NASA's leadership role is part of the Government-industry partnership to develop breakthrough technologies for the aviation community.

Finally, I restate emphatically my support for the National Science Foundation, again in total agreement with my friend and chair of the subcommittee. Because of our budget allocation limitations, we were only able to provide $4.67 billion for the National Science Foundation for the coming year, a $256 million increase to the budget. This is still a $200 million increase over the President's budget, but it is not nearly as much as we want.

I believe this funding level is the best we can do under the circumstances without jeopardizing the needs of our Nation's veterans, our commitment to EPA, and our investment in affordable housing for low-income families.

Let me be clear. I am committed to working with Senator MIKULSKI and our House counterparts to find more funds for NSF in conference. I am committed to doubling the Foundation's budget over 5 years and will do everything I can to keep us on that important path.

I call on my colleagues who believe the future of the United States depends upon our continuing to make great strides in the field of science and engineering to join with us to make solid the commitment of this body to doubling the funding.

We have seen in the past great strides made in the National Institutes of Health. They are developing wonderful new cures, but they tell us that the work of NIH depends upon continuing work and development by the National Science Foundation. If you talk with people in the field of scientific endeavor, they will tell you that we are way out of balance because we have not done enough to keep up with basic science and making sure we continue to be the leader in the world in all forms of technology and science, not limited to space and health, but to biotechnology, nanotechnology, and the many other exciting issues on which the National Science Foundation is working.

I am not always sure everyone understands our investment in science and technology greatly influences the future of our Nation's economy and our quality of life. How goes the funding goes the future.

I thank Senator MIKULSKI's staff and my staff for the many long and hard hours they spent advising us and working on legislation.

I yield the floor.

Mr. SARBANES. Mr. President, I come to the floor today to voice my strong support for the fiscal year 2002 HUD/VA appropriations bill. Chairwoman MIKULSKI and Senator BOND have done an exemplary job of providing HUD with the resources it needs, even while working within a very tight allocation for all of the agencies within their jurisdiction.

The administration's budget request for HUD, the agency that provides housing assistance to this Nation's poorest families and funding for community development and revitalization, was sorely inadequate. The administration's proposal would not even have provided the funding necessary to maintain HUD programs at current levels. Instead of fighting to expand housing opportunities to meet growing needs, the Administration's budget request has put us in the unfortunate position of fighting just to retain current program levels.

We have a severe housing crisis in this country, and the need for housing assistance continues to grow. There are almost 5 million very low-income households in this country who have worst case housing needs, either paying more than half of their income towards rent or living in severely substandard housing. Another 2 million people will experience homelessness this year. At a time when so many families are in need of housing assistance, housing programs need additional funding.

One area of great concern are the proposed cuts in public housing, a program that provides housing to over 1.3 million of this Nation's poorest households.

Senators MIKULSKI and BOND realized that a significant number of families would be affected if they went along with the proposal to cut over $1 billion in funding for public housing programs. The administration proposed cutting $700 million, or 25 percent, from the Capital Fund, the fund used to repair and modernize public housing. There is a significant need for these funds. HUD estimates that there is currently a $22 billion backlog in needed capital repairs in public housing. A cut of this magnitude would have led to further deterioration of this Nation's public housing stock. The administration's budget says that this program can withstand such a cut because there are unexpended balances in the Capital Fund that can be used to fill in the gaps left by the budget cut. However, this is not the case. HUD's own data show that Capital Funds are being spent well within the legal time-frames established in a bipartisan manner just a few short years ago. Fortunately, the bill before us today provides almost $3 billion for the Capital Fund, helping us to maintain a much needed resource and to ensure that the federal investment in this housing is protected. This is an important accomplishment of the Appropriations Committee.

In addition, this bill restores funding for the Public Housing Drug Elimination Program, which supports anti-crime and anti-drug activities in public housing. The administration's proposed elimination of this program would have resulted in housing authority police officers being laid off, after-school centers being shut down, and safety improvements not being made. The bill before us today provides $300 million for this important program that helps to improve the lives of public housing residents.

Unfortunately, the administration's budget did away with other important programs as well, including the Rural Housing and Economic Development Program, which provides funding for housing and economic development in rural areas. This program helps to greatly enhance the capacity of rural non-profits to fund innovative efforts to supply housing and develop rural areas. HUD's own budget justifications state that ''The previous rounds of funding recognize that rural communities face different socio-economic challenges than do cities . . . Many rural areas have been by-passed by employment, and low, stagnating wages. It is imperative that rural regions have greater access to community and economic development funds that would foster investment in economic opportunities.'' I am pleased that the bill before us today provides $25 million in funding for this program which allows rural America to access essential resources.

While most of this bill helps to further the goals of ensuring that all

Americans have access to decent, safe and affordable housing, I have a number of concerns with provisions in the bill related to Section 8 vouchers.

This bill only provides funding for an additional 17,000 section 8 vouchers. This is only half the vouchers requested by the administration, and less than a quarter of the 79,000 new vouchers Congress funded last year. I recognize that the committee is concerned with voucher utilization and the effectiveness of the program, as am I. However, section 8 vouchers work in most areas of the country, allowing families to choose where to reside while lowering their rent burdens. I agree that there are improvements that must be made to strengthen this program and to ensure that all families who receive vouchers are able to find adequate housing. However, I strongly believe that we must continue to expand the voucher program so that we can meet the needs of the many poor families waiting to receive housing assistance.

In addition to the decrease in section 8 vouchers, the administration has proposed cutting section 8 reserves by $640 million, from two months to one month. These reserves are used in the event of higher program costs so that the section 8 program can continue to serve the same number of families. The administration is correct that some of these funds may not be necessary; however, HUD must have the flexibility to meet the needs of PHAs that must access more than one month of reserves in order to continue serving the families who currently receive vouchers. The House appropriations bill, which does not give HUD this flexibility, will lead to a reduction in the number of poor families who receive housing assistance. I am pleased that the Senate did not adopt the flawed approach taken by the House, and I hope that the conference report will give HUD the flexibility to provide more than one month of reserves to housing authorities that will otherwise be forced to cut their section 8 programs.

I am also concerned by language in this bill that has the potential to reduce funding for critical housing programs by diverting funds from HUD to other agencies. I appreciate and support the efforts of the chair and ranking member to protect funds allocated to the subcommittee. However, I am concerned that, as drafted, this provision could inadvertently result in funds being transferred from already strapped housing programs and hinder the effective functioning of the voucher program. I hope that the final legislation will ensure that all of the funds allocated to housing are used to meet the growing housing needs in this country.

As a whole, I support this bill, and commend my colleagues on the Appropriations Committee for reporting out a bill that affirms our commitment to housing this Nation's poor.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring for S. 1216, the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for Fiscal Year 2002.

Including an advance appropriation into 2002 of $4.2 billion, the Senate bill provides $84.052 billion in nonemergency discretionary budget authority, of which $138 million is for defense spending. The $84 billion in budget authority will result in new outlays in 2002 of $40.489 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $88.463 billion in 2002. The Senate bill is at its section 302(b) allocation for both budget authority and outlays.

In addition, the Senate bill provides new emergency spending authority of $2 billion to the Federal emergency Management Agency for Disaster Relief, which is not estimated to result in any outlays in 2002. In accordance with standard budget practice, the budget committee will adjust the appropriations committee's allocation for emergency spending at the end of conference. The bill also provides an advance appropriation for section 8 renewals of $4.2 billion for 2003. That advance is allowed under the budget resolution adopted for 2002.

I again commend Chairman BYRD and Senator STEVENS, as well as Senators MIKULSKI and BOND, for their bipartisan effort in moving this and other appropriations bills quickly to make up for the late start in this year's appropriations process.

Mr. President, I ask for unanimous consent that a table displaying the budget committee scoring of this bill be printed in the RECORD.

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

S. 1216, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2002; SPENDING COMPARISONS—SENATE–REPORTED BILL

[In millions of dollars]

	General purpose	Defense	Mandatory	Total
Senate-reported bill:				
Budget Authority	83,915	138	26,898	110,951
Outlays	88,327	136	26,662	115,125
Senate 302(b) allocation:[1]				
Budget Authority	83,915	138	26,898	110,951
Outlays	88,463	0	26,662	115,125
House-reported:				
Budget Authority	83,995	138	26,898	111,031
Outlays	87,933	136	26,662	114,731
President's request:				
Budget Authority	83,221	138	26,898	110,257
Outlays	87,827	136	26,662	114,625
SENATE–REPORTED BILL COMPARED TO				
Senate 302(b) allocation:[1]				
Budget Authority	0	0	0	0
Outlays	0	0	0	0
House-reported:				
Budget Authority	(80)	0	0	(80)
Outlays	394	0	0	394
President's request:				
Budget Authority	694	0	0	694
Outlays	500	0	0	500

[1] The 2002 budget resolution includes a "firewall" in the Senate between defense and nondefense spending that will become effective once a bill is enacted increasing the discretionary spending limit for 2002. Because the firewall is for budget authority only, the appropriations committee did not provide a separate allocation for defense outlays. This table combines defense and nondefense outlays together as "general purpose" for purposes of comparing the Senate-reported outlays with the subcommittee's allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency, including removal of emergency funds ($2 billion in BA, $0 in outlays) and inclusion of a 2002 advance appropriation ($4.2 billion in BA, $2.52 billion in outlays). The Senate Budget Committee increases the committee's 302(a) allocation for emergencies when a bill is reported out of conference. For enforcement purposes, the Budget Committee compares the Senate-reported bill to the Senate 302(b) allocation.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Maryland.

AMENDMENT NO. 1214

(Purpose: In the nature of a substitute)

Ms. MIKULSKI. Mr. President, I call up amendment No. 1214.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself and Mr. BOND, proposes an amendment numbered 1214.

Ms. MIKULSKI. 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 text of the amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 1217 TO AMENDMENT NO. 1214

Ms. MIKULSKI. Mr. President, I have an amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself and Mr. BOND, proposes an amendment numbered 1217 to amendment No. 1214.

Ms. MIKULSKI. 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 make $2,000,000,000 for FEMA disaster relief available upon enactment)

On page 81, line 2 of the amendment after "2,000,000,000," insert: "to be available immediately upon the enactment of this Act, and".

Ms. MIKULSKI. Mr. President, this amendment is simple and straightforward. It provides that FEMA disaster funding shall be available upon enactment of this bill. It means that when the President signs the VA–HUD conference report, which we hope will be in September, disaster funding will become immediately available without waiting until October 1.

Why is this important? FEMA is down to $168 million as of yesterday that has not been allocated or distributed. Normally FEMA has a cushion of $1 billion during hurricane season.

This is a very tough time of the year for many parts of our States for natural disasters. Coastal States are hurricane prone. We know the prairie States are prone to tornadoes now, and our Western States are prone to terrible fires. We want to be sure there is enough money for FEMA to respond. Therefore, in this bill we want to have a cushion.

Yesterday, President Bush announced he was releasing $583 million

to cover the cost of recovering from tropical storm Allison. We sure support that. As a result, there is now almost a zero balance in the contingency fund. This is far below what we need to prepare and respond. This is why Senator BOND and I are offering this amendment. We cannot be left unprepared, and upon completion of the remarks of my colleague, I will urge its adoption.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, this is an extremely important amendment. It should be an important amendment for every Member of this body. Unfortunately, we do not know for which Members it will be important because we do not know where the next disaster will strike.

Based on our past experience, as the chair has mentioned, there are problems along the coast. We have tornadoes, we have hurricanes, we also have fires in the West, and we still do floods, and wherever these disasters strike, FEMA must be ready to respond. If we do not have a problem, then the money is not spent.

With the release of the $583 million in contingent disaster relief for previously declared disasters, including the assistance of victims of tropical storm Allison, several States of recent storms, flooding in Montana, Texas, West Virginia, and Virginia, and other declared disasters, there are no additional funds available for release this year. FEMA is perilously close to a situation where it does not have enough disaster funds for the rest of the year.

We do not know where or when or what kind of disaster will strike, but we do know we should not roll the dice and be without this funding available to FEMA should it be needed.

FEMA provides critical assistance in times of emergency. We want to be sure they have this emergency assistance available. I join with my colleague in asking it be adopted.

Ms. MIKULSKI. Mr. President, we know of no one who wishes to speak against this amendment. This is not a money amendment; it is a timing amendment. We have the support of our colleagues. Knowing there is no one else who wishes to speak on it, I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is adopted.

The amendment (No. 1217) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, the bill, of course, is open to amendment by any Member. We know our colleague, Senator WELLSTONE, has an amendment, and after that, we know our colleague, Senator BOXER, will also be offering amendments. Then hopefully after that, Senator KYL will have an amendment. If everybody comes to the Chamber and cooperates the way Senator WELLSTONE immediately came to the floor, it is conceivable we can finish this bill this evening, a record time.

I yield the floor.

AMENDMENT NO. 1218 TO AMENDMENT NO. 1214

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say through the chair to the Senator from Maryland, I am cooperating. She has a way of eliciting cooperation. I made sure I got to the Chamber and cooperated with the Senator from Maryland and, of course, the Senator from Missouri.

I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1218 to amendment No. 1214.

Mr. WELLSTONE. 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 increase the amount available for medical care for veterans by $650,000,000)

On page 7, line 19, strike ''$21,379,742,000'' and insert ''$22,029,742,000''.

Mr. WELLSTONE. Mr. President, I can describe this amendment for colleagues. This amendment will add $650 million to the funding that is contained in this bill for veterans health care.

I will go through the numbers carefully because Senators have voted for more than this amount of additional funding in prior votes. First I will speak in a general way and then more specifically.

I thank both the Senator from Maryland and the Senator from Missouri for their fine work on this bill and their fine work on behalf of veterans. I know, and they know, there is not nearly enough funding in medical or housing needs. I propose this amendment to bump up the funding. It does not get all the way there. I am not trying to do any showcasing. I have been involved in these amendments year after year after year, sometimes with success, sometimes without success. I will continue to force the issue when it comes to the funding because I know, and I am sure other Senators know as well, in the most concrete personal way just from our office in Minnesota and the number of people calling.

I admit to every Senator in the Senate that I was completely naive about this when I was elected. I never thought a large part of my work would end up being veterans work. I didn't think that would be what I would be doing. This all came about because our office is fortunate to have great people: Josh Syrjamaki and Mike Siebenaler are heroes in the veterans community. They come through for people. The better we do for an individual person, the more the word gets around, and other people come for help.

We helped a Vietnam vet. His daughter wrote me a poem about her dad. She said, my dad was fine, and one day he took a shower, he came out of the shower, and he had a complete mental breakdown, posttraumatic stress breakdown. It was a plea for help.

I will not use names because I don't know if families approve. I think Tim Gilmore's family would not mind. Tim was struggling with Agent Orange and still not getting the compensation he needed. If he did not get it and he passed away before receiving it, the family would not get benefits. He was not thinking about himself any longer—he knew he would die—but he didn't know whether his family would get any help.

When helping people such as these, with good people in your office—and I have the best—more and more people come for help. It turns out this has been a lot of the work we do. People fall between the cracks.

Quite frankly, this appropriations bill is way under what we should provide. I will add it up in a moment with concrete numbers. The medical inflation alone, counted at 4 percent a year, gets close to $1 billion. Look at the commitment we made to treat veterans with hepatitis C. Look at the Millennium Program and the commitment we are supposed to be making to an ever-aging veterans community and the kind of help we will give them, or we say we will give them, and look at the whole scandal of the number of homeless veterans. I venture to say probably a third of adult men who are homeless in this country are veterans, many of them Vietnam veterans, many of them struggling with mental health issues, with substance abuse issues. Look at the commitment we are supposed to be making toward expanding mental health services, and look at the long delays it takes for people to get the care they are supposed to receive from our VA medical system because we do not have the systems in place or we do not have enough of the personnel, and then look at the crisis in nursing. This is no way to say thank you to veterans.

This amendment has the support of the Disabled American Veterans, AMVETS, Paralyzed Veterans of America, and the Veterans of Foreign Wars, the VFW; the American Legion supports this amendment. A lot of the American service organizations support this amendment for good reason.

Now the specifics. During the debate on the budget resolution—I want Senators or staff to please listen because I am determined to pass this amendment—the Senate passed by a vote of 53–46 an amendment to fully fund veterans health care. This amendment, which I introduced, added $1.7 billion to veterans health care above the President's request. This was based on

the work of veterans organizations which put together an independent budget. We said to veterans organizations, we are tired of hearing you tell us what you are against. Tell us what you favor.

A variety of different veterans organizations did careful research and said, this is what we need to make this veterans health care budget work. They put together this budget and, based on their work, I introduced this amendment. It came out of the tax cut.

This amendment brought us to a level of funding recommended by the independent budget—I didn't pick it out of thin air—which was the $2.6 billion over fiscal year 2001.

The Senate then adopted an amendment offered by Senator BOND that added an additional $900 million above the $1.7 billion. That passed 99–0. So the amendment I am offering today for an additional $650 million is only a quarter of the amount the Senate has gone on record in favor of adding to the President's request.

Members can't vote for the budget resolutions and say they are for this and, when the rubber meets the road, vote against the additional appropriation. I feel strongly about this. The budget amendments were a test of our priorities. Some Senators would not agree with this, and it doesn't matter; I think you should vote for this amendment out of a commitment to veterans. I never saw the sense in spending so darn much money on the tax cuts. Too much of it I thought was Robin Hood in reverse, too much going to the very top of the population.

I thought there were other needs: Of course, education; children; we will be talking about defense later on; we are going to be talking about prescription drug benefits, affordable prescription drug benefits. What about veterans and veterans health care?

When it came to the vote, the Senate rose to the occasion in a positive vote for more money than I am now asking, to make veterans a priority. Unfortunately, the budget resolution that the Congress ultimately adopted, which was basically the President's budget, shortchanged veterans by requesting a $700 million increase for health care. In other words, to put this number in context, last year's requested increase for the VA health care system alone was $1.4 billion.

The simple inflation rate, 4.3 percent in the VA health care system, would mean approximately $900 million would just go to cover medical inflation; $900 million is already gone. So the administration's proposed budget barely covered the cost of medical inflation.

The House did a little bit better than the administration, and the Senate appropriators did better still. I give credit where credit is due. The Senate VA-HUD has a $1.1 billion increase over last year's level for health care. That is $400 million more than the President. The appropriators got us part of the way there but nowhere near all the way. The independent budget produced by AMVETS and the VFW and the Disabled American Veterans and the Paralyzed Veterans demonstrates that the VA will face approximately $2.6 billion more in health care costs in fiscal year 2002 than we face in the current fiscal year. So $1.1 billion is nowhere close to $2.6 billion.

Here is what we are talking about: Uncontrollable costs such as medical inflation and salaries, $1.3 billion; Millennium Act long-term care initiative, $800 million; and other initiatives, including mental health care, pharmacy benefits for new patients, and I also argue, again, some assistance for homeless vets.

I just think this amendment could not be more reasonable, frankly, in terms of what we ought to do.

As a Senator from Minnesota, I think long-term care ought to be one of our highest priorities. Last year we passed landmark legislation called the Veterans Millennium Healthcare and Benefits Act which significantly increased noninstitutional long-term care. For the first time it would be available to all veterans who are enrolled in the VA health care system. The legislation is costly, if we are going to really back it with resources, but it is critical for veterans and their families.

I say to the Presiding Officer, the Senator from Nebraska, I learned about this in a very personal way, and every Senator probably has had the same experience. We have a wonderful VA medical center, a flagship, really, in Minneapolis. I will go and visit veterans. If you should spend a little bit of time with their spouses—say, for example, you are visiting her husband and he is a World War II veteran or Korean War veteran. Then maybe you can get away from where her husband is and you go out into the lounge and you sit down on the couch and maybe have a cup of coffee and you talk. She is terrified because she does not have the slightest clue what she is going to do when he gets home because she cannot take care of him any longer, not by herself.

I went through this with my mom and dad. My dad had advanced Parkinson's disease. I know exactly what this is about.

Do you know what. More and more veterans—just more and more Americans, thank God—are living to be 80 and 85 and 90 years of age. We have our collective heads in the sand when it comes to veterans health care if we are not going to back our rhetoric with resources and put some resources into this Millennium Health Care Act. It is not done on the cheap. Long-term care is not done on the cheap. Enabling a veteran to live at home in as near normal circumstances as possible, with dignity—which is what we should do—is not done on the cheap.

Currently, we have 9 million veterans who are 65 years of age or older. Over the next decade, half of the veteran population is going to be 65 years of age or older. According to the Federal Advisory Commission on the Future of VA Long Term Care, about 610,000 veterans a day need some form of long-term care. That was in 1997, that study.

As the veterans population ages, long-term services are an increasingly important part of our commitment to health care for veterans, and we are not funding it. We are not providing the necessary funding.

The Millennium Act also ensures emergency care coverage for veterans who do not have any other health insurance options. This is costly. It is another thing that has to be covered, but it is necessary. Nearly 1 million veterans enrolled with the VA are uninsured, and they are in poorer health than the general population.

Furthermore, we made the commitment to treating hepatitis C, we have other complex diseases such as HIV infection, and we have made the commitment to provide care for veterans, but we do not have the adequate funding.

The Congressional Budget Office estimates that full implementation of the Millennium Act would cost over $1 billion in 2001—$1 billion alone. This is on top of the other initiatives, $500 million for initiatives such as mental health, the homeless reintegration program, and treatment for hepatitis C.

When you take all the challenges and all the costs that the VA health care system is going to face, including long-term care, emergency care, essential treatments, and medical inflation, a budget increase of $2.6 billion is needed. That is the independent veterans budget. We are not even halfway there with what we have done, and I am now saying at least let's add an additional $650 million.

The last 2 years have been a down-payment to the veterans health care budget, enabling the VA to get back on course in delivering world class service that is rightfully due to our Nation's veterans. I thank, again, the Senator from Maryland and the Senator from Missouri for their work. These funding increases have been welcome. But the problem is they have not erased the prior years of flat funding. We all know what that means. Year after year, we had flat funding where we did not at all increase any of the appropriations, the money the veterans needed. Over the last decade, the VA health care budget has experienced deep cuts in real dollar terms, at a time when it should have been addressing an aging and increasingly health-care-dependent veterans population. That is the ''why'' of this amendment.

Let me repeat that because it is the unpleasant truth. Over the last decade, all together, in real dollar terms, because of these flat budgets, actually the VA health care budget was experiencing deep cuts, in real terms, at the same time we had more and more veterans who were aging, more and more veterans with health care needs.

Based on VA statistics from January 2001, the national average waiting time

for a routine next-available appointment for primary care medicine is 64 days. Do you hear me? Sixty-four days, with a range of between 36 and 80 days. For specialty care, the statistics are even worse. Eye care average waiting time, 94 days; cardiology, average waiting time, 53 days; orthopedics, average waiting time, 47 days; urology, average waiting time, 79 days. Some veterans are waiting up to 18 months to get care from the VA in Minnesota, and Minnesota is not alone, and that is not acceptable. There should be support for this amendment.

In an era of budget surpluses, these stories are outrageous. I could go on and on. I will not because I know my colleagues want to move the legislation forward. I do not think that veterans, America's veterans, Minnesota's veterans, Nebraska's veterans, Missouri's veterans, understand why, with the Federal coffers overflowing, their budget is nowhere near fully funded.

We have heard a lot of rhetoric lately about returning the surplus to taxpayers. We have been told the Federal coffers are overflowing and we should return the excess. Certainly some of the tax cuts were in order. But in all due respect, if you listen to the veterans community, if you visit VA facilities, if you talk with the staff, it is clear that part of the surplus we have been enjoying has been paid for on the backs of American veterans. That is why there should be support for this moderate amendment that just bumps up the funding so we can do a little bit better.

I have about 5 more minutes to conclude my statement. I will wait for my colleague's response.

The counterargument is: Wait a minute. This goes beyond the spending caps.

I want Senators to listen to this. It is true that this amendment is not offset. I could have tried to pay for this amendment by cutting into housing programs in this appropriations bill. But the truth is, housing is underfunded. In fact, it is absolutely unbelievable that affordable housing is not made the top priority in the Senate. It is going to soon become the crisis issue in the country. It is now. We just haven't faced up to it.

The opponents of the amendment are asking that we make a tradeoff—that I am supposed to ask more for veterans and take something away from affordable housing; that I am supposed to choose between science and veterans. I reject the tradeoff. I think Minnesotans reject the tradeoff. I think the American people reject the tradeoff. Colleagues, the Senate rejected the tradeoff when we debated the budget resolution. Let me go back to how you voted. Fifty-three Senators said: Let us do right by veterans and reduce the cost of the tax cut with this amendment. Ninety-nine Senators said: Let us add at least an additional $900 million and just take it from the surplus with no offset. Ninety-nine Senators voted for this. Ninety-nine Senators said: Let's add an additional $900 million and just take it off the surplus with no offset. This amendment adds only $650 million.

By the way, between these two amendments, the Senate voted overwhelmingly to add four times as much money to veterans health care as the amendment I am offering today. You are on record. We are on record. We didn't do our work. We did it because of the overwhelming need that is out there.

Let me simply say that I make no apology for the amendment. I think Senators should vote for it.

I just say this to colleagues. Some historian is going to look back at this vote in one way. We know darn well that we are going to go beyond the budget caps and limits when it comes to defense. We are going to do that. We already know it. We also know that we are not going to stick to the caps when it comes to education. Every Senator knows that, or should. We can't make the kind of investment that we have rhetorically committed to education within these existing caps. We can't make the kind of commitment that many have made to defense within these existing caps. We cannot honor the commitment that we made to veterans within these caps.

It is crystal clear to me that we are on record. Ninety-nine Senators said: Let's add an additional $900 million and let's take it off surplus with no offset. I said: Let's ask for $750 million. That is not even the $900 million for which 99 Senators voted.

I finish on this point: The reason for all the support from all of these veterans organizations is this very real need. I come out here to speak about it. I feel strongly about it because I know we have to do better. I hope this amendment will pass.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I wish to comment on Senator WELLSTONE's amendment. First of all, I have a great deal of admiration for my colleague from Minnesota. His advocacy for veterans has been longstanding from the day he walked into the Senate. He has been, first of all, a champion for health care for all Americans. He has also been particularly vigorous in the issues related to veterans health care. He has been one of the few to speak up for the so-called ''atomic veterans''—those exposed to nuclear testing and nuclear radiation. He has spoken for the veterans who are homeless and mentally ill. I know he is very closely identified with the veterans service organizations, especially those that produce something called the independent budget where the veterans organizations themselves look at what the President is proposing. They gave commentary.

Senator BOND and I met with leaders of those veterans service organizations. They made compelling cases. They told us stories from the waiting room about what our veterans were facing.

Senator BOND and I really would love to have increased veterans funding even more. But we had an allocation. The allocation enforced budget caps. This subcommittee intends to live within its budget caps.

This is why it is with great reluctance that I oppose Senator WELLSTONE's amendment, because it is an addition of $650 million without an appropriate offset. This essentially breaks the caps.

What does breaking the caps mean? It puts us into deficit spending. And it could also result, because of other budget and tax break decisions, in putting us even up against the Medicare and Social Security trust funds.

I don't dispute many of the compelling arguments that my colleague made, but at the same time this subcommittee had the difficult task of balancing many needs—veterans health care, the need of housing, the need of low-income Americans to really try to deal with the terrible problems that children face with lead paint poisoning—I know that is something the Senator from Minnesota has championed—protecting the environment, and other issues that we have enumerated in the bill.

We have a very tight allocation. I think we did a good job. First of all, we did not abandon the veterans. We did not break any promises to the veterans. In fact, we added $1 billion more in veterans health care than we had last year—$1 billion more than last year. This is actually even $400 million over what President Bush requested. It is over $100 million more than what is in the House bill that they sent over to us.

We think we have put our promises into the Federal checkbook.

What does this bill do? This level of funding will allow VA to open at least 33 more community-based outpatient clinics. It also makes sure that we cut down on the waiting time for veterans to receive health care.

We have also increased funding in veterans medical research. There is $390 million for VA medical and prosthetic research. What do we do there?

The Senator has spoken about the chronic problems of aging veterans. He is absolutely right. That is why we want to increase research for their treatment, and also to pay particular attention to Alzheimer's and Parkinson's.

Also, our research program encourages even more breakthroughs in prostate cancer. At the same time, we provide funds to recruit and retain high-quality medical professionals.

We are in a war for talent. There is a shortage of nurses. We are in bidding wars to be able to get those nurses. While we keep the nurses, we have to try to recruit new ones. We are trying to create opportunities for nursing education so they can get their education

through VA so they will be there to maximize the care that veterans need.

I want to talk about claims processing, this whole issue of standing in line in order to get your claims processed. What are we talking about? We are talking about pensions. And we are talking about disability benefits that are service related, taking 205 days—7 months—to get the first decision. We think that is too long. We also think it is wrong. Therefore, working with our very able administrator, Mr. Principi, we have come up with funds to be able to hire and train more claims processors and improve technology and cut down that waiting time.

We also want to talk about long-term care. There is money in this bill for what we call GREC, G–R–E–C. What does that mean? It means that these are geriatric evaluation centers. What does a geriatric evaluation center do? It makes sure that veterans get appropriate care; that we do not abandon them; and that we do not warehouse them. But a geriatric evaluation gives a complete physical, a complete neurological and mental health evaluation, to determine why someone might be suffering a loss of memory or undergoing behavioral changes. It could be Alzheimer's or it could be a brain tumor; we want to know. It is really in veterans health care where we are providing pioneering work in doing those evaluations.

I must say, it is the only place in the Federal budget where anyone pays real attention to developing a cadre of geriatricians focusing primarily on veterans. So we meet those funds. Could we open more GRECs? You bet. Could we train more geriatricians? I wish we could. But I will promise you that each year we move further along, and we will continue to do that.

At the same time, our veterans often do face the need for long-term care. We like the partnerships between the Federal Government and the State governments. This is why we provide $100 million for something called State Home Construction for the Care of Aging Veterans. This doubles the President's request and addresses the $285 million backlog in high-priority needs. We do have a backlog, and the backlog is not a wish list, it is a priority list.

So we believe we have really met veterans' needs. Have we met them completely? No. Have we met them robustly? I believe yes. The total funding for the Veterans' Administration part of the VA–HUD bill is $51 billion.

I would really commend to those on my side of the aisle to read the Democratic Policy Committee analysis of what the bill is. We hear numbers and statistics, and we can get lost in this. I hope they will take the time to see what we really did do for veterans in this bill, as well as improve construction projects—major and minor—and the processing of claims, et cetera, that we said.

So again, I acknowledge the outstanding advocacy of my colleague, Senator WELLSTONE from Minnesota. I acknowledge the validity of many of the points he has made. I thank the veterans service organizations for their very keen analysis of the independent budget. I say to them, I wish we could do more; but without breaking the caps, without coming right up against the Social Security and Medicare trust funds, we could not do more.

So it is with great sadness but, nevertheless, fiscal responsibility to honor the budget caps that I will be opposing the Wellstone amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, it has been suggested that we find a time to be agreed upon for a vote on the motion to waive the point of order which will be raised. I wish to speak only about 5 minutes. I see the distinguished assistant majority leader in the Chamber.

Mr. President, I ask consent that there be 15 minutes of debate prior to a vote in relation to the Wellstone amendment No. 1218, with the time equally divided between Senators WELLSTONE, MIKULSKI, and BOND.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I would ask my friend to amend that to say there would be no second-degree amendments in order.

Mr. BOND. And there would be no second-degree amendments in order.

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

The Senator from Missouri.

Mr. REID. Mr. President, if the Senator would withhold just for a second, if I could just say, for the benefit of all Senators, there should be a vote on this at around 6 o'clock if everyone uses all their time. Senators should further be advised that following this vote, because of an order previously entered, there will be a vote on the Asa Hutchinson nomination to head the Drug Enforcement Administration that will immediately follow this vote. I should say, there is going to be some time allowed to talk about the Asa Hutchinson nomination, but it will be right after this vote.

Mr. BOND. Mr. President, just to straighten this out, might I ask the Chair: I understood there had been time set aside for debate on the Hutchinson vote. So for my colleagues' edification, what is the time agreed to for debate on Hutchinson prior to the vote?

The PRESIDING OFFICER. Thirty minutes evenly divided.

Mr. BOND. It is a vote on the confirmation of the nomination of ASA HUTCHINSON?

The PRESIDING OFFICER. The Senator is correct.

Mr. BOND. I understand after this vote there will be 30 minutes equally divided on the nomination of Mr. HUTCHINSON prior to the confirmation vote on the nomination; is that correct?

Mr. REID. I have just spoken to the chairman of the Judiciary Committee. He said he doubts he will use all of his time. So we will have a vote whenever they finish using whatever time they decide to use. And we will come back to this bill.

Mr. BOND. Mr. President, now that we are thoroughly edified, may I return to the Wellstone amendment?

What my colleague, the chairman, has said is quite true. Veterans, veterans health care particularly, has been the top priority, and will be the top priority, of this committee. In a time of tight budgets, we provided a $400 million increase over the President's request for VA medical care. This is $1.1 billion over the current fiscal year.

This is why I say VA medical care is again our top priority in this bill. This continues our commitment to our Nation's veterans, to ensure that they receive the health care they deserve.

We have heard about flat funding. I can say that in the past several years this committee has worked very hard to increase, significantly over the President's budget request, the amount we apply for veterans health care. In the past 2 fiscal years, we added $3 billion to the President's request for medical care in order to ensure no veterans would be turned away, no layoffs of critical medical staff would occur, and that funds needed for treating hepatitis C, the homeless, the mentally ill, and other critically important needs of veterans would be fully funded.

As a result, the VA has been treating more veterans in its medical program than ever. We intend to assure that they can continue to treat those veterans with the highest degree of medical care.

This budget would provide for additional substantial increases for hepatitis C screening, treatment, new long-term care programs, and for a continued increase in the number of veterans served by the VA medical system.

I believe everybody in this body wants to make sure we provide all of the funds we can possibly find and that can be well used by the VA.

I question, however, two points: No. 1, busting the budget agreement—spending more money than has been allocated to this committee—but, secondly, why we would wish to provide additional scarce resources to the veterans medical care account when the VA has advised us they will likely not be able to spend all those funds in fiscal year 2002—the funds we have just provided. In fact, according to VA's own budget, they already expect to have about $1 billion in carryover funds in this current year going into the next fiscal year under their budget request. They could not spend more than the funds that are already provided in this bill for veterans health care, in addition to medical care funding, which we all agree is vitally important.

We have included a number of other significant funding items to improve the condition of our veterans. For example, we provided an increase of $30

million over the President's request to fund medical research. We want to make sure that the health care provided to our veterans is the finest available and that we are doing research on the leading edge.

This places the VA medical research account at a record level of $390 million. That is how we attract and maintain top quality researchers and health care providers in the system. We have also restored cuts to the State home construction program to increase the number of nursing home care facilities for veterans. Our funding would also support the opening of 33 more community-based outpatient clinics to improve access and service delivery.

As one who travels around my State, I find the community-based outpatient clinics to be the best innovation we have developed in the past 10 years to make sure that health care is readily available, convenient, accessible, and efficient for veterans.

When the time expires, I will raise a point of order. I will yield the floor now for any comments my colleagues wish to make.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me first say to both Senators, they have done a superb job within the allocation they had. My quarrel is with the allocation.

Again, the President's budget was about $1 billion over what we had. It doesn't even deal with medical inflation which is over $1 billion, a little over 4 percent per year. Everybody knows that. Then we added another $400 million. That is terribly important.

If you look at inflation, for long-term care, home-based care for elderly veterans, hepatitis C, homeless veterans, mental health services, covering veterans now who were not covered before with emergency room care, we are nowhere near what we need to do. That is why every one of these veterans organizations supports this. That is why they did the independent budget.

My colleagues have done their best within this allocation. The problem is with the allocation. Frankly, I would have had an amendment—I say to both of my colleagues; I have such respect for them—I would have had an amendment that would have offset this from the tax cut. Then it would have been blue-slipped because it would not have originated from the House. I didn't want to mess things up for this bill. I couldn't do that.

Here is the only place of disagreement. All of what I have to say is praise. If I keep doing that, maybe I will even get your votes; you deserve it.

Actually, the truth is two- or threefold. No. 1, there has not been one appropriations bill signed by the President. So actually this isn't busting the overall budget cap. We are early on in the process. It goes beyond this allocation with which I quarrel and you quarrel because you don't have the resources. If we are going to start saying that an additional $600 million to help veterans health care all of a sudden is a raid on Social Security and Medicare, then watch out, everybody, because come this fall, that is exactly what is going to happen with the Pentagon budget. There is not one Senator here who does not know that. That is exactly what is going to happen with the education budget. I am talking about appropriations. There is not one Senator who doesn't know that.

I would venture to say there is not one Senator who will come to the floor right now and challenge me on this point. We all know we are going to bust the cap. We all know we are going to spend additional money. And we should. I am just being honest about this in my advocacy for veterans.

I don't know why in the world right now we can't do this. There is nothing in the world that says you can't do it. As a matter of fact, again, 99 Senators voted for $900 million in an amendment offered by Senator BOND—$900 million additional. There was no offset for that.

Two or three points: This is a vote that is a test of our priorities. We should do the right thing for veterans, and we should do it now. At the end of the game, come this fall, we know darn well we are going to be investing additional resources in education and the Pentagon. We ought to do it for veterans. That is what this is about.

I say to every Senator, you are on record supporting this. It is not a game. It is to meet some very real needs. We all know we are going to have to make additional investments anyway, so it goes a little bit above the allocation.

Finally, what do we say to veterans who have waited a long time? What do we say to veterans who are desperate for some care so they can stay at home and not be in nursing homes? What do we say to veterans who are homeless veterans and we are not getting the care to them? I couldn't vote for it because it was in violation of an allocation? People don't understand that. We ought to do the right thing. I hope Senators will support this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I don't know what we are going to do in the fall. I don't know what we are going to do in the Pentagon budget. I don't know what we are going to do on Labor-HHS appropriations related to busting the caps.

I do know what we have done on VA–HUD. We have met the needs of America's veterans. We have done it in very important areas, from actual care to long-term care, to recruiting new personnel, to creating educational opportunities, to improving our cemeteries and also improving both major and minor construction.

Make no mistake: When we vote on this bill, I need my colleagues to be clear. It is not, are you for or against the veterans? That would pass 100 to nothing. Of course we are for our veterans. It is not, are you for or against veterans health care? We, of course, are for veterans health care. That is why we worked so hard on this committee to add $1 billion more, $400 million over what the President initially thought he needed.

This vote is, are you or are you not going to use the VA–HUD bill to break the budget caps. I don't want to get into geek-speak here about this cap or a feather in your cap. I am talking about ceilings that were placed on spending so that we could have fiscal responsibility, fiscal restraint, and at the same time move very important legislation and put much-needed funds in the Federal checkbook.

A vote for Wellstone is a vote to break the caps. People might want to do that, but I want them to be very clear that that is what that is. The consequence of breaking the cap means it will put us into deficit. It will also put us right smack up against having to dip into Social Security and Medicare trust funds.

I voted against the budget because I thought it was too tight. That was several months ago.

I voted against the tax bill because I thought it was too lavish. But this is the hand that was dealt to us. I voiced opposition, as I know the excellent colleague from Minnesota has done. But we had an allocation. What does an allocation mean? It means we get a 302(b). That is geek-speak for saying this is the amount of money you can spend. If you go over it, you plunge the Nation into deficit, and it is going to take 60 Senators to do that if we raise a point of order.

Let's be clear. This is not a vote about veterans health care. This is a vote about do we or do we not want to break the budget caps on this bill when, in fact, we have added a billion dollars more for veterans health care?

I really oppose the Wellstone amendment, not because it doesn't meet a need but because it will cause us to go into deficit and to dip into these trust funds.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I second the very thoughtful comments of the Senator from Maryland. This is a very important and significant area. We have allocated as much as we can based on the needs as identified and the ability of the VA to spend money on medical care.

This amendment would spend money we do not have. We have to operate within guidelines. We do have a budget and we have an allocation that has been accorded to this committee.

I, therefore, raise a point of order that this amendment violates section 302(f) of the Congressional Budget Act and provides spending in excess of the subcommittee's 302(b) allocation.

Mr. BYRD. Mr. President, I rise today to speak in opposition to the motion to waive the Budget Act with regard to the Wellstone amendment to provide additional resources for veterans health care. We all recognize that the limits on discretionary spending contained in the budget resolution are totally inadequate. However, the Senate Appropriations Committee is doing its best to produce responsible bills that meet the needs of the American people. Senator MIKULSKI and Senator BOND have done an excellent job in bringing the VA/HUD bill to the floor.

The pending bill provides $21,379,742,000 for Veterans Health Care, an increase of $1.1 billion or nearly 6 percent over fiscal year 2001 and $400 million over the President's request. Given the tight spending limits in the budget resolution, this is a responsible level of funding.

I voted against the budget resolution because it provided for an irresponsible tax cut and inadequate discretionary spending limits; but now is not the time to break the budget. This bill meets the needs of America's veterans. I urge Senators to oppose the motion to waive the Budget Act.

Mr. WELLSTONE. Mr. President, I move to waive the relevant section of the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 25, nays 75, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—25

Bingaman	Harkin	Rockefeller
Boxer	Hutchinson	Smith (NH)
Carnahan	Jeffords	Snowe
Cleland	Johnson	Specter
Collins	Kennedy	Stabenow
Dayton	Landrieu	Warner
Dodd	McCain	Wellstone
Durbin	Nelson (FL)	
Grassley	Reid	

NAYS—75

Akaka	Domenici	Lincoln
Allard	Dorgan	Lott
Allen	Edwards	Lugar
Baucus	Ensign	McConnell
Bayh	Enzi	Mikulski
Bennett	Feingold	Miller
Biden	Feinstein	Murkowski
Bond	Fitzgerald	Murray
Breaux	Frist	Nelson (NE)
Brownback	Graham	Nickles
Bunning	Gramm	Reed
Burns	Gregg	Roberts
Byrd	Hagel	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Helms	Schumer
Carper	Hollings	Sessions
Chafee	Hutchison	Shelby
Clinton	Inhofe	Smith (OR)
Cochran	Inouye	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Leahy	Torricelli
Daschle	Levin	Voinovich
DeWine	Lieberman	Wyden

The PRESIDING OFFICER (Ms. STABENOW). On this vote, the ayes are 25, the nays are 75. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, what is the regular order? I understand we are to move temporarily off VA–HUD for the Hutchinson nomination.

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. I ask for the regular order.

EXECUTIVE SESSION

NOMINATION OF ASA HUTCHINSON TO BE ADMINISTRATOR OF DRUG ENFORCEMENT

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of ASA HUTCHINSON, of Arkansas, to be Administrator of Drug Enforcement.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont.

Mr. LEAHY. Madam President, is there a time agreement entered on this nomination?

The PRESIDING OFFICER. There are three Senators controlling 10 minutes each.

Mr. LEAHY. Normally as chairman of the authorizing committee I would go first, but I see the distinguished Senator from Arkansas. I yield first to him as a matter of courtesy, and then I will speak.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I will be very brief. I have risen with great pride to speak in favor of the nomination of my brother, ASA, to head the Drug Enforcement Administration. I thank all of my colleagues.

I express my appreciation today to all my colleagues who have treated ASA with such courtesy, such respect, through the confirmation process. I especially express my appreciation to Senator LEAHY, the chairman of the Judiciary Committee, and to Senator HATCH, for their willingness to be prompt in the hearings and, more than that, their kind comments about ASA and their support. I also express my appreciation to the leaders of the Senate: To Senator DASCHLE, for his support and for his willingness to move the nomination before the August recess, and for his cooperation, as well as Senator LOTT and his support.

