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No. 18

Senate

The Senate met at 9:30 a.m., and was called to order by the Honorable JOHN EDWARDS, a Senator from the State of North Carolina.

PRAYER

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

Loving Father, You know us as we really are. You see beneath the polished surface of our projected adequacy. You know our true needs. The great need, at the core of all of our needs, is to truly experience Your presence. We need You, Dear God. You delight in us when we desire You above all else. More than anything You can give us or do for us, we long to live in vital communication with You. In this moment of honest prayer, we turn over to You the longings of our hearts: everything from our most personal anxieties to our relationships and our responsibilities. How wonderful it is to know that You have motivated us to pray because You have solutions and resolutions for our most complex problems.

Bless the Senators today with an ongoing conversation with You. Thank you that You are ready to give the guidance, wisdom, and vision that will be required in each hour. Reside in their minds to provide guidance, and replenish their assurance that what You have called them to be and do, can and will make a difference. This is the day that You have made; we will rejoice and be glad in You. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN EDWARDS led the Pledge of Allegiance as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 27, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN EDWARDS, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

SCHEDULE

Mr. REID. Mr. President, as was indicated last night, the Senate is going to resume consideration immediately of the election reform bill. There will be a 10 a.m. vote on the Schumer-Wyden amendment, and there will be additional roll call votes expected throughout the day. The majority leader has asked me to announce he has every intention of completing this bill today. The two managers have worked hard on it. We ask those who have amendments outstanding to cooperate with the managers and offer those amendments.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will now resume consideration of S. 565, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

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

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

Dodd (for Kennedy) amendment No. 2916, to clarify the application of the safe harbor provisions.

Hatch amendment No. 2935, to establish the Advisory Committee on Electronic Voting and the Electoral Process, and to instruct the Attorney General to study the adequacy of existing electoral fraud statutes and penalties.

Hatch amendment No. 2936, to make the provisions of the Voting Rights Act of 1965 permanent.

Schumer/Wyden amendment No. 2937, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.

Smith of New Hampshire amendment No. 2933, to prohibit the broadcast of certain false and untimely information on Federal elections.

AMENDMENT NO. 2937

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided in the usual form for debate relevant to amendment No. 2937.

Mr. DODD. Mr. President, I understand that is 30 minutes equally divided?

The ACTING PRESIDENT pro tempore. The time until 10 a.m.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Mr. DODD. I ask unanimous consent that the vote occur at 10:05 a.m. so as to provide for 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. I ask unanimous consent that the time of the proponents of the amendment be equally divided between Senator SCHUMER and Senator WYDEN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time? If neither side yields time, time will be charged against both sides.

The Senator from New York.

Mr. SCHUMER. Mr. President, I yield myself 2 minutes.

This is a very important amendment. We have done a great deal in this bill to make it easier for people to vote and at the same time prevent voter fraud.

I very much thank our colleague from Missouri for leading the charge on voting fraud. There are lots of provisions in this bill that we have worked on that deal with that. However, in our efforts to prevent voter fraud, we cannot go so far that we actually create barriers to the polls for eligible voters. That would be the antithesis of what this bill is about.

The intent of this legislation is to take people, particularly those who live in the corners of America who do not fly airplanes and use their credit cards all the time but rather people who may not have a driver's license, who may not have a utility bill, and allow them to vote, our most sacred right. This amendment does that. It does it in a way that does not increase fraud at all. It does it in a way that rises to the real purpose of this bill. It is a crucial amendment.

If one believes in extending the right to vote and believes we have to allow people who need that right because that is all they have—perhaps their vote is equal to ours but they may need it even more than ours—then he or she should vote for the Schumer-Wyden amendment. I will have a little more to say later.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MCCONNELL. Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. Fourteen minutes.

Mr. MCCONNELL. I yield 5 minutes to the Senator from Missouri.

Mr. BOND. Mr. President, I am glad we can begin this debate because there is much to be said, but let me go to the heart of the matter. This amendment simply guts the compromise, the key antifraud provision that was carefully negotiated over 6 months as a part of the bipartisan compromise. We asked for some protection against the widespread practice of loading up voter rolls with phony names and then voting those names. It is something that every voter can comply with. It has been negotiated to make sure it did not have any unfavorable impact on people we are trying to get to the polls.

After 6 months of negotiations, I feel like we are playing rope-a-dope. The Senator from Oregon gets up and says, why, this is a photo ID requirement. Everybody knows a photo ID requirement is discriminatory.

Then the Senator from New York gets up and says these antifraud provisions really do not prevent fraud absolutely either way.

I said we devised a compromise that recognized the concerns that their side had about making sure we did not impose any unreasonable restrictions on voters who might not have a driver's license, for example. That is why we said voters can use a bank statement, a government check, utility bill, anything that has your name and address on it, the first time you register.