I know ASA would express great appreciation to the Judiciary Committee. They voted 19–0, a unanimous vote. I have great pride in my brother and in his accomplishments, the service he has rendered in the House of Representatives, his willingness to take on the greatest challenge of his life in leading this effort in the war on drugs, and leading this very large and very important agency. He has gained great respect for this institution, the Senate. He has gained great respect for the Members of this institution, and in the cases of so many who know him personally, he holds great affection and values those friendships.

I have been asked many times the question, Why? Why does he want this job? Why would he leave what is regarded by many as a safe seat in the House of Representatives? I don't have all the answers to that, but I know he has always wanted to take on a challenge. You could not have a greater challenge than this. More than a challenge, I know ASA has a very deep conviction on this issue. It goes back to his days as a U.S. attorney, and certainly it has been something in which he has been deeply involved, the issue in the House of Representatives serving on the Speaker's task force on the war on drugs.

I have great confidence that ASA will bring his abilities to bear with tremendous focus on this new challenge and this new job. He is going to be able to inspire, he will be able to manage, and he will be able to motivate this agency in a new way. I know he will bring greater energy to the task and a great vision for a drug-free America.

I thank my colleagues for their support for my brother and look forward to this vote.

Mr. LEAHY. I thank the Senator from Arkansas for his gracious comments. I am pleased to vote in favor of the nomination of ASA HUTCHINSON. As chairman of the Judiciary Committee, I noticed a hearing for Representative HUTCHINSON only a very few days after the Senate was reorganized. I then held a hearing the following Tuesday, and scheduled a committee vote for the first Thursday that it was possible to do so. We were able to move so quickly because Representative HUTCHINSON has substantial bipartisan support, and because those of us on both sides of the aisle view our efforts to reduce drug abuse as a matter of great importance.

Mr. HUTCHINSON was not only recommended by the Bush Administration, and, of course, by his Republican colleagues in the House, but also by 14 of the Democrats whom he serves with on the House Judiciary Committee, who wrote to me in his favor. The ranking member, a Democrat, Representative CONYERS from the home State of the Presiding Officer, came and testified in favor of him.

Mr. HUTCHINSON's background is well-suited to his new position as DEA Administrator. He has been deeply involved in drug issues as both a United States Attorney in Arkansas in the 1980s and as a House member. In addition to serving on the House Judiciary Committee, he is a member of the Committee on Government Reform's

Subcommittee for Criminal Justice, Drug Policy, and Human Resources, has served on the Speaker's Task Force for a Drug Free America, and has reviewed Plan Colombia as a member of the Permanent Select Committee on Intelligence.

The Senator from Arkansas mentioned that his brother learned a great deal about the Senate during the number of days he spent on the Senate floor on another matter, the impeachment trial of President Clinton. He and I were on opposite sides on that issue, but we spent a lot of time together during that process, including during the deposition phase of the trial.

I heard a number of people say the Democratic Senators on the Judiciary Committee and this chairman would not approve a House manager from that impeachment trial, or that we might delay him for months and months and months, as was done over the last administration. Nothing could be further from the truth. I had a great deal of respect for him every time I dealt with him. He was absolutely truthful with me. He never broke his word to me, never broke a commitment to me, or vice versa, I might say. It was the way Congress used to be and always should be. Members always kept their word and a commitment with each other and were honest with each other. He was that way with me.

I was grateful for Representative HUTCHINSON's words at the hearing:

> Chairman Leahy, if I might, it would have been easy for you to yield to some of those who expected a critical view of my nomination because of previous controversies, which found us on different sides. But I want to thank you personally for taking a different approach and for seeing my nomination as an opportunity to demonstrate to the American people that, despite any differences that might exist, we can be in harmony on one of the most critical problems that faces our nation.

Representative HUTCHINSON and I have similar views about some of the drug issues facing the United States, and I am sure we will occasionally have differing views about others. But I appreciated the candor with which he answered the questions of committee members at both his hearing and in subsequent written questions. I know that he will take to heart the matters that committee members raised, especially the need to revisit our current use of mandatory minimum sentences for criminal drug offenses. A 1997 study by the RAND Corporation of mandatory minimum drug sentences found that ''mandatory minimums are not justifiable on the basis of cost-effectiveness at reducing cocaine consumption, cocaine expenditures, or drug-related crime.'' Despite this study and the mounting evidence of prison overcrowding we have seen in the ensuing years, legislators continue to propose additional mandatory minimums. I know that Representative HUTCHINSON has expressed some hesitancy about expanding mandatory minimums, and I hope we can work together on this issue.

I was happy to hear the nominee offer his support in his oral and written testimony for drug treatment and prevention efforts. He and I agree that although law enforcement plays a vital role in stopping drug abuse, law enforcement alone cannot do the job. Both the Congress and the Administration need to do more to reduce demand, and I hope that Mr. HUTCHINSON will be a partner in that effort.

The nominee has also expressed concerns about the sentencing disparity between those convicted of offenses involving crack and powder cocaine. Current Federal sentencing guidelines treat one gram of crack cocaine and 100 grams of powder cocaine equally for purposes of determining sentences. The U.S. Sentencing Commission has previously recommended equalizing these penalties by reducing the mandatory minimum penalties that currently apply to crack offenses. Unfortunately, Congress has not followed that recommendation. Finding a fair solution to this problem has been stalled by concerns that addressing this issue is too politically perilous—this Congress should overcome those fears and solve this discrepancy.

In conclusion, ASA HUTCHINSON is an excellent nominee. I am glad that the Judiciary Committee was able to work with him and with the Administration to expedite his nomination, and I look forward to working with him over the coming years.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I am pleased to support ASA HUTCHINSON to this position. It is one of the most important positions in our country. I believe he is the right man for the right job and he will do a job that I think will make everyone proud.

ASA HUTCHINSON is a giant in the House of Representatives. I agree with his brother, I don't know why he is leaving the House of Representatives, but this is a very challenging, important job and he is up to that job. I have every confidence he will do a terrific job and have the support of Congress in doing so.

I was so impressed with ASA HUTCHINSON during the impeachment matter. He always acted fairly, he acted in a measured, considered way, he was decent throughout, and of course he was extremely talented as a lawyer, somebody for whom I have the utmost respect, and I am very pleased to support him today.

I commend the Senate Democratic leadership for calling up the nomination of Congressman ASA HUTCHINSON, who will be the next Administrator of the Drug Enforcement Administration. DEA needs a dynamic, innovative, and experienced leader, and I am confident that Congressman HUTCHINSON'S past experiences prosecuting drug crimes as a United States Attorney and formulated drug policy as a Congressman have prepared him well to take the helm of the DEA. I applaud President Bush for focusing intently on this crucial issue and for his excellent choice of nominees to head America's two most important anti-drug offices, the DEA and the White House Office of National Drug Control Policy (ONDCP).

The epidemic of illegal drug use in this country remains one of our most urgent priorities. There is a growing consensus that we need a comprehensive strategy embracing both demand and supply reduction in our struggle against drug abuse. I have said repeatedly that the time has come to increase the resources we devote to preventing people from using drugs in the first place and to breaking the cycle of addiction for those whose lives are devastated by these substances. This is a bipartisan view, which I am pleased to say is shared by our President, Congressman HUTCHINSON, and by many of my Senate colleagues.

While we need to shore up the resources dedicated to prevention and treatment, we must remain committed to the necessary and integral role law enforcement plays in combating drug use. The DEA has a long, distinguished history of protecting America's citizens from the destructive drugs sold by traffickers and the attendant violence. Particularly in today's world, where drug trafficking is an international, multibillion dollar business, DEA's cooperative working agreements with foreign source and transit countries are essential in preventing illegal drugs from being smuggled into the United States.

While I commend the Senate Democratic leadership for scheduling the vote on Congressman HUTCHINSON, I also urge them to schedule promptly a hearing and confirm John Walters, whose nomination to be Director of ONDCP is being stalled. Almost three months have passed since the President announced his intent to nominate Mr. Walters to be the country's next drug czar, and yet he remains the only cabinet level nominee who has not been confirmed, much less granted a hearing.

There are many good reasons why we need a drug czar, but the most important one is that we owe it to our youth. Tragically, drug use by teens is again rising, particularly use of so-called ''club drugs'' such as Ecstasy and GHB. Over the past two years, use of ecstasy among 12th graders increased dramatically by 140 percent. Predictably, during this same period the number of emergency room visits associated with the use of ecstasy also increased a shocking 295 percent. By the time they graduate from high school, over 50 percent of our youth have used an illicit drug.

We cannot play politics with the drug czar position. We need to act immediately to reverse these soaring numbers and to prevent our youth from endangering their lives. Mr. Walters is well-qualified to lead this effort, and he has the support of law enforcement, prevention groups, and public policy

organizations. I urge the Chairman of the Judiciary Committee, my good friend Senator LEAHY, to schedule a hearing soon for Mr. Walters. Once the top positions at both the DEA and ONDCP have been filled, we can all begin to work together to effect real change that will benefit all Americans.

Mr. SESSIONS. Madam President, I rise to make some remarks about ASA HUTCHINSON. I had the pleasure of serving with him as U.S. attorney. We met at a conference. I remember having breakfast with him. We had never met before. I learned something about him, his character and his commitment to public service.

He is going to be one of the finest DEA leaders we have ever had. He served on the House Judiciary Committee. I worked with him on that committee, since I have been on the Senate Judiciary Committee. During that time, I came to respect him terrifically.

During the impeachment hearings, he had the burden of stating the case, basically the factual allegations involved, as one of the House managers. In my view, as a prosecutor of over 16 years, his was the most comprehensive, most intelligent, most valuable statement that occurred during that entire hearing. If anybody would like to know what the facts were and what the allegations were in that impeachment hearing, they should read his summary of the facts. It did exactly what he was required to do: faithfully and fairly and honestly state the allegations that were there and the facts that backed them up. It was comprehensive, honest, and complete. I respected him for it.

His brother TIM, of course, serves in this body. I serve with him on two committees. I respect TIM terrifically. They are both men of integrity, deep personal faith, and a commitment to public service that is remarkable.

ASA HUTCHINSON will reflect well on President Bush as his nominee. I think he will do an outstanding job. I look forward to working with him, and I know he will effectively turn the tide against increasing drug use in America.

Finally, let me say, with regard to the FBI and the DEA, now we have seen two of the finest nominees you can expect to have in Bob Mueller, a professional's professional, a man who has received prominence in both Democrat and Republican administrations, as the head of the FBI, and ASA HUTCHINSON at DEA, a man of commitment and integrity and ability to head that important organization.

I am excited for both of them. I believe the President has done a good job. I think America will be served well by their efforts.

Mr. LEAHY. I yield back the remainder of my time.

Mr. HATCH. I yield back the remainder of my time.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 264 Ex.]

YEAS—98

Akaka	Durbin	Lugar
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Leahy	Voinovich
DeWine	Levin	Warner
Dodd	Lieberman	Wellstone
Domenici	Lincoln	Wyden
Dorgan	Lott	

NAYS—1

Dayton

NOT VOTING—1

McCain

The nomination was confirmed.

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE EXPLANATION

Mr. MCCAIN. Madam President, I ask unanimous consent that on the vote regarding the nomination of ASA HUTCHINSON to be the Administrator of the Drug Enforcement Agency, that if I were present, I be recorded as having voted ''yea.''

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that when the Senate considers the Boxer amendment—which will be immediately—regarding arsenic, that there be 60 minutes for debate, with the time equally divided and controlled between Senators Boxer and Bond or their designees, with no second-degree amendments in order thereto, that upon the use or yielding back of time, the Senate, without intervening action or debate, proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Madam President, reserving the right to object, and I will not object, would the distinguished leader be willing to amend that to allow me to speak before that for 4 minutes on judicial nominations?

Mr. REID. I will be happy to amend that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, the majority leader has asked me to announce to everyone that he wants to finish this bill tonight. We have exchanged lists with the minority. Hopefully, by the time we finish this next debate, we will be in a posture to lock in whatever amendments are in order and move forward on this bill.

As everyone knows, there are a lot of people interested in the Agriculture bill. That has been around for a day or two. So Senator DASCHLE wanted me to state that he wants to do everything he can to finish this bill tonight. We hope people will understand there will be some votes throughout the evening.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank the Senate for moving expeditiously on the Hutchinson nomination. I note that on Monday and Tuesday of this week the Judiciary Committee followed through on its confirmation hearing for Robert Mueller III, the President's nominee to be Director of the Federal Bureau of Investigation. I mention this because this was the fifth confirmation hearing the Judiciary Committee held in July for judicial and executive branch nominees, which is pretty good because we were not allowed, under the reorganization, to have Members assigned to our committee until July 10.

In fact, I cannot think of any time in the last 6 years where the Judiciary Committee held five confirmation hearings in 3 weeks. Two of those hearings involved judicial nominees to the Courts of Appeals.

I appreciate the fact that the Senator from Montana, Mr. Baucus, noted that we held the hearing on the two district court nominees for Montana ''in a very expeditious fashion.'' It was gracious of Senator HUTCHINSON to offer his thanks for our scheduling the confirmation hearing of ASA HUTCHINSON to be head of the DEA ''so expeditiously'' after Senate reorganization. I appreciate William Riley, the nominee to the Eighth Circuit Court of Appeals, thanking the Judiciary Committee for ''holding a prompt hearing.'' It was gratifying when Senator COCHRAN noted that he was ''very pleased with the dispatch'' with which we held a

hearing on the nomination of Jim Ziglar to head the INS. And this week, Mr. Mueller thanked us for holding his hearing as quickly as we did.

With respect to executive branch nominees, considering the fact that the committee has only been able to hold hearings for 3 weeks, our work period has been outstanding. We held back-to-back days of hearings for the President's nominees to head the Drug Enforcement Administration and the Immigration and Naturalization Service 2 weeks ago, and 2 days of hearings on the nominee to head the FBI this week. In addition, we have held hearings on the Assistant Attorney General to head the Tax Division, the Assistant Attorney General to head the Office of Justice Programs, and the Director of the National Institute of Justice—all in July.

We would have done more if we had been allowed to do this, of course, during the month of June. So the Senate has considered and confirmed the Attorney General, the Deputy Attorney General, the Solicitor General, the Assistant Attorney General in charge of the Criminal Division, the Assistant Attorney General in charge of the Civil Rights Division, the Assistant Attorney General in charge of the Antitrust Division, the Assistant Attorney General in charge of the Office of Legislative Affairs, the Assistant Attorney General in charge of Policy Development, and other key officials within the Department of Justice, as well as the Commissioner of the INS and, today, the Administrator of the Drug Enforcement Administration.

I hope we can move very quickly on the Director of the FBI.

We have not received the nomination yet for the No. 3 job at the Department of Justice, the Associate Attorney General. We have not yet received the nomination of someone to head the U.S. Marshals Service. Even though we are about to go into an August recess, we have not received a single nomination for any of the 94 U.S. marshals who serve in districts within our States. We have only received a handful of nominations for the 93 U.S. attorney positions that are in districts within our States.

So there is a lot to be done. And it will be done if we work together, and not if we have people come and give statements on the floor, or elsewhere, that are not factual because, unfortunately, as somebody once said, those pesky little facts get in the way. And these are the facts. There is no time, in the 25 years I have been in the Senate Judiciary Committee, that I have seen so many nominees move in a 3-week period in the middle of the year.

Madam President, I yield the floor.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. There is an order for the recognition of the Senator from California at this time.

The Senator from California.

AMENDMENT NO. 1219 TO AMENDMENT NO. 1214

Mrs. BOXER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. NELSON of Florida, and Mr. BIDEN, proposes an amendment numbered 1219 to amendment No. 1214.

At the appropriate place, add the following:

SEC. . The Administrator of the Environmental Protection Agency, pursuant to the Safe Drinking Water Act, shall immediately put into effect a new national primary drinking water regulation for arsenic that—

(1) establishes a standard for arsenic at a level providing for the protection of the population in general, fully taking into account those at greater risk, such as infants, children, pregnant women, the elderly and those with a history of serious illness; and

(2) lifts the suspension on the effective date for the community right to know requirements included in the national primary drinking water regulation for arsenic published on January 22, 2001, in the Federal Register (66 Fed. Reg. 6976).

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I have an amendment now pending before the Senate. I am very proud of this amendment. I have offered it on behalf of myself and Senator NELSON of Florida, and Senator BIDEN, and many other Senators who are very supportive of this amendment.

The reason I had the clerk read the amendment in its entirety is because it is written in plain English and is very straightforward.

Essentially it says that the Administrator for the Environmental Protection Agency shall immediately put into effect a new standard, a new primary drinking water regulation for arsenic that will, in essence, protect our people from arsenic in their drinking water. The second part says that we will lift the suspension on the effective date for the community right-to-know mailers that were supposed to go out, letting people know how much arsenic is in their water.

I hope all of us will agree, people have a right to know that.

I want to talk a little bit about how this amendment came to be today, how we got on this road. Frankly, we should not be here. In the last administration, they set a new level for arsenic in water at 10 parts per billion. It was going to go into effect, and then this administration suspended it.

What we are doing in our amendment today is not even saying go back to 10. I certainly hope they go to 5. But notwithstanding that, we just say: Put a new standard in place because the standard that is in place, as I talk to you tonight, is 50 parts per billion. We need to move this forward.

Let me explain why this happened. I know I have 30 minutes. Will the Chair let me know when I have gone on for 15?

I thank the Chair.

What we see on this green chart is what this Senate passed last year in this very same bill. It said: The Administrator shall promulgate a national primary drinking water regulation for arsenic not later than June 22, 2001. What happened? It didn't happen. They repealed the Clinton standard and went back to the 50 parts per billion standard which everyone agrees is way too high to drink our water in a safe fashion. This date slipped.

In essence, we have a situation where the Congress said to the President: You shall do this. The President signed this. This was President Clinton. This was the law of the land. And yet the date slipped.

I want to get into the reasons why this is so important, beyond the fact that we have gone back to the old standard and the President, in my view, did not have the right to do that.

This is a chart I actually got from the House side where the House has passed a very strong arsenic amendment, even stronger than what we have before us. What you see on this chart is, the darker the red dot, the more arsenic in the water. You can see that there is virtually arsenic in almost all our States. There are some that are fortunate. They don't have it. But there is a huge amount of arsenic around the country.

Why is this important? I know intuitively people would say arsenic is bad. We know that intuitively. But it is more than intuition. It is science. It is lots and lots of science. I want to put that on the record tonight.

There is a Dartmouth study that came out in March of 2001: Arsenic Disrupts Critical Hormone Functions. That is what this study showed. It doesn't say ''it may.'' It doesn't say ''it might.'' It says it does. It disrupts critical hormone functions. What does this mean to us? It means increased risk of diabetes, increased risk of cardiovascular disease, increased risk of cancer.

When we throw up our hands and we say, did you ever believe how much diabetes there is, how much cancer there is, what are the answers? We are starting to get the answers. Science is giving us the answers. This is one of the answers.

Here is another one, another study, Chemical Research in Toxicology, an EPA study completed April 2001. They say: There is a direct link between arsenic and DNA damage. They didn't say there ''may be.'' They didn't say ''perhaps.'' They said there is. What does this mean to us? Increased risk of cancer, and no level of arsenic is completely safe.

That is why the second part of our amendment is so crucial because it is the community's right to know. When you go to your mailbox under this part of the amendment, you will find out once a year how much arsenic is in your water.

Here is another scientific study, done in Taiwan, very well respected, it appeared in the American Journal of Epidemiology. This is what they found: Compared to the general population, people who drink water with arsenic levels between 10.1 parts per billion and 50 parents per billion are twice as likely to get certain urinary cancers. It doesn't say ''maybe'' they are twice as likely. What does this mean? The U.S. drinking water standard for arsenic must be immediately set at the lowest possible level.

That is what the Boxer-Nelson-Biden-Corzine amendment et al does.

Let's look at the countries and the different levels they have of arsenic in their water. This is very instructive.

This is an important chart because it shows where the countries of the world are in terms of arsenic levels in their water. What we find is the one with the least arsenic allowed happens to be Australia. That is 7 parts per billion. Then we go to the European Union where it is 10 parts per billion. Japan is 10 parts per billion. The World Health Organization is 10 parts per billion. Then you get up to where President Bush put us when he suspended the Clinton standard of 10. The Clinton standard of 10 was with the European Union and Japan and the WHO. But now we are with Bangladesh, Bolivia, China, India, and Indonesia. This is not where we want to be, I say to my friends. This is an amazing place for us to be as a nation that is the leader in science and technology and health care. So this is wrong on its face.

Let's look at the cancer numbers pretty specifically. I have saved time for all my friends who are here. I said before that there is no safe level of arsenic in drinking water. We know that to be the case. But what we are trying to do is at least get a level that is achievable that we can accomplish and we can take credit for and get it done.

If you look at this chart, it is kind of chilling. If you look at where we are on the Bush standard—50 parts per billion—1 in 100 of us will get cancer if we drink out of that water supply at 50 parts per billion. That is the Bush law right now. At 20 parts per billion, the cancer risk goes down to 1 in 250 people. At 10 parts per billion, it is 1 in 500. You are not altogether safe there either, but it is a lot better than the 50 parts per billion, which is 1 in 100. If you go to 3 parts per billion, the risk goes down more. I think this is very important.

Let me tell you what one of the water districts is saying about this. It is the American Waterworks Association, the California-Nevada section. These are people who, you would think, would be fighting us, would not want to invest in getting the arsenic out of the water. They say:

> While the standard is in limbo—

By that they mean the Clinton standard was suspended and we have no new standard; it went back to the old standard of 50.

They say:

> the enforcement deadlines are not. Now the systems affected are facing an unrealistic time line for compliance, which creates a handicap in meeting this critical health goal.

They are upset that they have no number, they have no goal they have to reach. It makes it harder and harder for them to take action. By the way, they did endorse the 10 parts per billion level.

In closing this part before I save a little time at the end, let me again say what happened when George Bush became President. A lot happened, but on this issue this is what happened. He took this little ''suspended'' stamp and suspended the 10 parts per billion standard that President Clinton had put in place after lots of scientific study. He also suspended—in some ways, to me, this is even worse. He suspended the community right to know. So not only did he suspend the Clinton standard at 10 parts per billion, but he suspended the Clinton community right-to-know provision that said if you live in a community—a rural community, an urban community, a farm community—you have the right to know if you have arsenic in your water, because if you have a baby in the house and that arsenic is up there at 30, 40, 50 parts per billion, watch out. If someone is sick with cancer, or AIDS, or has any type of heart condition, watch out. So he suspended everything good when it came to these rules.

It is time we do something very good tonight. I have some good feelings about the response we are getting to this amendment. I am hoping for an overwhelming vote.

I ask the Chair how much time I have remaining on my side.

The PRESIDING OFFICER. The Senator has 18½ minutes.

Mrs. BOXER. May I ask the Senator, would he like to take some time or are my colleagues under a rush?

Mr. NELSON of Florida. Yes.

Mrs. BOXER. If I might propose that we hear from Senator NELSON of Florida for 3 minutes, and then we will go over to Senator DOMENICI for as much time as he wants to use. Is that fair?

Mr. DOMENICI. Madam President, we have 30 minutes. The way I look at it, we don't need the entire 30 minutes. If you can do with less, we can vote sooner.

Mrs. BOXER. I doubt it. I will try. Everybody here wishes to speak.

Mr. DOMENICI. That is fine. I thank the Senator.

Mrs. BOXER. I yield to Senator NELSON for 3 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I may need another couple of minutes.

I thank you for this opportunity to support the Boxer amendment. This is just a lot of common sense. You have seen all of the technical and scientific statements that have been made about why it is important to reduce the level of arsenic in drinking water.

We have recently, in Florida, encountered another aspect of arsenic poisoning which has brought this particular element to the forefront of Floridians' minds. It is the fact of arsenic-treated wood—the wood being used for playground equipment. And now we are having so many of our cities and our counties closing the playgrounds because when the rains come, it leeches through the arsenic-treated wood onto the playground soil, and in many cases local health departments have determined that that is unsafe for children. Yet everyone is really in confusion as to what is safe and what is unsafe. The EPA was not even going to complete that study until 2003. We urged them to speed it up. They promised that by this June they would have their study done, and now they have delayed it on into the fall.

In the meantime, local governments have closed playgrounds. Some of them have reopened the playgrounds, not knowing whether this poison, known as arsenic, used in treating the wood—and it was never known that it would be a problem—whether or not this is a hazard to our children's health in the soil of those playgrounds.

I tell you this story because this is on the minds of a lot of Floridians right now. As we come to a question of what is the safe level of arsenic in drinking water, as Senator BOXER has said over and over, EPA has stated that arsenic is dangerous. They have classified it as a known carcinogen. They have said over a long period of time that we ought to be studying this. As a matter of fact, in 1962 the U.S. Public Health Service recommended decreasing the 50 parts per billion standard to 10 parts per billion.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. NELSON of Florida. May I have an additional minute?

Mrs. BOXER. Absolutely. I yield an additional minute.

Mr. NELSON of Florida. I can't say everything I want to say in 1 minute. Let me conclude by saying that if ever there was something having to do with common sense, and you have all of this scientific evidence behind you that says we ought to reduce the standard from 50 to 10 parts per billion, then we as stewards of the public trust ought to act on that. So, Madam President, that is why I stand and strongly advocate that our colleagues vote for this amendment. I am pleased to join Senator BOXER as a sponsor of the amendment.

Mrs. BOXER. Madam President, I yield 3 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. I thank the Senator from California. I will try not to take the whole 3 minutes.

If there is one thing that got the attention of the American people, of everything that has happened in the last 7 months, it is this issue. Why? The only thing I have ever seen that every Conservative, Liberal, Democrat, Republican, Socialist, Communist, Fascist—anybody who has a water tap in America—agrees upon, it is they fully expect, above all else, when they turn on their water tap, the water they are about to consume or give to their children is healthful, not harmful.

We can argue about 50 parts per billion, 10 parts per billion. This has been a revelation to the vast majority of the American people who do not already have water that is being held to the highest standard. We do not have to say anything back to folks in Delaware other than that our standards are the same as Bangladesh, lower than Europe.

This is not complicated. The science sustains the position that was taken. This was not arrived at. We are not even dictating 10 parts per billion in this amendment. We both wish we were, but we are not even doing that.

I conclude my very brief comments by saying my State of Delaware is not known as some liberal bastion. We are the corporate State of America. The legislature in my State of Delaware passed a law which says water coming out of the taps in Delaware can be no less than 10 parts per billion.

To those who do not like this amendment, get ready to explain it at home.

I compliment the Senator. She is dead on. This is one issue that every single constituent I know, unless they own a mining company, supports.

Mrs. FEINSTEIN. Madam President, I rise in support of Senator Boxer's amendment to establish once and for all a protective standard for arsenic in our Nation's drinking water.

As most of my colleagues know, I have had a longstanding interest in cancer. For me this fight is a personal one.

I lost my father and my husband to cancer. My current husband, Richard, lost both his parents to cancer. And I have lost a host of dear friends to this terrible disease.

With cancer, you're never the same after experiencing this with a loved one. You're determined to do something about it.

This is the major reason I was extremely disappointed when the current administration, soon after taking office, postponed the implementation of Environmental Protection Agency's (EPA) new drinking water standard for arsenic earlier this year.

Arsenic has long been know as a carcinogen, a substance that produces cancer, and yet the current administration shelved the new rule in 58 days flat.

Administration officials explained that the reason for this postponement was to allow for additional scientific review. I find this position difficult to comprehend when one considers how much scientific review has gone into this ruling.

The Federal Government has studied arsenic for almost 40 years.

In fact, few government environmental decisions have been more thoroughly researched, over so many years, than the EPA's move to lower the allowable level of arsenic in drinking water from 50 parts per billion (ppb) to 10 ppb.

This standard was first proposed by the U.S. Public Health Service back in 1962. Over the next three decades, regulators weighed dozens of studies on the issue as they struggled to balance the health risks, which mostly include increased risk of cancer, with the costs of extracting the metal from drinking water.

We should take note of a recent report by the National Academy of Sciences. In this report the Academy concluded that the arsenic standard for drinking water of 50 ppb, set in 1942 before arsenic was known to cause cancer, ''does not achieve EPA's goal for public health protection and, therefore, requires downward revision as promptly as possible.''

In fact, the Academy reported that drinking water at the current EPA standard of 50 ppb ''could easily'' result in a total fatal cancer risk of 1 in 100 about 10,000 times higher than the cancer risk EPA allows for carcinogens in food.

And we should remember that children's increased exposures to environmental carcinogens, such as arsenic, are potentially even more serious.

Children's higher risk results from the fact that they breath more air, drink more water and eat more food per pound than do adults; for example, a child in the first six months of life consumes seven times as much water per pound of body weight as does the average American adult.

Therefore, a carcinogen has a much more significant impact on a child.

There are over 70,000 chemicals in common use today in the United States and several dozen known carcinogens, according to the Environmental Protection Agency.

Rachel Carson warned us in 1962, ''For the first time in the history of the world, every human being is now subjected to contact with dangerous chemicals, from the moment of conception until death.''

For those dangerous chemicals which we have the ability to limit from human exposure, such as arsenic in drinking water, we should absolutely take the necessary steps to do so.

Mr. DORGAN. Madam President, I rise today in support of this amendment. The current standard for acceptable arsenic levels in drinking water was established in 1942 and, as early as 1962, recommendations were made by the U.S. Public Health Service that the 50 parts per billion standard should be changed. The science indicates that at 50 parts per billion (ppb), the cancer risk from arsenic is 1-in-100. EPA regulations are supposed to regulate to a 1-in-10,000 arsenic risk.

Today's amendment simply directs the administration to put a new standard into effect immediately and gives communities the right to know the arsenic levels in their drinking water.

However, I am concerned about the potential impacts that reducing the level of arsenic in drinking water might have on small or rural communities, like many in my home State of North Dakota. North Dakota has approximately 35 communities that might be especially hard hit by a more stringent arsenic in drinking water standard. That is why I am a cosponsor of legislation sponsored by Senator REID that would increase funding for small communities to help treat drinking water systems for arsenic and other contaminants. I am pleased that Senator JEFFORDS has committed to examine these critical funding issues in conjunction with providing his support for today's amendment.

The World Health Organization and the European Union have adopted a 10 parts per billion standard. Even if the United States does not adopt a 10 parts per billion, at 50 parts per billion, the United States' arsenic standard is on par with that of Bahrain, Bolivia, Egypt, Indonesia, Oman, China, and India.

Countries who have adopted a 10 parts per billion standard include: the entire European Union (in 1998), Laos (in 1999), Syria (in 1994), Namibia, Mongolia (in 1998), and Japan (in 1993). Australia has had a 7 parts per billion standard since 1996. As I said, it is time to move in the direction of a safer, more protective, standard.

While arsenic levels may fluctuate over time, what is most significant from the standpoint of cancer risk is long-term exposure. Studies have linked long-term exposure to arsenic in drinking water to cancer of the bladder, lungs, skin, kidney, nasal passages, liver, and prostate. Noncancer effects of ingesting arsenic include cardiovascular, pulmonary, immunological, neurological, and endocrine (e.g., diabetes) effects. Short-term exposure to high doses of arsenic can cause other adverse health effects, but such effects are unlikely to occur from U.S. public water supplies that are in compliance with the existing arsenic standard of 50 ppb.

A March 1999 report by the National Academy of Sciences concluded that the current standard does not achieve EPA's goal of protecting public health and should be lowered as soon as possible, according to the EPA.

So, we should act immediately to adopt a new standard, as this amendment would require. We also must provide funding that is critical to accomplishing this goal.

Mr. BAUCUS. Madam President, I want to state for the record that I fully

recognize the importance of ensuring that all Americans have safe and clean drinking water. As the ranking member of the Environment and Public Works Committee, I helped author the 1996 Safe Drinking Water Act, I also understand the health hazards posed by unsafe levels of arsenic in our drinking water supplies.

However, I also understand the difficulties faced by small water systems as they struggle to pay for the infrastructure they need to make sure their systems are in compliance with federal regulations. A lot of Montanans get their water from rural water systems. A lot of rural Montanans are struggling to make ends meet with low incomes. The last thing we want is to put small systems in a position where they have to charge their customers rates they just can't afford. We have a responsibility to these people, to make sure that not only do they have clean, safe water, but that they can afford it.

I am glad that Senator BOXER and others have stated they recognize this problem and that they are willing to help make sure the Federal Government steps up to the plate with the necessary funding. I am pleased to hear that Senator JEFFORDS will take up in September Senator REID's bill to help small community drinking water systems pay for infrastructure improvements. I pledge to do whatever I can to support Senator REID's bill in the Environment and Public Works Committee and I will become a cosponsor of that bill.

Mr. CRAIG. Mr. President, I ask unanimous consent to provide some additional materials to be printed in the RECORD regarding the debate over the drinking water standard for arsenic. These materials will inform our understanding of issues associated with the process used in developing a new arsenic drinking water standard and the science behind that process.

The first item is a letter sent by me, along with Senators DOMENICI, KYL, HATCH and BENNETT, to Administrator Whitman, dated June 21, 2001.

I also ask unanimous consent to print in the RECORD a statement from the National Rural Water Users Association on this same matter.

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

U.S. SENATE,
Washington, DC, June 21, 2001.

Hon. CHRISTINE TODD WHITMAN,
Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR WHITMAN: We are writing to reiterate our strong interest in the development of a new arsenic drinking water standard and to commend you for your decision to pull back for further study the standard promulgated in the final days of the Clinton Administration. Ensuring the safety of our nation's water supply is essential, but it is also important that decisions be based upon sound science and consideration of the health benefits and costs that will accrue to the American public. We applaud your pronouncement that you are committed to such a principle, and as you proceed, we encourage you to work closely with the states and municipalities that will be most impacted by a new standard. We are concerned, however, that you will be limiting your review to a standard of between 3 parts per billion (ppb) to 20 ppb. This does appear to predetermine the outcome of your scientific review and we would like to suggest that a more appropriate approach would be to expand the review to anything below the current standard of 50 ppb.

We are extremely troubled by the way the past Administration developed the 10 ppb standard. Agency staff ignored recommendations from the National Research Council (NRC), the General Accounting Office (GAO) and its own Science Advisory Board (SAB). The NRC suggested that the Agency consider a non-linear or sublinear dose-response model as it examined arsenic at low levels, rather than relying solely on a linear model. The National Research Council also suggested that the Agency factor in the known shortcomings of a thirty-year old Taiwanese study, which the Agency was using extensively.

In October, a GAO report questioned EPA's conservative assumptions, its reliance on a conservative linear model and its heavy reliance on the Taiwan study. The SAB added its voice in December by criticizing the Agency for failing to take the advice of the NRC and for not taking into account the deficiencies in the Taiwan data in predicting U.S. risk. Further, the Agency chose to ignore a study conducted in Utah that found no bladder or lung cancer in individuals exposed to arsenic at levels greater than 100 ppb because in order for the linear model to determine a dose response relationship, only studies that have documented cancer cases can be incorporated.

The controversy surrounding the appropriate standard extends beyond the health effects evaluation. EPA has seriously underestimated the cost to community water systems and ultimately, to private households. In fact, a recent report published by the AIE-Brookings Joint Center for Regulatory Studies finds that the costs of the final rule will exceed the benefits by about $190 million annually and may actually result in a net loss of about ten lives annually by diverting scarce resources away from meeting other health care needs. In addition, the SAB expressed concerns about assumptions made in EPA's analysis about the disposal of arsenic residuals. For example, removing arsenic from drinking water will generate wastes that will in many cases be considered hazardous under applicable regulations, e.g. RCRA. Further, water systems will face considerable costs and liabilities for on-site storage, transport to an approved facility, and suitable disposal. EPA has not considered these costs. The SAB also raised concern over treatment options EPA set forth as best available treatment technologies, some of which have not been applied to arsenic removal on such a large scale.

The geological configurations in the West, combined with dispersed population centers served by multiple, small water systems, result in the Rocky Mountain States being significantly impacted by imposition of any new arsenic standard. For example, the State of New Mexico estimates the cost of compliance with a 10 ppb standard to be approximately $400 million in initial outlays, with a recurring annual cost of $15 to $16 million. The State of Arizona's estimate is $983 million in initial capital outlays, with a recurring annual cost in excess of $26 million. Other western states will be similarly impacted. Our states will be particularly affected because the final rule includes non-community/non-transient water systems under the standard, a departure from the proposed standard. Because these systems were not part of the proposed rule, compliance costs—which would be significant—were not included in the cost-benefit analysis. Further, according to the preamble of the final rule, EPA did not even consider compliance costs for the State of Arizona. It is our belief, therefore, that the Agency's cost estimates are vastly underestimated.

In closing, let us again commend you for your commitment to the use of the best science in establishing a new arsenic drinking water standard and encourage you to continue to stand above the attempts to politicize this important health issue.

Sincerely,

PETE V. DOMENICI.
JON KYL.
LARRY E. CRAIG.
ORRIN G. HATCH.
ROBERT F. BENNETT.

NATIONAL RURAL WATER ASSOCIATION,
Washington, DC, August 1, 2001.

STATEMENT ON VA, HUD APPROPRIATIONS AMENDMENT TO LIMIT EPA'S REVIEW OF THE ARSENIC DRINKING WATER RULE

The National Rural Water Association (NRWA), representing over 20,000 rural and small community members, urges Members of the Senate not a legislatively limit EPA's review of the arsenic drinking water rule in light of the rule's impact in thousands of rural communities, especially their low income populations.

In 1996, with the passage of the Safe Drinking Water Act, we welcomed a new law with provisions to assist small communities as described by Senator Baucus on the Senate Floor, ''The bill provides special help to small systems that cannot afford to comply with the drinking water regulations and can benefit from technologies geared specifically to the needs of small systems. Here is how it would work. Any system serving 10,000 people or fewer may request a variance to install special small system technology identified by EPA. What this means is that if a small system cannot afford to comply with current regulations through conventional treatment, the system can comply with the act by installing affordable small system technology.''

Since the 1996 amendments, the only variance we have seen granted by EPA was for the City of Columbus, Ohio. We don't feel that the 1996 Act is working the way it was intended and this needs to the fixed if small communities are to comply with EPA rules. The arsenic rule is a case in point. In the January 22, 2001 rule, EPA chose not to allow small communities to utilize the affordable variance authority by finding it was not needed because the rule was ''affordable.'' What has surfaced in the current EPA review of the rule, by a panel which includes representatives from the environmental groups, is that EPA did not adequately consider the ability of low-income and rural communities to afford the rule.

Currently, under the EPA review we are working with EPA to correct this and enhance the small community provisions in the rule. Also, the National Research Council is reviewing new research that will allow a better evaluation of arsenic health effects. New evidence suggests that these risks are lower than indicated in the 199 NRC report. The NEW reviews are almost complete. Why would we want to stop this progress?

The January 22, 2001 rule would likely require many small towns to spend hundreds of thousands to millions of dollars to make insignificant reductions in arsenic concentrations in their drinking water. It would have more than tripled water rates in many small communities. Such precipitous rate increases can threaten consumers' and communities' ability to pay for water service and

other public health necessities. The unintended consequence of over-regulating is that it takes away money that people need to buy food, pay for a doctor, and keep the house warm. Whenever we do anything to increase the price of water, we are forcing millions of families to make yet another tradeoff, which will directly affect their health.

Please don't finalize a rule today (that directs EPA to fine small communities who can't afford to comply) with the intent of providing funds in the future. While we appreciate the potential for future funding, our experience is that this does not slow EPA enforcement.

We urge you to allow EPA to continue to review the rule with the hope they will be more sensitive to our concerns. We feel it is imperative that the final rule process is deliberative and convincing to ensure that communities forced to comply feel it is necessary. We feel all scientific perspectives need to be thoroughly weighed in an overt public process that convincingly explains the health risks of arsenic.

Thank you for your consideration and please consider the exceptional circumstances of small communities. Every community wants to provide safe water and meet all drinking water standards. After all, local water systems are operated by people whose families drink the water every day and who are locally elected by their community.

Mr. LIEBERMAN. Madam President, I rise in strong support of the amendment to the pending measure offered by my distinguished colleague, Senator BOXER, that would prevent the administration from delaying implementation of the EPA arsenic standards issued on January 22, or from weakening those standards in any fashion. I am pleased that a similar amendment was adopted by the House last week by a vote of 218 to 189.

One of the most important responsibilities of government is to protect our citizens from threats to their health, safety or to their environment. Over the past two decades, the American public has reached agreement that government cannot and should not be the answer to every problem that arises. But the public also agrees it is our duty to defend the citizenry when it cannot defend itself and to protect America's environment when it is threatened, because we are its stewards and trustees for all who will follow us as Americans.

The fact is, environmental protection has been one of the most effective government programs of recent decades. Although the public wholeheartedly supports a sensible, balanced approach to the environment, it is becoming increasingly clear that the Bush administration does not.

As you know, last January, the Environmental Protection Agency issued a new regulation that would reduce the acceptable level of arsenic in drinking water from 50 parts per billion to 10 parts per billion. The announcement was greeted with relief and appreciation by those of us who thought the regulation long overdue. However, acting with seeming disregard for science and regulatory procedure, the Bush administration almost immediately announced that implementation of the regulation would be delayed, citing the need for further review.

Like many of my colleagues, and I would venture to say most Americans, I was puzzled and dismayed by the decision. What disturbed me about the decision was the administration's willingness to ignore 25 years of comment, study, and debate, including a scientific review by our premier science organization, the National Academy of Sciences. For this regulation was not feverishly put together in some back room at EPA or the White House in the closing days of the outgoing administration, as some have charged. To the contrary, it was the product of a quarter century of public and scientific input, involving stakeholder consultations, peer review, and basic scientific research.

The chronology of this regulation is clear and illustrates the legitimacy of the process by which the arsenic standard was developed. As early as 1962, the Public Health Service had recognized the toxicity of arsenic and recommended a 10 ppb standard. In 1986 Congress directed EPA to update the arsenic standard, but EPA delayed action pending further study. Ten years later, as part of the 1996 Safe Drinking Water Act, Congress again directed EPA to take action, giving EPA a more than generous 6 years to develop an arsenic standard. In June of 2000, after exhaustive review, EPA proposed an arsenic rule—a standard of 5 parts per billion. And finally, last January, the agency issued its long-awaited final regulation—ultimately settling on a standard of 10 ppb.

EPA's regulation was clearly based on a National Academy of Sciences report that found that drinking water containing 50 parts per billion of arsenic ''could easily'' cause a 1 percent risk of cancer. The NAS also found that children are particularly susceptible to arsenic poisoning and recommended that the standard should be reduced ''as promptly as possible.'' This administration's decision to delay implementation runs counter to the best scientific judgement available to us.

To put things in context, the current U.S. arsenic standard is equivalent to the standard employed by developing countries like Bangladesh and China, which may not have the financial and technical resources to adopt stronger standards. In contrast, industrialized countries like Australia or the European Union nations have adopted a 7 ppb and 10 ppb standard, respectively. As the richest, most technologically advanced nation in the world, I would expect that we would lead the world in clean water standards.

Beyond this decision to reconsider the new arsenic standards, I share the concerns of many citizens about what appears to be a disturbing pattern on the part of the Administration's regulatory policies. President Bush and his team have presided over the repeal, delay, or weakening of rules and regulations that would otherwise benefit the American people, ranging from rules to protect wilderness areas in our national forests from roadbuilding to regulations governing the toxic effects of mining on federal lands.

I have spoken out against this emerging pattern of ''government by repeal.'' And I have questioned the process by which the decisions to rollback, weaken or delay these regulations, including the arsenic regulation, were reached. As Chairman of the Governmental Affairs Committee, I have been conducting an in-depth examination of the decisionmaking process on several rules. I want to know who the agencies consulted or relied on in making their decisions and what process the agencies went through to make their hasty decisions. Despite initial resistance, I am pleased that we have made progress in protecting Congress's right to oversee the activities of the Executive Branch.