No, it is not as strong as I would like, but that was part of the compromise. No, it does not limit the identification that must be shown to a driver's license photo ID—which my colleagues on the other side and some of the groups that were supporting this compromise and are now against it are saying would be unfair. So we compromised. And now the people who worked on the compromise say the compromise is not a good one.

I have seen that game before. But the people of America are tired of having their votes diluted because someone in a drop house registers 8, 10 people. Yes, we have had dogs registered. We have had dead aldermen registered, mothers of dead aldermen registered, and dead neighbors registered. Under the current Federal motor-voter registration law it is very difficult to stop the mail-in registration fraud.

We talked yesterday about 3,000 ballots being dropped off before the mayoral primary in St. Louis in 2001. Because of the attention we have brought to this problem, they were reviewed. It was found that most of those 3,000 were in the same handwriting and were for new registrants on one or two city blocks. St. Louis did not have time to check thoroughly before the November 2000 election. There was a registration of 200,000 people, with 30,000 post card registrations that were dropped off in the final days, a more than 15 percent increase. Nobody checked these, but initial suggestions are at least 15,000, half of them, were phony.

One can conjure up all kinds of scenarios where maybe one person will not have the kind of ID needed to vote under the provisions in the underlying bill. We allow provisional voting; 39 States already provide it. We will take care of those people. One thing we have seen for sure—not just in Missouri, but across the country—is fraudulent votes, by nonexistent people. They are diluting the votes of legitimate voters.

I yield the floor and I reserve the remainder of my time.

Mr. WYDEN. Mr. President, there is a reason the American Association of Retired Persons so strongly supports this amendment. They and the sponsors feel strongly that the photo ID

provision in effect is making it tougher for those who saved our democracy in World War II to participate in our democracy today.

Nursing home residents in this country are not asking to be taken to a copy center. The Senate should not be telling them they should have to go to the copy center before they can vote by mail, which is clearly one of the most popular ways to participate in our democracy today.

I am particularly troubled that the tough provisions to deter fraud do not even kick in until 2004. I would like to work with colleagues to address those issues. It seems to me various approaches that encourage voting are not kicking in for quite some time.

Last night, the Senate voted wisely to call this the Martin Luther King Voting Rights bill. If we put in place a photo ID for first time voters, we step back, in my view, to the days when only the enfranchised had the opportunity to vote. That would be a mistake. I urge strongly this amendment be supported.

I retain the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, one of the pitiful results of motor voter registration systems in America is that we have countless dogs registered to vote. That is why Senator BOND's provision makes so much sense. There are countless examples of dead people voting, dogs voting, and people voting multiple times. Nearly all these instances of voter fraud have one thing in common: They were perpetrated through lax mail-in registration requirements.

Many of our colleagues were obviously not around last night when we debated this amendment. Let me take a moment to show a copy of a photograph that appeared in the Washington Post last summer, which I discussed last night. This is Mable Briscoe, 82, and Holly Briscoe, her terrier, both long-time registered voters in America. Both Mable and Holly have been registered to vote for quite some time in Maryland. This is a photo of the long-time registered voters—as I said, Mable and her terrier, Holly. According to the article accompanying this photograph, Mable says she registered her dog to prove a point about the lax registration process that opens the door to fraud. Mable's crime was finally detected when her dog, Holly, was called for jury duty. Holly got called for jury duty and then the game was up. Perhaps Mable Briscoe said it best when she said: I just think the system is broke and needs some fixing. Anybody can register. I can register a dog.

The system is broken. It invites fraud. Senator BOND's modest antifraud measure will do a great deal to help make voter fraud more difficult. As he said, he wanted to go further. This underlying provision that the Schumer amendment seeks to strike is quite modest. The amendment of the Senator

from New York amounts to a fraud loophole. It actually undoes what Senator BOND and all five of the original cosponsors worked so hard to achieve, the underlying compromise. If this amendment is agreed to, it is completely stripped out.

This amendment needs to be tabled if we are serious about this legislation. We will have that vote shortly.

How much time remains?

The ACTING PRESIDENT pro tempore. Seven minutes.

Mr. MCCONNELL. I retain the balance.

The ACTING PRESIDENT pro tempore. The Senator from Oregon has 5 minutes.

Mr. WYDEN. I yield 3 minutes to our distinguished colleague from Washington.

Ms. CANTWELL. Mr. President, I am pleased to be a cosponsor of the Schumer-Wyden amendment because I believe it is a critical issue that we must solve before we can pass this bill. Millions of people in my State, and I think across America, will be done a great disservice by making voting harder. If we do not pass this amendment, the bill as currently written forces States to rely on a photo identification as a means of making sure that first-time voters are who they say they are. While I believe we need to be vigilant about preventing fraud in our elections, the provision as currently written goes too far in mandating a particular response and has the real potential to result in fewer legitimate voters having their votes counted.

This bill requires voters who registered by mail to show a photo identification or utility bill when they go to the polls for the first time. This will create a disincentive for seniors, disabled, and those who have a tough time getting that information.

In our State, 64 percent of the voters in the most recent election voted by absentee ballot or mail-in ballot. Requiring a photo identification or utility bill to be enclosed with their ballots is an incredible burden in order to prove they are who they say they are. In fact, in those cases where those copies were not provided, their votes would not be counted.

It is very important we look at the underlying system. The underlying system, based on signature verification, makes sure that people who are attesting under the penalty of perjury are who they say they are and that they are properly registered to vote in that jurisdiction. When the ballot is received, the signature is carefully checked against the registration rolls to make sure they are a match. Only then is the ballot counted.

Unlike the signature, the election official receiving the photocopy has nothing to compare it against, and it is of no use in verifying the authenticity of the vote.

Although the photocopy has little use to officials, if it is not included, as I said, it disqualifies the ballot. That is

correct—if the voter fails to include a photocopy that is of no use to the election official, the vote will still not be counted even though the signature on the ballot matches the signature in the registration rolls. This is simply unacceptable.

This amendment fixes this problem by allowing states the option of relying on other methods to make certain that votes are valid, including signature verification which is currently used in my state and other states.

While I am very concerned about passing this amendment to fix the problems that photo ID requirements create for voters who vote by mail, I am also concerned that the requirements will lead to serious problems for voters who go to the polls. The Secretary of State and other election officials in my State are concerned that the requirements place a huge burden on volunteer poll workers in the polling place, and a Federal court has already ruled that this type of photo ID requirement may present a disparate impact on minorities seeking to have their votes counted. The right to vote is the most important right that we have as citizens, and it is important that we do everything that we can to make certain States can strike the proper balance between facilitating voting and preventing fraud. This amendment helps to do that.

I strongly urge my colleagues to support this amendment and I believe that passage of this amendment is essential to making certain that our electoral system is improved by this legislation.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time.

Mr. MCCONNELL. How much time remains, Mr. President?

The PRESIDING OFFICER. Seven minutes.

Mr. MCCONNELL. I yield 3 minutes to the Senator from Missouri.

Mr. BOND. Mr. President, we have just heard some inaccurate statements about the underlying amendment. Nobody says you have to go to a copy center. Any antifraud provisions do not hold off in this bill until 2004. They are effective upon the signing of the bill. The provisional voting provision in this bill that says it will not take effect until 2004 was not something I wrote. I will be happy to take an amendment to say it is effective right away as well, because 39 States have provisional voting and we need to clean it up so it works for all 50 States.

It is important to note that, believe it or not, the current system offers few protections to States that want to maintain clean rolls. The Senator from Oregon said we need to make sure registrations are accurate at the beginning. Believe it or not, motor voter actually prohibits States from requiring verification of the cards. Registration by mail makes it much easier to put fake names on voter lists and then voting by mail makes it very easy to vote these names illegally.

The opponents of my anti-fraud provision claim the bill will disenfranchise millions. At the same time, several States, including West Virginia, Virginia, Tennessee, Michigan, Illinois, Nevada, and Louisiana, have tougher standards—tougher than in this bill. I would like to see them as tough as these States'. No one has come forward and shown that these States actually deprive voters of the right to vote on any level, much less on the level claimed here.

Furthermore, the way the amendment is drafted, the steps taken by these States to protect themselves from fraud will be undercut. We will be here, making it easier to cheat. This amendment makes it easier to cheat, not just easier to vote.

There are those who said recently that this will create an administrative problem. Nonsense. The States I just named already keep track of first-time voters. The State of Michigan has offered to provide its software to do this for free to any State that has a problem. If free is not cheap enough, we provide funds in this bill to buy the systems you want, to track the voters. This will not threaten mail-in States. It will actually make it better for them.

As I pointed out last night, when we hear about Oregon, the great State that has no problem with mail-in registration and balloting, Portland State Professor Melody Rose studied the Oregon system and determined that 5 percent of voters had someone else mark their ballot, 2.5 percent had someone else sign their ballot, 4 percent had someone else either sign or mark their ballot. In States with 1.6 million cast, close to 200,000 of them could have had some sort of irregularity.

Carter-Ford noted that signature verification does not work. This is the National Commission on Federal Election Reform, page 31:

Signature verification puts an extra burden upon administrators, especially on often ill-trained poll workers practicing a very subjective, often impossible task.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. BOND. I rest my case. Signature verification does not work. I urge people to support the motion I will offer.