I commend Senator BOXER for her leadership on this matter. I join her in urging our colleagues to support this measure.

Mrs. BOXER. Madam President, how much time remains on my side?

The PRESIDING OFFICER. The Senator has 11½ minutes remaining.

Mrs. BOXER. I yield 3 minutes to Senator CORZINE and 3 minutes to Senator CLINTON.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Madam President, I will be shorter than 3 minutes.

Supporting Senator BOXER's amendment, on our side, is a statement to common sense. In the world I come from, people look at the facts; they analyze them; and then they try to take actions consistent with them.

In science, if the people who provide water to us, as indicated by the Senator from California and the Administrator of EPA, who comes from my home State, fought for a 10 parts per billion standard, one has a hard time understanding why we don't think this is something in the best safety interest and the stewardship interest which we are responsible to represent in the Senate. This is one of those issues where I cannot understand why we cannot get together and make sure we have 100-percent support because we are really protecting women and children and future generations of our society. This is as clear an issue, on a commonsense basis, as I have seen since coming to the Senate. I am happy to rise in support of this amendment.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. I thank Senator BOXER for bringing this amendment up for debate and vote, and I want to add my words of strong support because it is clear we have a public health issue with respect to the level of arsenic in too many of our water supplies, particularly in the West but not exclusively.

Unfortunately, the Bush administration has taken steps to delay rather

than enforce new rules requiring less arsenic in America's drinking water. That is a step in the wrong direction. It is wrong from a legal perspective since the new standard was required to be in place as of June 22 of this year, and that was a statutory requirement put into place by the Congress.

Perhaps most important, it is wrong from a public health perspective. The administration says it needs to examine further arsenic in drinking water, but while they continue to study arsenic, the American people continue to be exposed to this carcinogen.

Senator BOXER has already talked about the studies that have been done affirming over and over again the public health issues relating to arsenic in our drinking water. The National Academy of Sciences found chronic ingestion of arsenic causes bladder, lung, and skin cancer.

Another study released this past March, by researchers at Dartmouth University, shows low concentrations of arsenic in drinking water can have hormone-disrupting effects. In March, a report in the American Journal of Epidemiology revealed that compared to the general population, people who drink water with arsenic levels between 10.1 and 50 parts per billion are twice as likely to get certain urinary tract cancers.

The science is clear, and do not take our word for it. I went and looked on the EPA's Web site. On its Web site, right beside an April 18 news release stating the Administrator wants to review the arsenic standard, there is another report issued the very next day with this headline: ''Arsenic Compounds May Cause Genetic Damage.''

Clearly, the EPA's own scientists have discovered a possible link between genetic damage and arsenic compounds. The science is not in question, but the safety and health of the American public have been put into question because of the delay this administration has brought about.

The amendment being offered by Senator BOXER, which I strongly support, requires the EPA to immediately put a new standard in place that will adequately protect public health, and it gives the American people the right to know how much arsenic is in their water. The House of Representatives passed a similar amendment this last week.

I say to my good friend, the distinguished Senator from New Mexico, who has done so much on so many issues that affect the quality of life of the people he represents, I understand Albuquerque is one of the largest cities in our country that has this kind of arsenic issue.

I ask Senator BOXER for 1 more minute.

Mrs. BOXER. I yield an additional minute.

Mrs. CLINTON. I want to make very clear to the Senator, and to everyone who represents large and small water systems, we need to give more help to communities to comply with water standards. This is one of those issues where the Federal Government must help our communities.

I certainly will work with the Senator from New Mexico and everyone on both sides of the aisle to make sure a standard is put into place, to protect the public health and well-being of our people, that is matched by funds from the revolving fund aimed at cleaning up drinking water and any other resource available, so we do not leave people hanging on their own, not knowing what to do once the standard is set. I appreciate the financial challenge confronting some of our communities in meeting this standard.

I went to Fallon, NV, with my good friends Senator REID and Senator ENSIGN, a community that has 100 parts per billion of arsenic in the water. We know we have to deal with this. This amendment puts us on record to enforce a statutory requirement and does the right thing for the public health, but then we have to come back and make sure we have the resources to clean up the water supply so people can meet the standard.

Mrs. BOXER. Madam President, I thank my friend from New York for bringing up a good point.

I yield time to the Senator from Nevada.

Mr. REID. Madam President, I rise today to speak in support of the Boxer amendment. Senator BOXER's amendment would prevent the administration from discarding the drinking water arsenic standard published in the FEDERAL REGISTER on January 22 of this year. This rule was designed by the Environment Protection Agency to protect Americans from dangerously high levels of arsenic—a known carcinogen—in their drinking water. The arsenic standard we are debating today was not dreamed up by the EPA. In fact, Congress required EPA to set a new arsenic standard when it passed the Safe Drinking Water Act Amendments in 1996.

Congress asked EPA to set a new arsenic standard no later than January 1, 2000. We extended that original deadline to June 22, 2001. Clearly there is no rush to judgment in this case as some opponents want the American people to believe. I did not advocate for a particular arsenic standard during EPA's formal rulemaking on this issue. I believe that setting an arsenic drinking water standard is EPA's job. They did their job when they published the new standard in January.

The administration has not convinced me that they have a good reason or really any reason, to spend taxpayer dollars restudying an issue that has been studied to death. Instead of delaying our response to arsenic danger, we should begin investing resources to improve America's water infrastructure. We need to begin making this investment now because the job is a big job, which will grow much more costly if we wait to start. Americans expect and deserve safe tap water.

Due to high levels of naturally occurring arsenic in many of Nevada's groundwater basins, the Silver State will be challenged by any new arsenic drinking water standard. It will cost money to meet the challenge. The Federal Government has a responsibility to help pay for the necessary infrastructure improvements.

Earlier this year, Senator ENSIGN and I introduced the Small Community Drinking Water Funding Act, S. 503. We introduced this bill to help address the costs of providing safe drinking water to customers in small communities. This bill does not address the issue of arsenic contamination directly because arsenic is only one of many impurities that municipal water systems must control. However, S. 503 would address the costs of 97 percent of the communities that would have to upgrade their water systems to meet the new arsenic standard.

I believe that every Nevadan, and all Americans for that matter, should have access to clean, safe drinking water protected by a 21st Century safety standard. The old U.S. drinking water arsenic standard was established in 1942. That antique standard is still in China, Bangladesh, India, and yes, the United States. On the other hand, the U.S. National Academy of Sciences concluded in a 1999 report that the old 50 ppb standard ''does not achieve EPA's goal for public health protection and, therefore, requires downward revision as promptly as possible.''

Citizens of the European Union, Japan, and the World Health Organization all enjoy 10 ppb drinking water arsenic standard. If our new standard is allowed to stand, Americans will finally benefit from a level of protection from arsenic on par with the rest of the developed world. I urge my colleagues to support the Boxer amendment because it will help protect America's drinking water from arsenic.

Mrs. BOXER. I say to the Senator from Nevada, Senator CLINTON raised a crucial point addressing her remarks to the Senator from New Mexico. Both Senators from New Mexico really worried about getting the funding to the local areas to do this infrastructure work. It is the Senator from Nevada who is pushing very hard, in a bipartisan way, for more funding to clean up these water supplies.

When we take everything into consideration, I hope we will pass the Boxer amendment tonight. I know Senator JEFFORDS has spoken with Senator REID about this, and we will be moving on this bill so we do authorize, I say to the Senator from New York, more funding for water company infrastructure repairs.

I yield as much time as he would consume to the Senator from Nevada, retain the remainder of my time, and then I know the Senator from New Mexico wants to speak.

The PRESIDING OFFICER. The Senator from California has 4 minutes remaining.

Mrs. BOXER. I yield 3 minutes to the Senator from Nevada.

Mr. REID. Madam President, I will not take all that time. I will take a minute and say the Senator from California and the Senator from New York understand clearly when people pick up a glass of water, whether they live in Fallon, NV, or New York City, it should be clean, pure water.

What Senator ENSIGN and I have done is introduce the Small Community Drinking Water Funding Act, S. 503, to allow communities such as Fallon and others around America that cannot afford the money to build these very important water systems so the water they drink is pure.

Fallon cannot do it. Other small communities around America cannot do it. So Senator ENSIGN and I introduced this act to make sure we addressed the cost of providing safe drinking water to customers in small communities.

I appreciate very much the Senator from California focusing attention on one of the real needs in America today: safe, pure drinking water.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I do not believe I will use the 30 minutes I have.

I thank Senator CLINTON for the kind remarks with reference to this Senator.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 1299 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DOMENICI. Madam President, I want to take the time of the Senate to explain the situation. Arsenic is a poison, but arsenic appears in the western part of the United States in abundance in the geological structure of the rocks and stones in New Mexico. When the Spaniards came to that part of America 400 years ago, they obviously started drinking water. They dug holes, drilled wells, they used the river water, and guess what? They were drinking water that was not polluted, as some of the advertisements running today suggest.

If one goes out there now and checks the water, one will find there is arsenic in the water because there is arsenic in the rocks and the geological formations.

Interestingly enough, and I do not want to argue about the proposition that arsenic is serious and arsenic can hurt you, but there is no evidence from those early Spanish days—absolutely no evidence that any of the diseases we are talking about existed in that population. There is no evidence there was an increase in the ailments about which we are now talking.

I would have liked to argue today or sometime that Southwestern America deserves an opportunity to prove the people there are not harmed by the naturally occurring arsenic in the water. Tonight I choose to say thank you to the Senator from California for the amendment she offered. I will ask those Senators from the West on our side to vote for it because essentially it will give the Environmental Protection Agency an opportunity to take into consideration, as I read the amendment, what I am talking about tonight. They will set a standard, yes. It does not say precisely what, and clearly they are going to take some facts into consideration that are real and that should be taken into consideration by a National Government imposing a standard on a western part of America, be it Idaho, Arizona, Utah, Alaska, New Mexico, or Colorado.

Nobody is putting the arsenic in their water, as some of the environmental ads talk about. The arsenic is there because arsenic is in the ground, in the rocks, in the mountains, and therefore comes into our streams. When we drill wells, we get it, and in Albuquerque, they pump hundreds of millions of gallons of water a day from the water under the Rio Grande, and there is more arsenic than some think we ought to have.

The bill I just introduced and the one Senator REID introduced recognizes that in some parts of America—I am sure it will be my State, Idaho, and some others, that if we have to fix up our water plants, some in villages of 100 people where they have a small water system and no other water, it will create a significant financial burden. Their water is going to cost, in one case, $91 a month for everybody on that system.

Obviously, we have to move in the direction of correcting the problem. The Government should help us correct it. The VA–HUD appropriations bill is, in many respects, as far as this Senator is concerned, a wonderful bill. EPA is treated in great fashion. There are a number of things in New Mexico we have asked for that have been treated wonderfully. When it comes to whether we should force a lower standard on our cities and villages in the West, and if we do, when, and what should the standard really be, there is plenty of room for serious discussion among fair-minded people who are not bent on politics.

If one wants to make a big political issue out of the fact that perhaps somebody in the White House could have handled this a little differently—frankly, I wish they would have talked to me before they handled it because they would not have had anybody mad at them and they would have fixed it. Essentially, the Clinton regulation did not come into effect until 2006. Does that surprise people? That is when it would have been effective if we had not had all this commotion.

It is serious. We cannot put this into effect quickly in our part of the country. Originally, the implementation was to occur in the year 2006.

Tonight I urge everyone to vote for the amendment because it is a clear indication that something ought to be done. I do believe it is different than the amendment the House passed. I thank the Senator from California because her amendment is different. It gives us an opportunity to go to conference, work with the Environmental Protection Agency and others, and do precisely what the Senator from California wants.

She wants the United States to move in harmony to get safe drinking water with the lowest amount of arsenic possible and still have affordable drinking water. After all, we need drinking water. We cannot pay $200 or $300 a month for it in New Mexico. One city is going to spend over $250 million to improve its water system because it has this naturally occurring arsenic and yet, nobody has proven this arsenic is harmful to anybody.

That part of New Mexico and the areas around it have been inhabited by indigenous Indians longer than any of us know. The Spanish inhabited the area for 450 years, and Albuquerqueans—made up from all kinds of Americans—have been there for over 150 years. We want to give them a chance. We do not want the people to spend more than is necessary on this problem.

Certainly, nobody is putting poison in the water. We are trying to purify natural water. The streams of New Mexico contain arsenic. No fish are dying that I have heard of and yet, there is arsenic in those rivers. In terms of its chemical makeup, it is the same arsenic as the poison and the arsenic used in mining activities.

For those who are interested in history, it is the same arsenic that somebody gave to Napoleon. Those who dug up Napoleon's corpse found that perhaps somebody gave him regular doses of arsenic. They believe that is what happened to him. They think one of his best friends put arsenic into his system slowly over a period of about 20 years.

I thank the Senator from California for the way we accomplished things tonight. I am sure she is going to get a unanimous vote from the Senate saying: Let's move ahead and resolve this issue.

If there is no other Senator on our side who desires to speak——

Mr. BOND. I desire to speak.

Mr. DOMENICI. How much time does the Senator want of my 30 minutes? Five minutes of my time? I only have 30 minutes.

Mrs. BOXER. I just need 1 minute of the remaining time. We have a couple minutes left.

Mr. BOND. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from California still has 2 minutes 40 seconds.

Ms. MIKULSKI. And the Senator from New Mexico?

The PRESIDING OFFICER. The Senator from New Mexico has 20 minutes 45 seconds.

Mr. DOMENICI. What is the pleasure of the Senator?

Ms. MIKULSKI. Five minutes.

Mr. DOMENICI. The Senator from Montana?

Mr. BURNS. If I could have 5 minutes.

Mr. DOMENICI. I ask that be the order of my remaining time, and if any time remains beyond that, I reserve the remainder.

Mrs. BOXER. I would ask for a minute or two after Senator MIKULSKI.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I rise in support of Senator BOXER's amendment. I ask also to be an original cosponsor of the Domenici amendment.

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

Ms. MIKULSKI. The Boxer amendment is an excellent amendment. I acknowledge the validity of the concerns raised by the Senator from New Mexico. When we arrive at this standard, and in southern Maryland on our Eastern Shore we face many of the same problems that the Senator from New Mexico faces, and the need to modernize infrastructure and to come up with environmental regulations is almost teetering to a national crisis. Each region of the country will have difficulty in complying, but we believe it will be a public investment with an incredible public health dividend.

I support Senator BOXER's amendment for three reasons. First, I was a member of the conference on the VA–HUD bill last year when we required the administration to develop a new standard by June 22 of this year to protect our children and the elderly who are most at risk for high levels of arsenic, and the administration did miss the deadline. It was a congressionally mandated deadline, and the American people deserve a protective standard.

The current standard for arsenic was developed in 1942. We know much more today about the negative health effects of arsenic. We have the benefit of five studies by the National Academy of Sciences that say the current standard is not protective enough. Right now our current standard is the same as Bangladesh and China. Nothing against those countries, but I think we can do better than Bangladesh.

Third, many American communities are very concerned about how much it will cost. Again, I acknowledge the cost of compliance is a factor to be considered. I believe the Domenici bill we have all cosponsored will address this. This is a national crisis. It deserves a national response. It deserves national responsibility sharing. This is why we will need an authorizing bill.

The VA–HUD bill includes $850 million for the drinking water State revolving loan fund. This should help, but it certainly is not enough to meet the enormous needs of our community to keep drinking water safe from arsenic and other issues. We could not address all of the issues in VA–HUD this year, but I believe the Boxer amendment is very important to establish a standard and the Domenici authorization will be a very important way to move forward.

I note the Senator from Nevada is on the floor. I know he and the junior Senator from Nevada have introduced legislation to deal with our incredible shrinking water infrastructure, which is deteriorating by the minute. We hope in the second session of the 107th Congress to make a major initiative to hold hearings on the infrastructure needs facing our communities. We will be able to protect public health, generate jobs, and modernize our country's water infrastructure the way we did at the turn of the century. We need a new turn of the wheel.

I am happy to support the Boxer amendment, and I look forward to working with the Senator from New Mexico.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, most people who were raised in the smaller towns around this country and have experienced arsenic in their water, probably much less than the 50 parts, are kind of used to it. There is no scientific evidence that water ever hurt anybody in our country. We have it naturally. But I tell you something we don't have naturally, and that is enough money to build an infrastructure for a small town of, maybe, 300 people, some of them 200 people and some 100—real people with real faces who are faced with bills that you can't believe who have to live on the land and pry a living from the land, and then be told they have to spend everything they make to redo a water system when there is no scientific evidence at all that their water is bad in the first place and it has ever hurt them. That is what this is about.

We should be sensitive to public health. We should be sensitive to water systems. But don't take at issue a water system that is not that harmful or has any harm at all with the levels of arsenic we find naturally in the waters of the West. I oppose this amendment on the grounds that we do not have the money and the cost it would bring to those small towns.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I thank my colleagues for their very thoughtful debate. I believe tonight if people are listening they understand some of the difficulties we face. Nobody wants to see arsenic in drinking water. It has been so eloquently stated by the Senator from New Mexico and the Senator from Montana. There are parts of our country where arsenic occurs naturally. One of the actions we need to take is to make sure we improve the quality of our drinking water and lessen exposure to arsenic but do so in a way that does not cause greater dangers.

One of the greatest dangers that we face as we listen to our colleagues from the States where there are small water systems which have naturally occurring arsenic from geological formations in their drinking water, we need to make sure the burdens of meeting a very low standard are not so significant that a lack of resources forces those public water systems to shut down. The result of imposing too great a financial burden on those small water systems could be they shut down and people have to go back to drinking well water or other untreated water with potentially even higher levels of arsenic. That is a part of this debate in the past that has not been fully set out.

I call the attention of my colleagues to an amendment offered last year to strike the provision in the bill that delayed until June 22 of this year the deadline for finalizing the rule on arsenic in drinking water. I supported the inclusion of that measure in the VA–HUD bill because we noted in 1996 Congress set a schedule under which EPA was to update the arsenic standard for drinking water. At the time EPA told us they were behind schedule and they would not be fully prepared. Last fall the EPA told us they would not be ready until April or May and they had not had time to evaluate the concerns expressed about the proposed rule that had been issued on the delayed basis. Many small communities expressed their concern about the proposed rule because if it were implemented it would prove prohibitively expensive for their customers and they set out lots of specific examples.

For example, in Utah, the Heartland Mobile Home Park would have to charge $230 per month per customer under the rule. So they said let us delay the rule.

In the bill last year we said: Delay the implementation of the EPA standard until you have had a chance to look at it.

I am pleased to say that 63 Members of this body agreed with us and tabled the amendment that would have stricken that provision. Therefore, 63 Members—45 Republicans, 18 Democrats—said: Yes, it makes sense to delay the final issuance of this arsenic rule. It is not to be effective until 2006, not until 2006. So we said: EPA, get the job done right before you issue the regulation.

There has been so much misinformation about this rule that I thought we ought to take a moment to set out what it does and does not do. We know it will be 5 years, 2006, before the new standard is implemented. Whether the new standard was set last January or June or November or February, the current year will not matter because we will still hit the same implementation time deadline.

There is no greater danger for people living in areas with high naturally occurring amounts of arsenic. I think the concerns of the communities in New Mexico, Michigan, Montana, and other States need to be addressed. But I express my sincere thanks to the Senator

from California for having offered an amendment which says, in essence, what EPA needs to do, what they are committed to do, and what they are on track to do, and that is to establish a new national primary drinking water regulation that establishes a standard providing for the protection of the population in general, taking fully into account the special needs population.

That is what this amendment does, and I think that is a happy resolution of this situation. We need to realize that the standard goes into effect in 2006. Last year, 63 Members of this body said we ought to delay the issuance of that standard until June. When the new EPA came in and delayed the standard, people said many things that were not true. They overlooked the fact that 18 Democrats had voted with 45 Republicans to say it is time to delay it.

By the time this bill is enacted into law, the National Academy of Sciences will tell us the standards necessary to protect our health, the administration will complete the standard in a way that protects our health and does not impose unnecessary costs on our small towns or force the closure of water systems in small towns whose absence would lead to a much higher level of arsenic in well water or other sources of drinking water for the inhabitants, and we will meet the original implementation deadline.

I believe we have reached an appropriate accommodation. I thank the Senator from New Mexico particularly, who has been a very thoughtful participant in all of these discussions and has articulated well the serious problems faced in these small communities, for his agreement that this amendment is appropriate and will allow the EPA flexibility to develop a safe, commonsense arsenic standard. It is my understanding, although I do not have a written copy of any approval, that the administration believes this is an appropriate way to deal with this question of arsenic in drinking water, particularly the naturally occurring arsenic.

I thank all of my colleagues. I urge an overwhelming support of this requirement that the EPA set a drinking water standard for arsenic.

I yield the floor. I thank the Senator from New Mexico.

Mr. DOMENICI. I yield 2 minutes of my time to Senator BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I appreciate my colleague yielding me time to speak, both on the amendment the Senator from California has offered and also on the bill he has just introduced. I support what the Senator from California is trying to do with her amendment. I think it is a good resolution. It calls attention to the fact that we need this issue resolved.

I also support what my colleague, Senator DOMENICI, is trying to do in the bill he has introduced, which I am pleased to cosponsor. It is similar to the bill that Senator REID has earlier introduced. This makes the case clearly that the Federal Government needs to help these communities meet whatever standard we establish as a safe standard. I am not persuaded, as is the Senator from Montana, that we know the extent of the health risks. I think we still are learning precisely what the health risks are and we need to continue studying that.

But in the meantime, we need to set a standard and we need to assist these communities in meeting that standard. I am persuaded that the technology is being developed which will allow these communities to meet that standard at a much lower cost than they have traditionally had to consider for meeting this type of standard. But I think we need to support that research as well. I know some of it is going on in the National Laboratories in our State, and I am encouraged that they are finding new ways to eliminate arsenic entirely from drinking water for a relatively small cost.

Again, I compliment my colleague and look forward to supporting this amendment and also supporting his bill once it is called for a vote.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent Senator BINGAMAN be added as an original cosponsor of S. 1299, and I thank the Senator for his kind comments with reference to me.

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

Mrs. HUTCHISON. Madam President, I understand that Senator DOMENICI has just introduced legislation providing grant funding for communities to improve their water systems and adhere to the new arsenic regulations. This program will be very important for communities across America and also in my home State of Texas.

I ask unanimous consent to be added as an original cosponsor of S. 1299.

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

Mrs. BOXER. Madam President, do I have 2 minutes remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 40 seconds.

Mrs. BOXER. I thank my colleagues. I thank Senator REID, Senator DASCHLE, my cosponsor, Senator NELSON, my other cosponsor, Senator DOMENICI, for his remarks, Senator BINGAMAN, and Senator BOND.

I want to make a point, building on what Senator BOND said when he pointed out 63 Members voted to slip the date for the new standard until June 22, 2001. That is true. The problem is there was not a new standard. That is why we have this amendment, which is not a sense of the Senate. I want to express that point. I hope I do not jeopardize my vote, but it is a real law. It says the administration shall act immediately, and that is a term of art. They must act immediately to set the new standard and take into consideration the vulnerability of kids and the rest.

This is real. It also says the community must have a right to know how much arsenic is in their drinking water. That will happen immediately.

So this is real, and I hope it will survive the conference. I say to my friend, Senator BURNS, who has left the floor, that I know it is much easier to say if it is naturally occurring it does not hurt us. Radiation from the Sun is naturally occurring and it hurts us. Arsenic hurts us. We have the latest, most prestigious Journal, the American Journal of Epidemiology, March 1, 2001. Based on a study in Taiwan following real people, it says:

> Compared to the general population, people who drink water with arsenic levels between 10.1 ppb and 50 ppb are twice as likely to get certain urinary cancers.

We have the science. We know the science. I have talked to Christie Todd Whitman about this many times. When she was Governor of New Jersey, she suggested a 10-part-per-billion standard. Why would she do that? Because she wants to be with those countries that have a 10-part-per-billion standard. I think we need to look at these countries one more time.

We are at 50 parts per billion. That is where George Bush has put us. We share that 50-parts-per-billion standard with Indonesia, India, China, Bolivia, and that great leader of public health, Bangladesh.

We don't belong here. We belong in this tier: Australia, the European Union, Japan, and the World Health Organization. They are 10 parts per billion or less.

This is a debate that I think has been good. I am very pleased that we have won some fine support from the other side of the aisle. I hope we will send a rip-roaring message to the President: Set the standard, set it low, set it fast.

I yield the floor.

Mr. DASCHLE. Madam President, I compliment the distinguished Senator from California for the eloquent summary of this issue that she just made, as well as for offering this amendment.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DASCHLE. Madam President, I will propound a unanimous consent request. If we get this agreement at this time—in consultation with the Republican leader and the two managers, and I compliment them—we will make this the last vote of the evening.

I ask unanimous consent that the list I will send to the desk be the only first-degree amendments in order to H.R. 2620, that these amendments be subject to relevant second-degree amendments; that upon disposition of all amendments, the substitute amendment be agreed to, if not previously ordered; that the bill be read three times, and the Senate vote on passage of the bill;

that upon passage of the bill, the Senate insist on its amendments and request a conference with the House, and that the Chair be authorized to appoint conferees, with the above occurring without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Madam President, it is acceptable on this side.

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

ORDER FOR RECESS

Mr. DASCHLE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow.

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

Mr. DASCHLE. Madam President, I especially thank our manager and the ranking member, as well as our distinguished colleague from Nevada, who works so ably on both sides of the aisle, for reaching this agreement.

We have a lot of work to do. But we know what the work is. I hope we can work expeditiously tomorrow morning.

This will be the last vote of the evening.

I yield the floor.

The PRESIDING OFFICER. Will the Senator from New Mexico yield back all his time?

Mr. BOND. What is the time remaining of the Senator from New Mexico?

The PRESIDING OFFICER. Three minutes forty seconds.

Mr. DOMENICI. I yield that time to Senator BOND.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I will yield that back. I only want to correct the RECORD. The administration has indicated they will promulgate, or intends to promulgate a new regulation based on science. There was no intention of staying at the 50 parts per billion, which had been the standard throughout the previous administration. They have said they needed to review the science and listen to the communities that would be affected, and also take into account, as the Senator from New Mexico has proposed, the extraordinary hardships that meeting this standard would impose upon many small communities, with the possibility that the shutdown of those small community water systems would impose a far greater danger on the inhabitants.

Madam President, having corrected the RECORD and thanking all of our participants for helping shed some light on and remove some of the political misinterpretations that have been placed on this issue, I thank my colleagues and I urge a favorable vote on the amendment before us.

I yield such time as may be remaining on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1219. The yeas and nays have been ordered, and the clerk will call roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

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

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—97

Akaka	Dorgan	McCain
Allard	Durbin	McConnell
Allen	Edwards	Mikulski
Baucus	Ensign	Miller
Bayh	Enzi	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Frist	Nickles
Boxer	Graham	Reed
Breaux	Gramm	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Rockefeller
Burns	Hagel	Santorum
Byrd	Harkin	Sarbanes
Campbell	Hatch	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Thomas
Conrad	Kerry	Thompson
Corzine	Kohl	Thurmond
Craig	Kyl	Torricelli
Crapo	Landrieu	Voinovich
Daschle	Leahy	Warner
Dayton	Levin	Wellstone
DeWine	Lieberman	Wyden
Dodd	Lincoln	
Domenici	Lugar	

NAYS—1

Stevens

NOT VOTING—2

Helms Lott

The amendment (No. 1219) was agreed to.

Mrs. BOXER. Madam President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold the suggestion?

Mr. REID. Yes.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I rise tonight to speak in support of the international space station in this VA–HUD appropriations bill. I urge my colleagues to pause and reflect on America's great accomplishments in space and the great successes that lie ahead with the space station.

The House of Representatives has fully funded the President's request and has taken important steps to fund the space station's future needs such as a crew rescue vehicle and a six-person crew habitation module. The Senate bill cuts the space station by $150 million.

I hope to work with my colleagues, Senators MIKULSKI and BOND, to restore some of this into the program. It should be restored with strict controls and standards to assure the station will be safe and productive and on budget.

I am concerned, as I know many others are, about the recently projected cost growth for the international space station. I do want it to be fully functioning. In order to achieve that goal, NASA must work within the budget that Congress has given it.

At the same time, I understand the difficulty in estimating the cost of such an amazing engineering feat. We are now within a year of the station being ''core complete,'' and I believe Congress must adequately fund the station so we can begin to see the benefits of its unique scientific research.

NASA's projected 5-year cost growth of over $4 billion includes many program liens that reflect 2 years of actual operational experience for the station. That on-orbit experience has eliminated many unknowns and has significantly enhanced NASA's awareness of what it takes to operate a space station. Unfortunately, the greater awareness has come with a pricetag that threatens reaching the full capability of the space station as originally planned in terms of research, a permanent crew of six, and a crew rescue vehicle.

I believe NASA is dealing with the budgetary challenges and has proposed a ''core complete'' plan for the station to stay within budget constraints. Importantly, NASA and OMB have put into place an independent external review board to assess the space station's budget and to assure the station will provide maximum benefit to the U.S. taxpayer. This external review board will evaluate the cost and benefits for enhancing research, a habitation module for a crew of six, and a crew rescue vehicle.

It will be my goal in conference that we not preclude the full review of these potential enhancements by the independent external review board and not obstruct the ability of NASA to undertake these enhancements in order to ensure the originally planned capability for the space station.

I want to work with Senator MIKULSKI and Senator BOND to make sure we do not cut off capabilities of the space station and thereby never see the scientific contributions for which we have already made a significant investment.

The international space station is the greatest peaceful scientific project ever undertaken. Since 1993, the United States has worked with our international allies, including Russia, forging relationships of mutual respect, on the space station.

The efforts and resources of 16 nations are involved in the construction and operation of the orbiting lab. Assembly of the space station is nearing ''core complete'' and within a year we expect new and exciting scientific experiments to begin. Its successes will be felt by all of us here on Earth.

A project of this magnitude is certain to face a multitude of unknowns, and NASA has confronted many of them. As always in its courageous history, NASA has and will continue to overcome these obstacles and we will reap the rewards. Simply, the space station will maintain U.S. global leadership in space science and technology.

The unparalleled scientific research opportunities aboard the space station will enable advances in medicine and engineering. Most important are the health benefits that we have in the microgravity conditions in the space station. You cannot—no matter what technology you have—reproduce on Earth the gravity conditions that are in space. We know those microgravity conditions will allow us to watch the development of breast cancer cells and osteoporosis in a weightless environment. Perhaps this will help us find the cure for breast cancer, or we will learn how to combat osteoporosis.

The absence of gravity in the space station will allow new insights into human health and disease prevention and treatment, including heart, lung, and kidney function, cardiovascular disease, and immune system functions. The cool suit for Apollo missions now helps improve the quality of life of patients with multiple sclerosis. In recent years, NASA has obtained scientific data from space experiments that is five times more accurate than that on Earth. None of these benefits will be available in the future unless we have a space station on which we can perform adequate research.

Some will say that similar research can be conducted on the space shuttle. Although I believe valuable research should continue to be performed on the shuttle, the fact is, a longer period of time that can only occur on the space station is absolutely necessary for many important experiments.

During his last year in the Senate, Senator John Glenn spoke passionately in defense of the space station. He quoted a friend of mine, Dr. Michael DeBakey, chancellor and chairman of the surgery department at Baylor College of Medicine in Houston, TX, who said:

> The Space Station is not a luxury any more than a medical research center at Baylor College of Medicine is a luxury. Present technology on the Shuttle allows for stays of space of only about 2 weeks. We do not limit medical researchers to only a few hours in the laboratory and expect cures for cancer. We need much longer missions in space—in months to years—to obtain research results that may lead to the development of new knowledge and breakthroughs.

So you take all these scientific wonders and ask: How does it make my life better? It does make our lives better. It makes our health better. It gives patients who have multiple sclerosis, osteoporosis, or cancer a better chance for a quality of life. I reject the idea that we would walk away from the space station and from the possibilities for the future for better health and better quality of life.

The international space station, along with the space shuttle program, is our future in one of the last unexplored regions of our universe. It will discover untold knowledge and could catapult us into a greater understanding of our world and, yet, undiscovered worlds. The space station will provide us with fantastic science, but that is only one of the known successes. The unknown successes are limitless.

Madam President, if we do not continue funding of the international space station at the anticipated cost levels, valuable experiments and progress will be abandoned. The project is long underway and, for the sake of future generations, we should not leave it unfinished. I look forward to working with the chairman and ranking member of this subcommittee to make sure we do fully fund the space station, but with strict requirements for budgetary control and making sure we do everything to keep our costs in line. But let's not walk away from this important research for our future.

Thank you, Madam President. I yield the floor.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF JOHN NEGROPONTE TO BE THE AMERICAN AMBASSADOR TO THE UNITED NATIONS

Mr. McCAIN. Madam President, I will speak for a few minutes about a problem that is hamstringing American foreign policy today, and that is the stalled nomination of John Negroponte to be the American Ambassador to the United Nations.

Even the critics of American foreign policy would agree that America, and the world, are best served by having an outstanding, experienced, professional diplomat at our U.N. mission in New York. Indeed, such a personal representative of the President would provide enlightened perspective to our friends and allies on occasions when we cannot support particular U.N. initiatives. He would also symbolize America's robust commitment to international engagement, and work with like-minded nations whenever possible to advance our mutual interests and values, in the spirit of cooperation the United Nations was created to foster.

Regrettably, the Senate has stalled ambassador Negroponte's nomination process. The President announced his intention to nominate this 37-year veteran of the Foreign Service in March and sent his nomination to the Senate Foreign Relations Committee in May. But his nomination has been held up due to concerns about human rights abuses in Honduras during his tenure as Ambassador there.

It is worth pointing out that Ambassador Negroponte has been confirmed by the Senate five times—as recently as 1993, well after his assignment to Honduras, as President Clinton's Ambassador to the Philippines. He did not then undergo anything like the ordeal he has been subjected to this year.

In the midst of the debate over Ambassador Negroponte's qualifications for the U.N. assignment, the United States got booted off the U.N. Human Rights Commission for the first time in its history—a defeat that raises credible doubts about the integrity of that institution and its commitment to the very values it exists to promote. Sudan, Libya, Syria, Cuba, and China are now members of this body, forged by the vision of Eleanor Roosevelt in the early post-World War II era—and we are not.

Victims of persecution around the world, and advocates for their cause in our country, shall long rue the day the Commission was tarnished by this unfortunate vote. Many professionals agree that had we had an ambassador in place early in this administration, we would now be a member in good standing of the Human Rights Commission. We also recently lost our seat on the International Narcotics Control Board, another avoidable consequence of our vacant U.N. ambassadorship.

Ambassador Negroponte has the strong support of Ambassador Richard Holbrooke, his predecessor at the United Nations. Upon hearing the first reports of the President's intent to nominate Ambassador Negroponte, Ambassador Holbrooke said: The United States is lucky, the U.N. is lucky. . . . He is a real professional. . . . I would be thrilled.

Secretary of State Colin Powell recently called John Negroponte: one of the most distinguished foreign service officers and American public servants I have ever known.

The U.N. General Assembly convenes in mind-September for its annual session. The Senate Foreign Relations Committee should immediately schedule a confirmation hearing for Ambassador Negroponte, to take place in early September when the Senate reconvenes, in order to have him confirmed and in place to represent our Nation in New York this fall.

Ambassador Negroponte has served Democratic and Republican Presidents with distinction over the course of his diplomatic career. In the spirit of bipartisanship and the proud tradition of

American internationalism at the United Nations, I urge my colleagues to move quickly to allow this good man to serve our country once again.

Madam President, I have had the opportunity of knowing Ambassador Negroponte when he was Ambassador to Mexico, Ambassador to Honduras, and Ambassador to the Philippines. The nomination is now stuck. Unfortunately, we need to act as quickly as possible.

Madam President, I ask unanimous consent to have a letter from Mr. George Shultz, former Secretary of State, printed in the RECORD.

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

July 17, 2001.

HOOVER INSTITUTION—
ON WAR, REVOLUTION AND PEACE,

Hon. JOSEPH R. BIDEN,
Russell Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN, I am writing to support the nomination of John Negroponte to be our Ambassador to the United Nations. I know him well; I have worked with him closely. I believe he will do an outstanding job at the UN.

While I was Secretary of State, John Negroponte served in three different positions: (1) Ambassador to Honduras; (2) Assistant Secretary of State for Oceans and International Scientific and Environmental Affairs; and (3) Deputy National Security Advisor in the last fourteen months of the Reagan administration.

In Honduras, John did an outstanding job under especially difficult circumstances. There was turmoil and instability throughout Central America, and assisting Honduras to stay on an even keel was an enormous challenge. Despite the difficulties, Honduras managed to maintain relative calm and peace compared to neighboring El Salvador, Guatemala and Nicaragua and made the transition from military to civilian rule during his time there. Honduras has had five free elections for a civilian president since 1981, and there will be another such election later this year. Much of the groundwork for the return to democracy and rule of law in Honduras was laid during John's tenure.

John's work as Assistant Secretary for Oceans and International Environmental and Scientific Affairs, his next assignment, is an excellent example of the richness and diversity of his background and experience. As Assistant Secretary for OES, John oversaw the negotiation of the Montreal Protocol for the Protection of the Stratospheric Ozone Layer on behalf of the United States. This was a milestone multilateral environmental agreement at the time and I well remember the conviction and skill with which John worked to gain support within the U.S. government and to conclude such an agreement with other countries. The Senate vote to consent to ratification was 83 to 0. John's portfolio in OES included addressing the issue of acid rain and its impact on Canada, and dealing with fisheries in the South Pacific. He personally negotiated and renewed a space cooperation agreement with the Soviet Union, satisfying the technology transfer concerns of a wary and skeptical DOD along the way. And at my request, John worked with former Citibank CEO Walter Wriston to organize a symposium at the National Academy of Sciences about the impact of information technology on foreign policy.

As Deputy National Security Advisor, John dealt with the entire range of national security issues confronting the President and the National Security Council. Among the important issues with which he had to deal on a daily basis at that time were the Iran-Iraq war, the end of Soviet military involvement in Afghanistan, and two summits between President Reagan and General Secretary Gorbachev.

Although it was after my tenure as Secretary of State, I also had the opportunity to visit John both in Mexico City and Manila where he subsequently served as Ambassador. I can attest to the outstanding job he did at each of those posts. John was instrumental in both the conception and negotiation of the NAFTA, which has brought dramatic, positive changes to the U.S./Mexico economic and political relationship.

John has had a broad and deep variety of foreign policy experience at eight foreign postings and assignments in Washington at both the State Department and the White House. This experience is excellent preparation for the challenges of a UN assignment.

Sincerely yours,

GEORGE P. SHULTZ.

Mr. MCCAIN. Finally, Madam President, we really need to have the United States represented at the United Nations. This has been a long process for Mr. Negroponte. I know my good friend and chairman of the Foreign Relations Committee, JOE BIDEN, shares my concern about the United Nations. He is a committed believer in the United Nations and the importance of its functions. I hope we will move forward as quickly as possible with Mr. Negroponte's nomination to represent the United States at the United Nations.

BALLISTIC MISSILE DEFENSE

Mr. COCHRAN. Madam President, the Senate Foreign Relations Committee hosted a briefing for interested Senators by Dr. Condoleezza Rice on Monday afternoon in the Capitol during which she discussed with almost 20 Senators who were present the recent meetings she had with Russian leaders in Moscow.

I was impressed with the steadfast resolve of the President during his meetings with President Putin in Genoa in moving beyond the confrontational relationship with Russia and replacing the doctrine of mutual assured destruction with a new framework that would be consistent with our national defense interests as they now exist rather than as they existed in 1972.

Two years ago, Congress debated and passed the National Missile Defense Act of 1999, which enunciated the policy of the United States to deploy as soon as technologically possible a system to defend the territory of the United States against limited ballistic missile attack, whether accidental, unauthorized, or intentional. That bill was passed with overwhelming majorities in both Houses of Congress and signed into law on July 23, 1999.

The National Missile Defense Act became necessary because of two unfortunate facts: The emergence of a new threat to our Nation and our lack of capability to defend against that threat. The threat stems from the proliferation of the technology to build long-range ballistic missiles.

Our inability to defend against that threat is tied to the ABM Treaty of 1972. The changes that have occurred in the world since the cold war had not been reflected in our national policy until the enactment of the National Missile Defense Act.

President Bush is moving ahead to fulfill both the letter and spirit of the National Missile Defense Act. He has restructured the Missile Defense Program from one that was carefully tailored not to conflict with the 1972 ABM Treaty into one which will provide the best defense possible for our Nation in the shortest period of time. He has properly focused the Missile Defense Program on the threat we face rather than the ABM Treaty, and he has clearly stated he intends to move beyond the cold war ABM Treaty and into a new era in which the United States does not base its security on pledges of mutual annihilation with a country with which we are not at war.

The President has personally carried this message to our allies, friends, and former adversaries, and his efforts have met with impressive success. Not all critics have been persuaded and some never will be, but many who were skeptical now support our efforts, and some, such as the Premier of Italy just last week in Genoa, have enthusiastically endorsed them.

Perhaps the most striking change has occurred in Russia. When the previous administration proposed modifications to the ABM Treaty, the Russian Government refused even to entertain the notion, but in the face of the resolve demonstrated by President Bush, the Russian Government has agreed to his suggestion to enter into talks to establish an entirely new strategic framework to guide the relationship between our countries. The developments of the past few months are truly changing the international political world we have known for so long.

At the same time, our Missile Defense Program, which for years had been underfunded, is continuing to recover and is making substantial technical progress. That program has faced formidable obstacles—besides the technical challenge of reliably intercepting ballistic missiles. It has faced the constraints of an old treaty that was intended specifically to impede and prohibit the development and deployment of such missile defenses.

Congress has taken the lead over the past few years in helping to get the Missile Defense Program back on its feet by increasing the funding available for the work on defenses against both shorter range and longer range ballistic missiles, and those programs have demonstrated great progress. The Patriot PAC–3 system has succeeded in 7 out of 8 intercept attempts against shorter range ballistic missiles, such as the Scuds that caused such destruction

and took 28 American lives during the gulf war. After some early testing failures attributed to quality control problems, the longer range THAAD system finished its initial testing with consecutive successes, and our defense against long-range ballistic missiles was successful the very first time it was tested in October of 1999, and that success was repeated in another intercept test just a few weeks ago.

The Director of the Ballistic Missile Defense Program testified recently that the ground-based missile defense system now in testing no longer requires that anything be invented, only that it be correctly engineered. Clearly, the advanced technology required for reliable intercept of ballistic missiles is rapidly deteriorating.

But there is far more that we can and should be doing. Unfortunately, despite the success that has been demonstrated, missile defense work has been confined to the technology superficially permitted by the 1972 ABM Treaty. That agreement prohibits some of the most promising technologies and basing modes available, including air-, space-, sea-, and mobile land-based systems, as well as those based on new capabilities like lasers. The ABM Treaty impedes the development and deployment of these missile defenses. This was its central purpose when it was crafted three decades ago as a reflection of the political relationship between the Soviet Union and the United States known as the cold war.

President Bush has declared his determination to leave the cold war behind. He has backed up his declaration with concrete actions and his leadership has generated real progress, despite the sniping of some critics.