Mr. MCCONNELL. At the beginning of the debate we worked with the Senators from Oregon and Washington to fix a provision their State election officials thought threatened their system of voting. That has already been accomplished. Obviously this provision threatens only one thing the way it is now, fraud. It could mean increased work for those who administer elections, but that is a very small price to pay for fair and honest elections. Make no mistake about it, this amendment is the poison pill of election reform.

The bill is a carefully crafted compromise agreed to by all 5 cosponsors, including the Senator from New York. There has been a lot of misinformation about this anti-fraud provision. It applies only to a small number of voters

who register by mail and vote for the first time. As Senator BOND made clear, this is the prime area of voter fraud.

When we negotiated this compromise in December, none of us thought that it was too much to ask that voters be real, live people.

Senator BOND had a bill that would have required first-time mail registrants to vote in person and show a photo ID. He agreed to compromise on that requirement, to reach the agreement we have before us today. Mail registrants who vote for the first time now have many options to identify themselves. Photo ID is only one of them. A current utility bill, bank statement, government check, paycheck or any other government document would serve the purpose. This very broad universe of identification was advanced and advocated by Senator SCHUMER and was even suggested by advocacy groups who now claim it must be changed.

The same groups who originally suggested it now want to change it. The very language of this amendment was also suggested by the advocacy groups, notably in a November 6 document sent to "interested parties." We spent well over a month discussing and debating the very language of this amendment. We agreed on the language in our compromise bill instead.

The bill language does not require every voter to show identification, be they rich, poor, disabled, young, or elderly. Let me tell you what the amendment of the Senator from New York would do.

First, not only does it not improve the current system, it could actually make it worse in many States. It creates new and improved opportunities for fraud in States with more restrictive requirements. Second, this could become the most expensive mandate in this bill. Not only will States have to buy new machines and data bases under this bill, but the 34 States that do not have signature verification will have to buy technology to verify signatures and marks.

Third and most important, all of the 1.4 million poll workers nationwide will have to become handwriting and personal mark experts. What a great idea. All of the 1.4 million poll workers nationwide will have to become handwriting and personal mark experts. The shortage of poll workers is already a major problem, as reported by GAO. Now they will have to be handwriting experts.

Finally, the poison pill amendment has already been discussed, debated, and dismissed by the cosponsors of this bill. I urge the other 95 Members of this body to support our joint resolution on the issue and vote against this amendment or vote to table it. Senator BOND will make the tabling motion when all time has been yielded back.

The PRESIDING OFFICER. The time of the opposition has expired. Who yields time?

Mr. SCHUMER. Mr. President, I yield 2 minutes to the Chair of the committee, Senator DODD.

Mr. DODD. Mr. President, let me thank Members here who have argued both in favor and in opposition to this amendment. It has been a very worthwhile debate. Unfortunately, as my colleague from Kentucky pointed out, we didn't have enough Members around last night to hear the full debate, but it was very worthwhile. I repeat what I said a week or so ago. This is one of those issues that has come down and is a clear, almost equal division, I think, in the Chamber about what ought to be done about this particular issue.

I had hoped we would find some compromise to it. That is what you do in the legislative process. We did this on 35 amendments that have come along here. I didn't like voting against DICK DURBIN's amendment. I happen to agree with it. I did not like having to accept amendments from my friend from New Hampshire, Senator GREGG, and other amendments that we worked on to make this process reach the point it has today.

I am still hopeful. I don't know how this vote will come out. But my plea would be, to those on either side of this question, to see if we can't find some common ground. That is not going to happen, obviously, in the next 5 minutes. So this vote will go forward. Then my hope is that we can find some resolution here that will satisfy the concerns that are raised—legitimately, in my view—by the proponents of the amendment and the concerns raised by my friend from Missouri who has raised from the very beginning his concerns about this.

My desire has been to try to find some common ground and compromise on this proposal. That has not happened yet, but I am prepared to try to work that out when the time arrives.

With that, I thank the Members for their time in debate. We still have a few minutes left for the proponents of the amendment to make some closing arguments, and then we will get to the vote.

Mr. MURKOWSKI. Mr. President, I rise to explain my vote in favor of tabling the Senator Schumer/Wyden amendment to S. 565, election reform legislation pending before the Senate.

For United States citizens, voting is a fundamental right guaranteed by the United States Constitution. In no way am I attempting to deny that right by not supporting the Schumer/Wyden amendment. In fact, I believe that strong anti-fraud language strengthens the right to vote, and the integrity of the election system in our nation.

The Schumer/Wyden amendment would dissolve the carefully crafted bipartisan framework in this legislation—designed to ensure proper voter identification methods exist to protect the validity of national elections. This framework allows for a person to use a current and valid photo identification to validate their registration and vote.

Those individuals who lack these forms of identification could also present a current utility bill, bank statement, paycheck, government check, or other government document that shows the name and address of the voter.

The Schumer/Wyden amendment would have gutted these protections by allowing individuals to simply use a signature or a personal mark.

It is important to note that if an individual fails to meet the required identification methods on election day they can still cast a ballot. Provisional balloting protects an individuals' constitutional right to cast a ballot in an election. The validity of provision ballots is determined later, thus ensuring that no eligible voter is turned away.

My fellow colleague from Missouri, Senator BOND, recently spoke on the floor of the Senate about some of the most egregious examples of voter fraud in his home State. Senator BOND explained how the drop house and other scams have been used in St. Louis to register dead neighbors, deceased aldermen, ghosts, and dogs. Drop house scams occur when one person submits multiple mail-in registration forms using one address. Then, as election day approaches, that one person requests absentee ballots for each of his phantom voters, and then votes them all.

There are a number of other examples of voter fraud as well: Over 30,000 illegitimate voters were added to voter registrations in the 2000 presidential election in St. Louis, MO. Over 5,000 illegal ballots were cast in the 2000 presidential election in Florida by individuals who were not U.S. citizens and not permitted to vote. One individual in Missouri actually voted 47 times—and was not even prosecuted!

In fact, voter fraud can be easily traced back over a hundred and fifty years before the 2000 presidential election. In 1844, New York City had 41,000 people in their voter pool. However, on election day, 55,000 people cast ballots!

Clearly, voter fraud is not a new issue in elections. Congress passed The National Voter Registration Act of 1993 ("Motor Voter") allowing States to require that individuals vote in person if they registered by mail and have never before voted in that jurisdiction.

The anti-fraud provisions of this legislation strengthen the provisions from 1993. Under S. 565, any person who registers by mail must, either when registering or voting in a Federal election, provide some form of identification that connects the name on the registration form to a real, live, qualified citizen of voting age. The requirement is not onerous.

In the 2000 presidential election our country contained wide-spread voter fraud and abuses by individuals who were clearly casting illegitimate ballots. This legislation works to prevent such fraud and restore confidence in the election process. I will continue to work towards strengthening voter

rights, but not the ability of individuals to cheat or manipulate the system.

Mr. BINGAMAN. Mr. President, I rise today to urge my colleagues to support the Schumer-Wyden amendment to the election reform bill.

This important amendment would fix what I believe is a very problematic provision in the bill. That provision requires first-time voters who registered by mail to provide either a photo identification or a current utility bill, bank statement, government check, or other government document establishing their identity.

I commend the sponsors of the bill for their focus on ensuring strong anti-fraud protection; but I believe this provision goes too far and could end up disenfranchising significant numbers of voters. In particular, the elderly, students, low-income voters, minorities, and the disabled are examples of people who could have a difficult time meeting the requirements of the Election Reform bill, as written.

In addition, the bill would impose a significant burden on many States, including my own, that currently allow the use of signature verification and attestation to verify identity. If the bill is not amended, my State would have to do away with that procedure altogether.

For these reasons, I am proud to be a cosponsor of the Schumer-Wyden amendment, and I urge my colleagues to vote for it.

This important amendment would add two alternative verifiers for first time voters who vote in person: (1) it would allow voters to attest to who they are by signing a sworn statement, falsification of which is punishable as perjury; or (2) it would allow voters to have their signatures verified by matching them to signatures on record with State or local election officials. First time voters who vote by mail also would be given an alternative to a photo ID or other government document—they would be allowed to use signature matching to establish their identity.

I believe this is a sensible and necessary measure. And I'm pleased to report that it enjoys the support of the nation's leading civil rights organizations, including: MALDEF, the NAACP, the National Council of La Raza, LULAC, AARP, the Leadership Conference on Civil Rights, and the League of Women Voters.

The intent of the Election Reform bill is to ensure that every vote counts, but if we do not act now by passing the Schumer-Wyden amendment, I fear that many tens of thousands of voters will once again face significant barriers to voting the next time they go to the polls.

I urge my colleagues to do the right thing today, vote yes on the Schumer-Wyden amendment.

Ms. LANDRIEU. Mr. President, I want to take a few minutes to express my strong support for the amendment

offered by Senators SCHUMER and WYDEN.

History has shown that requiring photo identification or certain other documents most significantly impacts minority voters. It will be difficult for some citizens to meet such requirements. For instance, a rural voter may have difficulty even finding a copy machine to make a copy of his or her driver's license. Individuals living below the poverty level may not have drivers licenses or utility bills. Students who live at home with their parents also may not have a utility bill with their name on it.