I believe the rapid progress of the last few months is a result of leadership of President Bush and his determination to do what is necessary in this modern world to defend our Nation. It is important to consult with our allies, as he has done, and it will be helpful if we can work out an agreement with the Russians to leave the cold war and its trappings behind. Our moving forward to defend ourselves against these new threats cannot depend on the assent of others. President Bush has made it clear that he believes this, and I think his resolve is exactly the reason we have seen attitudes change. But our determination to defend our Nation cannot be contingent on someone else's permission.

I suppose it was predictable that the more momentum is generated, the more wild the claims of the critics would get, and we have seen that, too, in recent days. Those who would prefer America be vulnerable to missile attack have taken a variety of approaches in their efforts to ensure that remains the case. One is to say we should go slow, don't rush the technology, don't do anything diplomatically risky. But timidity is a good part of the reason we face such an urgent situation now, with a real and serious threat but nothing yet in the field to defend against it. The ones who have always said ''go slow'' are the same critics who will say that the slowness of the program's progress is evidence that missile defense is not yet mature. Our failure for years to do enough to counter this problem is why we must work with urgency today.

The critics also assert that our long-range missile defense capability will be easily defeated by simple countermeasures. These assertions are based on wild claims from people who would have us believe that building a missile defense is too difficult a task for the United States—which possesses the most sophisticated missile and countermeasure capability in the world—but defeating a missile defense is a simple task for those who are just now acquiring the capability for long-range missiles. Such arguments are unpersuasive.

The critics also tell us that deployment of missile defenses will create an arms race, even though the Russians have neither the resources nor a reason to engage in a buildup in strategic offensive arms. Even if they did, with whom would they race? President Bush has announced his intention to dramatically reduce the offensive nuclear forces of the United States, regardless of what the Russians do, and has taken the first step toward doing so by announcing the deactivation of our multiple warhead Peacekeeper missiles. A situation in which one side builds up its missiles while the other reduces is certainly not an arms race. I think the Russians understand this, too, and will recognize the futility of spending scarce resources to counter a missile defense system that does not threaten them.

As for China, while the previous administration was devoting itself to—in its words—''strengthening the ABM Treaty,'' China was modernizing and expanding its nuclear forces. So China has already demonstrated that assessments of its own national security interests are unlikely to be affected by what the United States does or doesn't do with respect to missile defenses. Moreover, those who suggest we forgo defenses so as not to ''threaten'' China are implying that China has some sort of right to threaten us with its missiles. I reject such a suggestion. Defenses are not provocative, no nation has a right to threaten the United States, and the United States has no obligation to guarantee any country's right to do so.

There are other criticisms of our missile defense efforts, most even less convincing than those I have just mentioned, and other arguments in its favor which I have not discussed. I'm sure other Senators will address many of them in the course of the next few days. But the discussion has moved far beyond where it was 2 years ago when we stood here and debated the National Missile Defense Act. Thanks to the actions of Congress, there is no longer any question about whether the United States will defend its citizens against missile attack, only about the methods we use and how fast we will field them. And thanks to the efforts of President Bush there is no longer any question about whether we will continue to be held hostage by an obsolete agreement from another era. I welcome the progress that has been made on all fronts, and I look forward to supporting the achievement of genuine security of the United States and its citizens.

Mr. ALLARD. Madam President, I thank the Chair and my colleagues for giving me an opportunity to speak for a few minutes this afternoon on a point I want to make regarding missile defense and the budget and the ABM Treaty compliance. I think this is going to be a very important debate. It has already started in the Armed Services Committee on which I serve.

I thought my colleague from Mississippi, Mr. THAD COCHRAN, this morning made some very cogent comments. I did want to follow up with some further comments on that particular issue.

I have heard some reluctance by a few of my colleagues to approve the Ballistic Missile Defense Organization budget without knowing for certain now whether the testing activities planned comply with the ABM Treaty. They say the Senate cannot approve a budget if it is not compliant.

As a member of the Senate Armed Services Committee, it is my understanding that compliance determinations are almost never—I emphasize never—made well in advance of a test or other activity. It is virtually impossible to do so because the plans often change right up to the time of the test. I would like to highlight a few examples of this occurring.

In integrated flight test 1, what we commonly refer to as IFT–1, which was the first test of the exoatmospheric kill vehicle, which occurred on January 16, 1977, compliance itself was not certified until December 20 of 1996.

Here is another example, the Technical Critical Measurements Program, the TCMP, flight 2A was not certified until February 14, 1997, just 8 days before that actual test occurred.

The risk reduction flight test 1, for what was then the National Missile Defense Program, was certified just 3 days before it occurred in 1997, and the second risk reduction flight was certified just 2 days before it was conducted a month later.

A test for the NMD prototype radar was not certified until August 31, 1998. That was less than 3 weeks before it occurred.

The first test of the Navy theater-wide missile was certified November 2, 1998, for a November 20 flight.

IFT–3 for the National Missile Defense system, which was the first—and successful—intercept attempt, was certified on September 28, 1999, just 4 days before the test.

IFT–4 was certified 12 days before the test took place on January 18, 2000.

The certification for IFT–5 was issued 8 days before that test last summer, but the certification actually had to be modified on July 7, the day before the test because of changes in the test plan.

I have a chart on my right. On this column, we talk about test events. We talk about the day the test was performed. Then we talk about the day that it was certified for compliance with the ABM Treaty.

As you can tell from the many times I mentioned earlier in several examples, it was just a day before the actual test flight for compliant certification.

My point is to expect us to have compliance during the budget deliberations before the Senate hearing simply doesn't make any sense.

However, I will note that there are at least two exceptions to this practice. Last year, Congress approved a budget that included military construction funding for a radar in Alaska that Congress knew was non-compliant with the ABM Treaty. And in January 1994, a compliance review of the proposed THAAD program determined that it was not in compliance with the terms of the ABM Treaty. Yet in the fall of 1994, Congress voted to approve the BMDO budget—one that included a program that was certified to be non-compliant.

It is also interesting to note that THAAD program testing was approved in January of 1995 on the condition that its ability to accept data from external sensors be substantially limited. Only in 1996 was THAAD testing with external cuing data approved because the determination was finally made that THAAD did not have ABM capabilities. I believe this stands as a good illustration of two salient facts: first, that ABM Treaty compliance is in part a matter of both legal and political judgment; second, that the United States has always reserved for itself the authority to judge the compliance of its own programs.

Bearing these facts in mind, I would argue that this administration has been very straightforward with Congress. The President, the Secretary of Defense, and the Deputy Secretary have all told us that the United States and Russia need to move beyond the ABM Treaty. They have told us that the President's commitment to deploy missile defenses and the missile defense program he has proposed are on a collision course with the ABM Treaty. They have told us that the BMDO test program was not designed either to violate or comply with the Treaty, but that it was designed to proceed as efficiently as possible toward the goal of developing effective missile defenses. They have told us that, as a result, there will be serious issues concerning treaty compliance that will arise in a matter of months.

My colleague from Mississippi, Senator COCHRAN, tried to make that point—that we need to focus on what our needs are and shoot towards those defensive needs.

Secretary Wolfowitz has even identified the key issues that he expects will emerge. The Secretary, Deputy Secretary, and Lt. Gen. Kadish have also told us that BMDO program activities have not been fully vetted through the certification process—as is typically the case. Consequently, the legal and political judgements to resolve those issues have not been made yet.

I would further argue that statements by Secretary Wolfowitz, Lt. Gen. Kadish, and others in the administration have been remarkably open and consistent in this area. Lt. Gen. Kadish indicated in a briefing several weeks ago his understanding that the BMDO program proposals for fiscal year 2002 would be compliant with the ABM Treaty, with the important caveat, that some issues needed to be clarified by the compliance review process. Secretary Wolfowitz went into considerable detail concerning areas in which the proposed program would ''bump into'' treaty constraints. An administration document says that the proposed program would be ''in conflict'' with the treaty ''in the matter of months, not years.''

Whether someone says the program is ''awaiting clarification'' or ''that it may bump up against'' or ''come into conflict with'' the ABM treaty, the point is that this is a serious issue that needs to be resolved. And that was precisely the Deputy Secretary's point—that several months ahead of time, the department would know what key program issues would need to be resolved through the established compliance review processes, and that they would be resolved through these processes in regular order.

In considering how we ought to handle these issues, we need to bear in mind that there is a wide range of opinion concerning the value of the ABM Treaty. Some believe that the ABM Treaty is the foundation stone on which U.S. security is built. Others argue that the ABM Treaty is gone and has simply outlived its usefulness and some agree with the administration that the Nation needs to move on to a new strategic framework to guide our relations with Russia.

Given this range of opinion, and the administration's view that the treaty's value has been overtaken by events, the use of well-established processes and procedures to judge the treaty compliance of BMDO program activities hardly seems radical or unusual. Indeed, it seems a modest and conservative approach.

Secretary Wolfowitz outlined for us several possible outcomes of these deliberations within the compliance review process. The nation may have moved beyond the ABM Treaty to a new strategic framework with Russia and the program will not be constrained by the treaty. The program activities in question might be deemed to be compliant with the treaty. Or on the other hand, the program activities might be deemed to be inconsistent with the treaty.

In the absence of an alternative framework, according to the Secretary, the Nation will be faced with an unpalatable choice—either we must alter the test program so that it is compliant with the treaty but is less efficient and more costly, or we must face the prospect of exercising our rights under article XV that allows the nation to withdraw from the treaty. Please note—and this cannot be stressed too much—in all of these cases, the United States will remain in compliance with our obligations under domestic and international law.

Thus, the suggestion that Senators should not agree to the BMDO budget because we don't have perfect visibility into the ABM Treaty compliance of Ballistic Missile Defense program activities strikes me as, at best, odd. It is inconsistent with past practice. It is inconsistent with established processes and procedures used throughout the Clinton administration and which the Bush administration intends to continue. And it is inconsistent with the simple fact that the United State will remain in compliance with our obligations under domestic and international law regardless of the conclusions of the established legal and political authorities regarding specific BMD test activities.

It does strike me as a path that indicates a desire for confrontation with the administration, not cooperation, and one that expresses philosophical opposition to missile defense rather than practical programmatic concerns. For the Congress to take the position that absolute adherence to the ABM Treaty is a prerequisite for approval of a BMDO budget would, in one stroke, undermine both tracks of the President's policy: to proceed with expedited development of missile defenses and to engage Russia in a constructive dialogue.

I urge all my colleagues to proceed in this matter in a calm, reasoned, and non-partisan manner that does not undermine the President or the flexibility to proceed in his discussions with Russia as he sees fit.

I thank the Chair. I yield the floor.

REMEMBERING KOREY STRINGER

Mr. DAYTON. Madam President, I rise in sorrow this morning to pay tribute to a highly respected Minnesotan, Mr. Korey Stringer, an all-pro offensive tackle for the Minnesota Vikings who died early this morning.

Mr. Stringer collapsed yesterday afternoon after the Vikings practice. He died early this morning due to complications from heat stroke.

Korey Stringer joined the Vikings as a first-round draft pick out of Ohio State University. He has been our starting right tackle ever since. Last year, he was named for the first time

to the all-pro team. Korey was more than an all-pro football player; he was an all-pro human being. He made Minnesota his year-round home, and he was one of the Vikings' most active community members.

He established his ''Korey's crew'' community service program at several local schools and libraries. He served as an outstanding leader, mentor, and role model for many Minnesota youngsters and adults.

Minnesota has lost one of our best citizens at the tragically early age of 27. Our hearts and our deepest sympathies go out to his wife Kelcie, his 3-year old son Kodie, and the rest of his family.

Korey, we will miss you. Rest in peace.

TRIBUTE TO MRS. BRIGITTE HANES

Mr. THURMOND. Madam President, I know that my colleagues are aware of the excellent services provided by the military liaison offices of the Senate. For many years military and civilian liaison officers have given invaluable assistance in the areas of constituent services, military issues, and fact-finding visits.

One of these liaison officers is Mrs. Brigitte Hanes. During the past nine years she has worked tirelessly solving the problems of soldiers and their families who have asked for help from their Senators.

The wife of an Army officer, Brigitte raised two daughters before embarking on her own career. First, she served on the staff of the Commander in Chief of the Joint Forces in Korea. Then she was the Personal Affairs Coordinator for foreign military students at the Command and General Staff College at Fort Leavenworth. Brigitte and her husband moved to Washington in 1991. It was December of that year that she went to work in the Army Senate Liaison Office.

She gained a reputation around the Senate as a very reliable person. Few people are more widely known and respected than Brigitte. She is known throughout the Senate as an expert in dealing with a range of constituent issues relating to the Army and many other military matters.

When I needed to get something done I would call Brigitte. For example: she arranged for the shipment of a wheel chair from a Senator's office to the mayor of a town in Bosnia. In fact she delivered it to Andrews Air Force Base herself to start it on its way. She talked to a deserter and although he was afraid, she convinced him to turn himself in to Army authorities. She talked a soldier into boarding a plane for Korea. He had called his mother from the airport and told her he was not going to get on the plane. She called the Senator's aide who put in a conference call to Brigitte. She got two years incapacitation pay for a Reservist whose unit administrator had been unable to get it for him.

In addition to her vast casework load she organized and escorted Senate staffers on very informative orientation visits to military posts where they could see the Army at work.

She has been honored repeatedly by her superiors who recognized what a valuable resource they had in Brigitte.

We will miss her support in the Army Senate Liaison Office when she leaves at the end of August to accept a promotion in the office of the Chief of Army Reserves' Legislative Liaison Office.

I would like to say thank you to Brigitte for her nine years of devoted service to the Senate and to wish her success and happiness in her new endeavor.

THE NATIONAL YOUTH SCIENCE CAMP

Mr. REED. Madam President, every summer the senior Senator from West Virginia, Mr. BYRD, hosts a luncheon for the participants of the National Youth Science Camp.

This is a distinguished collection of high school students from every State in the Nation who have demonstrated exceptional abilities in the fields of science and technology. They participate in a two-week science camp in Green Bank, WV, and, afterwards, spend several days touring Washington, D.C. Their time in the Nation's capital culminates in the luncheon hosted by Senator BYRD.

At this year's luncheon, held in the Russell Caucus Room on July 19, Senator BYRD was introduced by a member of the board of the National Youth Science Foundation, Mr. Charles McElwee.

When Mr. McElwee introduced Senator BYRD at the luncheon, I was impressed. He recognized the remarkable accomplishments of the senior Senator from West Virginia: that Senator BYRD has served in the Senate for more than 42 years, has been elected to 8 consecutive 6-year Senate terms, and has held more Senate leadership positions than any other Senator in history.

Next, he referred to Senator BYRD's knowledge of Senate Rules, the Constitution, and the Bible, and his prolific writings on the histories of the U.S. Senate and the Roman Senate.

Mr. McElwee then proceeded to challenge the young, budding scientists ''to make the most of [their] natural minds, as has Senator BYRD.''

I consider this powerful introduction of Senator BYRD a touching example of how one of Senator BYRD's constituents feels about him. It highlights the esteem in which he is held by his fellow West Virginians, and I want to share it with my colleagues. Therefore, I ask that Mr. McElwee's introduction of Senator BYRD be printed in the RECORD.

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

INTRODUCTION OF HON. ROBERT C. BYRD, U.S. SENATE LUNCHEON FOR NATIONAL YOUTH SCIENCE CAMPERS

(By Charles McElwee)

How do I introduce a person before whom I stand in awe? How do I introduce and pay tribute to West Virginia's most respected and admired elected public official in the State's history? How do I make the introduction and hold the attention of youth, our guest science campers, when decades separate us in age? I resolved to try by relating the mind and accomplishments of our esteemed speaker to the minds and aspirations of our youthful listeners.

I commence by way of a reference to a renowned mathematician, John Forbes Nash, Jr. Nash was born and reared in Bluefield, West Virginia. He is recognized as a genius in mathematics, especially in game theory, for which he was awarded the Nobel Prize in Economics in 1994. His recent biographer has described Nash as having ''A Beautiful Mind'' and has given that title to her biography of him.

While I stand among a hundred, young, beautiful minds, I introduce a man with a singularly beautiful mind who has cultivated, developed and used his natural endowment to its fullest potential. I speak of the Honorable ROBERT C. BYRD, the senior United States Senator from your host state, the State of West Virginia, and your host for this luncheon today.

Senator BYRD has served in the United States Senate for more than 42 years and was reelected in 2000 to an unprecedented eighth consecutive six-year Senate term. He has held more leadership positions in the Senate than any other Senator in history, and presently serves as Chairman of the powerful Senate Committee on Appropriations.

Senator BYRD is a lawyer, having obtained his J.D. degree *cum laude* after ten years of study in night classes in law school, making him the only sitting member of either House of Congress to begin and complete law degree studies while serving in Congress.

I have already told you enough to establish that Senator BYRD is a man with a great mind and substantial achievements. But I don't want to stop there because I want to use this brief occasion of introduction to challenge you to make the most of your natural gifts of beautiful minds, just as Senator BYRD has done. Let me illustrate what a beautiful mind can accomplish when it is disciplined and applied.

(Holding up a copy of the United States Constitution.) Senator BYRD carries with him at all times when discharging his public duties a copy of the United States Constitution. His knowledge of this document is, in my opinion, unsurpassed by any other member of the Senate. He qualifies as a constitutional lawyer and scholar. In fact, Senator BYRD shared with another the first ''We the People'' award presented by the National Constitution Center to a constitutional scholar, who had demonstrated his love of, and concern for, the United States Constitution.

(Holding up a copy of the Bible.) Senator BYRD's knowledge of the Bible, King James version, is stupendous. He can recite from memory dozens of passages from both the Old and New Testaments. But more importantly, he and Erma, his beloved wife of sixty-four years, have shaped their lives to conform with biblical precepts.

(Holding up a copy of one of Senator Byrd's favorite poems, ''The Bridge Builder.'') Senator BYRD has an immense knowledge of English and American literature and has committed to memory a great store of verse. Two of his favorite poems are ''The Bridge Builder'' and ''Fence or An Ambulance.'' Both refer to youth like you. In the first, an old man has

crossed over a deep and perilous chasm. Although he would never pass that way again, he stopped to build a bridge to span the cleft. Upon being asked why, the old man explained:

There followeth after me today,
A youth whose feet must pass this way.
This chasm which was but naught to me
To that fair youth may a pitfall be.

The second of the poems has this wise counsel: ''Better guide well the young than reclaim them when old.'' The stewardship which Senator BYRD believes that adults have for the welfare and development of the young is evident in his most beloved verses.

(Holding up one volume of four volumes written by Senator Byrd on ''The Senate, 1789–1989.'') These four volumes are a virtual encyclopedia of Senate History. There is probably no person alive who knows the history and parliamentary rules of the United States Senate better than Senator BYRD.

(Holding up a copy of ''The Senate of the Roman Republic.'') This volume is a compilation of fourteen addresses delivered on the floor of the Senate by Senator BYRD over five and a-half months on the History of Roman Constitutionalism in opposition to the proposal for a line-item presidential veto. The important point here is that he delivered each of these fourteen speeches, which were packed with names, dates, and complex narratives, entirely from memory and without recourse to notes or consultations with staff aides.

The author of the Foreword of ''*The Senate of the Roman Republic*'' has described the book and the lectures compiled these as displaying ''vast learning, prodigious memory, and single-minded determination. . . .'' And so it is that Senator BYRD has used his beautiful mind to accumulate vast learning, to develop a prodigious memory, and to challenge himself at all times with a single-minded determination.

But it has not been his mind, or his learning, or his memory that has endeared Senator BYRD to the people of West Virginia. Their affection of him is attributable to his public service and to his sincere interest in their lives and concern for their welfare. No member of the United States Congress or of the Senate of the Roman Republic has served his other constituency with more distinction than has Senator BYRD.

We have talked about Senator BYRD's great mind, his learning, his memory, his discipline, his determination, his public service, and his interest in people, all superb attributes of which we stand in awe. Yet there is one trait which I have not mentioned. Senator BYRD referred to it in a speech he gave last week on the floor of the Senate.

After cajoling his colleagues that the business of the Senate requires more than a three-day work week, Senator BYRD said that he would just as soon be in the Senate ''as to be at home on Saturday mopping the floor.'' ''Yes,'' Senator BYRD said, ''I mop the bathroom. I mop the kitchen floor. I mop the utility room. I vacuum. I dust. I even clean the commodes around my house.'' Add then Senator BYRD added, ''It is good for me. It keeps me humble.''

Humility is the eighth, and perhaps the finest, characteristic of our Senator BYRD. And so I implore, you, our guest science campers, to use your good minds with humility. If mopping floors will help you to be humble, then mop floors.

Senator BYRD has been a long-time supporter of the National Youth Science Camp in West Virginia and has sponsored this luncheon for many years. Will you please join with me in applauding Senator BYRD as a way of expressing our gratitude.

AGREEMENT TO PROCEED TO THE EXPORT ADMINISTRATION ACT ON OR AFTER SEPTEMBER 4, 2001

Mr. SHELBY. Madam President, I rise to add some clarification to the unanimous consent agreement which will allow the Senate to proceed to consideration of the Export Administration Act (S. 149) with 2 days of debate. In discussions with Senator THOMPSON, he related to me that he was working with leadership on both sides to form an agreement in which we would permit S. 149 to be considered on or after September 4th, but that myself and Senators THOMPSON, KYL, WARNER, and HELMS would be guaranteed 2 days to present, debate and have votes on our national security related amendments. This agreement will give the Senate time to consider amendments that I believe will make this bill better for our national security. I look forward to a healthy debate and exchange of views.

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred April 19, 1992 in Methuen, Massachusetts. Two men who had been harassing a group of women as they left a gay bar allegedly beat two women. The men were charged with assault and battery and assault and battery with a dangerous weapon.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement 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.

THE 125TH ANNIVERSARY OF COLORADO STATEHOOD

Mr. CAMPBELL. Madam President, 125 years ago today, on August 1, 1876, President Ulysses S. Grant issued a proclamation declaring Colorado a state. Today, I want to honor that anniversary by highlighting some thoughts about Colorado—the beauty of its landscape, the pioneering spirit of its people, and the engines that fuel its prosperity.

My home State of Colorado is a very special place. We have a rich and colorful history. We are blessed by geography and climate. We are culturally diverse, highly educated and highly motivated.

The movement to settle Colorado began in the late 1850's when prospectors found gold along Cherry Creek near Denver. Gold hunters rushed into the area and ''Pikes Peak or Bust'' became the slogan of the day. The gold didn't last, but the potential for prosperity and an unmatched quality of life did.

It was not until about 20 years later, however, that Colorado, after several failed attempts, became a state. A new mining boom brought wealth and growth to Colorado again. This time it was silver, not gold, that caused the growth.

In the 125 years since, Colorado has been marked by a series of economic booms and busts. Right now, we have one of the most diversified economies in the Nation. Colorado has grown from a primarily agricultural and mining State to a hub of technological and industrial development for the Nation. An increasing number of high-tech companies are choosing to locate in Colorado; the communications industry is revolutionizing how we stay in touch with one another; and Colorado's mild dry climate and colorful Old West history have made tourism the second largest industry in the State.

Colorado is one of the Nation's major outdoor recreation areas. Few States offer as many sporting opportunities. We fish and camp along pristine rivers and lakes. River-running and white-water rafting are important summer activities. And we in Colorado enjoy some of the best skiing in the world. We bike, we hike, and we run—and we use one of the most extensive urban bikeways and trail systems in the Nation. One of the top 10k races in the United States—the Bolder Boulder—draws record crowds of world-class runners and area residents. And, the 14,000 foot peaks in Colorado, all 54 of them, bring mountain climbers of all ages and skills to our State.

And, we in Colorado don't just participate in sports—we also play the part of spectator. Our capital city of Denver is the home of five major professional sports teams—baseball, football, basketball, soccer and hockey—making it a major-league sports town.

Colorado's vibrant cultural scene rivals that of any in the world. We have a variety of theatrical, musical and other cultural attractions. Colorado is the home of the Aspen Institute, the Aspen Music Festival and the Central City Opera. Denver has three nationally known theaters and the State boasts a comprehensive network of public libraries, museums, community theaters and orchestras. Most towns and cities have local festivals to celebrate unique cultural traditions.

The cultural diversity of our population gives Colorado many of its greatest traditions and treasures. Colorado is home to two Native American tribes, the Southern Ute and the Ute Mountain Ute tribes. The land they inhabit covers the southwestern corner of Colorado, abutting the borders with Utah, Arizona and New Mexico.

Some of our earliest settlers came to Colorado from Mexico and settled in

the San Luis Valley. In fact, the town of San Luis in that valley is Colorado's oldest town, which just recently celebrated its 150th anniversary. The name of our State, Colorado, came from a Spanish word for red, and our conversation is laced with Spanish words.

The traditions, artwork and music of these and many other cultures are a treasured part of Colorado's identity, and we respect and honor the gifts they give us.

Colorado is known for its strong military presence. It is home to the United States Air Force Academy where the soaring structure of the Academy's cathedral with Pikes Peak in the background dominates the landscape. Peterson Air Force Base—home to the U.S. Space Command, Air Force Space Command and the Army Space Command—strengthens the military presence in our state. And, the North American Aerospace Defense Command (NORAD) with its command center located deep inside Cheyenne Mountain adds to Colorado's reputation as recently described by a high-ranking Air Force General as America's ''space mecca.''

While our ski industry, our world class airport, our sports teams, and our technology industry bring travelers from all over the world to our State, Colorado broke into the international scene in a new way when Denver was chosen as the site of the G–8 summit of world leaders in 1997.

Throughout the 125 years since Colorado became a State, its citizens have had a common goal: to make the state a stronger, more vibrant place. From the snow capped peaks of the Continental Divide to the farms and ranches on the Front Range and the Western Slope, the citizens of my home state have worked together to make Colorado a great place to call home.

I want to thank you for allowing me to celebrate Colorado's 125th anniversary of statehood by recognizing just a few of the things that make it such a great place to live.

To close, I ask my colleagues to join me in a Mile High salute to the citizens of Colorado on the 125th anniversary of their great State.

I ask unanimous consent that a copy of President Grant's proclamation declaring Colorado a State be printed in the RECORD.

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

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Whereas the Congress of the United States do, by an Act approved on the third day of March, one thousand eight hundred and seventy-five authorize the inhabitants of the Territory of Colorado to form for themselves out of said Territory State Government with the name of the State of Colorado, and for the admission of such State into the Union, on an equal footing with the original States upon certain conditions in said Act specified,

And whereas it was provided by said Act of Congress that the Convention elected by the people of said Territory to frame a State Constitution received by me,

Now, Therefore, I, Ulysses S. Grant, President of the United States of America, do, in accordance with the provisions of the Act of Congress aforesaid, declare and proclaim the fact that the fundamental conditions imposed by Congress on the State of Colorado to entitle that State to admission to the Union have been ratified and accepted and that the admission of the said State into the Union is now complete.

In testimony whereof I have here unto set my hand and have caused the seal of the United States to be affixed.

Done at the city of Washington this first day of August, in the year of our Lord one thousand eight hundred and seventy six, and of the Independence of the United States of America the one hundred and first.

By the President,

ULYSSES S. GRANT.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Tuesday, July 31, 2001, the Federal debt stood at $5,718,303,095,621.12, five trillion, seven hundred eighteen billion, three hundred three million, ninety-five thousand, six hundred twenty-one dollars and twelve cents.

One year ago, July 31, 2000, the Federal debt stood at $5,658,807,000,000, five trillion, six hundred fifty-eight billion, eight hundred seven million.

Five years ago, July 31, 1996, the Federal debt stood at $5,188,889,000,000, five trillion, one hundred eighty-eight billion, eight hundred eighty-nine million.

Ten years ago, July 31, 1991, the Federal debt stood at $3,576,827,000,000, three trillion, five hundred seventy-six billion, eight hundred twenty-seven million.

Fifteen years ago, July 31, 1986, the Federal debt stood at $2,074,472,000,000, two trillion, seventy-four billion, four hundred seventy-two million, which reflects a debt increase of more than $3.5 trillion, $3,643,831,095,621.12, three trillion, six hundred forty-three billion, eight hundred thirty-one million, ninety-five thousand, six hundred twenty-one dollars and twelve cents during the past 15 years.

ADDITIONAL STATEMENTS

IN MEMORY OF DEBORAH VINCENT

• Mr. SARBANES. Madam President, I rise today to pay tribute to a young woman, Deborah Vincent, who, in March of this year, began her work with the city of Baltimore's Public Housing authority as its Deputy Executive Director. Sadly, however, Ms. Vincent was diagnosed with leukemia in June and passed away on July 26. There is always a great sense of loss when a person dies in the prime of their life, in this case, loss by those that knew her, her family, friends, colleagues and loved ones. However, I too want to express my loss and the loss to the citizens of Baltimore and the residents of the city's public housing with the passing of Deborah Vincent.

Ms. Vincent came to Baltimore after working at the U.S. Department of Housing and Urban Development, first as the General Deputy Assistant Secretary in the Office of Public and Indian Housing and then as Deputy Chief of Staff to Secretary Andrew Cuomo. At HUD Ms. Vincent worked tirelessly for those in need in this country; for the homeless, for those in need of a place to live, for those in need of assistance to defeat substance abuse, and for those in need of a caring and friendly environment in which to raise their families. At HUD she not only demonstrated her passion to get the job done, but also her compassion for those that have the least in our society.

Although only 43-years-old when she died, Ms. Vincent had 20 years of experience managing public housing. From 1981 until 1997, before coming to HUD, she managed the Clearwater Housing Authority in Clearwater, FL. As its executive director, she took the Clearwater Housing Authority from what had been described as a ''shambles'' to one of the outstanding public housing authorities in the nation. Recognizing that those most in need of safe and decent housing in the Clearwater community were those in public housing she mustered her inner strength and began cleaning up Clearwater's public housing projects, getting rid of drug dealers, scofflaws, and improving the quality of life for the residents that remained.

Ms. Vincent was also an innovator; under her leadership the Housing Authority established homeownership programs by purchasing condominiums and selling them to qualified public housing residents. Later, recognizing that there was a need for affordable housing for those Clearwater residents that did not qualify for public housing assistance, the Housing Authority purchased a large apartment building and sold the units, at a discount, to those who could not afford to purchase a home at market rates. To this day, Clearwater's Housing Authority is recognized for its innovative housing programs.

At the beginning of this statement I said that Ms. Vincent's death was not only a loss to those who knew her, but also to those that were just beginning to know her, the residents of Baltimore and of Baltimore's public housing. Like them, I know all too well the need for the expertise, spirit and compassion that Ms. Vincent brought to her job in just a few short months with the Baltimore Housing Authority. Let us hope that her example of caring will live on in all of us so that we can achieve great things, as she did as a truly dedicated public servant.•

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.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:21 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2505. An act to amend title 18, United States Code, to prohibit human cloning.

H.R. 1140. An act to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 333). An Act to amend title 11, United States Code, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. HYDE, Mr. GEKAS, Mr. SMITH of Texas, Mr. CHABOT, Mr. BARR of Georgia, Mr. CONYERS, Mr. BOUCHER, Mr. NADLER, and Mr. WATT of North Carolina.

From the Committee on Financial Services, for consideration of sections 901–906, 907A–909, 911, and 1301–1309 of the House bill, and sections 901–906, 907A–909, 911, 913–4, and title XIII of the Senate amendment, and modifications committed to conference: Mr. OXLEY, Mr. BACHUS, and Mr. LAFALCE.

From the Committee on Energy and Commerce, for consideration of title XIV of the Senate amendment, and modifications committed to conference: Mr. TAUZIN, Mr. BARTON, and Mr. DINGELL.

From the Committee on Education and the Workforce, for consideration of section 1403 of the Senate amendment, and modifications committed to conference: Mr. BOEHNER, Mr. CASTLE, and Mr. KILDEE.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1140. An Act to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries; to the Committee on Finance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3229. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Maintenance Plan Revisions; Michigan'' (FRL7023–2) received on July 31, 2001; to the Committee on Environment and Public Works.

EC–3230. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri'' (FRL7024–3) received on July 31, 2001; to the Committee on Environment and Public Works.

EC–3231. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Promulgation of Extension of Attainment Date for the San Diego, California Serious Ozone Nonattainment Area'' (FRL7023–9) received on July 31, 2001; to the Committee on Environment and Public Works.

EC–3232. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Bay Area Air Quality Management District and Ventura County Air Pollution Control District'' (FRL7008–5) received on July 31, 2001; to the Committee on Environment and Public Works.

EC–3233. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mexican Fruit Fly Regulations; Regulated Areas, Regulated Articles and Treatments'' (Doc. No. 99–075–5) received on July 31, 2001 ; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3234. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California; Revisions of Reporting Requirements for Fresh Nectarines and Peaches'' (Doc. No. FV01–916–3IFR) received on August 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3235. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, et al.; Suspension of Provisions Under the Federal Marketing Order'' (Doc. No. FV01–930–5IFR) received on August 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3236. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Kiwifruit Grown in California; Removal of Certain Inspection and Pack Requirements'' (Doc. No. FV01–920–1FR) received on August 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3237. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Almonds Grown in California; Revision of Requirements Regarding Quality Control Program'' (Doc. No. FV01–981–1FR) received on August 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3238. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Reporting on Organic Raisins'' (Doc. No. FV01–989–2FR) received on August 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3239. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Final Fee and Reserve Percentages for 200–01 Crop Natural (sun-dried) Seedless and Zante Currant Raisins'' (Doc. No. FV01–989–3IFR) received on August 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3240. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in South Texas; Decreased Assessment Rate'' (Doc. No. FV01–959–1FIR) received on August 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3241. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches'' (Doc. No. FV01–916–1FIR) received on August 1, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3242. A communication from the Regulations Specialist of the Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Encumbrance of Tribal Land—Contract Approvals'' (RIN1076–AE00) received on July 26, 2001; to the Committee on Indian Affairs.

EC–3243. A communication from the Regulations Specialist of the Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Attorney Contracts with Indian Tribes'' (RIN107–AE18) received on July 26, 2001; to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–169. A petition presented by the Board of Supervisors of the County of Los Angeles relative to Federal health care reform; to the Committee on Finance.

POM–170. A resolution adopted by the City Council of North Olmsted, Ohio relative to the crisis facing the domestic steel industry; to the Committee on Finance.

POM–171. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to federally funded community health centers and other federal community-based safety-net programs; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION 84

Whereas, Federally funded community-based safety-net programs, which are specifically designed to assist low-income persons

without health insurance and those who live in areas that lack health care services, play a significant role in the delivery of medical care and related agencies to the large number of Americans who cannot afford health insurance; and

Whereas, Texas' large size and shared border with Mexico are geographical factors that present the state with unique challenges in serving its residents and increase the importance of all types of safety-net health care programs; of a total of 254 Texas counties, 176 entire counties and an additional 47 partial counties are federally designed as medically underserved areas; these areas include all but one of the counties along the Rio Grande; and

Whereas, These medically underserved areas are characterized by a high percentage of elderly residents, high poverty rates, high infant mortality rates; and a lower ratio of primary care providers than the national average; furthermore, these areas typically serve working poor, minority members, foreign born, or noncitizens who rely on community-based safety-net programs for medical care; and

Whereas, Federal safety-net programs are particularly important to the four U.S.-Mexico border states, including Texas, which rank among the six states with the highest percentage of uninsured persons under 65 partly because of the large numbers of immigrant households among their populations; such households are more than twice as likely to lack health insurance as are households of native-born citizens, and a recent study found that immigrants and children who arrived between 1994 and 1998 account for 59 percent of the growth of the uninsured; and

Whereas, Community health centers are a cost-effective way to provide primary and preventive care to populations lacking medical care and can reduce the inappropriate use of emergency rooms and hospitalizations; and

Whereas, Increasing the number of community health centers would be a tremendous benefit for those Texans living in poor and underserved communities as well as for the 56 percent of Texas' noncitizens residents who are uninsured by providing greater access to regular sources of both primary care and preventive health services and allowing medical services to target common health problems in these populations: now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully request the Congress of the United States to expand the number of and funding for federally funded community health centers and other federal community-based safety-net programs specifically directed to poor and medically underserved communities in states with the highest numbers of uninsured residents; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the Speaker of the house of representatives, and to the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be officially entered in the resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–172. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to the U.S. Border Patrol Training Academy to the southwest Texas border region; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION 256

Whereas, The United States Border Patrol was established by an act of Congress in 1924 in response to increasing illegal immigration; the initial force of 450 officers was given responsibility for combating illegal entries and the growing business of alien smuggling; and

Whereas, The Border Patrol has since grown from a handful of mounted agents patrolling desolate areas along U.S. borders to today's dynamic workforce of more than 8,000 men and women supported by sophisticated technology, vehicles, and aircraft, since 1986, the Border Patrol has made more than eight million apprehensions nationwide; and

Whereas, Each year, more than 1,000 Border Patrol agents spend 19 weeks in intensive training in immigration law, statutory authority, police techniques, and Spanish at the Border Patrol Training Academy; and

Whereas, The academy has had many homes; the first academy was established in El Paso, Texas, in 1934, and was later moved to Los Fresnos, Texas; and

Whereas, In the 1970s, during the Carter Administration, the academy was moved to Glynco, Georgia; since that time, the training needs of the Border Patrol have far exceeded the capacity of the Glynco location and a temporary satellite facility was opened in Charleston, South Carolina to handle the overflow; and

Whereas, These facilities are no longer adequate to meet the Border Patrol's growing training needs; and

Whereas, All new Border Patrol agents are assigned to the southwest border upon graduation form the academy; and

Whereas, Texas comprises more than half of the southwest border, making it an ideal location for Border Patrol training; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to relocate the U.S. Border Patrol Training Academy to the southwest Texas border region; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation To Subcommittees Of Budget Totals For Fiscal Year 2002'' (Rept. No. 107–50).

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 126: A resolution expressing the sense of the Senate regarding observance of the Olympic Truce.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 367: A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

By Mr. JEFFORDS, from the Committee on Environment and Public Works, without amendment:

S. 584: A bill to designate the United States courthouse located at 40 Centre Street in New York, New York, as the ''Thurgood Marshall States Courthouse''.

By Mr. SARBANES, from the Committee on Banking, Housing, and Urban Affairs, with an amendment:

S. 1254: A bill to reauthorize the Multifamily Assisted Housing Reform and Affordability Act of 1997, and for other purposes.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 58: A concurrent resolution expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum.

S. Con. Res. 62: A concurrent resolution congratulating Ukraine on the 10th anniversary of the restoration of its independence and supporting its full integration into the Euro-Atlantic community of democracies.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs.

*Michael J. Garcia, of New York, to be an Assistant Secretary of Commerce.

*Michael Minoru Fawn Liu, of Illinois, to be an Assistant Secretary of Housing and Urban Development.

*Linda Mysliwy Conlin, of New Jersey, to be an Assistant Secretary of Commerce.

*Henrietta Holsman Fore, of Nevada, to be Director of the Mint for a term of five years.

*Melody H. Fennel, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

By Mr. JEFFORDS for the Committee on Environment and Public Works.

*David A. Sampson, of Texas, to be Assistant Secretary of Commerce for Economic Development.

*Jeffrey R. Holmstead, of Colorado, to be an Assistant Administrator of the Environmental Protection Agency.

*George Tracy Mehan, III, of Michigan, to be an Assistant Administrator of the Environmental Protection Agency.

*Donald R. Schregardus, of Ohio, to be an Assistant Administrator of the Environmental Protection Agency.

*Judith Elizabeth Ayres, of California, to be an Assistant Administrator of the Environmental Protection Agency.

*Robert E. Fabricant, of New Jersey, to be an Assistant Administrator of the Environmental Protection Agency.

By Mr. BIDEN for the Committee on Foreign Relations.

*Richard J. Egan, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

*Vincent Martin Battle, of the District of Columbia, Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Nominee: Vincent M. Battle.

Post: Beirut, Lebanon.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contibutions, Amount, Date, and Donee:

1. Self, Vincent M. Battle, None.
2. Spouse, N/A
3. Children & Spouses, N/A.
4. Parents Names, Leo John Battle (deceased), Jessie Elizabeth Battle (deceased).

5. Grandparents Names, George Rutherford Laurie (deceased), Elizabeth Glen Laurie (deceased), Hugh Battle (deceased), Elizabeth Nevins Battle (deceased).

6. Brothers & Spouses, Bredan Joseph Battle, None. Allice Vilece Battle, None.

7. Sisters & Spouses, N/A.

Nominee: Richard J. Egan.

Post: Ambassador to Ireland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self–Richard J. Egan: $500, 28 Jun 99, Abraham Senate 2000; $1,000 (refunded), 27 May 00, Peter Abair for Congress Comm; $1,000, 10 May 99, Friends of Giuliani Expl. Comm; $1,000 (refunded), 30 Jun 99, MA Republican State Congressional Committee; $1,000, 19 Oct 99, Friends of Giuliani Expl. Comm; $1,000, 12 Jul 99, Lincoln Chafee US Senate; $4,000 (refunded), 3 Nov 99, MA Republican State Congressional Committee; $1,000, 1 Oct 99, Friends of George Allen; $1,000, 1 Oct 99, Friends of George Allen; $1,000, 1 Nov 99, Ashcroft 2000; $1,000, 1 Nov 99, Ashcroft 2000; $1,000 (refunded), 28 Mar 00, Lincoln Chafee US Senate; $1,000 (refunded), 5 May 00, Friends of Dick Lugar Inc.; $1,000, 5 June 00, Ensign for Senate; $1,000 (refunded), 30 Jun 00, Friends of Giuliani Expl. Comm.; $1,000, 14 Jun 00, Carla Howell for US Senate; $1,000, 14 Jun 00, Carla Howell for US Senate; $500, 13 Jun 00, Abraham Senate 2000; $1,000, 13 Jun 00, Abraham Senate 2000; $1,000 (refunded), 1 Jun 00, Bob Smith for US Senate; $1,000 (refunded), 30 Sep 00, Dickey for Congress Camp. Comm.; $1,000 (refunded), 29 Sep 00, Kuykendall Congressional Comm.; $1,000, 19 Jul 00, Young Americans for Freedom Political Action Committee; $1,000, 30 Sep 00, Rehberg for Congress; $1,000 (refunded), 22 Sep 00, Friends of John Hostettler Comm.; $1,000 (refunded), 31 Aug 00, Bass Victory 2000 Committee; $1,000 (refund promised), 21 Sep 00, Rogers for Congress; $1,000 (refunded), 29 Sep 00, John Koster for Congress; $1,000 (refunded), 24 Oct 00, Friends of Clay Shaw; $1,000 (refunded), 24 Oct 00, Friends of Clay Shaw; $1,000 (refunded), 7 Dec 00, Amorello for Congress; $1,000 (refunded), 5 Dec 00, Amorello for Congress; $1,000, 29 Mar 99, Kasich 2000; $5,000 (refunded, misdeposited), 14 Jul 99, National Republican Congressional Committee Contribution; $5,000 (refunded, misdeposited), 23 Sep 99, National Republican Congressional Committee Contribution; $500, 29 Jul 99, Rogan for Congress Committee; $1,000, 6 Aug 99, Dick Armey Campaign Committee; $1,000 (refunded), 22 Feb 00, Capuano for Congress Committee; $1,000, 22 Feb 00, Capuano for Congress Committee; $5,000 (exempt/duplicate), 25 May 00, RNC Republican National State Elections Committee; $1,000, 5 May 00, Majority Leader's Fund; $600 (refund promised), 22 May 00, Rogan for Congress Committee; $1,000, 5 Jun 00, Paul McCarthy Committee 1998; $1,000, 5 Jun 00, Paul McCarthy Committee 1998; $1,000 (refunded), 20 Apr 00, Christopher Cox Congressional Committee; $1,000, 29 Jun 00, Roth Senate Committee; $1,000 (refunded), 11 May 00, Santorum 2000; $1,000, 5 Jun 00, Federer for Congress Committee; $1,000, 23 Jun 00, Dick Armey Campaign Committee; $250,000 (exempt/duplicate), 28 Jul 00, RNC Republic National State Elections Committee; $1,000 (refund promised), 11 Jul 00, Lazio 2000 Inc.; $250,000 (exempt/duplicate), 28 Jul 00, RNC Republican National State Elections Committee; $1,000 (refunded), 27 Sep 00, Greenleaf for Congress; $1,000 (refunded), 26 Sep 00, Fletcher for Congress; $1,000 (refunded), 30 Sep 00, Kirk for Congress Inc.; $1,000 (refunded), 17 Oct 00, Re-elect Congressman Joe Moakley Committee; $5,000 (refund promised), 13 Oct 00, Ashcroft Victory Committee; $5,000 (exempt/duplicate), 2 Nov 00, NRCCC—Non Fed Act; $15,000 (exempt duplicate, misdeposited), 4 Dec 00, Republican National Committee; $1,000, 11 Aug 00, Comm to Elect Frederick T. Golder; $1,000, 27 Sep 99, McCain 2000 Inc.; $1,000, 22 Nov 99, Bush-Cheney 2000 Compliance Committee Inc.; $1,000, 5 Mar 98, Michigan Republican State Comm; $1,000, 24 Mar 97, Frist 2000 Inc.; $1,000, 24 Mar 97, Frist 2000 Inc.; $5,000, 24 Nov 97, Pioneer Political Action Committee; $1,000 (refunded), 16 Mar 98, J.D. Hayworth for Congress; $1,000, 15 Apr 98, Amorello for Congress; $5,000 (exempt duplicate, misdeposited), 30 Jun 98, Pioneer Political Action Committee; $500 (refunded), 13 Jul 98, Friends of Zach Wamp; $1,000, 22 Apr 98, Marty Meehan for Congress Comm; $1,000, 22 Apr 98, Marty Meehan for Congress Comm; $1,000 (refunded), 14 Apr 98, Citizens for Peter Torkildsen; $1,000, 2 Jul 98, Watkins for Congress; $5,000 (refunded), 31 Jul 98, MA Republican Party; $1,000, 9 Jul 98, Phil Wyrick for Congress; $1,000, 29 Dec 98, Kerry Committee; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 15 Dec 97, Citizens for Peter Torkildsen; $1,000, 15 Dec 97, Amorello for Congress; $500, 7 Aug 97, Dick Armey Campaign Committee; $500, 6 Mar 98, Majority Leader's Fund; $350, 7 Apr 98, Christopher Cox Congressional Committee; $500, 19 May 98, National Republican Senatorial Committee; $1,000, 29 Jul 98, Citizens for Kasich; $500, 28 Apr 98, American Renewal PAC; $250, 19 May 98, National Republican Congressional Committee Contributions; $1,000, 19 May 98, 1998 Rep. Hosue-Senate Dinner; $10,000 (exempt/duplicated), 9 Jul 98, RNC Republican National State Elections Committee;

2. Spouse–Maureen E. Egan: $5,000, 3 Nov 99, Massachusetts Republican State Congressional Committee; $1,000, 27 May 00, Peter Abair for Congress Comm.; $5,000, 31 Jul 98, MA Republican Party; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 29 Jun 98, Citizens for Kasich; $250, 19 May 98, National Republican Congressional Committee Contributions.

3. Children and Spouses–John R. Egan: $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 6 Dec 00, Amorello for Congress; $1,000 (refunded), 5 Dec 00, Amorello for Congress; $1,000, 3 Jun 99, Bush for President Inc.; $1,000, 29 Mar 99, Kasich 2000; $2,000, 3 Nov 99, Massachusetts Republican State Congressional Committee; $1,000, 22 Dec 99, Re-elect Congressman Joe Moakley Committee; $1,000, 30 Dec 99, Re-elect Congressman Joe Moakley Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 26 Jun 00, Kerry Committee; $1,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Citizens for Peter Torkildsen; $500, 27 May 97, Judd Gregg Committee; $500 (refunded), 30 Jun 97, Judd Gregg Committee; $500, 27 May 97, Judd Gregg Committee; $1,000, 27 May 97, Judd Gregg Committee; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 15 Dec 97, Citizens for Peter Torkildsen; $1,000, 15 Dec 97, Amorello for Congress; $1,000, 29 Oct 97, Pete Wilson for President Compliance Committee Inc.; $1,000, 13 Mar 98, Amorello for Congress; $1,000, 29 Jun 98, Citizens for Kasich;

Pamela C. Egan: $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 6 Dec 00, Amorello for Congress; $1,000 (refunded), 5 Dec 00, Amorello for Congress; $1,000, 3 Jun 99, Bush for President Inc.; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 26 Jun 00, Kerry Committee; $1,000, 29 Mar 99, Kasich 2000; $1,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Citizens for Peter Torkildsen; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 8 Dec 97, Citizens for Peter Torkildsen; $1,000, 15 Dec 97, Amorello for Congress; $1,000, 29 Oct 97, Pete Wilson for President Compliance Committee Inc.; $1,000, 31 Mar 98, Amorello for Congress; $1,000, 29 Jun 98, Citizens for Kasich;

Michael Egan: $5,000, 10 Feb 99, Pioneer Political Action Committee; $1,000, 10 Dec 99, Marty Meehan for Congress Comm,; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $2,000, 3 Nov 99, Massachusetts Republican State Congressional Committee; $1,000, 22 Dec 99, Re-elect Congressman Joe Moakley Committee; $1,000, 22 Dec 99, Re-elect Congressman Joe Moakley Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 26 Jun 00, Kerry Committee; $1,000, 4 Dec 00, Amorello for Congress; $1,000 (refunded), 5 Dec 00, Amorello for Congress; $1,000, 20 May 99, Bush for President, Inc.; $1,000, 6 Feb 99, Kasich 2000; $5,000, 6 Sep 00, NH Republican State Committee; $5,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 19 Dec 97, Amorello for Congress; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Citizens for Peter Torkildsen; $1,000, 31 Mar 98, Amorello for Congress; $5,000, 3 Apr 98, Pioneer Political Action Committee; $500, 23 Oct 98, MA Republican Party; $500, 27 May 97, Judd Gregg Committee; $500, 27 May 97, Judd Gregg Committee; $1,000, 27 May 97, Judd Gregg Committee; $500, (refunded), 30 Jun 97, Judd Gregg Committee; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 15 Dec 97, Citizens for Peter Torkildsen; $1,000, 28 Mar 98, Citizens for Kasich.

Donna Egan: $1,000, 20 May 99, Bush for President Inc.; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 26 Jun 00, Kerry Committee; $1,000, 4 Dec 00, Amorello for Congress; $1,000 (refunded), Dec 00, Amorello for Congress; $1,000, 29 Mar 99, Kasich 2000; $1,000, 14 Feb 00, McCain 2000 Inc.; $5,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 31 Dec 97, Amorello for Congress; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Citizens for Peter Torkildsen; $5,000, 13 Apr 98, Pioneer Political Action Committee; $1,000, 15 Apr 98, Amorello for Congress; $5,000 14 Sep 98, MA Republican Party; $5,000 30 Sep 98, MA Republican Party; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 30 Dec 97, Citizens for Peter Torkildsen; $1,000, 28 Mar 98, Citizens for Kasich.

Maureen Petracca: $1,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 8 Dec 97, Citizens for Peter Torkildsen; $1,000, 5 Dec 97, Amorello for Congress; $1,000, 31 Mar 98 Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Citizens for Peter Torkildsen; $500, 23 Oct 98, MA Republican Party; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 31 Mar 98, Amorello for Congress; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 28 Sep 00, Kuykendall Congressional Comm.; $1,000, 29 Sep 00, Kirk for Congress Inc.; $1,000, 28 Sep 00, Zimmer 2000 Inc.; $1,000, 28 Sep 00, Rogan for Congress Committee; $1,000, 22 Sep 00, Rogers for Congress; $1,000, 10 Jun 99, Bush

for President Inc.; $1,000, 29 Mar 99, Kasich 2000; $1,000, 22 Dec 99, Re-elect Congressman Joe Moakley Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 26 Jun 00, Kerry Committee.

Paul Petracca: $1,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Citizens for Peter Torkildsen; $500, 23 Oct 98, MA Republican Party; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 14 Dec 97, Citizens for Peter Torkildsen; $1,000, 15 Dec 97, Amorello for Congress; $1,000, 10 Dec 99 Marty Meehan for Congress Comm.; $1,000, 10 Dec 99 Marty Meehan for Congress Comm.; $1,000, 28 Sep 00, Kuykendall Congressional Comm.; $1,000, 29 Sep 00, Kirk for Congress Inc.; $1,000, 28 Sep 00, Zimmer 2000 Inc.; $1,000, 28 Sep 00, Rogan for Congress Committee; $1,000, 6 Dec 00, Amorello for Congress; $1,000 (refunded), 6 Dec 00, Amorello for Congress; $1,000, 8 Jun 99, Bush for President Inc.; $1,000, 29 Mar 99, Kasich 2000; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 26 June 00, Kerry Committee.

Catherine E. Walkey: $1,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 8 Dec 97, Citizens for Peter Torkildsen; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Citizens for Peter Torkildsen; $5,000, 14 Sep 98, MA Republican Party; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 15 Dec 97, Amorello for Congress; $1,000, 31 Mar 98, Amorello for Congress; $1,000, 29 Jun 98, Citzens for Kasich; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 22 Dec 99, Re-elect Congressman Joe, Moakley Committee; $1,000, 30 Dec 99, Re-elect Congressman Joe, Moakley Committee; $1,000, 6 Dec 00, Amorello for Congress; $1,000 (refunded), 5 Dec 00, Amorello for Congress; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 13 Jun 00, Kerry Committee; $1,000, 10 Jun 99, Bush for President Inc. $1,000, 29 Mar 99, Kasich 2000;

Thomas Roderick Walkey: $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Citzens for Peter Torkildsen; $1,000, 15 Apr 98, Amorello for Congress; $1,000, 8 Dec 97, Citizens for Peter Torkildsen; $1,000, 5 Dec 97, Amorello for Congress; $1,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 29 Jun 98, Citizens for Kasich; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 6 Dec 00, Amorello for Congress; $1,000 (refunded), 5 Dec 00, Amorello for Congress; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 13 Jun 00, Kerry Committee; $1,000, 10 Jun 99, Bush for President Inc.; $1,000, 29 Mar 99, Kasich 2000;

Christopher F. Egan: $1,000, 31 Mar 98, Amorello for Congress; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 6 Dec 00, Amorello for Congress; $1,000 (refunded), 5 Dec 00, Amorello for Congress; $1,000, 20 May 99, Bush for President Inc.; $1,000, 29 Mar 99, Kasich 2000; $1,000, 22 Dec 99, Re-elect Congressman Joe Moakley Committee; $1,000, 22 Dec 99, Re-elect Congressman Joe Moakley Committee; $1,000, 26 Jun 00, Kerry Committee; $5,000, 6 Sep 00, New Hampshire Republican State Committee; $1,000, 24 Nov 97, Pioneer Political Action Committee; $1,000, 3 Dec 97, Citizens for Kasich; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Marty Meehan for Congress Comm.; $1,000, 31 Mar 98, Citizens for Peter Torkildsen; $1,000, 8 Dec 97, Citizens for Peter Torkildsen; $1,000, 29 Jun 98, Citizens for Kasich;

4. Parents–Kenneth Egan–Deceased, Constance Egan: $1,000, 20 May 99, Bush for President Inc.; $1,000, 4 May 98, Amorello for Congress; $1,000, 1 May 98, Citizens for Peter Torkildsen; $500, 1 Sep 98, Amorello for Congress; $500 (refunded), 5 Dec 00, Amorello for Congress.

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5. Grandparents, John Egan, Deceased. Jean Egan, Deceased. Laura Ciancio, Deceased, Anthony Ciancio, Deceased.

6. Brothers and Spouses, N/A.

7. Sisters and Spouses, Beverly Egan: $1,000, 28 May 99, Bush for President Inc; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 12 Dec 99, Capuano for Congress Committee; $1,000, 12 Dec 99, Capuano for Congress Committee; $500, 8 Dec 00, Amorello for Congress; $1,000, 22 Apr 98, Amorello for Congress; $1,000, 23 Apr 98, Citizens for Peter Torkildsen; $500, 31 Aug 98, Amorello for Congress; (refunded); $500, 5 Dec 00, Amorello for Congress.

Carl Keitner: $1,000, 10 Dec 99, Marty Meehan for Congress Comm.; $1,000, 10 Dec 99, Marty Meehan for Congress Comm.;

*Richard Henry Jones, of Nebraska, 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 State of Kuwait.

Nominee: Richard Henry Jones.

Post: Ambassador to Kuwait.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, None.

2. Spouse, None.

3. Children names, Joseph A. W. Jones, None. Vera E. W. Jones, None. R. Benjamin W. Jones, None. M. Hope W. Jones, None.

4. Parents names, Dailey M. Jones, Deceased. Sara N. Jones, None.

5. Grandparents names, Mr. & Mrs. B. O. Jones, Both Deceased. Mr. & Mrs. J. A. Nall, Both Deceased.

6. Brothers and Spouses names, Dailey M. Jones II, $100.00, spring 2000, Sen. John McCain. (spouse) Irene Jones, None. Joseph N. Jones, Deceased.

7. Sisters and Spouses names, No Sisters.

*Jeanne L. Phillips, of Texas, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

Nominee: Jeanne Johnson Phillips.

Post: U.S. Representative to the OECD.

Nominated: 3/15/01.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, see attached page.

2. Spouse, see attached page.

3. Children and Spouses, Names, Daughter, Margaret, none.

4. Parents, Names, Allen James Linder, June Evelyn Thach Linder, deceased.

5. Grandparents Names, John & Ruth Thach, Allen & Fannie Linder, deceased.

6. Brothers and Spouses Names, N/A.

7. Sisters and Spouses Names, Dr. Jo Linder-Crow, none; David Crow, none.

Jeanne Johnson Phillips' Contribution: $1,000, 3/9/99, George W. Bush Exploratory Committee.

David M. Phillips' Contribution: $500, 3/00, George W. Bush for President.

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*Carole Brookins, of Indiana, to be United States Executive Director of the International Bank for Reconstruction and Development for a term of two years.

*Randal Quarles, of Utah, to be United States Executive Director of the International Monetary Fund for a term of two years.

*Ross J. Connelly, of Maine, to be Executive Vice President of the Overseas Private Investment Corporation.

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

Nominee: Craig R. Stapleton.

Nominated: 3/7/01.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, attached.

2. Spouse, attached.

3. Children and Spouses Names; Walker Stapleton: $1,000, June 1999, Bush for President; Wendy Stapleton: $1,000, June 1999, Bush for President.

4. Parents Names, Katharine Stapleton, $2,000, 9/31/00, Bush for President.

5. Grandparents Names, None.

6. Brothers and Spouses Names, Benjamin F. Stapleton, $1,000, June 1999, Bush for President.

7. Sisters and Spouses, Names, Katharine Stapleton, none.

Craig Stapleton: 8/2/96, James G. Blaine for Congress Committee, $500; 10/1/96, Connecticut Republican Federal Campaign Committee, $1,000; 10/16/96, Weld for Senate, Inc., $250; 12/29/97, Pritzker for Congress, $500; 1/29/98, Friends of Senator D'Amato (1998 Committee), $500; 9/23/98, Nielson Congress '98, $1,000; 9/25/98, Coverdell Good Government Committee, $500; 3/17/99, Bush for President, $1,000; 11/12/99, Friends of Giuliani Exploratory Committee, $1,000; 11/7/99, Nielson for Congress, $1,000; 12/30/99, 1999 State Victory Fund Committee, $5,000; 1/19/00, Dick Armey Campaign Committee, $1,000; 5/29/00, Lazio 2000 Inc., $1,000; 6/15/00, Republican National Committee—RNC, $20,000; 7/21/00, RNC Republican National State Elections Committee, $10,000; 8/18/00, Hastert for Congress Committee, $1,000.

Dorothy Stapleton: 10/14/96, Christopher Shays for Congress, $250; 9/14/98, Gary Franks for Senate, $250; 10/10/98, Christopher Shays for Congress Committee, $500; 3/17/99, Bush for President Inc., $1,000; 10/13/99, Bush-Cheney 2000 Compliance Committee Inc., $1,000; 12/30/99, 1999 State Victory Fund Committee, $5,000; 1/19/00, Dick Armey Campaign Committee, $1,000; 3/15/00, Christopher Shays for Congress Committee, $500; 8/28/00, Connecticut Republican Federal Campaign Committee, $5,000; 9/1/00, Christopher Shays for Congress Committee, $500; 11/2/00, National Republican Congressional Committee Contrib., $500; 11/3/00, Swing States for a Conservative White House Pac., Inc., $500; 11/9/00, Swing States for a Conservative White House Pac., Inc., $500; 11/16/00, Bush Recount Fund, $5,000.

*Robert Geers Loftis, of Colorado, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Nominee: Loftis, Robert Geers.

Post: Ambassador to Lesotho.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, Loftis, Robert, none.
2. Spouse, Loftis, Elizabeth, none.
3. Children, Matthew, none; Ellen, none.
4. Parents, Else Sanness (mother), none; David Sanness, (stepfather): $5.00, 3/18/97, Republican National Committee (RNC); $5.00, 9/1/97, RNC; $5.00, 9/8/97, RNC; $5.00, 1/10/98, RNC; $5.00, 3/28/01, RNC; $5.00, 1/16/97, Colorado Republican Committee (CRC); $5.00, 9/12/97, CRC; $5.00, 2/4/98, CRC; $5.00, 9/17/98, CRC; $5.00, 10/28/98, CRC; $5.00, 8/20/99, CRC; $5.00, 2/01/01, CRC.
4. Charles R. and Elsie Loftis (father), none.
5. Grandparents, deceased.
6. Brother and spouse, Paul and Judy Loftis, none.
7. Sister and spouse, Susan and Eric Krause, none.

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*Daniel R. Coats, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

Nominee: Daniel R. Coats.

Post: Ambassador to Federal Republic to Germany.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Daniel R. Coats, $1,000, 5/7/99, Quayle 2000. (*Note: As a Federal employee from January 1977 to January 1999, I was prohibited from making any contributions to a candidate for Federal office. Since leaving Federal service, I have made numerous Federal campaign contributions through the Dan Coats for Indiana committee [see attached print-out].)
2. Marcia C. Coats, None.
3. Laura Coats Russo & Mark Russo, $500, 5/99, Elizabeth Dole for President; Lisa Coats Wolf & Edward Wolf, $500, 5/99, Elizabeth Dole for President; Andrew Coats, None.
4. Edward R. & Vera E. Coats, deceased Cecil H. & Miriam Crawford, $200, 1998, Friends of J. C. Watts.
5. Grandparents, deceased.
6. Peter Coats & Betsy Coats Westcott, None. Greg Crawford & Susan Oblom Crawford, None.
7. Suzanne Coats Kavgian & Robert Kavgian, None.

Daniel L. Coats: Friends of John Hostettler Committee, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 25APR97, $2,000; Friends of John Hostettler Committee, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 25APR97, $1,000; Friends of John Hostettler Committee, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 25APR97, $1,000; Citizens for Bunning, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 310CT97, $1,000; Judd Gregg Committee, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 310CT97, $1,000; Campbell Victory Fund, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 310CT97, $1,000; Friends of John Hostettler Committee, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 12DEC97, $1,000; Friends of Senator Don Nickles, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 28JAN98, $1,000; Peter Rusthoven for Senator, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 10JUN98, $1,000; Republican National Committee—RNC, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 24JUL98, $400,000; Dan Holtz for Congress, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 25SEP98, $1,000; Souder for Congress Inc, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 9OCT98, $500; Paul Helmke for Senate, Dan Coats for Indiana a/k/a Dan Coats for Senate Committee, 28OCT98, $1,000; Lazio 2000 Inc, Dan Coats for Indiana, 10AUG00, $510; Dickey for Congress Campaign Committee, Dan Coats for Indiana, 25AUG00, $500; Jeffords for Vermont Committee, Dan Coats for Indiana, 19SEP00, $1,000; Bill McCollum for US Senate, Dan Coats for Indiana, 21SEP00, $1,000; Ensign for Senate, Dan Coats for Indiana, 27SEP00, $1,000; Friends of Connie Mack, Dan Coats for Indiana, 25OCT00, $100; Chris Chocola for Congress Inc, Dan Coats for Indiana, 25OCT00, $500; Mattingly for Senate Inc., Dan Coats for Indiana, 27OCT00, $500; Friends of Dick Lugar Inc, Dan Coats for Indiana, 1DEC99, $1,000; Ensign for Senate, Dan Coats for Indiana, 8DEC99, $1,000; Abraham Senate 2000, Dan Coats for Indiana, 12DEC99, $1,000; Bob Smith for US Senate, Dan Coats for Indiana, 29FEB00, $250; Lincoln Chafee US Senate, Dan Coats for Indiana, 8MAR00, $1,000; Friends for Slade Gorton, Dan Coats for Indiana, 28MAR00, $1,000; Santorum 2000, Dan Coats for Indiana, 6APR00, $1,000; Rod Grams for US Senate, Dan Coats for Indiana, 11May00, $1,000; Portman for Congress Committee, Dan Coats for Indiana, 19JUL00, $150; Sensenbrenner Committee, Dan Coats for Indiana, 19JUL00, $1,000; Friends of Dylan Glenn, Dan Coats for Indiana, 9AUG00, $100; Quayle 2000 Inc., Dan Coats for Indiana, 26MAR99, $1,000; Jon Kyl for US Senate, Dan Coats for Indiana, 20MAY99, $1,000; Fitzgerald for Senate Inc, Dan Coats for Indiana, 8JUN99, $500; Ashcroft 2000, Dan Coats for Indiana, 29JUN99, $1,000; Portman for Congress Committee, Dan Coats for Indiana, 23SEP99, $150; Bush for President Inc., Dan Coats for Indiana, 10OCT 99, $1,000; Elizabeth Dole for President Exploratory Committee Inc, Dan Coats for Indiana, 1OCT99, $1,000; Frist 2000 Inc, Dan Coats for Indiana, 19OCT99, $1,000; Re-elect Nancy Johnson to Congress Committee, Dan Coats for Indiana, 27OCT99, $500; Citizens Committee for Gilman for Congress, Dan Coats for Indiana, 28OCT 99, $500; Kellems for Congress, Dan Coats for Indiana, 16NOV99, $500.

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*Theodore H. Kattouf, of Maryland, 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 Syrian Arab Republic.

Nominee: Theodore H. Kattouf.

Post: Syria.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, Theodore H. Kattouf, none.
2. Spouse, Jeannie M. Kattouf, none.
3. Children and Spouses, Jennifer Morningstar, none; Jack Morningstar, none; Jonathan Kattouf, none; Paul Kattouf, none; Michael Kattouf, none.
4. Parents, Habab Kattouf (deceased), none; Victoria Kattouf, none.
5. Grandparents, Rev. George Kattouf (deceased), none; Zakiya Kattouf (deceased), none; Sam Bahou (deceased), none; Najiya Bahou (deceased), none.
6. Brothers and Spouses, George Kattouf, none; Melanie (Noel) Kattouf, none; Greg Kattouf, none.
7. Sisters and Souses, Sylvia Hanna, none; Nicholas Hanna, none.

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*Maureen Quinn, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Contributions, amount, date, and donee:

1. Maureen Quinn, none.
2. Spouse, not applicable.
3. Children, not applicable.
4. Parents, Francis S. Quinn, Sr. (deceased): $200, o/a 1997, Ferguson for Congress; $200, also o/a 1997, Ferguson for Congress; Mary J. Quinn, none. (Although the above donations/checks were written on a joint checking account.)
5. Grandparents, Mr. Francis T. Quinn (deceased); Mrs. Marie C. Quinn (deceased); Mr. Frank J. Judge (deceased); Mrs. Margaret T. Judge (deceased).
6. Brothers and Spouses, Mr. & Mrs. Francis S. Quinn, Jr., none (for federal); Mr. & Mrs. Owen M. Quinn, none; Mr. & Mrs. Colin C. Quinn: $200, 2000, B. Kennedy, For Congress.
7. Sisters and Spouses, Margaret M. Quinn, M.D. and Daumant Kusma: approx. $500 over the past four years to Political Action Committees to support health care initiatives (funds may have gone to federal campaigns); Michele P. Quinn, none; Mr. & Mrs. Jeffrey S. Stapleton, none.

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*Joseph Gerard Sullivan, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zimbabwe.

Nominee: Joseph G. Sullivan.

Post: Ambassador to Zimbabwe.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Joseph Gerard Sullivan, none.
2. Spouse, none.
3. Children and Spouses, Patrick Joseph Sullivan, none; Sean Michael Sullivan, none.
4. Parents, Edwin Sullivan, deceased; Grace M. Sullivan, deceased.
5. Grandparents, deceased over 40 years (names not available).
6. Brothers and Spouses, none.
7. Sisters and Spouses, Maureen and Neil Niven, none; Rosemary Sullivan, none; Janet and Paul Gannon, none.

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*Johnny Young, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

Nominee: Johnny Young.

Post: Republic of Slovenia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:
1. Self, Johnny Young, N/A.
2. Spouse, Angelena V. Young, N/A.
3. Children and Spouses Names, David J. Young, N/A; Michelle J. Young, N/A.
4. Parents Names, Eva Grant, deceased; Lucille Pressy (adopted) deceased; John Young, deceased.
5. Grandparents Names, Alice Young, deceased; Louis Young, deceased.
6. Brothers and Spouses Names, N/A.
7. Sisters and Spouses Names, Lottie Mae Young, deceased; Loretta Young, N/A.

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*Edward William Gnehm, Jr., of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

Nominee: Edward William Gnehm, Jr.

Post: Ambassador to Jordan.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:
1. Self, none.
2. Spouse, none.
3. Children and Spouses Names, Cheryl Gnehm, none; Edward Gnehm, III, none; Wendy Gnehm, none (daughter-in-law).
4. Parents Names, Edward Gnehm, Sr. (deceased); Beverly T. Gnehm, none.
5. Grandparents Names, Emil Gnehm (deceased); Olive Gnehm (deceased); Florence Thomassan (deceased); Jesse Thomasson (deceased).
6. Brothers and Spouses names, no brothers.
7. Sisters and Spouses names, Barbara Johnson, none; Jane Ellen Gnehm, none.

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*R. Nicholas Burns, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: R. Nicholas Burns.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:
1. Self, R. Nicholas Burns, none.
2. Spouse, Elizabeth Allen Baylies, none.
3. Children and Spouses Names, Sarah, Elizabeth, Caroline, none.
4. Parents Names, Robert P. and Esther Burns: $50.00 to Royall Switzler for Town Selectman, Wellesley, MA.
5. Grandparents Names, James and Delia Burns, deceased; Richard and Helen Toomey, deceased.
6. Brothers and Spouses Names, Christopher and Nayla Burns, none; Jeffrey and Denise Burns, none.
7. Sisters and Spouses Names, Roberta Esther and Richard Hutchins, none; Stanton and Gigi Bur * * *, none.

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*Edmund James Hull, 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 Yemen.

Nominee: Edmund J. Hull.

Post: Sana'a, Yemen.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:
1. Self, none.
2. Spouse, none.
3. Children and Spouses, Leila (daughter), none; Lena (daughter), none.
4. Parents, Thomas F. Hull (father): $15.00, 2/17/98, Lane Evans; $15.00, 5/18/98, Lane Evans; Lorene E. Hull (mother): $15.00, 10/23/98, Lane Evans; $15.00, 3/21/99, Lane Evans; $20.00, 1/16/01, Lane Evans.
5. Grandparents, Fred P. & Pearl Hull, deceased; Frank & Theresa Frain, Deceased.
6. Brothers and Spouses, Tim Hull & Jane Kramer, none; Tom Hull: $25.00, 1998, David Price; $50.00, 1998, John Edwards; $50.00, 1999, Democratic Senatorial Campaign Fund; Bob Hull & Cindy Klose, none; Joe and Karen Hull, none.
7. Sisters and Spouses, Susan & Randy Hinthorn, none; Sara & Greg Patton: $20.00, 1997, Lane Evans; $50.00, 1998, Lane Evans; $25.00, 1999, Lane Evans; $45.00, 2000, Lane Evans; $25.00, 2001, Lane Evans; Mary & Paul Banacla: $90.00, 1998, Lane Evans; $10.00, 2000, Lane Evans; $10.00, 2001, Lane Evans; Dorothy & John Ramig, none; Ellen & Bob Filipelli, none; Maggie & Dave Wilson, none.

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*Nancy Goodman Brinker, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Hungary.

Nominee: Nancy G. Brinker.

Post: Ambassador to the Republic of Hungary.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:
1. Self, Nancy G. Brinker: $1,000, 03/02/95, Dole for President; $1,000, 04/12/95, Dole for President; $12,500, 11/15/95, RNC; $500, 12/29/95, Teresa Doggett for Congress; $1,000, 11/14/95, Forbes for President; $1,000, 10/25/95, Glenn Box for Congress; $1,000, 02/16/96, Weld for Senate; $1,000, 04/22/96, Dole for President; $250, 06/25/96, Kay Granger for Congress; $295, 06/28/96, RNC; $1,000, 07/16/96, Friends of Larry Pressler; $500, 04/01/97, Citizens for Arlen Specter; $1,000, 04/28/97, Kay Bailey Hutchison for Senate; $500, 05/26/98, Shawn Terry for Congress; $1,000, 10/07/98, Inglis for Senate Committee; $1,000, 10/20/98, Inglis for Senate Committee; $1,000, 05/27/97, McCain for Senate '98; $1,000, 04/10/97, Republican Leadership Council; $250, 06/24/97, Missourians for Kit Bond; $1,000, 04/10/98, Kay Granger Campaign Fund; $250, 04/03/98, Missouri Republican State Com.; $5,000, 10/20/98, National Republican Senatorial; $1,000, 03/29/99, Frist 2000; $1,000, 08/23/99, Snowe for Senate; $1,000, 03/24/00, Pete Sessions for Congress; $1,000, 01/31/00, Bill McCollum for US Senate; $1,000, 05/10/00, Snowe for Senate; $500, 05/17/00, Friends of Mark Foley for Con; $1,000, 03/12/99, Bush for President; $1,000, 05/20/99, Bush for President; (−$1,000), 05/06/99, Bush for President (Refund); $1,000, 04/21/99, Kay Bailey Hutchison for Senate; (−$1,000), 06/06/99, Kay Bailey Hutchison for Senate (Refund); $1,000, 06/06/99, Kay Bailey Hutchison for Senate; $15,000, 07/12/00, RNC (Non-federal); $3,500, 08/11/00, RNC (Non-federal); $10,000, 08/24/00, RNC; $1,000, 12/02/99, Bush-Cheney 2000 Compliance; $1,000, 06/22/99, Elizabeth Dole for President.
2. Spouse, N/A.
3. Children, Eric Blake Leitstein Brinker: $1,000, 09/12/96, RNC; $1,000, 09/09/96, Kemp for Vice President; $1,000, 03/16/99, Bush for President.
4. Parent, Mother—Eleanor Goodman: $1,000, 05/26/99, Bush for President; $500, 06/08/00, Bush for President; $500, 08/06/00, Bush for President (refund requested); $500, 09/22/00, Bush-Cheney; $250, 03/29/00, Bush for President; Father—Marvin L. Goodman: $1,000, 03/23/99, Bush for President; $500, 10/21/99, Bush for President (refund requested); $250, 08/28/95, Phil Gramm for President.
5. Grandparents, William Goodman, deceased; Helen Goodman, deceased; Freda L. Newman, deceased; Leo Jay Newman, deceased.
6. Brothers, N/A.
7. Sisters, Susan G. Komen, deceased twenty-one (21) years.

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*Christopher William Dell, of New Jersey, a Career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola.

Nominee: Christopher W. Dell.

Post: Luanda, Angola.

Contributions, amount, date, and donee:
1. Self, none.
2. Spouse, none.
3. Children and Spouses Names, none.

Parents Names, William and Ruth Dell, none.

5. Grandparents Names, William and Frieda Dell (deceased), none; Martin and Mary Weidemann (deceased), none.
6. Brothers and Spouses Names, Tracey and Kathleen Dell, none; Kenneth Dell, none.
7. Sisters and Spouses Names, Scott and Annie Dell, none.

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*Patrick M. Cronin, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CARNAHAN (for herself and Ms. MIKULSKI):

S. 1286. A bill to provide for greater access to child care services for Federal employees; to the Committee on Governmental Affairs.

By Mr. LOTT (for himself and Mr. COCHRAN):

S. 1287. A bill to designate the Federal building and United States courthouse located at 2015 15th Street in Gulfport, Mississippi , as the ''Judge Dan M. Russell, Jr. Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

By Mr. SHELBY (for himself and Mr. SESSIONS):

S. 1288. A bill to amend the Tennessee Valley Authority Act of 1933 to modify provisions relating to the Board of Directors of the Tennessee Valley Authority, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 1289. A bill to require the Secretary of the Navy to report changes in budget and staffing that take place as a result of the regionalization program of the Navy; to the Committee on Armed Services.

By Mr. GRASSLEY (for himself, Mr. HARKIN, and Mr. BROWNBACK):

S. 1290. A bill to amend title 49, United States Code, to preempt State laws requiring a certificate of approval or other form of approval prior to the construction or operation of certain airport development projects, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 1291. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents; to the Committee on the Judiciary.

By Mr. EDWARDS:

S. 1292. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for dry and wet cleaning equipment which uses non-hazardous primary process solvents; to the Committee on Finance.

By Mr. CRAIG (for himself and Mr. HAGEL):

S. 1293. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the voluntary reduction, avoidance, and sequestration of greenhouse gas emissions and to advance global climate science and technology development and deployment; to the Committee on Finance.

By Mr. MURKOWSKI (for himself, Mr. CRAIG, Mr. HAGEL, Mr. DOMENICI, Mr. ROBERTS, and Mr. BOND):

S. 1294. A bill to establish a new national policy designed to manage the risk of potential climate change, ensure long-term energy security, and to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential climate change; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself and Mr. THOMAS):

S. 1295. A bill to amend title 18, United States Code, to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD:

S. 1296. A bill to provide for the protection of the due process rights of United States citizens (including United States servicemembers) before foreign tribunals, including the International Criminal Court, for the prosecution of war criminals, and for other purposes; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself and Mr. REED):

S. 1297. A bill to require comprehensive health insurance coverage for childhood immunization; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. BIDEN, and Mrs. CLINTON):

S. 1298. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mrs. CLINTON, Mr. REID, Mrs. BOXER, Ms. MIKULSKI, Mr. BINGAMAN, and Mrs. HUTCHISON):

S. 1299. A bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards; to the Committee on Environment and Public Works.

By Mr. SANTORUM (for himself and Mr. LIEBERMAN):

S. 1300. A bill to amend the Internal Revenue Code of 1986 to encourage foundational and corporate charitable giving; to the Committee on Finance.

By Mr. BOND:

S. 1301. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S.J. Res. 21. A joint resolution designating November 5, 2002, and November 2, 2004, as ''Federal Election Day'' and making such day a legal public holiday, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself and Mr. BROWNBACK):

S. Res. 145. A resolution recognizing the 4,500,000 immigrants helped by the Hebrew Immigrant Aid Society; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. SCHUMER, Mr. LIEBERMAN, and Mr. BREAUX):

S. Res. 146. A resolution designating August 4, 2001, as ''Louis Armstrong Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 180

At the request of Mr. FRIST, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 180, a bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

S. 228

At the request of Mr. AKAKA, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 228, a bill to amend title 38, United States Code, to make permanent the Native American veterans housing loan program, and for other purposes.

S. 312

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 312, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes.

S. 356

At the request of Ms. LANDRIEU, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 356, a bill to establish a National Commission on the Bicentennial of the Louisiana Purchase.

S. 490

At the request of Mr. EDWARDS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 490, a bill to provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agencies are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer.

S. 503

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 503, a bill to amend the Safe Water Act to provide grants to small public drinking water system.

S. 532

At the request of Mr. DORGAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 532, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 662

At the request of Mr. DODD, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 662, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 781

At the request of Mr. AKAKA, the names of the Senator from Missouri (Mr. BOND) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 781, a bill to amend section 3702 of title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve.

S. 790

At the request of Mr. BROWNBACK, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 871

At the request of Mr. CLELAND, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 940

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 940, a bill to leave no child behind.

S. 989

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 989, a bill to prohibit racial profiling.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1063

At the request of Mr. ROCKEFELLER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1063, a bill to amend chapter 72 of title 38, United States Code, to improve the administration of the United States Court of Appeals for Veterans Claims.

S. 1087

At the request of Mr. CONRAD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1087, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period of the depreciation of certain leasehold improvements.

S. 1088

At the request of Mr. ROCKEFELLER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1088, a bill to amend title 38, United States Code, to facilitate the use of educational assistance under the Montgomery GI Bill for education leading to employment in high technology industry, and for other purposes.

S. 1089

At the request of Mr. ROCKEFELLER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1089, a bill to amend section 7253 of title 38, United States Code, to expand temporarily the United States Court of Appeals for Veterans Claims in order to further facilitate staggered terms for judges on that court, and for other purposes.

S. 1090

At the request of Mr. ROCKEFELLER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1090, a bill to increase, effective as of December 1, 2001, the rates of compensation for veterans with service-connected disabilities and the rates dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 1094

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1094, a bill to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer.

S. 1114

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1114, a bill to amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill.

S. 1160

At the request of Mr. ROCKEFELLER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1160, a bill to amend section 1714 of title 38, United States Code, to modify the authority of the Secretary of Veterans Affairs to provide dog-guides to blind veterans and authorize the provision of service dogs to hearing-impaired veterans and veterans with spinal cord injuries, and for other purposes.

S. 1167

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1167, a bill to amend the Immigration and Nationality Act to permit the substitution of an alternative close family sponsor in the case of the death of the person petitioning for an alien's admission to the United States.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1169, a bill to streamline the regulatory processes applicable to home health agencies under the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act, and for other purposes.

S. 1206

At the request of Mr. VOINOVICH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1206, a bill to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes.

S. 1209

At the request of Mr. BINGAMAN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Delaware (Mr. CARPER), and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1250

At the request of Mrs. CARNAHAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1250, a bill to amend title 10, United States Code, to improve transitional medical and dental care for members of the Armed Forces released from active duty to which called or ordered, or for which retained, in support of a contingency operation.

S. 1256

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

S. 1271

At the request of Mr. VOINOVICH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1271, a bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

S. 1272

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1272, a bill to assist United States veterans who were treated as slave laborers while held as prisoners of war by Japan during World War II, and for other purposes.

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1272, supra.

S. 1278

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. RES. 72

At the request of Mr. SPECTER, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. Res. 72, a resolution designating the month of April as ''National Sexual Assault Awareness Month.''

S. RES. 143

At the request of Mr. BIDEN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. Res. 143, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week of November 11 through November 17, 2001, as ''National Veterans Awareness Week.''

S. CON. RES. 59

At the request of Mr. HUTCHINSON, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Con. Res. 59, a concurrent resolution expressing the sense of Congress that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

AMENDMENT NO. 1157

At the request of Mr. SMITH of New Hampshire, the name of the Senator

from Mississippi (Mr. COCHRAN) was added as a cosponsor of amendment No. 1157 intended to be proposed to H.R. 2500, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

N O T I C E

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ORDERS FOR THURSDAY, AUGUST 2, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Thursday, August 2. I further ask unanimous consent that on Thursday, immediately following the prayer and the pledge, the Journal of 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 the Senate resume consideration of the VA–HUD Appropriations Act, with Senator NELSON of Florida to be recognized to offer an amendment at that time.

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

PROGRAM

Mr. REID. Madam President, as has been indicated, tomorrow the Senate will convene at 9:30 a.m. and resume consideration of the VA–HUD Appropriations bill. There will be votes during consideration of the bill. This bill will be completed tomorrow, we hope early afternoon, and then we will resume consideration of the Agriculture supplemental authorization bill. In addition, cloture was filed on the Agriculture supplemental authorization bill. Therefore, all first-degree amendments must be filed prior to 1 p.m. tomorrow, Thursday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until the hour of 9:30 a.m., Thursday, August 2, 2001.

Thereupon, the Senate, at 8:56 p.m., adjourned until Thursday, August 2, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate August 1, 2001:

DEPARTMENT OF JUSTICE

J. STROM THURMOND, JR., OF SOUTH CAROLINA, TO BE THE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE J. RENE JOSEY, RESIGNED.

THE JUDICIARY

CHARLES F. LETTOW, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE JOHN PAUL WIESE, TERM EXPIRING.

MARIAN BLANK HORN, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

MICHAEL W. MOSMAN, OF OREGON, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS, VICE KRISTINE OLSON ROGERS, RESIGNED.

PAUL J. MCNULTY, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE HELEN FRANCES FAHEY, RESIGNED.

ROBERT GARNER MCCAMPBELL, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE DANIEL G. WEBBER, JR., RESIGNED.

HARRY SANDLIN MATTICE, JR., OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE CARL KIMMEL KIRKPATRICK, RESIGNED.

TIMOTHY MARK BURGESS, OF ALASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ALASKA FOR THE TERM OF FOUR YEARS, VICE ROBERT CHARLES BUNDY, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) JAMES C. OLSON, 7892
REAR ADM. (LH) JAMES W. UNDERWOOD, 8189
REAR ADM. (LH) RALPH D. UTLEY, 9691
REAR ADM. (LH) KENNETH T. VENUTO, 2213

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY, ARMY JUDGE ADVOCATE GENERAL'S CORP (JA) AND ARMY MEDICAL CORPS (MC) UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DONALD W. DAWSON III, 2908
DANIEL M. MAGUIRE, 2233

To be lieutenant colonel

CHRISTOPHER M. MURPHY, 4209 JA

To be major

DANIEL F. LEE, 9041 MC

CONFIRMATIONS

Executive nominations confirmed by the Senate August 1, 2001:

DEPARTMENT OF DEFENSE

JACK DYER CROUCH, II, OF MISSOURI, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DEPARTMENT OF VETERANS AFFAIRS

GORDON H. MANSFIELD, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS).

DEPARTMENT OF AGRICULTURE

ERIC M. BOST, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

WILLIAM T. HAWKS, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

JOSEPH J. JEN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

JAMES R. MOSELEY, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

J.B. PENN, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

SECURITIES AND EXCHANGE COMMISSION

HARVEY PITT, OF NORTH CAROLINA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2002.

HARVEY PITT, OF NORTH CAROLINA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2007.

DEPARTMENT OF ENERGY

DAN R. BROUILLETTE, OF LOUISIANA, TO BE AN ASSISTANT SECRETARY OF ENERGY (CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JOSEFINA CARBONELL, OF FLORIDA, TO BE ASSISTANT SECRETARY FOR AGING, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF STATE

SUE MCCOURT COBB, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAMAICA.

MERCER REYNOLDS, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PRINCIPALITY OF LIECHTENSTEIN.

RUSSELL F. FREEMAN, OF NORTH DAKOTA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELIZE.

MICHAEL E. GUEST, OF SOUTH CAROLINA, 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 ROMANIA.

STUART A. BERNSTEIN, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO DENMARK.

CHARLES A. HEIMBOLD, JR., OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWEDEN.

JIM NICHOLSON, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

THOMAS J. MILLER, 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 GREECE.

LARRY C. NAPPER, OF TEXAS, 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 KAZAKHSTAN.

THOMAS C. HUBBARD, OF TENNESSEE, 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 KOREA.

MARIE T. HUHTALA, OF CALIFORNIA, 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 MALAYSIA.

FRANKLIN L. LAVIN, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.