Ironically, the current language in the bill puts an added burden on some of the very people that we should be working to make it easier to vote. This is contrary to the purpose behind this legislation. We are not trying to lower voter participation with this Election Reform bill; we are trying to raise it, and make the voting process better for the American people. The photo ID requirement would without a doubt have a chilling effect on voter participation. And while the provisional voting system would address this problem to some extent, it will not be in place in time for the 2002 elections. The language in this amendment is a much fairer way of dealing with this problem, and that is why I want to express my full support for the efforts of Senators SCHUMER and WYDEN.

I want to take one more minute just to go over briefly a couple of initiatives that I proposed for this bill; amendments that I will no longer be offering, but I want to mention nonetheless. My first amendment would establish election day as a Federal holiday. Currently, this bill contains provisions for the new Election Administration Commission to study the possibility of designating Election Day as a Federal holiday. And just yesterday Senator HOLLINGS added language to the bill calling for a six-month turnaround on this study.

I commend Senator HOLLINGS for his amendment, as well as Senators DODD and MCCONNELL for specifying the EAC study in the original bill. I look forward to seeing the results of the study later this year, and I hope Congress will act quickly on the recommendations of the report.

The second measure I proposed would change the Federal match in this bill to be fair to all states regardless of economic circumstances. This is an issue in which I have had a long-standing interest. While Congress often passes bills that provide a Federal match for States in various programs, it is rare that any effort is made to level the playing field for states that have fewer resources. States like Louisiana, with high poverty a generally lower standard of living, receive the same matching rate as other States.

My concern is that in this bill, as well as others, the matching rates for these States are the same. Despite the huge difference in resources in these

States, the Federal matching rate remains the same. To me, this is unfair and counterproductive.

In closing, let me state again that I fully support the efforts of Senators DODD and MCCONNELL, as well as my other colleagues who have worked so hard on this bill, to bring about election reform. In fact, because this bill is so important I have decided not to offer this amendment today on this legislation, but will continue to press this important issue in the future.

The PRESIDING OFFICER. Who yields time?

Mr. SCHUMER. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There are 6 minutes.

Mr. SCHUMER. How is that divided?

The PRESIDING OFFICER. Four for the Senator from New York, two for the Senator from Oregon.

Mr. WYDEN. Mr. President, in Oregon, the penalty for registering dogs that have become so famous, the monetary penalty is something like ten times the amount in this bill. When fraud happens with the vote-by-mail system, it is caught and it is stopped. Our penalties prove it. Any way you slice it, making it harder to vote isn't the way to deter fraud.

I come back in closing to why the American Association of Retired Persons and senior citizens groups feel so strongly about this amendment. They like voting by mail. It is convenient for them. They and millions of Americans are saying make it easier to vote. Congress should do everything possible to make it easier to vote rather than to make it harder. I don't think this body this morning should make it tough for those who saved our democracy in World War II to participate in our democracy in the days ahead.

I urge my colleagues to strongly support the amendment, and I yield the floor.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from New York.

Mr. SCHUMER. Mr. President, as we come to the conclusion of this debate, I ask why so many groups—the AARP, the AFL-CIO, American Association of People With Disabilities, the Mexican-American Legal Defense Fund, the NAACP, La Raza, the National Hispanic Leadership Council, as well as the secretaries of State of so many States—are not opposed to this provision if it is as terrible as the opponents say. I will tell you why—because they know what this bill is all about.

Let us go over the history of this bill for a minute.

There was a national outcry after what occurred in Florida. We realized that millions of people are deprived of their right to vote because of the way we vote. I say to my friend from Kentucky that the outcry after Florida was not because dogs were voting. That argument to use the fact that one fraudulent person might have registered a dog, or maybe five of them,

could deprive millions of people of their right to vote is sophistic, at best. I don't like it. It is not fair.

What are we talking about? What happened in Florida and what moved us to debate this issue is that thousands of people in every city in this country who had the right to vote couldn't.

What the Schumer-Wyden amendment does is very simple. It says we are allowing you to vote. We are not going to make you do things that in your world are next to impossible. If you think of every voter as any middle class person with a lot of credit cards in his pocket and a couple of cars in the garage and several cell phones, sure, there is no problem. But think of the new immigrant who waited five years and has just become a voter, who doesn't have a car, who is just learning English, and who is afraid of the government where that immigrant came from. You say, You have to do this, this, this, and this. When you show up at the polling place, you may not be allowed to vote. Yes. It is the first-time voters.

I say to my colleagues: I have seen the look on the faces of first-time voters who waited in line with their eyes bright with the first chance to exercise their franchise and then were turned away. And they never come back again.

We do plenty in this bill about fraud, but the key in this bill is balance because every time you make it easier for people to vote, you may make it a little easier for a nasty person to commit fraud; if you want to eliminate fraud totally, eliminate the right to vote.

That is not the argument. The argument is do we take people who are elderly, who are new immigrants, who are poor, who are members of minority groups, and say, Yes, we welcome you into the American family, we welcome you into the franchise of voting.

If you go through the process that 40 States have used, we are not going to create signature experts. We have them. Every bank teller is a signature expert. In my State, we have used signatures for years with no signs of fraud.

We are saying to them, We welcome you into the American family. We are not going to put 17 laws in the way before you vote. Your right to vote is a right. It is not an obstacle course, which is what this amendment creates.

I urge my colleagues to support the Schumer-Wyden amendment.

The PRESIDING OFFICER. The Senator from Oregon has 1 minute remaining before the conclusion of the debate.

Mr. MCCONNELL. Mr. President, we are out of time on this side. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WYDEN. Does the Senator from Kentucky desire time?

Mr. MCCONNELL. No. We will make a motion to table when the time is used up.

Mr. WYDEN. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded.

The Senator from Missouri.

Mr. BOND. Mr. President, this amendment undoes a carefully crafted compromise and opens wide the door to fraud. Therefore, I move to table the amendment 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 assistant legislative clerk called the roll.

Mr. REID. Mr. President, on this vote I have a pair with the Senator from Nevada, Mr. ENSIGN. If he were present and voting, he would vote "aye." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH) and the Senator from Nevada (Mr. ENSIGN) are necessarily absent.

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

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—46

Allard	Fitzgerald	Nickles
Allen	Frist	Roberts
Bennett	Gramm	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Smith (NH)
Burns	Helms	Snowe
Campbell	Hutchinson	Specter
Chafee	Hutchison	Stevens
Cochran	Inhofe	Thomas
Collins	Kyl	Thompson
Craig	Lott	Thurmond
Crapo	Lugar	Voinovich
DeWine	McCain	Warner
Domenici	McConnell	
Enzi	Murkowski	

NAYS—51

Akaka	Dodd	Levin
Baucus	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Miller
Boxer	Feinstein	Murray
Breaux	Graham	Nelson (FL)
Byrd	Harkin	Nelson (NE)
Cantwell	Hollings	Reed
Carnahan	Inouye	Rockefeller
Carper	Jeffords	Sarbanes
Cleland	Johnson	Schumer
Clinton	Kennedy	Smith (OR)
Conrad	Kerry	Stabenow
Corzine	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Reid, nay

NOT VOTING—2

Ensign

Hatch

The motion was rejected.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the amendment is still pending before the Senate. We would like to continue discussing that matter. I know the Senator from Missouri is going to talk on the subject. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. DODD. Mr. President, before my colleague speaks—and I will be 30 seconds on this—I had hoped, and I say this to my two friends on the other side with whom I have worked very closely to put this bill together, I had hoped we could find compromise language on this last provision. That is still my hope. We have worked very hard. We have considered around 35 amendments. Both sides have added to the bill with accepted amendments. We have modified some; some have been withdrawn.

We are very close to final consideration of this bill. We still have to go to conference—the White House, obviously, will get involved—with the House-passed bill. We will not have completed this process when we vote this bill out of the Senate.

My hope is we can find some way to work on this amendment while we are considering other amendments—the energy bill is waiting to be considered—rather than have this now splintered off. Too much effort has been made to get us to this point.

It is my fervent plea to my friends on the minority side to try and work on some resolution of this issue. That is what we ought to be doing as legislators. That is my plea to my colleague from Missouri and my colleague from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the vote was not a good sign. It was almost totally a partisan vote on a bill we had been advancing on a bipartisan basis. We had long and difficult negotiations across party lines to achieve the core agreement that was represented by the bill that was brought up by the majority leader.

The vote that was just taken, should that amendment ultimately be successful, strips out one of the core principles of the bill.

So I am not terribly optimistic, I must say, about the future of this bill. Maybe something can be worked out, but this was certainly a dramatic step in the wrong direction.

I know the Senator from Missouri seeks recognition. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 2940 TO AMENDMENT NO. 2937

Mr. BOND. Mr. President, I send to the desk a second degree amendment to the Schumer amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 2940 to amendment No. 2937.

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

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Mr. President, I would like to see a copy of the amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. DODD. Reserving the right to object, if I can see a copy of the amendment so I can know what we are talking about. Maybe my colleague would like to explain what we are doing.

The PRESIDING OFFICER. The clerk will continue to read the amendment.

The assistant legislative clerk continued with the reading of the amendment, as follows:

At the end, add the following:

SEC. . SIGNATURE VERIFICATION PROGRAMS.