ROGER FRANCISCO NORIEGA, OF KANSAS, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR.

CLARK KENT ERVIN, OF TEXAS, TO BE INSPECTOR GENERAL, DEPARTMENT OF STATE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

ASA HUTCHINSON, OF ARKANSAS, TO BE ADMINISTRATOR OF DRUG ENFORCEMENT.

EXTENSIONS OF REMARKS

HONORING THE CHP 11–99 FOUNDATION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the CHP 11–99 Foundation for their continuous support of their fellow officers. The CHP 11–99 Foundation provides assistance, benefits, and scholarships for the families of California Highway Patrolmen who need the help.

The CHP 11–99 Foundation was founded in 1981 by businessman Bob Weinberg. He started the Foundation when he discovered that there was no organized community support for California Highway Patrol families in times of crisis. Today, more than 3,000 special individuals from all walks of life are providing financial assistance as members of the CHP 11–99 Foundation.

The CHP 11–99 Foundation has awarded nearly $1 million in scholarships for educational opportunities to the children and spouses of CHP employees. The Foundation hopes to raise sufficient funds to assure a quality education for all CHP children and spouses who wish to continue their schooling. When tragedy befalls a California Highway Patrolman, CHP 11–99 Foundation can deliver funds to the family within hours.

Mr. Speaker, I rise to recognize the CHP 11–99 Foundation and its Board of Directors for their dedication to providing support to the family members of California Highway Patrolmen during their time of need. I urge my colleagues to join me in wishing the CHP 11–99 Foundation many more years of continued success.

IN HONOR OF MR. JACK KRISE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor a great man and public servant, Mr. Jack Krise, for his years of dedication to the City of Parma, Ohio, on his retirement from the Municipal Treasurer's Association.

Mr. Jack Krise has served his local community for many years. In 1985, Mr. Krise was elected to his first term as Treasurer of the City of Parma, defeating the incumbent. After just a few months into office, he quickly reorganized the Income Tax Division of the Treasurer's Office. He directed much needed personnel into tasks and reduced personal costs by $35,000. He immediately began an aggressive approach to collect overdue Municipal Income Taxes owed to the City of Parma. In 1987, Mr. Krise initiated a lock box collection system through a Cleveland bank that increased not only efficiency, but also reduced employee costs by $25,000.

Mr. Krise continued to implement programs that improved efficiency in the City of Parma and quickly earned the respect and admiration of his co-workers and constituency. In 1989, Krise was re-elected Treasurer without opposition and found himself in the Parma Schools ''Hall of Fame'' of graduates. In 1987, after re-election in the City of Parma, Mr. Krise was elected Treasurer of the Municipal Treasurer's Association of the United States and Canada, an esteemed honor.

His kind smile and gentle demeanor earned him the respect and admiration of residents from the City of Parma. He has worked his entire life toward bettering his community through public service, and has touched countless people through his tenure as City Treasurer.

Mr. Speaker, please join me in honoring a man that has dedicated his life to public service, Mr. Jack Krise. His dedication, hard-work, and generosity has improved the City of Parma in countless ways.

INCOME EQUITY ACT OF 2001

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. SABO. Mr. Speaker, analysis of recent Congressional Budget office data on income trends show alarming evidence of the widening gap between America's highest- and lowest-paid workers. Between 1979 and 1997, the income of the lowest 20 percent of U.S. households, in constant dollars, fell by $100. In contrast, the household income of those in the top 1 percent increased an average of $414,000. Despite the unprecedented economic growth of the past decade, America's lowest-paid workers are not catching up.

The outlook appears as dim. With passage of President Bush's tax cut earlier this year, the disparity between low- and high-income households will only widen. When fully phased in, the top 1 percent of households would see their income grow 6–7 percent, or $46,000–$53,000. However, the household income of the lowest 20 percent would rise only 0.8 percent, and the income of those in the middle fifth would rise only 2.2 percent.

To combat this troubling growth of economic inequality in America, I am again introducing the Income Equity Act. This legislation addresses the problem by encouraging corporate responsibility. For too many years, the trend in corporate America has been to pay top executives lavishly, while thinking of other employees as an expense or not thinking of them at all. My legislation will encourage companies to take a closer look at how they compensate their employees at both ends of the income ladder.

The Income Equity Act would place a new limit on our government's practice of subsidizing executive compensation through the tax code. My bill would enhance the current $1,000,000 cap on the tax deduction for executive compensation with a cap set at 25 times the company's lowest full-time salary. For example, if a filing clerk at a firm earns $18,000, then any amount of executive compensation over $450,000 would no longer be tax deductible as a business expense.

I have revised the Income Equity Act for 2001 to include non-cash compensation such as stock options, memberships to premier health and sporting facilities, and higher education for executives' children. More and more executives are receiving compensation in forms other than cash, and my revised legislation addresses this trend to ensure that taxpayers do not inappropriately subsidize these forms of compensation.

This bill would not restrict the freedom of companies to pay their workers and executives as they please. It would send a strong message, however, that in return for tax deductions, the American taxpayer expects companies to compensate their lowest-paid workers fairly.

Mr. Speaker, my legislation alone will not completely close the ever-widening income gap in America. However, it is an important step in resolving this growing problem that imposes monetary and social costs on all of us.

HONORING JOHN STRAUB, DEPUTY CHIEF ADMINISTRATIVE OFFICER

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. TAYLOR of North Carolina. Mr. Speaker, Mr. John Straub has recently finished three and one-half years of service to the House of Representatives as Deputy Chief Administrative Officer. I rise today to recognize and salute Mr. Straub as that service has been of a very high standard and filled with accomplishment.

During his tenure as Deputy CAO, John also served as acting head of the Office of Finance. It was during this time that the House of Representatives received its first clean audit of its financial statements by outside auditors, PriceWaterhouse Coopers. While the entire Finance Office team was responsible for this achievement, John played a significant role in leading the House to a high level of financial management.

John has also served as the point man working with the House Inspector General to guide and coach improvement of a number of House services. He was successful in assisting CAO personnel to take actions that have met the standards called for in several hundred audit recommendations issued by the House IG. Clearly, the Members, House staff and the public have benefited from the enhanced level of service and efficiencies that these improvements have made possible.

The Appropriations Committee has relied on the CAO's office for assistance with the House

budget as the annual Legislative appropriations bill makes its way through Congress. John frequently served as point man in making sure that we had accurate information and figures as our legislation was constructed.

All too often, Mr. Speaker, in the rush of day to day activities, we elected Members of the House forget the hard work and dedication of House employees other than those in our personal offices. The American people are fortunate to have hard working public servants such as John Straub. In a hundred ways, John has made the House a better, fairer place to work and serve for literally thousands of other public servants.

In closing, besides his many practical accomplishments, Mr. Straub brought to the House a personal style that is both professional and refreshing. He always had a kind word and a smile, and applied boundless energy to every task.

While we in the House are disappointed to lose a person of his caliber, we're pleased that he'll be able to support one of the Nation's pre-eminent education institutions, Harvard University, as Associate Dean for administration of the Kennedy School of Government. On behalf of the members and the institution, we thank John Straub for his service and dedication, and wish him best of luck in his future endeavors.

RETHINKING FIRE IN THE WAKE OF FIREFIGHTER DEATHS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. UDALL of New Mexico. Mr. Speaker, on July 10, 2001, four of Washington State's young firefighters died battling a forest fire on the Okanagan National Forest. As I have had time to reflect on this tragic event, I have come to realize that wildland fire suppression continues to be a dangerous and risky operation.

As in previous tragedies such as the Mann Gulch fire in Montana and the Storm King Mountain fire in Colorado, our hearts pour out to the families, friends, and colleagues of those who perished fighting wildland fires. The deaths of Tom L. Craven, Jessica L. Johnson, Karen L. Fitzpatrick, and Devin A. Weaver is a disturbing reminder of Mother Nature's powerful forces and unrelenting risks faced by our dedicated firefighters. Although seventeen firefighters lived, as did two campers caught in the explosive fire, I am grieved by the deaths of these four young people and I do not want this to happen again.

Their tragic deaths raise significant questions—questions that may likely go unasked in the Forest Service investigation: Could these deaths have been prevented through a different systemic response to fire? Should the Forest Service have been expending hundreds of thousands of dollars and risking the lives of dozens of firefighters to fight a fire in a remote canyon that threatened no houses or resources? Would a fire management plan have ensured that the fire would have been handled differently?

The Okanagan fire started in remote backcountry adjacent to a Wilderness Area. The nearest house was at least ten miles away, the nearest town twenty miles away. While the cause of the fire is not yet known, we do know that the fire began in a designated roadless area. If the forest had a fire management plan in place—as is required by countless agency directives—it is likely that such a plan for the area would have provided alternative strategy options for the Forest Service.

The Okanagan fire underscores the need to re-examine our nation's approach to forest fire and to reframe the terms of debate. In the wake of this fire will come calls to reduce fire risks through aggressive thinning and full funding for fire preparedness. However, this approach merely perpetuates the culture of fire suppression that operates with few fiscal or social constraints. It also serves to exacerbate the risks of fire through fire exclusion. It perpetuates the illusion that we can and should control all fire, regardless of location and ecosystem. These suppression efforts make little sense fiscally or environmentally. A different approach would have the agency stop putting out fires in remote backcountry.

Last year, Congress allocated $1.6 billion to the Forest Service for implementation of its national fire plan. In addition to working with homeowners to reduce vegetation around their homes, these dollars should be spent on returning fire to its natural role in the ecosystem. We can do this through targeting thinning, prescribed burns, and fire-use policies. We also should be spending money on fire management planning and sensible suppression efforts—ones that do not needlessly endanger lives.

Putting out all fires regardless of location and ecosystem simply puts off the inevitable. The West's forests have burned for thousands of years and will continue to do so. We must learn to live with fire, rather than stepping up the assault on what is still perceived by many as "the enemy." We must stop sacrificing our young people in this futile effort.

I would like to enter into the record the following op ed from the Portland Oregonian that highlights these issues:

[From the Portland Oregonian, July 17, 2001]

DEAD FIREFIGHTERS WERE SENT WHERE THEY DIDN'T BELONG

(By Andy Stahl)

I write this not long after four young men and women died battling the Thirty Mile fire in the remote Chewuch River canyon of the Okanogan National Forest.

Tom Craven, Karen Fitzpatrick, Devin Weaver and Jessica Johnson were sent by the Forest Service to do a job. They died in the performance of that duty.

But was the job they were doing worth their lives? Did this fire, in a steep, remote canyon that threatened no houses or valuable resources, need to be battled? During its investigation into these tragic deaths, the U.S. Forest Service had better answer these questions.

The Thirty Mile fire started in roadless, backcountry land immediately adjacent to the remote Pasayten wilderness. Perhaps the fire started from an unattended campfire; the investigation has yet to pin down the cause.

The fire began in a designated Research Natural Area, at 6,000 acres, one of the largest RNAs in the nation.

This is important in what happened next: It appears fire managers did not even know the fire was in a Research Natural Area. Had they known, they would not have aggressively attacked the fire with aerial retardants and firelines, which are banned in RNAS. Instead, they would have held back and taken a more cautious approach to fighting this fire—an approach that sought to allow the fire to mimic natural processes within this fire-dependent ecosystem.

Admittedly, hindsight can be 20-20, but it is worth considering that a more cautious approach to fighting this fire might also have saved lives.

The Thirty Mile fire exemplifies the need to take a hard look at our nation's approach to wildland fires. A century of aggressive fire suppression, combined with logging of the biggest and most fire-resistant trees, has damaged ecosystems throughout the West. Continuing to put out every fire in the remote backcountry makes little sense economically or environmentally. We must carefully restore fire to its prominent role as nature's cleansing agent in our public forests.

Last year the Congress allocated a record amount, $1.6 billion, to the Forest Service for its national fire plan. The first priority should be to help private homeowners who live near fire-prone national forests to manage the vegetation within several hundred feet of their houses. That's where the biggest difference is made between a home burning up in a forest fire and a home surviving. The next priority should be to return fire to its natural role in the environment.

Putting out all fires simply puts off the day of reckoning. Burn today or burn tomorrow, the West's forests have burned for thousands of years and will continue to do so.

We must learn to live with fire just as we live with the weather. And we must stop sacrificing our best and brightest young people in this futile war against an implacable enemy.

COMMEMORATING ROTARY INTERNATIONAL AND ITS NEW PRESIDENT, RICHARD KING

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. STARK. Mr. Speaker, on July 1, 2001, Richard King, of Fremont, California, was officially named the 2001–2002 president of Rotary International, one of the largest volunteer organizations in the world. Mr. King is a trial lawyer and a member of the Rotary Club of Niles. A Rotary club member since 1968, Mr. King has served as a trustee of The Rotary Foundation and director and chairman of the Executive Committee of Rotary International's board of directors. He has been an active spokesperson at Rotary functions in more than 75 countries.

Rotarians are represented in more than 160 countries worldwide and approximately 1.2 million Rotarians belong to more than 29,000 Rotary Clubs. The main objective of Rotary is service in the community, in the workplace and throughout the world. Rotarians develop community service projects that address many critical issues, such as poverty, hunger, illiteracy, the environment, violence and children at risk. They also support programs for youth, educational opportunities and international exchange for students, teachers, and other professionals, and vocational and career development.

The Rotary motto is Service Above Self. As Richard King assumes the helm of leadership,

I am confident he will completely exemplify the Rotary motto. I join Rotarians throughout the world in congratulating Mr. King on the presidency and wishing him every success.

HONORING MAJOR CHARLES ''CHUCK'' MONGES

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the memory of Major Charles ''Chuck'' Monges. Major Monges died of a massive heart attack at the age of 79 on July 24, 2001, in Fresno, CA.

Major Monges joined the United States Marines Corps after graduating from high school in 1940. He served for nine years during and after World War II, earning the rank of Sergeant. In 1952, Monges joined the United States Army where he served in the Korean War. After eleven years with the Army, he retired with the rank of Major.

Major Monges earned several distinguished awards for his service in the United States Military. During intense combat in World War II, Major Monges risked his own life by dragging a wounded soldier from the battlefield to safety. After his platoon came to his aid, they managed to annihilate the enemy. This extraordinary bravery earned him the Navy Cross and the Purple Heart.

In the Korean War, Major Monges earned the Bronze Star and the Soldier's Medal for Bravery. Again, he dragged wounded soldiers away from a dangerous area, even though his own life was in danger. Once they were in a safe location, Monges proceeded to treat the wounds of the injured soldiers. Monges' actions during combat defined him as a true American hero.

After his retirement from the military in 1963, Major Monges began his charge to establish a national museum to honor members of the Legion of Valor. The Legion of Valor was established in 1890 to honor recipients of the Medal of Honor, the Navy Cross, the Air Force Cross, and the Distinguished Service Cross. With help from other veterans and the Fresno City Council, Major Monges' dream became reality in 1991. The 10,000 square foot Legion of Valor Museum was put together by a staff of volunteers and is one of the most unique and inspiring military museums in the United States.

Mr. Speaker, I rise to honor the memory and life of Major Chuck Monges. I wish to send my condolences to his family and friends.

HONORING THOMAS L. BERKLEY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Ms. LEE. Mr. Speaker, I rise today to honor Thomas L. Berkley for his contributions to the community and to the Nation.

Mr. Berkley was bom in Illinois in 1915. At the age of four, he and his family moved to Southern California. In 1936, he attended Fullerton Junior College, where he would later earn an Associate of Arts Degree. He went on to UCLA and completed his Bachelor of Science Degree in Business Administration and Finance. Mr. Berkley was accepted into Hastings Law School in the San Francisco Bay Area, and became active in the NAACP. He received his Juris Doctor in 1942 and was admitted to the California State Bar a year later.

After finishing his academic career, Mr. Berkley proudly joined the United States Army. He fought bravely in World War II and achieved the rank of Second Lieutenant.

At the end of the war, Mr. Berkley came back to Oakland and became the head of one of the Nation's largest integrated, bilingual law firms. He helped established the careers of notable men such as Judge Clinton White and Allen Broussard, and former Mayors of Oakland, Elihu Harris and Lionel Wilson.

Mr. Berkley was not only active in law, but also active in business and in the media. He was the president of Berkley International Ltd., Berkley Technical Services and CEO of Berkley Financial Services. Mr. Berkley also was the publisher of the Alameda Publishing Corporation, which publishes the Oakland, San Francisco, and Richmond Post newspapers.

Mr. Berkley is a visionary and a motivator. He helped turn the Port of Oakland to a world-class facility. He saw the need for guidance to our children, so he served as a director for the Oakland Unified School District. He saw the need for social and economic improvement in some of Oakland's neighborhoods, so he became an advisor to the Greater Acorn Community Improvement Association.

Mr. Berkley has lead a tireless and committed crusade to better our society. He not only helped spur business development, but he also helped individuals achieve their goals and dreams.

I am honored to salute and take great pride in celebrating with his family, friends and colleagues the distinguished accomplishments of Thomas L. Berkley.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber when roll call votes number 257, 258, and 259 were cast. I want the record to show that had I been present in this chamber at the time these votes were cast, I would have voted ''yes'' on roll call vote number 257, ''yes'' on roll call vote 258, ''yes'' on roll call vote 259.

HUMAN RIGHTS IN CENTRAL ASIA A DECADE AFTER INDEPENDENCE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. SMITH of New Jersey. Mr. Speaker, as we head into our August recess, we should recall that almost ten years have passed since a group of conspirators attempted to topple Soviet President Gorbachev. The failure of that putsch precipitated declarations of independence by numerous Soviet republics, including those in Central Asia, and led several months later to the formal dissolution of the USSR. Today, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan remain independent, a definite plus. But in other respects, we have witnessed regression from levels reached at the end of the Soviet era, when Gorbachev's programs of glasnost and perestroika mandated a certain level of tolerance for opposing viewpoints and organized opposition activity.

Specifically, with respect to democratization, human rights and the rule of law, overall trends in the region are extremely discouraging. In 1992, these countries unreservedly accepted the commitments of the Organization for Security and Cooperation in Europe (OSCE). But despite the carefully crafted claims of Central Asian leaders and their spokesmen, in the region and in Washington, the trend is toward consolidation of authoritarian control and increased repression, not gradual democratization. The Helsinki Commission, which I have chaired and now co-chair, has held three hearings on Central Asia since 1999. Partly on the basis of testimony during those hearings, I introduced H. Con. Res. 397, which expressed the Congress' concern about the lack of democratization and violations of fundamental human rights throughout Central Asia. The measure was passed last November by an overwhelming majority (362–3) of the House.

In floor statements introducing the resolution, I argued that the main cause of authoritarian government and repression in Central Asia was the determination of the region's leaders to perpetuate themselves in power by any means necessary. This desire, in turn, is fueled by their corruption, which they strive to conceal from their impoverished publics. The pattern is infuriating: rulers enrich themselves, their families and favored few, while the rest of the population struggles to eke out a miserable existence. In turn, the authoritarian leaders suppress freedom of the press and the right to engage in political activity. Dissidents are harassed and jailed. Human rights defenders are tortured while being held in incommunicado detention.

Indeed, one of the greatest challenges facing the Organization for Security and Cooperation in Europe is the emergence in Central Asia of an entire region where basic OSCE principles and commitments are ignored—in fact, flouted, with increasing brazenness. Turkmenistan's President Niyazov made himself virtual president for life in December 1999. Kazakhstan's President Nazarbaev—who has extended his tenure in office through referenda, canceling elections, and staging deeply flawed elections—last summer arranged to receive lifelong privileges and perks. In Kyrgyzstan, President Akaev, who was once considered democracy's best hope, has already rigged two elections in order to keep serious contenders from running against him. He is now reportedly planning to stage a referendum on extending his tenure in office from five years to seven. Welcome to the club, President Akaev. I continue to suspect that some of these leaders who already head what are, for all intents and purposes, royal families are planning to establish family dynasties.

The latest developments in the region provide even more cause for alarm. Kyrgyz authorities have just brought new charges against opposition leader Felix Kulov, who is already serving a seven-year jail sentence. Kyrgyz Foreign Minister Imanaliev told me on a recent visit to Washington he thought Kulov would be freed—the Minister must have misread President Akaev's intentions.

Truly appalling is the situation in Uzbekistan, where literally thousands of people have been arrested, allegedly for belonging to radical Islamic groups or for involvement in terrorist activity. According to international human rights organizations, police planting of evidence is routine, as is torture in detention and in prison. I was horrified to learn of the death—or should I say the murder—of human rights activist Shovrug Ruzimuradov. After being detained on June 15, he was held incommunicado by the Ministry of Internal Affairs until July 7, when his severely bruised, lifeless body was delivered to his family, including seven children. Some internal organs had been removed, probably to conceal internal lesions from the torture. But that did not stop the Uzbek authorities from claiming he had committed suicide. The ensuing international uproar surrounding this case has apparently forced even the Uzbek authorities to take heed and change tactics. Former Ambassador to Washington, Sadyk Safaev, now Uzbekistan's First Deputy Minister of Foreign Affairs, said last week that those who killed Mr. Ruzimuradov would be held legally accountable.

Maybe in this case, some policemen will actually be charged. But even more important, this pattern of brutality must stop. At the OSCE Parliamentary Assembly in Paris earlier this month, I introduced an anti-torture resolution which calls on participating States to exclude in courts of law or legal proceedings evidence obtained through the use of torture, or other forms of cruel, inhuman or degrading treatment. It also calls for a complete ban, in law and in practice, on incommunicado detention.

In Kazakhstan, the nexus between corruption and control of the media has come to the fore with particular force, considering the recent publication in the New Yorker of an article about alleged high-level malfeasance. Independent and opposition media in that country have been intimidated practically out of existence, with editors of opposition publications risking charges of ''insulting the honor and dignity of the president.'' Kazakhstan's authorities prevented two oppositionists from traveling to Washington to testify July 18 at congressional hearings on Central Asia, a violation of the right to freedom of movement that further damaged the government's already tarnished reputation. To make matters even worse, at the July 18 hearing, Kazakhstani officials attempted to serve papers to former Prime Minister and opposition leader in exile, Akezhan Kazhegeldin, who had come to Washington for the hearing. The Deputy Chief of Mission at Kazakhstan's Embassy had to come to the Hill to explain this public relations blunder to offended Members. One can only conclude that Kazakhstan's leaders are either getting poor counsel from their expensive imagemakers or they're not clever enough to take good advice.

Words fail us when speaking about Turkmenistan, a nightmare kingdom run by a world-class megalomaniac, Saparmurat Niyazov. He has carefully isolated his country from the outside world and proceeded to violate every human right imaginable, including freedom of conscience. Along with fellow Helsinki Commissioners Congressman PITTS and Congressman ADERHOLT, I have twice met with Turkmenistan's Ambassador, seeking to facilitate the release from prison of Shageldy Atakov, a Baptist pastor who has been in jail since 1999 on trumped-up charges. We also sent Turkmen President Niyazov a letter about this case but we have never received any response. Even the international financial institutions have had enough: the head of the European Bank for Reconstruction and Development (EBRD)—which has a mandate to promote both economic reform and multiparty democracy—recently warned Niyazov that he faces a possible cutoff of business with the bank unless he implements economic reform and multiparty democracy within a year.

In fact, only in Tajikistan have the authorities and opposition parties come to an arrangement of sorts—but only after a military stalemate ended an armed conflict that left scores of thousands dead. Though a coalition government has been established, clashes continue and the government does not control all of the country's territory.

Mr. Speaker, the last ten years have stripped Western optimists of their illusions about the nature of Central Asian regimes. Almost nobody today will speak out on behalf of Turkmenistan's regime, despite that country's vast energy resources. Mercurial, bombastic President-for-life Niyazov has irritated Western capitals and companies too deeply, and made doing business too difficult. True, some analysts defend Uzbekistan's iron fist, claiming to see a genuine threat of Islamic fundamentalism. But even the U.S. Government and the OSCE maintain President Karimov's domestic policies have greatly exacerbated the danger posed by radicals who fill their ranks with embittered relatives of the unjustly arrested or tortured.

Most often, we hear arguments defending Kazakhstan and Kyrgyzstan—especially the former, which boasts huge oil supplies. Backers claim, first, that they are more democratic than their neighbors. True enough: it would be difficult to be less democratic than Uzbekistan and Turkmenistan, which literally do not allow opposition or dissent in any form. But more insidious is the contention that things in Kazakhstan and Kyrgyzstan are slowly getting better. This is simply not true, as anyone familiar with those countries ten and five years ago knows. In the past, political activity was far freer and a wide range of viewpoints were represented in the press, before Kazakhstan's parliament was dismissed and both presidents made clear their resolve to remain in power indefinitely, while silencing critical voices. One need only read the reports of the OSCE's Missions to these countries today, or the reports of OSCE's Representative on Freedom of the Media, to see how the possibilities for freedom of expression have narrowed, almost to the point of disappearance in Kazakhstan. That is clearly the trend in Kyrgyzstan, where the Ministry of Justice intends to require re-registration of the media—an old, obvious ploy, with equally obvious intent.

Throughout the region, this intensified repression has evoked growing desperation and we are already witnessing the consequences: armed insurgents of the Islamic Movement of Uzbekistan invaded Uzbekistan and Kyrgyzstan in 1999 and 2000. Though they have not yet launched any major assault this year, there were reports of clashes last week and in any case, we should not expect them to go away. Impoverishment of the populace will provide new recruits, threatening to create a chronic problem. The Central Asian leaders' marriage of corruption and repression has created an explosive brew. Indeed, in Uzbekistan, in late June and early July, there were political protests remarkable events for such a tightly run police state—with important implications for future stability in that country and in the region.

Should we infer from Tajikistan's unhappy experience that only violence can bring governments and opposition in Central Asia to the bargaining table? I hope not. But ten years after independence, I see precious little evidence anywhere in the region of leaders' desire for a peaceful accommodation of interests or a willingness to allow normal politics. And as leaders become even more entrenched and wealthier, why should anyone expect matters to improve?

As delineated in H. Con. Res. 397, passed by the House last year, I urge the President, the Secretary of State, the Secretary of Defense, and other United States officials to raise consistently with the leaders of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, our concern about serious violations of human rights and the rule of law. Central Asian leaders, like the heads of every other OSCE State, are accountable to their citizens to establish conditions for independent and opposition media to function without constraint, limitation, or fear of harassment, and to repeal criminal laws which impose prison sentences for alleged defamation of the state or public officials. The United States must continue to call upon political leaders to condemn and take effective steps to cease the systematic use of torture and other inhuman treatment by authorities against political opponents and others, and to allow the registration of independent human rights monitoring organizations. Those governments of Central Asia which are engaged in military campaigns against violent insurgents must observe international law regulating such actions, keep civilians and other noncombatants from harm, and should not to use such campaigns to justify further crackdowns on political opposition or violations of human rights commitments.

Mr. Speaker, all OSCE countries agreed, as part of the 1999 OSCE Istanbul Charter, to be accountable to our citizens and responsible to each other for our implementation of OSCE commitments, which are matters of immediate and legitimate concern to all participating States. The OSCE Council of Ministers meeting in Prague, in fact, agreed by consensus that appropriate actions—including political declarations and other political steps—should be undertaken in cases of ''clear, gross and uncorrected violations of relevant [OSCE] commitments.'' Nine years have passed since the Prague document was signed by the OSCE countries. With the trend of clear, gross and uncorrected violations which have been described above, all participating States are obliged to respond.

THE EMPLOYMENT NON-DISCRIMINATION ACT

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. GEPHARDT. Mr. Speaker, I strongly support the Employment Non-Discrimination Act (ENDA) which is being reintroduced today. This bill will make sure that individuals have protections against workplace discrimination on the basis of sexual orientation. Today, there is no federal law to fight discrimination of this kind. This is unacceptable. Under current law, law-abiding, hard-working Americans can be denied a job, fired or discriminated against in other ways simply because they are or are perceived to be gay or lesbian.

ENDA will extend the promise of equal opportunity and civil rights to more Americans. Twelve states have such laws on the books. The private sector realizes the need and value of these workplace protections; in fact, more than 50 percent of Fortune 500 companies have nondiscrimination policies which include sexual orientation. And an overwhelming number of Americans support equal workplace rights for gay and lesbian Americans.

This legislation says simply that discrimination in employment because of sexual orientation is illegal, and will not be tolerated. This is strong, badly-needed legislation for countless Americans who have suffered, or who are vulnerable to discrimination because they do not have protections similar to those afforded millions of their fellow citizens. I strongly hope that we will debate and pass this bill this year.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

SPEECH OF

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes:

Mr. WEXLER. Mr. Chairman, I rise today in support of the Hastings amendment to the bill, and I commend my neighbor and colleague for bringing this issue to the Floor of the House.

America is the freest and most prosperous nation on earth. We are the strongest and most resilient democracy on the planet. Yet last November, we failed our citizens in the most fundamental way.

The right to vote cuts to the very bone of our democracy. When tens of thousands of Americans cast their ballots—only to have them thrown out—whether you like the results of the Presidential election or not—it is undeniable that something is wrong in America. If we fail to learn from this tragic experience then shame on us.

What happened in Palm Beach County, Florida on election day is personal to me. I saw it with my own eyes. I experienced it myself. I stood in front of voting precincts and witnessed a horrible state of confusion.

I rise today representing the citizens of my district who went to vote on election day only to be confronted with a puzzle rather than a ballot. I watched the dismay and felt the anger of patriotic Americans, many of whom fought in World War II and Korea, and haven't missed an election in over 50 years, as their votes were rendered meaningless.

I support the Hastings electoral reform amendment to give a voice to those Floridians whose votes were callously discarded due to a ballot that was so confusing intelligent men and women unknowingly cast two votes for President, or one vote for the wrong man.

I support the Hastings electoral reform amendment because the collapse of the election system in Florida was not color-blind. The facts speak for themselves. Fifty-four percent of Florida's discarded ballots were cast by African-Americans, even though African-Americans only comprise eleven percent of Florida's voters.

Think about that. African-American voters were ten times more likely than white voters to have their ballots rejected in Florida. This reality is indefensible and we must act now to repair our citizens' faith in the system.

Have no doubt about it, this is not just a Florida problem. It stretches coast to coast. Many of the problems that confronted Florida on election day occurred in other states. In fact, more votes were thrown out in Illinois than in Florida. This is a federal problem that demands federal attention.

What happened in Florida on election day highlighted for the entire world that in America, even for a Presidential election, we have no national standards for the design of ballots—we have no national standards for the counting of ballots—we have no national standards for voting machinery—we have no national standards to prevent thousands of Americans from being purged from voter roles—and we have no reliable way to count the overseas ballots of the men and women in the military.

The good news is—this problem can be solved, but we must commit the necessary resources. I strongly support the amendment sponsored by Representative HASTINGS which makes a substantial down payment on our obligation to help state and local governments modernize their election equipment and renew the integrity of our democracy. Electoral reform must not be a partisan cause. It is our national obligation.

Election 2000 was a wake-up call to all Americans that we must not take our democracy for granted. We must commit the money, the resources and the energy to fix our election process once and for all. To do anything less is unforgivable.

I urge you to support the amendment.

RECOGNIZING THE ESCORT CARRIER SAILORS AND AIRMEN ASSOCIATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. BARTON of Texas. Mr. Speaker, today, I am honored to rise and speak in recognition of the Escort Aircraft Carrier Sailors and Airmen Association. Members of the ECSAA served our country in both World War II and the Korean Conflict aboard the CVE Aircraft Carriers, better known as ''Baby Flattops.'' Through their acts of bravery, these Veterans helped to bring World War II to an early conclusion and saved numerous lives. Until now, they have gone unrecognized for their invaluable contributions to the military successes of our nation. It is time for our Government to make its appreciation evident to these brave Veterans and recognize them, as a whole, for their valor and dedication to the preservation of our great country and its people.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

Mr. GILMAN. Mr. Chairman, I rise today in strong support of the amendment being offered by my colleague, Mr. FRELINGHUYSEN, to prohibit any funds from being used to implement the veterans equity resource allocation system.

VERA was created to correct a perceived inequity in the manner in which veterans health care dollars were being distributed across the country.

While a noble effort, VERA was fundamentally flawed in that it did not look at the type of care being delivered to veterans in a given region. Furthermore, it also failed to consider the effect of regional costs of providing health care in its calculations.

Under VERA, the watchword was efficiency. Deliver the most care at the least cost. While ideal for outpatient care, VERA has unfairly penalized those VISNs that provide vital services such as substance abuse treatment, services for homeless veterans, mental health services, and spinal cord injury treatments. Under VERA, these services are all deemed too expensive and ''inefficient.''

VERA was also implemented at a time when the VA budget was essentially flat-lined. Thus, VISN directors were not provided additional funds to offset the costs of annual pay raises for VA staff, and annual medical inflation costs. This was not a problem for those directors of VISNs that received money under VERA. However, for those directors in VISNs, that were losing money under VERA, it was a double hit that crowded out additional funds needed for other vital services.

It is commendable that the subcommittee was able to find an additional $1.2 billion for veterans medical care. Yet, thanks to VERA, very little of that money will find its way to the

Northeast, where it is vitally needed. Instead, it will be sent to those VISNs that have already seen increases in funding due to VERA.

Mr. Chairman, this is simply wrong. The veterans of the Northeast, who are older, sicker and less mobile than their counterparts in the sun belt should not be unfairly penalized for where they choose to live. This amendment starts to correct this problem by terminating VERA, a well-intentioned, but poorly executed system that blatantly discriminates against those veterans who reside in the Northeast.

HONORING THE GRAND OPENING OF THE EMERY-WEINER SCHOOL

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. BENTSEN. Mr. Speaker, I rise in recognition of the new Emery-Weiner School in southwest Houston. This $14 million educational facility combines the 23-year-old I. Weiner Jewish Secondary School and the brand new Emery High School to form the Emery-Weiner School. This expansion combines the quality education offered at the I. Weiner Jewish Secondary School with the cutting edge facility of the new campus.

This fall as classrooms fill for the first time at the Emery-Weiner School students will benefit from the formation of these two institutions. The state-of-the-art facilities at the new campus will include art and music rooms, as well as a theater, emphasizing the important role the arts play in education. The campus also houses a multi-court gymnasium, cultural arts facility, computer and science labs. The twelve acres in southwest Houston on which the campus sits is surrounded by several more acres of accessible playing fields. The campus will provide tremendous opportunities to students.

On Thursday, September 20, 2001, the Emery-Weiner School will celebrate the opening of this new campus with a special event honoring two of its many benefactors, Mr. Joe Kaplan and Mr. Joe Kornfeld. The proceeds from this celebration will benefit the ''Joe Fund,'' a fund appropriately named for these two founding fathers. Mr. Kaplan and Mr. Kornfeld contributed countless hours to seeing this project come to fruition. Their selfless offerings make them role models for the students who will benefit from their efforts.

The ''Joe Fund'' was created to bolster teacher enhancement programs and projects. It will be used to purchase materials to provide teachers the necessary means to incorporate creativity and ingenuity into their everyday classroom. I applaud the leadership of the countless teachers and volunteers who contributed to the erection of this new campus and recognize the commitment of these individuals to providing opportunities through education to our young people.

Mr. Speaker, I congratulate the many people who contributed to the construction of the Emery-Weiner School, and I look forward to seeing the many ways in which the innovative voice of this institution will help to educate and shape the minds of Houstonians. There is no doubt, this school will soon serve as a model for other schools across the nation.

EXPRESSING SENSE OF HOUSE THAT WORLD CONFERENCE AGAINST RACISM PRESENTS UNIQUE OPPORTUNITY TO ADDRESS GLOBAL DISCRIMINATION

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of House Resolution 212, sponsored by myself and my good friend from California, the Ranking Member of the House International Relations Committee, Mr. LANTOS.

It is easy to believe that in the twenty-first century, racism, like a rabbit under a magician's hat, has simply disappeared with the abracadabra of superficial legislation and the convenience of turning a blind eye. But for those of us who prefer to see the truth rather than a prefabricated illusion, we must recognize the need for international cooperation to address racism at the U.N. World Conference Against Racism in Durban, South Africa.

Martin Luther King, Jr. once said, ''Injustice anywhere is a threat to justice everywhere.'' It is wrong, however, to combat racism with provisions that are racist themselves. Without a doubt, it is unacceptable for anti-Semitic language to be used in the conference's Program of Action to address the Arab-Israeli conflict. The notion of equating Zionism with racism is one that we rejected over twenty years ago when we spoke out vehemently against a U.N. resolution that made such an insidious claim. Thus, it is critical that we carefully consider the consequences of attending a conference that promotes a tenet we simply cannot accept. At the same time, we must reaffirm our commitment to working together with the international community to eradicate global discrimination and establish ourselves as a leader in this cause. We cannot let our silence speak for us now.

This legislation, Mr. Speaker, promotes U.S. support of the World Conference Against Racism and encourages us to take action in a manner consistent with our American values of racial and religious tolerance. It is essential that we support such legislation and not allow our global fight against racism to vanish into thin air or be diminished by language that exacerbates the problem rather than fixing it. I urge my colleagues to support this unique opportunity to address global discrimination and to support House Resolution 212.

IN HONOR OF GARY KRUPP OF LONG BEACH, NEW YORK

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I rise in honor of Mr. Gary Krupp of Long Beach, New York.

On July 29, 2000, Pope John Paul II named Gary a Knight Commander of the Order of Saint Gregory the Great, in recognition of his work with Casa Sollievo della Sofferenza, a health care facility in Italy. Through Mr. Krupp's generosity and commitment, the hospital acquired highly advanced medical equipment, benefitting countless men, women and children.

The Order of Saint Gregory was founded by Pope Gregory XVI in 1831, who named it after his predecessor, Pope Saint Gregory the Great. The Order frequently honors those who have distinguished themselves through service to the Catholic Church and accomplishments benefitting society. Gary is the seventh Jewish person since 1831 to be awarded this honor.

It is not every day that an honor such as this is given to one of our neighbors. I congratulate Gary for receiving this outstanding and unique honor. I believe he is an exemplary Long Islander and American, and I have no doubt Gary will continue his work on behalf of Long Island, the Catholic Church, and Casa Sollievo della Sofferenza.

MAGEE RIETER HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the outstanding achievement of the employees of Magee Rieter Automotive Systems of Bloomsburg, Pennsylvania, which has won General Motors' prestigious ''Supplier of the Year Award'' for the ninth consecutive year. Of GM's 30,000 suppliers, Magee Rieter Automotive Systems is the only nine-time winner in North America and one of only six suppliers globally to be honored every year since the award was established.

Magee Rieter, the leading supplier of carpets to General Motors in America, will celebrate this accomplishment on August 28, 2001. The company has been in business in Bloomsburg since 1889 and has been supplying General Motors for more than 90 years, first with hand-draped tapestries or Fisher Body carriages, through today's production of fully molded carpet floors and integrated acoustical systems.

Through the past 112 years, the company has endured and overcome numerous challenges, including floods, fires and the rapidly changing business environment. The company received the Army/Navy ''E'' Award for Excellence after World War II in recognition of its production of high-quality materials for the war effort. As demonstrated by the more recent awards, the current employees have carried on the tradition of pride and success handed down by their parents, grandparents and great-grandparents who worked at Magee Rieter. Under the leadership of President and Chief Executive Officer Mike Katerman, Magee Rieter continues to be a cornerstone of the Bloomsburg community.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the hard work and impressive achievement of the people of Magee Rieter, and I wish them all the best.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. FELIX J. GRUCCI, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2620) making appropriations for the Department of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes:

Mr. GRUCCI. Mr. Chairman, I rise today in support of Weldon Amendment which would increase the Fire Assistance Grant Program by $50 million.

This past Monday, it was my honor to announce the awarding of a Federal grant to the Davis Park Fire Department in my district. This grant was one of only 108 that were awarded to fire departments across this country under the FEMA's Fire Assistance Grant Program.

The Davis Park Fire Department along with nearly 20,000 other fire companies applied for grants—that is almost two-thirds of all fire companies in America. In the coming months, more than $100 million in grants will be rewarded to fire companies for vehicles, fire prevention programs, equipment and training.

The Davis Park Fire Department will use its $30,000 in funds to train its firefighters in the most recent firefighting and rescue techniques. When I spoke with the department's chief he expressed his excitement over how the grant would help to strengthen the safety of not just the citizens of Davis Park but also the brave men and women who serve them.

By supporting the Weldon Amendment we can guarantee that Fire Departments like the Davis Park will be able to benefit from this vital program next year. In doing so we can increase the safety of countless communities throughout our nation.

I call upon all of my colleagues to join me in providing our nation's local fire departments with the opportunity to improve the quality of both services they offer and safety standards under which they serve.

IN RECOGNITION OF RICARDO MONTERO DUQUE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Major Ricardo Montero Duque for his efforts to fight the communist threat, and later communist dictatorship, in Cuba, and his commitment to Cuban immigrants throughout America.

Ricardo Montero Duque was born in Matanzas, Cuba on July 4, 1925. In 1950, he graduated from the Military Academy of the Cuban Army with the rank of Second Lieutenant. As a result of his hard work and dedication, he quickly climbed through the ranks of the military hierarchy, eventually assuming the rank of Major.

Major Duque's extensive military career can be traced to battles against the guerrilla forces of Fidel Castro. In 1956, Major Duque was instrumental in leading the Cuban Army against Fidel Castro and his rebel forces in the province of Oriente. During the Bay of Pigs invasion in 1961, he commanded the No. 5 Infantry Battalion of the 2506 Brigade, was captured by Castro's forces, and later imprisoned for 25 years. On June 8, 1986, Major Duque was released from prison in Cuba and reunited with his family in Union City, New Jersey.

Over the past two decades, Major Duque has remained actively involved in the Cuban American community. Former New Jersey Governor Christie Todd Whitman appointed Major Duque to serve as a member of the ''Cuban Task Force'' of New Jersey. He has served as Director and Editor of the newspapers ''El Cuba Libre'' and ''La Semana.'' In addition, he has twice been elected to serve as President of the Union of Former Cuban Political Prisoners.

Beyond his services to the community, Major Duque has been a real estate agent since 1987. He is happily married to Esther, his wife of fifty years.

Today, I ask my colleagues to join me in recognizing Ricardo Montero Duque for his unfaltering commitment to fighting the terror and repression of communism in Cuba, and for his outstanding contributions to the Cuban American community.

PROCUREMENT TECHNICAL ASSISTANCE CENTER IMPROVEMENT ACT

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. MANZULLO. Mr. Speaker, small business participation in government procurement is dropping. While the dollar value of procurement opportunities is relatively constant, the absolute number of small businesses winning government contracts has dramatically decreased over the past four years.

One possible solution to this problem can be to enhance the role of Procurement Technical Assistance Centers (PTACs). During the 1980's, Congress created local PTACs around the country to increase small business participation in defense procurement. Modeled after Small Business Development Centers (SDBCs) run by the Small Business Administration (SBA), these centers offer free advice and help to small businesses both in educating them about how to get involved in government procurement and also how to obtain contracts. Most of the PTACs are co-located in a local higher education institution or a Chamber of Commerce. About half of the funding for most of the PTACs comes from the Defense Logistics Agency (DLA). The remainder comes from the state government and/or the local host (i.e., the community college). States currently have a choice: they can either ask for up to $300,000 to run a state-wide program or regional centers can ask for up to $150,000 to run a program locally.

Some states have decided to run a state-wide program in order to have continuity of service throughout the state. However, some states do not care and have allowed regional or city PTACs to operate. Currently, 15 states have regional or city PTACs that receive an excess of $300,000. This penalizes states like my home state of Illinois who have opted for a ''good government'' solution—a seamless delivery of procurement assistance services throughout the state.

I have introduced the Procurement Technical Assistance Improvement Act to increase the DLA grant match to states that run a state-wide PTAC program so that they would be able to receive up to $600,000 in funding, double the current level of $300,000. This would potentially benefit the 29 states and the one territory that have a state-wide PTAC program and the six states and the four other territories that do not have any PTAC program. It is important to remember that each state with a state-wide run PTAC program would not automatically receive a $600,000 grant from the DLA because each proposal would have to stand on its own merits. Currently, 10 states and one territory do not even receive the full $300,000 in grant funds from the DLA for a state-wide PTAC program. Thus, this proposal does not necessarily mean that the cost of the program would balloon. Only those states that submit a sound proposal who serve a large population would qualify for a maximum of $600,000. Finally, this proposal would not mean that states with regional centers would receive less funding. This proposal is silent on the match received from DLA to regional PTACs.

With the criticism of recent Pentagon procurements that disadvantage small businesses, this is one way to remedy the problem. Mr. Speaker, I urge my colleagues to join me in supporting this legislation.

HONORING TRACEE EVANS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. BENTSEN. Mr. Speaker, on Friday, August 3, 2001, one of Houston's prized reporters will be recognized for her top notch work by the Association for Women in Communications and the 2001 Clarion Awards at the Renaissance Harborplace Hotel in Baltimore, Maryland. Ms. Tracee Evans, of KTRH radio in Houston, Texas, will be awarded this prestigious award for her documentary on the struggle in Kosovo.

The Association for Women in Communications is a professional organization which champions the advancement of women across all communication disciplines by recognizing excellence and promoting leadership. The Clarion Awards is a renowned competition recognizing excellence in many fields of communications. One Clarion Award is given in each field of communications to an exemplary entry and it is judged on quality, substance, style, originality and achievement of the objective.

Ms. Tracee Evans' hard work and creativity distinguish her in the field of communications. Her documentary on Kosovo is just one example of the many creative and insightful pieces she has created. Her ingenuity serves as a

guide for future generations of communication professionals and more notably, her personal accomplishments serve as a model for women wishing to follow in her path.

Mr. Speaker, I join the Association for Women in Communication, the Clarion Awards, Ms. Evans' family, and her colleagues at KTRH in applauding Ms. Evans' diligence in the field of communications and I look forward to sharing in her future work.

COMMEMORATING THE LIFE OF CHARLES SPENCER POMPEY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in commemoration of the life of an inspirational leader and a truly committed social activist, my good friend, the late Charles Spencer Pompey. At a time when Martin Luther King Jr. had not yet shared his dream of racial equality with America, Mr. Pompey challenged the injustices of segregation with his work ethic and his passion. ''If you are ever fired from a job,'' Spencer Pompey would say, ''let it not be because of the color of your skin, or the lack of preparedness to do the job.'' Today, Congress must be prepared to do its job, and continue to tear down the barriers of racial inequity that linger within our nation.

When Mr. Pompey came to Palm Beach County in 1939, as one of five teachers at Washington Junior High School, it was clear that separate but equal was more of a rhetorical myth than a reality. Black students were taught in dilapidated buildings, using supplies that white schools had discarded. To make matters worse, black teachers could not join the only teachers' union of the time, the Florida Education Association. Always a crusader, Mr. Pompey organized black teachers to form the Palm Beach County Teachers Association and served as the group's first president. Twenty-four years later, he was named to the board of the Florida Education Association, which had once made the mistake of judging him by his skin color rather than the content of his character.

Perhaps the most inspirational aspect of Mr. Pompey's life was his unwavering dedication to helping youth in his community. He was the first individual, white or black, to develop a program of organized recreation for young people, working through the Naciremas Club. In addition, Mr. Pompey served as a coach of several champion football teams, emphasizing the importance of being a scholar as well as an athlete. As a principal, teacher, and coach, as well as a religious leader, Mr. Pompey taught a generation of young black Floridians to dream, to aspire, and to persevere.

Mr. Speaker, in proper tribute to the legendary activist, Charles Spencer Pompey, I urge Congress to recommit to the goal of promoting improved race relations. We cannot allow the specter of segregation to haunt our institutions, and we cannot allow glass ceilings or lack of resources to impede the progress of our growing minority communities. Let us guarantee that an individual's right to vote is held sacred, regardless of his or her race. Let us not forget the past and abandon policies of affirmative action, which will ensure that our history of discrimination can be overcome and replaced by success for all in the twenty-first century. We have a duty to all American citizens to preserve the legacy and teachings of Charles Spencer Pompey, a true friend and a true American hero.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes:

Mr. MOORE. Mr. Chairman, I rise today in opposition to H.R. 2620, the VA–HUD–Independent Agencies appropriations bill for Fiscal Year 2002.

On balance, this bill adequately addresses our national priorities and funding needs for housing, veterans' benefits and scientific research. H.R. 2620 provides modest increases for HUD programs and activities—$1.4 billion more than last year. These increases will help address the most basic housing needs of our low- and moderate-income citizens.

This measure fully funds VA medical health care for our veterans and provides a $1 billion increase over spending levels for FY2001, while almost tripling the funding provided for major VA construction projects. A separate provision appropriates $300 million for safety and seismic repairs to VA medical facilities and the rehabilitation of VA research facilities. One important aspect of the bill is the extra $128 million over FY01 for the Veterans Benefits Administration to expedite claims processing, which is a growing concern among veterans.

Additionally, I have been concerned about proposals to require military retirees to choose between military or VA health care systems, but this measure includes an amendment prohibiting the VA from using funds in FY2002 to force military retirees to permanently choose between the VA or military health care systems.

Finally, H.R. 2620 prioritizes funding for our essential research needs by increasing funds for the National Science Foundation to $4.8 billion, $414 million more than the current appropriation and $368 million more than the President's request. As a member of the House Science Subcommittee on Research, I am pleased that this appropriation will allow the NSF to go forward with substantial new and ongoing initiatives in information technology, biodiversity, nanotechnology, the mathematical sciences and the social and behavioral sciences.

Mr. Chairman, while all of these programs are funded at levels that warrant the support of every single member of Congress, I have serious concerns about one provision in this bill—a $1.3 billion emergency designation for the Federal Emergency Management Agency (FEMA). Designating these funds an emergency is a clear violation of our budget rules and violates all principles of fiscal responsibility.

While I agree that the request for $1.3 billion in emergency relief for the damage created by Tropical Storm Allison is a true emergency, the budget resolution does not allow for the allocation of emergency designations in regular appropriations bills unless those funds are offset. Under this Congress' budget rules, this bill requires a waiver from the Rules Committee as well as clearance from the Budget Committee because of this emergency designation. These waivers were provided, which irresponsibly circumvents our budget process.

More worrisome, however, is the fact that this Congress is perilously close to spending Medicare and Social Security surplus funds. I am concerned that by releasing these funds under the emergency designation—without offsets—this Congress sets an early precedent in the FY '02 appropriations process to spend more than budget resolution allocations.

As you are aware, recent press reports suggest that the updated economic forecast the Congressional Budget Office will release in August is likely to show no available surplus beyond the Social Security and Medicare trust funds in fiscal year 2002 and that Congress may have to dip into those trust funds by nearly $41 billion in FY 2003. More troublesome is the fact that these shortfalls do not even account for many of our other stated needs like a comprehensive energy policy, a prescription drug benefit, and the President's request for additional defense spending.

This Congress made a commitment to the American people that we would not vote to spend one single penny of the Medicare and Social Security Trust Funds. I will honor that commitment. Spending restraint, fiscal responsibility, and honoring our commitments do not come about by good intentions, but by resolute actions.

Mr. Chairman, in an effort to honor that commitment, I will adhere to the levels in the budget resolution enacted by a majority of this Congress. I will oppose any efforts to increase spending beyond those levels without offsets. This includes any emergency designation, regardless of its merit.

The VA–HUD appropriations bill violated the budget resolution and, despite the many good programs contained in this bill, it busts the budget and threatens the Social Security and Medicare Trust Funds. I urge my colleagues to honor their commitment to protect these funds; I urge my colleagues to vote no on H.R. 2620.

THE UKRAINE CELEBRATES 10 YEARS OF INDEPENDENCE AND PROMOTION OF DEMOCRATIC IDEALS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. KLECZKA. Mr. Speaker, on August 26, 2001, the Wisconsin Branch of the Ukrainian Congress Committee of America and the Cooperation of Ukrainian Churches and Civic Organizations will commemorate 10 years of

Ukrainian independence from the United Soviet Socialist Republics.

For over a thousand years, the Ukraine nation and the Ukrainian people have bravely faced adversity and have struggled to gain independence as a sovereign nation.

The Ukraine was a country constantly under siege, suffering onslaughts from Muscovy, Poland, Lithuania and the Austro-Hungarian Empire. In the 13th century, the empire gradually began to disintegrate into city-states that would become the modem-day countries of Russia and Belarus. The Ukraine was able to gain independence for a very brief period in the mid 1600's and again achieved a brief independence following WWI, from 1917–1918. However, during the inter-war period, the Ukraine was partitioned between the Soviet Union and Poland and remained under the communist regime until 1991.

The 20th century history of the Ukraine is marked by the repression of the Soviet regime. In 1986 Americans watched in horror along with the rest of the world as the tragedy of Chernobyl unfolded before our eyes. The Chernobyl disaster, along with the USSR's mishandling of the environmental cleanup, sparked a new spirit of nationalism in the form of ''Rukh,'' the Ukrainian People's Movement for Restructuring. Rukh nationalism and increased freedom brought about by Gorbachev's ''glasnost'' policy led to the declaration of Ukrainian independence on August 24,1991.

The years of exploitation by the communist government left the Ukraine struggling to establish a viable socio-economic infrastructure. The residents of the Ukraine, with the assistance of the Ukrainian Congress Committee of America (UCCA) are committed to help strengthen Ukraine's development as a democratic, market-orientated state.

The Ukrainian Congress Committee of America (UCCA) is a non-profit educational and charitable institution that seeks to preserve and disseminate the rich intellectual and cultural heritage of Ukrainian Americans. The UCCA also serves as a vehicle by which Ukrainian Americans provide humanitarian aid and assistance to the residents of the Ukraine and Ukrainians throughout the former Soviet Union.

So, it is with a spirit of hope for the future of the nation of the Ukraine, that I join with the Wisconsin branch of the Ukrainian Congress Committee of America and the Cooperation of Ukrainian Churches and Civic Organizations to congratulate the Ukrainian people on 10 years of independence. May the Ukraine prosper and enjoy many more decades of independence, freedom and democracy.

REMEMBERING PROF. LAWRENCE P. KING

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. NADLER. Mr. Speaker, I rise today, along with my colleagues Representative CONYERS and Representative WATT, to fondly remember Prof. Lawrence P. King who passed away on April 1, after a long and courageous struggle with cancer.

Prof. King was the most widely renowned bankruptcy scholar of our time, and had served as an invaluable advisor to Congress and the Courts regarding Bankruptcy Law. For years, Prof. King generously gave of his time through his involvement with the National Bankruptcy Conference, which has served as the leading non-partisan adviser on the nation's bankruptcy laws since the 1930's. Prof. King has frequently testified on the bankruptcy laws, and was particularly valuable in offering advice in connection with the seminal Bankruptcy Reform Act of 1978. As a result of his tireless assistance, it is no understatement to say that Prof. King has had as significant an impact on our bankruptcy laws—which are the envy of the world—as any other individual.

I first came into contact with Prof. King when I became the Ranking Democratic Member of the Subcommittee on Commercial and Administrative Law. Prof. King's knowledge of the law, compassion for the common man, and extraordinary sense of humor continued to be a tremendous help to the work of the committee especially during the very challenging struggles over the past few years to maintain the integrity of the Code. He both lived and taught in the Eighth Congressional District of New York, a fact about which I remain especially proud. My colleague, the distinguished Ranking Member from Michigan, met Prof. King while still a student at Wayne State School of Law, and like many other lawyers, whether starting out or seasoned, was touched by Prof. King's personal and professional greatness.

Time and space do not permit me to recite all of Prof. King's accomplishments, but a few highlights deserve notice. He taught at New York University School of Law from 1959 until his death. For the last 22 years, he was the Charles Seligson Professor of Law. He also served as a member of the Judicial Conference's Advisory Committee on Bankruptcy Rules; as a consultant to the Commission on Bankruptcy Laws of the United States, which produced what ultimately became the 1978 Bankruptcy Code; as a Senior Advisor to the National Bankruptcy Review Commission, established by Congress as part of the Bankruptcy Act of 1994; and, perhaps most importantly, as the editor-in-chief of the authoritative treatise ''Collier on Bankruptcy.'' In addition to serving as a member of the National Bankruptcy Conference, Prof. King has been honored as a fellow of the American College of Bankruptcy, and had received the College's Distinguished Service Award and the Law School's Alumni Achievement Award.

He was the founder and driving force behind the NYU Workshop on Bankruptcy and Business Reorganization which, for 26 years, has trained attorneys in the field of bankruptcy and insolvency law, keeping experienced practitioners up to date with the latest developments in the law, and giving those just beginning in this complex and highly technical area a firm foundation in its basics. I am proud to note that staff from the Judiciary Committee, from both sides of the aisle, have attended this program and their service to the Congress and the American people have been greatly improved by it. The workshop has also raised sufficient funds to endow two chairs at the law school.

Prof. King's remarkable professional achievements and intellect are only part of the story. He understood the ethical and moral underpinnings of the fresh start and the rehabilitation of debtors. Everything he did was infused with his personal compassion and ethical standards. In his final speech to the American College of Bankruptcy, just two days before his death, Prof. King made an impassioned plea for the preservation of the fresh start and the coherence, fairness and balance of the current Code. The Code, a model of fairness, is in peril right now. Prof. King, who did so much to build the system we have now, who contributed so much to bankruptcy scholarship, articulated the many concerns with the pending legislation better than anyone. I can think of no more fitting tribute than to commend his final comments to the attention of my colleagues in the hope that they will help us to remember this great man and take heed and work for fair and balanced legislation.

REMARKS BY PROF. LAWRENCE KING TO THE AMERICAN COLLEGE OF BANKRUPTCY

I appreciate very much the honor of being asked to deliver the keynote address at this induction ceremony, which itself is a very auspicious occasion. It marks with emphasis the regard in which each of your peers hold you all and you are entitled to be very proud of this accomplishment. Of course, as a member of the College, I agree with everything I just said.

In considering what the focus of my remarks should be, the first thought was something having to do with the philosophy of the bankruptcy law. But that would be too short of a speech because, after all, that philosophy could be summed up as granting a new financial life to a financially distressed debtor and providing for an equitable distribution of the debtor's nonexempt assets among the debtor's unsecured creditors.

At least that was the philosophy until the advent of the 105th, 106th and the current 107th Congresses. It seems that today's philosophy is to damn the poor and struggling in order to pay the rich, who will not get paid anyway. So it is not worth heaping further ridicule on these past Congresses, the members are beyond caring, having pocketed the largess offered them and gone home to count what is in their campaign coffers. So, on to another theme.

Particularly as a member of the College, although not by virtue of that fact alone, we all have responsibilities to our profession and to our community, however that may be defined. Over a number of years of long and hard work, we have achieved a modicum of success and a time comes when some of our efforts should be used to return some good to the communities from which we come. Naturally, as all good sayings go, that is easier to state than to accomplish. Nevertheless, I want to plant some ideas by way of example.

When I was in law school, I decided that my careers should encompass three aspects. I wanted to practice law in order to help people with their problems, people being defined to include all legal entities. I wanted to teach law in order to educate others on how to help people through the practice of law as well as to help fashion the law by research and writing. And, thirdly, I wanted to be a judge in order to help make and interpret the law.

Those were pretty lofty dreams, perhaps subject even to a charge of naivete. Interestingly, as I reminisce, it seems to me that I did accomplish two of those desires, that is, the actual working at them. Whether or not it was of help to others is not for me to say. I have found, however, that within my work in whichever capacity, I have been able to accomplish all of my goals. That has occurred because throughout my career, I was involved in, let's say, extracurricular activities, almost always for no recompense whatsoever.

As I was thinking about this part of my speech, I thought of saying to you that there were two of such activities that highlighted my career in the sense of the personal enjoyment and satisfaction that I got out of them. But, as I thought of that notion, I concluded that I could say the same thing with regard to everything I have done and such joy and satisfaction was not limited to a mere two or three endeavors. But a brief review of two will serve my purpose tonight.

For about 22 years, in addition to full time teaching, part time practicing as counsel to a firm, and serving as associate dean of the law school, I was the first associate reporter, then reporter, and then a member of the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the U.S. This was not totally fun, but overall, it was quite an interesting challenge.

One incident, that one would think is unrelated to that work, involved a partial shredding of both of my trousers' legs, starting at the lower thigh, and appearing with cloth flapping before a Congressional committee to testify. The reason for the shredding was a mind bending state of frustration in listening and having to accede to suggestions to change the Chapter X Rules being made by members of the Standing Committee on Practice and Procedure, that is, the oversight committee which had no one on it who knew a whit about bankruptcy, and Chapter X in particular. During the discussion, my hands were under the table and basically, subconsciously, were clutching my pants legs and, at one point of extreme aggravation, they pulled back, tearing the pants.

Another extracurricular activity that took a great deal of time, and, in looking back, I do not quite understand where the time came from, was on the legislative front. I first got involved in that through the legislation committee of the National Bankruptcy Conference and the first excursion in drafting legislation for congress and testifying with respect to it was the 1970 Nondischargeability Amendments, which gave the bankruptcy court jurisdiction to determine the effect of a discharge.

An interesting aspect of that task was working with the National Association of Referees in Bankruptcy to come up with a joint bill and, at each turn, having members of the House subcommittee complain that the draft was not strong enough to prohibit further abuses of the discharge system by consumer credit companies. One of the most interesting days was when I received a call from Senator Quentin Burdick of North Dakota asking me to come to his office.

I was there very quickly. He ushered me into his office, told me to put my feet on the desk, offered me a shot of bourbon (9 a.m.), and he started talking. He had gotten interested in the bankruptcy jurisdiction of the referee in bankruptcy and wondered out loud whether it made sense to create a commission to study the bankruptcy laws with a view to updating them. I, of course, was in 100 [percent] ecstatic agreement, and, from that moment, the 1970 Commission was born not without some problems, but that is a story for another day.

In the mid-1970s, I was called to the House subcommittee, which was considering amending Chapter IX of the former [Bankruptcy] Act, the municipality chapter, because of the New York City financial crisis. At first, all I was asked to conduct [was] an afternoon's seminar for the members of the subcommittee and their staffs on the topic of executory contracts under the Bankruptcy Act. This was becoming a big issue in the legislation because of the power of the city's labor unions and their bargaining agreements.

But, at the conclusion, the chairman of the subcommittee, Congressman Don Edwards, asked me to show up the next morning at the start of the markup of the Chapter IX bill. Now, no one can speak at a markup session except the members and their staff, so I had to remain silent. At the markup, Congressman Butler, the ranking minority member, had a list of about 50 amendments to the proffered bill which were being read, one by one, by his minority counsel, Ken Klee, and then voted upon.

As an amendment was read, Don Edwards looked in my direction and I quickly realized he was seeking a reaction to the amendment from me by way of a nod or shake of the head. And I complied.

After a while, Congressman Butler asked for a recess and he came over to me, asking, ''Am I seeing right? Are you reacting to my amendments as they are read without even having seen them before?'' I replied in the affirmative, and he then asked if I would study the remainder of them overnight and meet with him the next morning to offer my reaction.

The next day I showed him the lists that I had made of the amendments: in one group I placed the ones I agreed with; in the next group I placed the ones I disagreed with; and in the third group, I placed the ones I did not take a position on because I believed them to be purely political, which was within his expertise and not mine.

At the markup session, Butler offered to Edwards the group one amendments with the statement that they had passed muster with the NYU law school. He did not offer group two, and the discussion was limited to Group 3. The markup continued for several days although it was serially announced that it would conclude at the end of that days' session. That did not happen. In the morning, I would check out of my hotel and, in the evening, I would check back in.

During the 1970s and '80s, I spent a fair amount of time testifying before Congressional committees and subcommittees, which was very time consuming and, also, fairly expensive. Congress invites you to work for it, but it does not offer to pay, even expenses.

In addition, I did a fair amount of continuing education work all over the country, on behalf of state and local bar associations and other suppliers of such programs. I considered appearing on these programs to be part of my job as a teacher, whether I received any compensation (which I did not) for the work.

I now think appearing on such programs is more than a teacher's job. I believe that it is incumbent on all of us, practitioners and judges alike, to participate in these programs, if we have something to offer. Judges are a bit problematic because of their position and having to decide issues but, with care as to the type of participation, they can share their gathered wisdom with the bar and public generally.

Another area in which lawyers, particularly, can serve beyond their everyday role is through their local bar associations. Active membership should be considered a must. There are many things the local bar can do in a very constructive manner. Very important is its ability to present its views to legislatures regarding bankruptcy and related legislation.

Either through bar association work or on an independent basis, pro bono work is of utmost importance, particularly in view of the new legislation. The costs to debtors filing for bankruptcy go up and up and up and no one in Washington seems to understand that the poor are being asked to support the system.

Help is needed all over the country. Go to your local courts and volunteer to serve. Create formal programs in your district to help the unfortunate. I know there are established programs in some parts of the country. Get involved in them. Give something back. That is the rallying cry.

Some have suggested programs to get lawyers and judges into the classrooms around the country. I have not been enamored of that idea. I do not believe you can pick someone out of his or her office or from the bench and say, here, teach, even if that individual has volunteered with enthusiasm to do so. Not everyone can be an effective teacher. It takes a good deal more than merely standing in front of a group and talking. Again, that is a separate subject for a talk, and I will not belabor it here.

But there is a lot out there that can be done. Legislative work is always timely. Keep in touch with your members of Congress. If you are not known, find someone in your firm, or roster of friends or clients who is. Include Representatives and Senators. If you have a string to the White House, use it and turn it into a rope. Plan in advance.

Share your expertise by writing sensible articles. The key word is sensible.

Participate in bar association functions. Be active. Volunteer to do work.

Get involved in pro bono work. You will get a lot of satisfaction in helping people.

In whatever form you wish to express yourself, remember, give something back.

HONORING SHIRLEY HELLER

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. DEUTSCH. Mr. Speaker, I rise to honor the lifetime achievements of one of South Florida's most active and charitable volunteers. Shirley Heller, who passed away on July 16, 2001 at the age of 72, was an inspiring leader who left a legacy of commitment and devotion for the South Florida community.

Shirley Heller grew up on the north side of Chicago. She attended the National College of Education and, after receiving her degree, became a teacher who was greatly loved and admired by her students. Her love for teaching led her to volunteer for the Great Books program in Chicago, which promotes classic pieces of literature.

Shirley's love of politics and public service also began during her time in Chicago, where her lifetime of activism can be traced back to the Truman years. Shirley would serve as a national delegate for the Democratic Convention, a duty she would fulfill twice more after moving to Florida. However, Shirley was best known for her dedication to her community. She was an active member of various women's groups, and had the honor of serving as the President of Hadassah for three consecutive terms. She also founded the local B'nai B'rith organization for girls in the greater Chicago area.

Shirley was an extremely giving person who always worked for others and not herself. Immediately after moving to Florida in 1979, Shirley became involved in numerous civic and community organizations. Residents at once recognized the value of her enthusiasm for and commitment to her community; characteristics which made her a natural leader. She served as president of the Pembroke Pines Democratic Club, as well as president of the Hollybrook Golf and Tennis Condominium.

Mr. Speaker, Shirley Heller was both well-loved and widely respected by all those blessed to have known her, especially her husband and three sons, whom she cherished. She selflessly served her community throughout her life's work. Today, Mr. Speaker, we celebrate Shirley's life, which serves as a wonderful example to all who follow in her footsteps.

CELEBRATING THE 75TH ANNIVERSARY OF ASTORIA CENTER OF ISRAEL

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. CROWLEY. Mr. Speaker, I rise in celebration of the 75th anniversary of The Astoria Center of Israel, one of the oldest and most venerable Conservative synagogues in my district.

Since its inception in 1926 the Astoria Center of Israel has been a bulwark of the Conservative Jewish community, as it provides a center for civic leadership, spiritual enrichment, and cultural relations.

Mr. Speaker, this congregation has always been a vibrant one.

In May of 1926, Financial, House, Membership, and Junior League committees had been established, a mere month after the building first opened its doors.

Those doors open into a sanctuary that is magnificent to behold even when the services have yet to commence. The beautiful canvasses of Mr. Louis Pierre Rigal, winner of the prestigious Grande Prix de Rome award in 1919, adorn the walls with glorious Biblical imagery.

Even today the synagogue continues to enrich the community's culture and spirit by offering plays, concerts, lectures, and civic meetings to any that wish to attend.

It would be impossible for me to separate the merits of this institution from those of its first spiritual leader, Rabbi Joshua Goldberg.

Rabbi Goldberg was the first Jewish chaplain of the United States Navy. When knowledge of the Holocaust became public, he, together with Rabbi Stephen Wise, was an active leader in the effort to save European Jews from Hitler's relentless persecution.

Rabbi Goldberg was stationed in Europe during World War II, and thus began his distinguished fifty-year-long career of Navy chaplaincy.

As a Rabbi, he reached out to other members of the clergy, both in local neighborhoods and throughout greater New York area. Rabbi Goldberg would often use radio broadcasts as a means of delivering his message of universal love and unity. Additionally, his efforts were integral to the formation of Queens College, my esteemed Alma Mater.

He made great contributions to the establishment of other Jewish communities such as Rego Park and Forest Hills.

Many prominent members of the Astoria Center for Israel continued to follow in Rabbi Goldberg's footsteps, such as Rabbi Alvin Class, the current chaplain of the New York Police Department.

I also must acknowledge the Center's many congregants that proudly pursue active careers in public service in both the governmental and private sectors.

It is my hope that we can fulfill the clause that concludes the Astoria Congregation of Israel synagogue charter—

''Behold how good and pleasant it is for brethren to dwell in unity''

RAILROAD RETIREMENT AND SURVIVORS' IMPROVEMENT ACT OF 2001

SPEECH OF

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. NUSSLE. Mr. Speaker, I commend the Chairman of the Transportation and Infrastructure Committee for his effort to address the problem of the railroad retirement system's solvency and to improve the benefits of railroad retirees and their surviving spouses. The fundamental problem is that there is currently only one railroad worker for every three beneficiaries, and that ratio is only getting worse. I agree that steps need to be taken to ensure the long term solvency of the railroad retirement system.

However, I must share with my colleagues an important concern regarding this bill's potential impact on the federal budget. As Chairman of the House Budget Committee, I worked with the Committee Chairmen, House Leadership and the Administration to alleviate this same concern, which may have been incorrectly perceived as delaying its consideration on the floor.

This bill raises a technical question about how the government should treat the transfer of financial assets from the railroad retirement account to a new trust fund for the purchase of private securities. Under the existing rules for estimating the cost of legislation, the investment of railroad retirement funds in private securities is considered by the Congressional Budget Office and the Office of Management and Budget as an expenditure and would result in $15.6 billion in new government spending in fiscal year 2002. This is because the funds would no longer be held or controlled by the U.S. Treasury.

There is another view held by many budget analysts that this transaction should simply be considered a means of financing the federal debt, and not as government spending. In other words, the investment of these assets would be considered a transfer of funds from one part of the federal government to another. Under this view, the investment of these bonds, which are currently in government securities, in private securities would have no net effect on the budget. I believe that this view is not unreasonable if the benefits of any return on investment accrue to a government-administered trust fund; that they are not used to finance new federal spending programs; and the investment decisions are walled off from political considerations or manipulation.

I am, however, opposed to a provision in the bill that directs OMB and CBO to estimate the cost of this bill, not on the basis of what they objectively think it actually costs, but what the Congress thinks it should cost. I do not believe that Congress should arbitrarily substitute its judgment for that of our budget experts.

As I support the overarching goal of restoring solvency to the railroad retirement system, I voted in favor of the Railroad Retirement and Survivors' Improvement Act of 2001. Nevertheless, I strongly believe that the bill requires additional work if it is to both serve the important needs of our country's hard working railroad employees and ensure that we maintain a balanced federal budget. Thus, I urge the President and the Congress to continue to work toward producing a final bill that does not tell OMB and CBO how much it costs, and which incorporates provisions that will protect our hard earned budget surplus.

TRIBUTE TO ISAAC HORN, OF THE SAN BERNARDINO CITY FIRE DEPARTMENT

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2001

Mr. BACA. Mr. Speaker, I rise to honor Isaac Horn, of the San Bernardino City Fire Department, for his selfless bravery in rescuing three fishermen, whose small boat was left adrift in the Pacific Ocean, buffeted by wind gales. Isaac and his colleague, Ben Alexander, demonstrated courage and commitment and the highest duties of their profession, in their off-duty rescue of these individuals in need.

Isaac and Ben were filming whale sharks in October for a television series in Bahia de Los Angeles, a small fishing village about 400 miles south of the Mexican border, when they were approached by a woman frantic about fishermen who were lost. The fishing boat lacked an engine, and had been swept in a wind-tossed sea. Isaac and Ben searched for the boat in their 21-foot craft, while braving a heavy windstorm with winds reaching about 50 to 60 miles per hour.

When they spotted the fishing boat, it was in immediate peril, in danger of being swept onto the treacherous shores of an island. The boat was only 150 yards away from shore. Using a 12-foot line, the firefighters were able to pull the boat to safety, in a courageous effort that took about an hour. In gratitude, the fishermen offered them money, but Isaac and Ben refused.

Mr. Speaker, Isaac is a leading firefighter in our community. He has served as a paramedic firefighter, and because of his great labors and professionalism, has been promoted to the rank of engineer. He is a very dedicated worker, one who always makes sure that citizens come first. If one ever needed a firefighter to pull someone out of a fire, Isaac would be the one. He is extremely strong, brave, and dedicated in his work. He has a sense of fun about him, even though he approaches his duties with great seriousness and duty.

Isaac and Ben's co-workers have nothing but praise for them, describing them as ''dedicated,'' ''great workers,'' ''you couldn't find nicer people,'' ''they do an excellent job.'' Their supervisors are equally laudatory, noting their deep commitment to help other people. It is not surprising that they would go out of their way to help someone when they are off duty.

Mr. Speaker, our fire fighters put themselves in harm's way, time and time again. They are

the line of defense that keeps our communities safe. As a husband, father, and grandparent, I am proud to entrust the safety of my loved ones to such fine individuals. The heroism displayed in Bahia de Los Angeles is the highest example of a calling that exists twenty-four hours a day, seven days a week. A firefighter's work is never done, and even off duty, or on vacation, we can rely on these brave individuals to save lives.

Mr. Speaker, many fire fighters toil anonymously, in a quiet and heroic manner. Their loved ones are faced with the prospect of a knock on the door, cap in hand, as they are informed that their spouse, brother, sister, son or daughter has made the ultimate sacrifice in protecting the public. Our firefighters jump into burning buildings, brave smoke and falling debris, make daring rescues, and save children. In honoring Isaac, we honor all of his co-workers, the entire San Bernardino city fire department, indeed all firefighters. There are many other firefighters and public safety personnel who also labor day in and day out, putting themselves in harm's way. So in giving this honor, we are honoring them all.

And so, Mr. Speaker, we salute Isaac Horn, and those like him, who serve the public and keep our communities safe.

IN HONOR OF THE ANNIVERSARY OF WALTER AND LOTTIE KACZMAREK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor two wonderful people, Walter and Lottie Kaczmarek, on their 70th anniversary.

It is truly a joyous occasion to celebrate the anniversary of a marriage. A marriage joins two people in true love, unity, respect, and trust. Walter and Lottie have a special bond together that has brought joy and happiness into the lives of all they have touched, and love for each other that transcends all material barriers. Their relationship has cultivated and grown over the past 70 years, and their love for each other has only become stronger.

Mr. Speaker, please join me in honoring this very special 70th anniversary of Walter and Lottie Kaczmarek. Their love and devotion for each other bonds them together in a very special relationship, and I wish them many more happy and healthy years together.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT. AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes:

Mr. CAMP. Mr. Chairman, I rise today in strong support of the amendment offered by my colleague from Michigan. The Combined Sewer Overflow control grant program invests desperately needed funds into our local communities to upgrade dilapidated waste water treatment facilities. We can all agree that protecting the safety of our local communities' water supply is of vital importance. Unfortunately, many cities and towns lack the necessary funds to improve their wastewater treatment plans to ensure clean drinking water. Without additional funds for the Combined Sewer Overflow control grant program, local governments will be forced to curtail critically needed improvements to their sewer infrastructure.

My constituents are contacting me for help to address wastewater infrastructure problems in the 4th District of Michigan. This is not, however, only a Michigan issue, it is also a problem in many states including Massachusetts, New Jersey, Ohio, Pennsylvania and Illinois, among others. Given this great need for wastewater infrastructure improvements, we must not sit idle on this issue.

Mr. Chairman, adequate funding for sewer overflow systems is essential particularly since the Committee has lowered funds for the Safe Drinking Water State Revolving Fund from $1.35 billion last year to $1.2 billion this year. I believe the goal of clean water can further be realized if communities have the much-needed federal support to fix their sewer infrastructure problems. Local governments are facing staggering costs that range in the billions of dollars to sustain and improve sewer infrastructure. They are calling on us for help. This is an important investment in ensuring environmental quality and I ask my colleagues to support this amendment.

IN MEMORY OF DETECTIVE JOHN GIBSON AND OFFICER JACOB CHESTNUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Detective John Gibson and Officer Jacob Chestnut, both members of the Capitol Security Force, who were killed in the line of fire on July 24, 1998.

Three years ago, both Gibson and Chestnut fell victim to one of the most horrific crimes in the Capitol building in recent years. Crazed gunman Russell Weston entered through what used to be known as the Document Door, now fittingly renamed the Memorial Door, and terrorized tourists, staffers, and eventually shot Gibson and Chestnut.

Detective Gibson and Officer Chestnut were identified as two 18-year veterans of the force. Both were married and had children.

This outbreak of violence caught everyone off guard and security measures quickly heightened. The latest add-ons to this new effort for increased security are completion of a new Capitol Police training facility and a pilot program that would allow Congressional Staffers to enter buildings with electronic I.Ds. Increased security has now become a high priority in the Capitol and has increased the safety of not only Capitol employees, but the thousands of tourists that visit this glorious structure year after year.

The Capitol Security Officers put their lives on the line day after day for the safety of not only the elected officials that work within the Capitol, but for the thousands of tourists that visit this glorious building year after year. Their dedications, hard-work, and courage have kept hundreds of thousands of people safe throughout the years.

Mr. Speaker, please join me in honoring the memory of two dedicated men, Detective John Gibson and Officer Jacob Chestnut, for their dedicated service to the Capitol and our country.

TRIBUTE TO BEN ALEXANDER, OF THE SAN BERNARDINO CITY FIRE DEPARTMENT

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2001

Mr. BACA. Mr. Speaker, I rise to honor Ben Alexander, of the San Bernardino City Fire Department, for his selfless bravery in rescuing three fishermen, whose small boat was left adrift in the Pacific Ocean, buffeted by wind gales. Ben and his colleague, Isaac Horn, demonstrated courage and commitment and the highest duties of their profession, in their off-duty rescue of these individuals in need.

Ben and Isaac were filming whale sharks in October for a television series in Bahia de Los Angeles, a small fishing village about 400 miles south of the Mexican border, when they were approached by a woman frantic about fishermen who were lost. The fishing boat lacked an engine and had been swept in a wind tossed sea. Ben and Isaac searched for the boat in their 21-foot craft, while braving a heavy windstorm with winds reaching about 50 to 60 miles per hour.

When they spotted the fishing boat, it was in immediate peril, in danger of being swept onto the treacherous shores of an island. The boat was only 150 yards away from shore. Using a 12-foot line, the firefighters were able to pull the boat to safety, in a courageous effort that took about an hour. In gratitude, the fishermen offered them money, but Ben and Isaac refused.

Mr. Speaker, Ben is a leading firefighter in our community. He has served as a firefighter/paramedic and a member of the tactical medical team. The team is part of a police swat team, which goes in armed to treat downed officers. Ben was instrumental in getting it started. His chosen occupation takes him to work in the busiest areas of the city. He is deeply committed to his work, and has a great sense

of adventure, displaying a great attitude at all times, as well as an excellent sense of humor.

Ben's wife, Natalie, and his daughter, Taylor, are very proud of him as we honor him today.

Ben and Isaac's co-workers have nothing but praise for them, describing them as ''dedicated,'' ''great workers,'' ''you couldn't find nicer people,'' ''they do an excellent job.'' Their supervisors are equally laudatory, noting their deep commitment to help other people. It is not surprising that they would go out of their way to help someone when they are off duty.

Mr. Speaker, our fire fighters put themselves in harm's way, time and time again. They are the line of defense that keeps our communities safe. As a husband, father, and grandparent, I am proud to entrust the safety of my loved ones to such fine individuals. The heroism displayed in Bahia de Los Angeles is the highest example of a calling that exists twenty-four hours a day, seven days a week. A firefighter's work is never done, and even off duty, or on vacation, we can rely on these brave individuals to save lives.

Mr. Speaker, many fire fighters toil anonymously, in a quiet and heroic manner. Their loved ones are faced with the prospect of a knock on the door, cap in hand, as they are informed that their spouse, brother, sister, son or daughter has made the ultimate sacrifice in protecting the public. Our firefighters jump into burning buildings, brave smoke and falling debris, make daring rescues, and save children. In honoring Ben, we honor all of his co-workers, the entire San Bernardino city fire department, indeed all firefighters. There are many other firefighters and public safety personnel who also labor day in and day out, putting themselves in harm's way. So in giving this honor, we are honoring them all.

And so, Mr. Speaker, we salute Ben Alexander, and those like him, who serve the public and keep our communities safe.

HONORING SCOTT PRESTIDGE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to both honor and thank Scott Prestidge. I first met Scott when he came to one of my town hall meetings. He approached a member of my staff with a resume and within a few weeks was working in my district office.

Scott graduated from the University of Colorado at Boulder with a degree in Political Science. He has been a caseworker in my Colorado office dealing primarily with the Department of Justice, Department of Defense, and the Small Business Administration. He has demonstrated exceptional professionalism and knowledge in dealing with business, technology and veterans issues. His patience, understanding, and sense of humor have made him a great asset to my staff.

One of Scott's most meaningful accomplishments was helping me to obtain World War II medals for a woman whose husband died in the war. Her son had never met his father and was overjoyed at finally receiving the medals for his father's bravery and courage.

This is just one of the many examples of the excellent constituent services Scott has helped me provide to the people in my district. He has been invaluable in communicating with Spanish-speaking constituents and is always compassionate and understanding to those in need.

Scott is moving to Boston, Massachusetts to be with his wife, Abbey, while she attends graduate school. I wish them the best of luck in all their future endeavors.

TRIBUTE TO MY GRANDDAD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2001

Mr. GRAVES. Mr. Speaker, since I was a young boy, chasing more chickens than girls, I watched my granddad Wilferd and my dad, Samuel Graves Sr., account for loose parts on tractors, missing pieces on planters, and nearly anything else that needed fixing with a good, straight piece of baling wire. Every year, we would go down to Tarkio Pelleting, the local feed store, and buy a new bundle of baling wire. We all called it Number 9 wire, but it really wasn't. Number 9 is much heavier and doesn't bend so easily. As I got older, it didn't take long until I was using the baling wire on things of my own. The barn door to my show heifer, the fender on my first bicycle, and half my G.I. Joe Collection needed some mending of one sort or another. As a young man, I didn't think a thing about it. When I needed it, I used it.

Today when I walk around the farm, I still think of Granddad. His 1968 John Deere 4020 that he bought brand new still has baling wire holding the air cleaner on. Every where you look, baling wire holds something together on the old home place—the 1983 John Deere 6630 Sidehill Combine and even the new (well, relatively new) John Deere 7200 vacuum planter has its fair share of the trusty ol' wire keeping it together.

In life, only friendship can hold things together like a bundle of baling wire. As I think back on my good days, my bad days, the days when I was a proud father, and the days when I was a grandson mourning the loss of my granddad, there was always a friend there to comfort and share their concerns with me. Just like climbing onto the old 4020, I often have taken for granted that the baling wire will hold or that my friends will be there for me. I want to thank my friend, Scott Eckard, for being there for me when I needed him; and I want him to know that I am with him now—for whatever he needs from me. Granddad always told me that baling wire would even hold back time, if we could just catch it. My friend, I am not sure that we can ever hold onto time, but I am ever grateful that we have held onto our friendship.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2001

Ms. MILLENDER-McDONALD. Mr. Speaker, on rollcall Nos. 298 and 299, I was detained at a meeting called by the administration at the White House. Had I been present, I would have voted ''aye'' on each vote.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2001

Mrs. JONES of Ohio. Mr. Speaker, had I been present on Tuesday, July 31, 2001, the record would reflect that I would have voted:

On rollcall No. 297, H.R. 2620, Department of Veterans Affairs and Housing and Urban Development Appropriations for 2002, ''yea''.

On rollcall No. 298, H.R. 2647, Legislative Branch Appropriations for FY 2002, ''yea''.

On rollcall No. 299, on approving the Journal, ''yea''.

On rollcall No. 300, H. Res. 214, on agreeing to the resolution providing for consideration of H.R. 2505; Human Cloning Prohibition Act, ''nay''.

On rollcall No. 301, H.R. 2540, on motion to suspend the rules and pass, as amended, Veterans Benefits Act, ''yea''.

On rollcall No. 302, H.R. 2505, on agreeing to the amendment, Greenwood of Pennsylvania substitute amendment, ''yea''.

On rollcall No. 303, H.R. 2505, on motion to recommit with instructions, Human Cloning Prohibition Act, ''yea''.

On rollcall No. 304, H.R. 2505, on passage, Human Cloning Prohibition Act, ''nay''.

On rollcall No. 305, H.R. 1140, on motion to suspend the rules and pass, amended, Railroad Retirement and Survivors' Improvement Act, ''yea''.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, August 2, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 3

9:30 a.m.

Foreign Relations

To hold hearings on the nomination of J. Richard Blankenship, of Florida, to be Ambassador to the Commonwealth of The Bahamas; the nomination of Hans H. Hertell, of Puerto Rico, to be Ambassador to the Dominican Republic; and the nomination of Martin J. Silverstein, of Pennsylvania, to be Ambassador to the Oriental Republic of Uruguay.

SD–419

Joint Economic Committee

To hold hearings to examine the employment situation for July, 2001. 1334, Longworth Building

10 a.m.

Finance

International Trade Subcommittee

To hold hearings on the Andean Trade Preferences Act.

SD–215

SEPTEMBER 19

2 p.m.

Judiciary

To hold hearings on S.702, for the relief of Gao Zhan.

SD–226

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate passed Department of Transportation and Related Agencies Appropriations Act.

House Committees ordered reported 10 sundry measures.

House passed H.R. 4, Securing America's Future Energy (SAFE) Act.

Senate

Chamber Action

Routine Proceedings, pages S8499–S8577

Measures Introduced: Sixteen bills and three resolutions were introduced, as follows: S. 1286–1301, S.J. Res. 21, and S. Res. 145–146. **Pages S8574–75**

Measures Reported:

Special Report entitled "Further Revised Allocation To Subcommittees Of Budget Totals For Fiscal Year 2002". (S. Rept. No. 107–50)

S. Res. 126, expressing the sense of the Senate regarding observance of the Olympic Truce.

S. 367, to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 584, to designate the United States courthouse located at 40 Centre Street in New York, New York, as the "Thurgood Marshall States Courthouse".

S. 1254, to reauthorize the Multifamily Assisted Housing Reform and Affordability Act of 1997, with an amendment.

S. Con. Res. 58, expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum.

S. Con. Res. 62, congratulating Ukraine on the 10th anniversary of the restoration of its independence and supporting its full integration into the Euro-Atlantic community of democracies. **Page S8570**

Measures Passed:

Department of Transportation and Related Agencies Appropriations Act: Senate passed H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, after taking action on the following amendment proposed thereto:

Pages S8505–33

Adopted:

Murray/Shelby Amendment No. 1213, to make certain revisions and improvements to the bill.

Page S8526

By prior unanimous consent, Senate agreed to the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the bill.

Page S8505

By prior unanimous consent, Senate agreed to the motion to reconsider the vote by which cloture was not invoked on the bill. **Page S8505**

During consideration of this measure today, Senate also took the following action:

By a unanimous vote of 100 yeas (Vote No. 262), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on H.R. 2299 (listed above). **Page S8505**

Zimbabwe Democracy and Economic Recovery Act: Senate passed S. 494, to provide for a transition to democracy and to promote economic recovery in Zimbabwe, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

Emergency Agriculture Assistance Act: Senate continued consideration of S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers, taking action on the following amendments proposed thereto:

Pages S8499–S8504

Withdrawn:

Voinovich Amendment No. 1209, to protect the social security surpluses by preventing on-budget deficits. **Page S8499**

Pending:

Lugar Amendment No. 1212, in the nature of a substitute. **Page S8499**

A motion was entered to close further debate on S. 1246 (listed above) and, in accordance with Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Friday, August 3, 2001. **Page S8499**

VA–HUD Appropriations Act: Senate began consideration of H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, taking action on the following amendments proposed thereto: **Pages S8537–49, S8552–62**

Adopted:

Mikulski/Bond Amendment No. 1217 (to Amendment No. 1214), to make $2,000,000,000 for FEMA disaster relief available upon enactment. **Pages S8543–44**

By 97 yeas to 1 nay (Vote No. 265), Boxer Amendment No. 1219 (to Amendment No. 1214), to provide for a new national primary drinking water regulation for arsenic. **Pages S8552–61**

Pending:

Mikulski/Bond Amendment No. 1214, in the nature of a substitute. **Pages S8543–49, S8552–62**

During consideration of this measure today, Senate also took the following action:

By 25 yeas to 75 nays (Vote No. 263), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to agree to the motion to waive section 302(f) of the Congressional Budget Act of 1974 with respect to Wellstone Amendment No. 1218 (to Amendment No. 1214), to increase the amount available for medical care for veterans by $650,000,000. Subsequently, a point of order that the amendment was in violation of the Congressional Budget Act by providing spending in excess of the subcommittee's 302–B allocation was sustained, and the amendment thus fell. **Pages S8544–49**

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto on Thursday, August 2, 2001; that upon disposition of all amendments, the substitute amendment be agreed to, the bill be read three times, and the Senate vote on passage of the bill; that upon passage of the bill, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate. **Pages S8560–61**

Export Administration Act Agreement: A unanimous-consent agreement was reached providing that the Majority Leader may, after consultation with the Republican Leader, turn to the consideration of S. 149, to provide authority to control exports, but not before September 4, 2001. **Page S8534**

Appointments:

Congressional-Executive Commission on the People's Republic of China: The Chair, on behalf of the President of the Senate, and after consultation with the Democratic Leader, pursuant to Public law 106–286, appointed Senator Bayh to serve on the Congressional-Executive Commission on the People's Republic of China, vice Senator Gordon Smith, and appointed Senator Baucus as Chairman of the Commission. **(See next issue.)**

Nominations Confirmed: Senate confirmed the following nominations:

By 98 yeas 1 nay (Vote No. EX. 264), Asa Hutchinson, of Arkansas, to be Administrator of Drug Enforcement. **Pages S8549–51, S8577**

Gordon H. Mansfield, of Virginia, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

Jack Dyer Crouch II, of Missouri, to be an Assistant Secretary of Defense.

Sue McCourt Cobb, of Florida, to be Ambassador to Jamaica.

Mercer Reynolds, of Ohio, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein.

Josefina Carbonell, of Florida, to be Assistant Secretary for Aging, Department of Health and Human Services.

Russell F. Freeman, of North Dakota, to be Ambassador to Belize.

Clark Kent Ervin, of Texas, to be Inspector General, Department of State.

Michael E. Guest, of South Carolina, to be Ambassador to Romania.

Roger Francisco Noriega, of Kansas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

Dan R. Brouillette, of Louisiana, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

Stuart A. Bernstein, of the District of Columbia, to be Ambassador to Denmark.

Charles A. Heimbold, Jr., of Connecticut, to be Ambassador to Sweden.

Jim Nicholson, of Colorado, to be Ambassador to the Holy See.

Thomas J. Miller, of Virginia, to be Ambassador to Greece.

Larry C. Napper, of Texas, to be Ambassador to the Republic of Kazakhstan.

Thomas C. Hubbard, of Tennessee, to be Ambassador to the Republic of Korea.

Eric M. Bost, of Texas, to be a Member of the Board of Directors of the Commodity Credit Corporation.

William T. Hawks, of Mississippi, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Joseph J. Jen, of California, to be a Member of the Board of Directors of the Commodity Credit Corporation.

James R. Moseley, of Indiana, to be a Member of the Board of Directors of the Commodity Credit Corporation.

J.B. Penn, of Arkansas, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Marie T. Huhtala, of California, to be Ambassador to Malaysia.

Harvey Pitt, of North Carolina, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2002.

Harvey Pitt, of North Carolina, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2007. (Reappointment)

Franklin L. Lavin, of Ohio, to be Ambassador to the Republic of Singapore. **Pages S8533–34, S8577**

Nominations Received: Senate received the following nominations:

J. Strom Thurmond, Jr., of South Carolina, to be the United States Attorney for the District of South Carolina for the term of four years.

Charles F. Lettow, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Marian Blank Horn, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years. (Reappointment)

Michael W. Mosman, of Oregon, to be the United States Attorney for the District of Oregon for the term of four years.

Paul J. McNulty, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

Robert Garner McCampbell, of Oklahoma, to be United States Attorney for the Western District of Oklahoma for the term of four years.

Harry Sandlin Mattice, Jr., of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

Timothy Mark Burgess, of Alaska, to be United States Attorney for the District of Alaska for the term of four years.

4 Coast Guard nominations in the rank of admiral.

A routine list in the Army. **Page S8577**

Executive Communications: **Page S8569**

Petitions and Memorials: **Pages S8569–70**

Executive Reports of Committees: **Pages S8570–74**

Messages From the House: **Page S8569**

Measures Referred: **Page S8569**

Measures Read First Time: **(See next issue.)**

Statements on Introduced Bills: **(See next issue.)**

Additional Cosponsors: **Pages S8575–77**

Amendments Submitted: **(See next issue.)**

Additional Statements: **Page S8568**

Authority for Committees: **(See next issue.)**

Privilege of the Floor: **(See next issue.)**

Record Votes: Four record votes were taken today. (Total—265) **Pages S8505, S8549, S8551, S8561**

Adjournment: Senate met at 10 a.m., and adjourned at 8:56 p.m., until 9:30 a.m., on Thursday, August 2, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8577.)

Committee Meetings

(Committees not listed did not meet)

U.S. EXPORT MARKET SHARE

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Production and Price Competitiveness concluded hearings to examine the status of the U.S. agricultural export market share, the Department of Agriculture's strategy for expanding overseas sales, and how impending policy changes may benefit the food and agricultural sector, after receiving testimony from Mattie R. Sharpless, Acting Administrator, Foreign Agricultural Service, Department of Agriculture; Leonard W. Condon, American Meat Institute, Arlington, Virginia; Henry Jo Von Tungeln, Calumet, Oklahoma, on behalf of the U.S. Wheat Associates, the Wheat Export Trade Education Committee, and the National Association of Wheat Growers; and Carl Brothers, Riceland Foods, Inc., Stuttgart, Arkansas, on behalf of the USA Rice Federation.

STEM CELL RESEARCH

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings to examine how intellectual property considerations and ethical issues affect stem cell research and the future development of products for public benefit, and how the transfer of federally funded technology from the not-for-profit sector to the for-profit is accomplished, after receiving testimony from Maria Freire, Director, Office of Technology Transfer, National Institutes of Health, Department of Health and Human Services; Carl E. Gulbrandsen, WiCell Research Institute, Madison, Wisconsin, on behalf of the Wisconsin Alumni Research Foundation; Nigel Cameron, Centre for Bioethics and Public Policy, London, England; Arthur Caplan and Glenn McGee, both of the University of Pennsylvania Center for Bioethics, Philadelphia; Michael D. West, Advanced Cell Technology, Inc., Worcester, Massachusetts.

APPROPRIATIONS—NAVY AND AIR FORCE CONSTRUCTION

Committee on Appropriations: Subcommittee on Military Construction concluded hearings on proposed budget estimates for fiscal year 2002 for Navy construction and Air Force construction, after receiving testimony from Duncan Holaday, Senior Civilian Official, Office of the Assistant Secretary of the Navy for Installations and Environment; Rear Adm. Michael R. Johnson, USN, Commander, Naval Facilities Engineering Command; Lt. Gen. Gary S. McKissock, USMC, Deputy Commandant of the Marine Corps for Installations and Logistics Facilities; Rear Adm. Noel G. Preston, UNR, Deputy Director of Naval Reserve; Jimmy G. Dishner, Deputy Assistant Secretary of the Air Force for Installations; Maj. Gen. Earnest O. Robbins II, HQ USAF, The Civil Engineer, Deputy Chief of Staff for Installations and Logistics; Brig. Gen. Paul S. Kimmel, ANG, Deputy Director, Air National Guard; and Brig. Gen. Robert E. Duignan, Deputy to Chief of Air Force Reserve.

NOMINATION

Committee on Armed Services: Committee concluded hearings on the nomination of Gen. John P. Jumper, USAF, for reappointment to the grade of general and to be Chief of Staff, United States Air Force, after the nominee testified and answered questions in his own behalf.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following business items:

S. 1254, to reauthorize the Multifamily Assisted Housing Reform and Affordability Act of 1997, with an amendment; and

The nomination of Linda Mysliwy Conlin, of New Jersey, to be Assistant Secretary for Trade Development, and Michael J. Garcia, of New York, to be Assistant Secretary for Export Enforcement, both of the Department of Commerce, Melody H. Fennel, of Virginia, to be Assistant Secretary for Congressional and Intergovernmental Relations, and Michael Minoru Fawn Liu, of Illinois, to be Assistant Secretary for Public and Indian Housing, both of the Department of Housing and Urban Development, and Henrietta Holsman Fore, of Nevada, to be Director of the Mint, Department of the Treasury.

SUBCOMMITTEE ASSIGNMENTS

Committee on Banking, Housing, and Urban Affairs: Committee announced the following subcommittee assignments:

Subcommittee on Securities and Investment: Senators Dodd (Chairman), Johnson, Reed, Schumer, Bayh, Corzine, Carper, Stabenow, Akaka, Enzi (Ranking Member), Shelby, Crapo, Bennett, Allard, Hagel, Santorum, and Bunning,

Subcommittee on Financial Institutions: Senators Johnson (Chairman), Miller, Carper, Stabenow, Dodd, Reed, Bayh, Corzine, Bennett (Ranking Member), Ensign, Shelby, Allard, Santorum, Bunning, and Crapo.

Subcommittee on Housing and Transportation: Senators Reed (Chairman), Carper, Stabenow, Corzine, Dodd, Schumer, Akaka, Allard (Ranking Member), Santorum, Ensign, Shelby, Enzi, and Hagel.

Subcommittee on Economic Policy: Senators Schumer (Chairman), Miller, Corzine, Akaka, Bunning (Ranking Member), Bennett, and Ensign.

Subcommittee on International Trade and Finance: Senators Bayh (Chairman), Miller, Johnson, Akaka, Hagel (Ranking Member), Enzi, and Crapo.

INTERNATIONAL TRADE AGREEMENTS

Committee on Commerce, Science, and Transportation: Committee held hearings to examine the status of current U.S trade agreements, focusing on the proposed benefits and practical realities of expanding trade markets, while trying to improve labors standards abroad, protect the environment, and protect and compensate workers in the U.S., receiving testimony from Donald L. Evans, Secretary of Commerce; and Edward N. Luttwak, Center for Strategic and International Studies, William Reinsch, National Foreign Trade Council, on behalf of the Organization for International Investment, and Alan Tonelson, United States Business and Industry Council, all of Washington, D.C.

Hearings recessed subject to call.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nominations of John Arthur Hammerschmidt, of Arkansas, to be a Member of the National Transportation Safety Board, Jeffrey William Runge, of North Carolina, to be Administrator of the National Highway Traffic Safety Administration, Department of Transportation, and Nancy Victory, to be Assistant Secretary for Communications and Information, and Otto Wolff, to be Assistant Secretary for Administration and Chief Financial Officer, both of Virginia, both of the Department of Commerce, after the nominees testified and answered questions in their own behalf. Dr. Runge was introduced by Representative Myrick, and Ms. Victory was introduced by Senator Allen.

NATIONAL ENERGY POLICY

Committee on Energy and Natural Resources: Committee began markup of S. 597, to provide for a comprehensive and balanced national energy policy, but did not complete action thereon, and will meet again tomorrow.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

S. 584, to designate the United States courthouse located at 40 Centre Street in New York, New York, as the ''Thurgood Marshall States Courthouse''; and

The nominations of David A. Sampson, of Texas, to be Assistant Secretary of Commerce for Economic Development, and George Tracy Mehan III, of Michigan, to be Assistant Administrator for the Office of Water, Judith Elizabeth Ayres, of California, to be Assistant Administrator for the Office of International Activities, Robert E. Fabricant, of New Jersey, to be General Counsel, Jeffrey R. Holmstead, of Colorado, to be Assistant Administrator for the Office of Air and Radiation, and Donald R. Schregardus, of Ohio, to be Assistant Administrator for the Office of Enforcement and Compliance Assurance, all of the Environmental Protection Agency.

TRANSPORTATION AIR EMISSIONS

Committee on Environment and Public Works: Committee held hearings to examine the impact of air emissions from the transportation sector on public health and the environment, current and future programs that reduce harmful air pollution, and the energy impacts of the transportation sector and its relationship to environmental concerns, receiving testimony from Robert D. Brenner, Acting Assistant Administrator for Air and Radiation, Environmental Protection Agency; Jason Mark, Union of Concerned Scientists, and Gregory Dana, Alliance of Automobile Manufacturers, both of Washington, D.C.; Daniel S. Greenbaum, Health Effects Institute, Cambridge, Massachusetts; Omar F. Freilla, New York City Environmental Justice Alliance, New York, New York; and Jeffrey A. Saitas, Texas Natural Resource Conservation Commission, Austin.

Hearings recessed subject to call.

CYBERSHOPPING AND SALES TAX

Committee on Finance: Committee held hearings to examine issues related to the Internet Tax Freedom Act, which provides a moratorium on certain state and local government taxes on Internet access and electronic commerce, and proposals to extend or modify the Act, focusing on remote collection of taxes and reduction of compliance costs, including a related proposal S. 512, to foster innovation and technological advancement in the development of the Internet and electronic commerce, receiving testimony from G. Thomas Woodward, Assistant Director for Tax Analysis, Congressional Budget Office; Illinois State Senator Steven Rauschenberger, Springfield, on behalf of the National Conference of State Legislatures; David Bullington, Wal-Mart Stores, Inc., Bentonville, Arizona; Frank G. Julian, Federated Department Stores, Inc., Cincinnati, Ohio, on behalf of the Direct Marketing Association and the Internet Tax Fairness Coalition; and Michael S. Greve, American Enterprise Institute, Jeffrey A. Friedman, KPMG, and Frank Shafroth, National Governors Association, all of Washington, D.C.

Hearings recessed subject to call.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

An original bill to authorize appropriations for the Department of State and for United States international broadcasting activities for fiscal years 2002 and 2003;

S. 367, to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961;

S. Res. 126, expressing the sense of the Senate regarding observance of the Olympic Truce;

S. Con. Res. 58, expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum;

S. Con. Res. 62, congratulating Ukraine on the 10th anniversary of the restoration of its independence and supporting its full integration into the Euro-Atlantic community of democracies; and

The nominations of Vincent Martin Battle, of the District of Columbia, to be Ambassador to the Republic of Lebanon, Nancy Goodman Brinker, of Florida, to be Ambassador to the Republic of Hungary, Carole Brookins, of Indiana, to be United States Executive Director of the International Bank for Reconstruction and Development, R. Nicholas Burns, of Massachusetts, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador, Daniel R. Coats, of Indiana, to be Ambassador to the Federal Republic of Germany, Ross J. Connelly, of Maine, to be Executive Vice President of the Overseas Private Investment Corporation, Patrick M. Cronin, of the District of Columbia, to be Assistant Administrator for Policy and Program Coordination of the United States Agency for International Development, Christopher William Dell, of New Jersey, to be Ambassador to the Republic of Angola, Richard J. Egan, of Massachusetts, to be Ambassador to Ireland, Edward William Gnehm, Jr., of Georgia, to be Ambassador to the Hashemite Kingdom of Jordan, Edmund James Hull, of Virginia, to be Ambassador to the Republic of Yemen, Richard Henry Jones, of Nebraska, to be Ambassador to the State of Kuwait, Theodore H. Kattouf, of Maryland, to be Ambassador to the Syrian Arab Republic, Robert Geers Loftis, of Colorado, to be Ambassador to the Kingdom of Lesotho, Jeanne L. Phillips, of Texas, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador, Randal Quarles, of Utah, to be United States Executive Director of the International Monetary Fund, Maureen Quinn, of New Jersey, to be Ambassador to the State of Qatar, Craig Roberts Stapleton, of Connecticut, to be Ambassador to the Czech Republic, Joseph Gerard Sullivan, of Virginia, to be Ambassador to the Republic of Zimbabwe, and Johnny Young, of Maryland, to be Ambassador to the Republic of Slovenia.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 543, to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits, with an amendment in the nature of a substitute;

An original bill, to amend the Public Health Service Act to provide programs for the prevention, treatment, and rehabilitation of stroke;

An original bill, to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects;

S. 1281, to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, with an amendment in the nature of a substitute; and

S. 838, to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children, with an amendment in the nature of a substitute.

Also, committee announced the following subcommittee assignments:

Subcommittee on Aging: Senators Mikulski (Chairman), Dodd, Edwards, Murray, Clinton, Hutchinson (Ranking Member), Gregg, Warner, and Roberts.

Subcommittee on Children and Families: Senators Dodd (Chairman), Bingaman, Wellstone, Murray, Reed, Jeffords, Collins (Ranking Member), Frist, Warner, Bond, and DeWine.

Subcommittee on Employment, Safety and Training: Senators Wellstone (Chairman), Kennedy, Dodd, Harkin, Enzi (Ranking Member), Sessions, and DeWine.

Subcommittee on Public Health: Senators Kennedy (Chairman), Harkin, Mikulski, Jeffords, Bingaman, Wellstone, Reed, Edwards, Clinton, Frist (Ranking Member), Gregg, Enzi, Hutchinson, Roberts, Collins, Sessions, and Bond.

RACIAL PROFILING

Committee on the Judiciary: Subcommittee on Constitution, Federalism, and Property Rights concluded hearings on S. 989, to prohibit racial profiling, after receiving testimony from Senators Clinton and Corzine; Representatives Conyers and Shays; Mayor Dennis W. Archer, Detroit, Michigan, on behalf of the National League of Cities; Raymond W. Kelly, New York City Police Department, New York, New York, former Commissioner, U.S. Customs Service, Department of the Treasury; Ronald L. Davis, Oakland Police Department, Oakland, California, on behalf of the National Organization of Black Law Enforcement Executives; Lorie Fridell, Police Executive Research Forum, and Steve Young, Fraternal Order of Police, both of Washington, D.C.; Reuben M. Greenberg, Charleston Police Department, Charleston, South Carolina; and David A. Harris, University of Toledo College of Law, Toledo, Ohio.

PRODUCT PACKAGE PROTECTION

Committee on the Judiciary: Subcommittee on Antitrust, Business Rights, and Competition concluded hearings on S. 1233, to provide penalties for certain

unauthorized writing with respect to consumer products, after receiving testimony from Alice Fisher, Deputy Assistant Attorney General, Criminal Division, Department of Justice; Leslie G. Sarasin, American Frozen Food Institute, McLean, Virginia; Paul J. Petruccelli, Kraft Foods North America, Inc., Northfield, Illinois; and David Burris, Baker City, Oregon.

ENVIRONMENTAL TECHNOLOGY

Committee on Small Business: Committee held hearings to examine ways that small businesses and the government can work together to create innovative technologies that help businesses run environmentally-friendly operations, thus creating more jobs while improving environmental policy and technology, receiving testimony from Paul Stolpman, Director, Office of Atmospheric Programs, Office of Air and Radiation, Environmental Protection Agency; Dan H. Renberg, Member, Board of Directors, Export-Import Bank of the United States; Byron Kennard, Center for Small Business and the Environment, Washington, D.C.; Jeffrey M. Bentley, Nuvera Fuel Cells, Inc., Cambridge, Massachusetts; Thomas A. Dreessen, EPS Capital Corporation, Doylestown, Pennsylvania, on behalf of the Export Council for Energy Efficiency; Ed C. Patterson, Jr., Natural Environmental Solutions, Inc., St. Louis, Missouri; and Ralph Bedogne, Engineered Machined Products, Inc., Escanaba, Michigan.

Hearings recessed subject to call.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 21 public bills, H.R. 2693–2713, were introduced. **Page H5124–25**

Reports Filed: Reports were filed as follows:

Supplemental report on H.R. 2587, to enhance energy conservation, provide for security and diversity in the energy supply for the American people, and (H. Rept. 107–162, Pt. 2);

H.R. 2501, to reauthorize the Appalachian Regional Development Act of 1965 (H. Rept. 107–180);

H. Con. Res. 25, expressing the sense of the Congress regarding tuberous sclerosis, amended (H. Rept. 107–181);

H. Con. Res. 36, urging increased Federal funding for juvenile (Type 1) diabetes research, amended (H. Rept. 107–182); and

H. Con. Res. 61, expressing support for a National Reflex Sympathetic Dystrophy (RSD) Awareness Month (H. Rept. 107–183). **Page H5124**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Sweeney to act as Speaker pro tempore for today. **Page H4991**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Gregory S. Cox, Warwick Assembly of God of Hampton, Virginia. **Page H4991**

Journal: Agreed to the Speaker's approval of the Journal of July 31 by a recorded vote of 343 ayes to 65 noes with 2 voting "present," Roll No. 308. **Pages H4991, H5007–08**

Joint Meeting to Receive President Vicente Fox of Mexico: Agreed that it be in order at any time on Thursday, September 6, 2001, for the Speaker to declare a recess, subject to the call of the Chair for the purpose of receiving in Joint Meeting His Excellency Vicente Fox, President of the United Mexican States. **Page H5008**

Joint Meeting to Receive Prime Minister John Howard of Australia: Agreed that it be in order at any time on Wednesday, September 12, 2001, for the Speaker to declare a recess, subject to the call of the Chair for the purpose of receiving in Joint Meeting the Honorable John Howard, prime Minister of Australia. **Page H5008**

Supplemental Report: Agreed that the Committee on Energy and Commerce be allowed to file a Supplemental Report on H.R. 2587, Energy Advancement and Conservation Act of 2001. **Page H5008**

Securing America's Future Energy (SAFE) Act: The House passed H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people by a recorded vote of 240 ayes to 189 noes, Roll No. 320. **Pages H5008 (continued next issue)**

Rejected the Thurman motion to recommit the bill to the Committee on Ways and Means with instructions to report it back forthwith with an amendment that sought to make tax reductions contingent on sufficient non-social security, non-medicare surpluses by a recorded vote of 206 ayes to 223 noes, Roll No. 319. **(See next issue.)**

Pursuant to the rule, the amendment in part A of H. Rept. 107–178 that strikes Section 301, Budget Status of Nuclear Waste Fund, in Title III was considered as adopted. **(See next issue.)**

Agreed To:

Tauzin amendment No. 1 printed in H. Rept. 107–178 that makes technical and clarifying changes and directs various studies on energy conservation education, anticipated demand growth for natural gas consumption in the west, modification of the gasoline excise tax to promote cleaner burning fuel in the study on boutique fuels, and feasibility of establishing a renewable fuel standard (agreed to by a recorded vote of 281 ayes to 148 noes, Roll No. 309); **Pages H5106–11, H5113–14**

Bono amendment No. 2 printed in H. Rept. 107–178 that establishes a renewable energy partnership at EPA to promote the use of renewable energy, recognize companies that purchase it, and educate consumers on its environmental benefits (agreed to by a recorded vote of 411 ayes to 15 noes, Roll No. 310); **Pages H5111–13 (continued next issue)**

Wilson amendment No. 4 printed in H. Rept. 107–178 that prohibits the commercial sale of uranium by the United States until 2009 with the exception of sales required pursuant to statute; **(See next issue.)**

Jackson-Lee amendment No. 8 printed in H. Rept. 107–178 that earmarks $5 million for bioenergy training and education targeted to minority and socially disadvantaged farmers and ranchers; **(See next issue.)**

Capito amendment No. 9 printed in H. Rept. 107–178 that directs the Secretary of Energy to fund at least one coal gasification project; **(See next issue.)**

Jackson-Lee amendment No. 10 printed in H. Rept. 107–178 that directs the Secretary of the Interior to transmit a report to the Congress assessing

the contents of natural gas and oil deposits at existing sites off the coast of Louisiana and Texas;

(See next issue.)

Sununu amendment No. 11 printed in H. Rept. 107–178 that provides that the Federal share of Arctic National Wildlife Refuge royalties from oil and gas leasing and operations be used for the Renewable Energy Technology Investment Fund and the Royalties Conservation Fund (agreed to by a recorded vote of 241 ayes to 186 noes, Roll No. 315);

(See next issue.)

Sununu amendment No. 12 printed in H. Rept. 107–178 that limits all oil and gas production activities in the Arctic national Wildlife Refuge Coastal Plain to 2000 acres (agreed to by a recorded vote of 228 ayes to 201 noes, Roll No. 316);

(See next issue.)

Hayworth amendment No. 14 printed in H. Rept. 107–178 that amends the "Buy Indian Act" to include the development of energy and energy products; **(See next issue.)**

Rogers of Michigan amendment No. 15 printed in H. Rept. 107–178 that encourages state and provincial prohibitions against off shore drilling in the Great Lakes for oil and gas (agreed to by a recorded vote of 345 ayes to 85 noes, Roll No. 318); and

(See next issue.)

Traficant amendment No. 16 printed in H. Rept. 107–178 that authorizes $10 million to be equally divided between grants for research on Eastern oil shale and Western oil shale. **(See next issue.)**

Rejected:

Boehlert amendment No. 3 printed in H. Rept. 107–178 that sought to increase the Corporate Average Fuel efficiency (CAFÉ) standard for automobiles and light trucks to 27.5 mpg beginning in 2007 and provides incentives for alternative fuel vehicles (rejected by a recorded vote of 160 ayes to 269 noes, Roll No. 311); **Pages H5114 (continued next issue)**

Green of Texas amendment No. 5 printed in H. Rept. 107–178 that sought to repeal the Hinshaw exemption so as to give FERC oversight over intrastate natural gas pipelines (rejected by a recorded vote of 154 ayes to 275 noes, Roll No. 312;

(See next issue.)

Cox amendment No. 6 printed in H. Rept. 107–178 that sought to grant California a waiver of the reformulated gas rules of the Clean Air Act requiring 2% oxygen, only if its reformulation will achieve equivalent or greater emissions reductions (rejected by a recorded vote of 125 ayes to 300 noes, Roll No. 313); **(See next issue.)**

Waxman amendment No. 7 printed in H. Rept. 107–178 that sought to direct FERC to impose reasonable cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market until new power generators come online and exempts new power plants from the rate restriction (rejected by a recorded vote of 154 ayes to 274 noes, Roll No. 314); and

Markey amendment No. 13 printed in H. Rept. 107–178 that sought to strike Title V, Arctic Coastal Plain Domestic Energy Security Act of 2001 (rejected by a recorded vote of 206 ayes to 223 noes, Roll No. 317). **(See next issue.)**

Agreed to H. Res. 216, the rule that provided for consideration of the bill by a recorded vote of 220 ayes to 206 noes, Roll No. 307. Earlier, agreed to order the previous question by a yea-and-nay vote of 221 yeas to 208 nays, Roll No. 306.

Pages H4994–H5007

Committee Resignation: Read a letter from Representative Sabo wherein he announced his resignation from the Committee on Standards of Official Conduct. **(See next issue.)**

Committee Election: The House agreed to H. Res. 218, electing Representative Green of Texas to the Committee on Standards of Official Conduct.

(See next issue.)

Recess: The House recessed at 12:30 a.m. on August 2 and stands in recess subject to the call of the Chair. **(See next issue.)**

Senate Messages: Messages received from the Senate today appear on pages H4991–92.

Referral: S. Con. Res. 45 was referred to the Committee on Agriculture. **(See next issue.)**

Quorum Calls—Votes: One yea-and-nay vote and fourteen recorded votes developed during the proceedings of the House today and appear on pages H5006, H5006–07, H5007–08, H5113–14, H5114 (continued next issue). There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 12:30 a.m. on Friday, August 2, stands in recess subject to the call of the Chair.

Committee Meetings

NATIONAL DEFENSE AUTHORIZATION ACT

Committee on Armed Services: Ordered reported, as amended, H.R. 2586, National Defense Authorization Act for Fiscal Year 2002.

CHALLENGES FACING WORKING FAMILIES

Committee on the Budget: Held a hearing on Making Ends Meet: Challenges Facing Working Families in America. Testimony was heard from Representative Cardin; and public witnesses.

INTERNET EQUITY AND EDUCATION ACT; JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT

Committee on Education and the Workforce: Ordered reported, as amended, the following bills: H.R. 1992, Internet Equity and Education Act of 2001; H.R. 1900, Juvenile Crime Control and Delinquency Prevention Act of 2001.

SHIPMENTS OF MUNICIPAL SOLID WASTE

Committee on Energy and Commerce, Subcommittee on Environment and Hazardous Materials held a hearing entitled ''Perspectives on Interstate and International Shipments of Municipal Solid Waste,'' focusing on the following bills: H.R. 1213, Solid Waste Interstate Transportation Act of 2001; H.R. 667, Solid Waste Compact Act; and H.R. 1927, Solid Waste International Transportation Act of 2001. Testimony was heard from Representatives Bonior, Jo Ann Davis of Virginia, Kanjorski, Moran of Virginia and Rogers of Michigan; Chris Jones, Director, Environmental Protection Agency, State of Ohio, David E. Hess, Secretary, Department of Environmental Protection, State of Pennsylvania; Russell J. Harding, Director, Department of Environmental Quality, State of Michigan; Lori Kaplan, Commissioner, Department of Environmental Management, State of Indiana; Joseph Lhota, Deputy Mayor, City of New York; and public witnesses.

AUTHORIZING SAFETY NET PUBLIC HEALTH PROGRAMS

Committee on Energy and Commerce: Subcommittee on Health held a hearing on Authorizing Safety Net Public Health Programs. Testimony was heard from Elizabeth James Duke, Acting Director, Health Resources and Service Administration, Department of Health and Human Services; Janet Heinrich, M.D., Director, Health-Public Issues, GAO; Angela Monson, member Senate, State of Oklahoma; and public witnesses.

OVERSIGHT

Committee on Financial Services: Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises held an oversight hearing on the Office of Federal Housing Enterprise risk-based capital rule for Fannie Mae and Freddie Mac. Testimony was heard from Armando Falcon, Jr., Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development.

AUTOMOBILE INSURANCE—OVER-REGULATION

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled ''Over-regulation of Automobile Insurance: A Lack of Consumer Choice. ''Testimony was heard from public witnesses.

NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held an oversight hearing on the ''National Youth Anti-Drug Media Campaign: How to Ensure the Program Operates Efficiently and Effectively?'' Testimony was heard from Edward H. Jurith, Acting Director, Office of National Drug Control Policy; Bernard L. Ungar, Director, Physical Infrastructure Team, GAO; Capt. Mark D. Westin, USN, Contract Administration, Fleet and Industrial Supply Center Norfolk Washington Detachment, Department of the Navy; and Susan David, Deputy Chief, Prevention Research Branch, National Institute on Drug Abuse, NIH, Department of Health and Human Services.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported, as amended, the following bills: H.R. 2581, Export Administration Act of 2001; H.R. 2368, Vietnam Human Rights Act; and H.R. 2272, Coral Reef and Coastal Marine Conservation Act of 2001.

The Committee also favorably considered the following measures and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: H.R. 2541, to enhance the authorities or special agents and provide limited authorities to uniformed officers responsible for the protection of domestic Department of State occupied facilities; H. Res. 181, congratulating President-elect Alejandro Toledo on his election to the Presidency of Peru, congratulating the people of Peru for the return of democracy to Peru, and expressing sympathy for the victims of the devastating earthquake that struck Peru on June 23, 2001; H. Con. Res. 188, expressing the sense of Congress that the Government of the People's Republic of China should cease its persecution of Falun Gong practitioners; and H. Con. Res. 89, mourning the death of Ron Sander at the hands of terrorist kidnappers in Ecuador and welcoming the release from captivity of Arnie Alford, Steve Derry, Jason Weber, and David Bradley, and supporting efforts by the United States to combat such terrorism.

MISCELLANEOUS MEASURES

Committee on Small Business: Ordered reported the following bills: H.R. 203, amended, National Small Business Regulatory Assistance Act; H.R. 2538, Native American Small Business Development Act; H.R. 2666, Vocational and Technical Entrepreneurship Development Program Act of 2001; and H.R.

1860, to reauthorize the Small Business Transfer Program.

END GRIDLOCK AT OUR NATION'S CRITICAL AIRPORTS ACT

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on H.R. 2107, End Gridlock at Our Nation's Critical Airports Act of 2001. Testimony was heard from Representatives Hyde, Gutierrez, Weller, Jackson of Illinois, and Davis of Illinois; from the following officials of the State of Illinois: George H. Ryan, Governor; and John F. Harris, 1st Deputy Commissioner, Department of Aviation, City of Chicago; and public witnesses.

FEDERAL PHOTOVOLTAIC UTILIZATION ACT

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on H.R. 2407, Federal Photovoltaic Utilization Act. Testimony was heard from the following officials of the GSA: Joseph Moravec, Commissioner, Public Building Service; and Mark Ewing, Director, Energy Center of Expertise; David K. Garman, Assistant Secretary, Energy Efficiency and Renewable Energy; and public witnesses.

BIPARTISAN PATIENT PROTECTION ACT OF 2001

Committee on Rules: Testimony was heard from Representatives Burr, Norwood, Cox, Deal of Georgia, Ganske, Boehner, Sam Johnson of Texas, Fletcher, Culberson, Thomas, Collins, LaTourette, Kirk, Dingell, Andrews, Pomeroy, Peterson of Minnesota, and Berry on H.R. 2563, Bipartisan Patient Protection Act of 2001.

Joint Meetings

ELEMENTARY AND SECONDARY EDUCATION ACT

Conferees continued into evening session to resolve the differences between the Senate and House passed versions of H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.

COMMITTEE MEETINGS FOR THURSDAY, AUGUST 2, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to resume hearings to examine the proposed federal farm bill, focusing on rural economic issues, 9 a.m., SR–328A.

Committee on Armed Services: Subcommittee on Readiness and Management Support, to hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on installation programs, military construction programs, and family housing programs, 2:15 p.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions, to hold hearings to examine responses to the Federal Deposit Insurance Corporation recommendations for reform, focusing on the comprehensive deposit insurance reform, 10 a.m., SD–538.

Committee on the Budget: to hold hearings to examine social security, focusing on budgetary tradeoffs and transition costs, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: business meeting to consider S. 633, to provide for the review and management of airport congestion; S. 951, to authorize appropriations for the Coast Guard; S. 980, to provide for the improvement of the safety of child restraints in passenger motor vehicles; S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports; and pending nominations, 9:30 a.m., SR–253.

Full Committee, with the Committee on Energy and Natural Resources, to hold joint hearings to examine the National Academy of Sciences report on fuel economy, focusing on the effectiveness and impact of Corporate Average Fuel Economy Standards, 2:30 p.m., SH–216.

Committee on Energy and Natural Resources: business meeting to resume consideration on energy policy legislation, 10 a.m., SD–366.

Full Committee, with the Committee on Commerce, Science, and Transportation, to hold joint hearings to examine the National Academy of Sciences report on fuel economy, focusing on the effectiveness and impact of Corporate Average Fuel Economy Standards, 2:30 p.m., SH–26.

Committee on Governmental Affairs: business meeting to consider pending calendar business, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings on the nomination of John Lester Henshaw, of Missouri, to be an Assistant Secretary of Labor, Occupational Safety and Health Administration, 9:30 a.m., SD–430.

Committee on the Judiciary: business meeting to consider the nomination of William J. Riley, of Nebraska, to be

United States Circuit Judge for the Eighth Circuit; the nomination of Deborah J. Daniels, of Indiana, to be Assistant Attorney General for the Office of Justice Programs, the nomination of Sarah V. Hart, of Pennsylvania, to be Director of the National Institute of Justice, the nomination of Robert S. Mueller III, of California, to be Director of Federal Bureau of Investigation, all of the Department of Justice; S. 356, to establish a National Commission on the Bicentennial of the Louisiana Purchase; S. 1046, to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education; H.R. 2133, to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education; S. Res. 143, expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week of November 11 through November 17, 2001, as "National Veterans Awareness Week"; S. Res. 138, designating the month of September as "National Prostate Cancer Awareness Month; and original resolution regarding immigrants and the 120th anniversary of the Hebrew Immigrant Aid Society; and an original resolution designating Louis Armstrong Day, 10 a.m., SD–226.

Committee on Rules and Administration: business meeting to mark up S.J. Res. 19, providing for the reappointment of Anne d'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution; S.J. Res. 20, providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution; 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; an original resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; and other legislative and administrative matters, 9 a.m., SR–301.

Committee on Veterans' Affairs: to hold hearings on the nomination of John A. Gauss, of Virginia, to be Assistant Secretary of Veterans Affairs for Information and Technology; the nomination of Claude M. Kicklighter, of Georgia, to be Assistant Secretary of Veterans Affairs for Policy and Planning; to be followed by a business meeting to consider pending calendar business, 2:30 p.m., SR–418.

House

Committee on Appropriations, Subcommittee on Transportation, on Airline Delays and Aviation System Capacity, 10 a.m., 2359 Rayburn.

Committee on the Budget, to mark up H.R. 981, Budget Responsibility and Efficiency Act of 2001, 11:30 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, to mark up H.R. 2269, Retirement Security Advice Act of 2001, 2 p.m., 2175 Rayburn.

Subcommittee on Select Education, hearing on "CAPTA: Successes and Failures at Preventing Child Abuse and Neglect," 10 a.m., 2175 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises and the Subcommittee on Financial Institutions and Consumer Credit, joint hearing entitled "Pushing Back the Pushouts: the Securities and Exchange Commission's Broker-Dealer Rules," 9:30 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing on FERC: Regulators in Deregulated Electricity Markets, 2 p.m., 2154 Rayburn.

Subcommittee on National Security, Veterans' Affairs, and International Relations, hearing on F–22 Cost Controls: How Realistic are Production Cost Reduction Plan Estimates? 9:30 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Europe, to mark up the following: H. Res. 200, relating to the transfer of Slobodan Milosevic, and other alleged war criminals, to the International Criminal Tribunal for Yugoslavia; H. Con. Res. 131, congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence; and H. Con. Res. 58, urging the President of Ukraine to support democratic ideals, the rights of free speech, and free assembly for Ukrainian citizens, 10:30 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, to mark up the following bills: H.R. 1552, Internet Tax Nondiscrimination Act; and H.R. 1675, Internet Tax Nondiscrimination Act, 2 p.m., 2141 Rayburn.

Subcommittee on Crime, to mark up the following bills: H.R. 2146, Two Strikes and You're Out Child Protection Act; and H.R. 2624, Law Enforcement Tribute Act, 4:30 p.m., 2237 Rayburn.

Subcommittee on Immigration and Claims, oversight hearing on the U.S. Population and Immigration, 10 a.m., 2237 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up H.R. 1989, Fisheries Conservation Act of 2001; followed by a hearing on H.R. 1367, Atlantic Highly Migratory Species Conservation Act of 2001, 10 a.m., 1324 Longworth.

Committee on Rules, to mark up H.R. 981, Budget Responsibility and Efficiency Act of 2001, 2 p.m., H–313 Capitol.

Permanent Select Committee on Intelligence, Working Group on Terrorism and Homeland Security, executive, briefing on "CBRN 101," The Terrorist Threat, 10 a.m., H–405 Capitol.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED SEVENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 3 through July 31, 2001

	Senate	*House*	*Total*
Days in session	108	84	..
Time in session	785 hrs., 52′	522 hrs., 27′	..
Congressional Record:			
Pages of proceedings	8,497	4,951	..
Extensions of Remarks	..	1,479	..
Public bills enacted into law	7	15	22
Private bills enacted into law	1	..	1
Bills in conference	5	5	..
Measures passed, total	172	279	451
Senate bills	26	9	..
House bills	20	110	..
Senate joint resolutions	1	1	..
House joint resolutions	2	3	..
Senate concurrent resolutions	20	3	..
House concurrent resolutions	23	46	..
Simple resolutions	80	107	..
Measures reported, total	92	167	259
Senate bills	49	2	..
House bills	4	102	..
Senate joint resolutions	1	..	..
House joint resolutions	..	4	..
Senate concurrent resolutions	9	..	..
House concurrent resolutions	..	7	..
Simple resolutions	29	52	..
Special reports	14	6	..
Conference reports	..	4	..
Measures pending on calendar	62	30	..
Measures introduced, total	1,504	3,173	4,677
Bills	1,277	2,692	..
Joint resolutions	20	59	..
Concurrent resolutions	63	207	..
Simple resolutions	144	215	..
Quorum calls	3	2	..
Yea-and-nay votes	261	178	..
Recorded votes	..	125	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

* These figures include all measures reported, even if there was no accompanying report. A total of 49 reports have been filed in the Senate, a total of 177 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 3 through July 31, 2001

Civilian Nominations, totaling 472, disposed of as follows:

Confirmed	214
Unconfirmed	193
Withdrawn	65

Other Civilian Nominations, totaling 1,362, disposed of as follows:

Confirmed	1,115
Unconfirmed	247

Air Force Nominations, totaling 4,586, disposed of as follows:

Confirmed	4,542
Unconfirmed	44

Army Nominations, totaling 4,343, disposed of as follows:

Confirmed	4,196
Unconfirmed	147

Navy Nominations, totaling 3,268, disposed of as follows:

Confirmed	3,214
Unconfirmed	54

Marine Corps Nominations, totaling 3,588, disposed of as follows:

Confirmed	2,490
Unconfirmed	1,098

Summary

Total Nominations carried over from the First Session	0
Total Nominations Received this Session	17,619
Total Confirmed	15,771
Total Unconfirmed	1,783
Total Withdrawn	65
Total Returned to the White House	0

Next Meeting of the SENATE

9:30 a.m., Thursday, August 2

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 2620, VA–HUD and Independent Agencies Appropriations Act. Also, Senate hopes to resume consideration of S. 1246, Emergency Agriculture Assistance Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, August 2

House Chamber

Program for Thursday: Consideration of H.R. 2563, Bipartisan Patient Protection Act (Subject to a Rule).

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(Senate and House proceedings for today will be continued in the next issue of the Record.)

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