Notwithstanding any other provision of this Act, a State may use a signature verification or affirmation program to meet the requirements of section 103(b) relating to the verification of the identity of individuals who register to vote by mail only if the Attorney General certifies that less than one-half of 1 percent of votes cast in the 2 most recent elections for Federal office were cast by voters who were not eligible to vote under the law of such State.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, as I think the Senator from Kentucky indicated, we were very disappointed that after working 6 months to establish a very modified, watered-down provision to help prevent fraud, the other side chose, without objection, on a party line vote, to refuse to table a motion to strike an amendment that really guts the compromise.

When we began this debate, I said I thought every American understood the importance of the vote. There are two aspects to that which are involved in this bill. One is making it easier to vote for those who may have had difficulty in the past. We worked on those items and many of them went further than I and some of my colleagues would like.

Coming from Missouri where we have seen significant vote fraud, which we believe may have affected close elections in our State, I said we needed to change some of the provisions of the motor voter law which permits mail-in registration and prevents the States from verifying the bone fides of the registrant.

As a part of the compromise we reached over 6 months, we said one does not have to show up with a photo ID with their address on it the first time they vote after they have registered by mail; we will let them bring in or send in either a photo ID or any of a number of documents which would tend to show that they are a real person, such as a utility bill, a government check, a paycheck, bank statements.

That would be supplanted under this amendment, if unamended, to say you can sign your name. We have seen the wholesale fraud that signing one's name can bring in Missouri: Drop houses, 3,000 almost assuredly phony registrations before a mayoral primary in 2001 in St. Louis; 30,000 last-minute mail-in registrations prior to the No-

vember 2000 general election in St. Louis. The guess is at least 15,000 of them were phony. That was followed by an effort by the Gore-Lieberman team in St. Louis and Kansas City to continue fraudulent voting by getting courts to keep open the ballot boxes in both cities on the theory—and I have to say the laughable theory—that the Democratically-controlled election boards in St. Louis City and Kansas City were conspiring to keep the Democratic voters in Kansas City and St. Louis from casting their votes in a general election for the Democratic candidates. Now that does not compute.

So we are saying, number one, we stopped the effort to keep the polls open in the Missouri Court of Appeals, pointing out that it is just as much a denial of civil rights to have one's vote deluded by an illegal vote as it is to be denied the opportunity to cast a vote yourself.

This amendment I proposed is the starting point to continue and reopen the negotiations. As I said, it is important that we balance this bill, make it easier to vote but make it tougher to cheat. This is one minor suggestion I am offering to avoid wholesale fraud through signature verification and affirmation. Frankly, I think we have seen enough to know that signature verification and affirmation does not work.

I ask my colleagues from New York if they know how many of the New York City voters, 14,000 of them who are registered in South Florida, voted only in one place in the 2000 election? I think that is something we need to find out.

There are real problems with the amendment that is now pending. I urge my colleagues to consider my second degree amendment favorably. We will look forward to continuing negotiations but, frankly, unless and until this is resolved this bill is a significant step in the wrong direction.

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

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

Mr. WYDEN. Mr. President, this is the first time we have seen this proposal, but certainly on its face it raises a number of very troubling issues. To start with, it seems it goes after the wrong end. Our view has been if the question of vote fraud is really going to be tackled, we have to go after the registration kind of process. That is what we have sought to do.

Once again, this goes to the process of signature verification, which is basically trying to deal with the problem after it is all out of the barn and off to the races.

I think what really troubles me is that this would make a presumption

that in scores of States, the State and local officials are not doing their jobs. They are essentially bad guys. They would have to go through a very cumbersome, almost incomprehensible process, to try to prove they are good guys.

In our State, it has empowered thousands and thousands of people, without instances of fraud. We are running a system that has not been a sieve of fraud and abuse. To say they are now going to create a presumption that people who are running effective, efficient vote-by-mail systems are essentially bad guys and they should have to go through a process from Washington, DC, to prove they are good guys does not make a whole lot of sense to me. Hopefully, there will be further discussion how this will work, how you would even go about determining who these so-called abusers are in the two most recent elections.

I have great reservations about what I have seen at this point. First, it seems to go at the wrong end of the process. We ought to be trying to address voter fraud questions at the registration level rather than essentially so late in the process. Second, I am very troubled by the presumption that seems to underlie this amendment that all these State and local people are bad guys, they are doing an inefficient job, they are not up to the task of challenging fraud, so what we ought to do is create a presumption, in effect, that they are the problem and that somehow they ought to have this convoluted process to convince the Federal Government they are not.

I yield the floor.

Mr. DODD. Mr. President, I inquire of my colleague from Kentucky, I don't know know if we can resolve the amendment at this moment, but there are other matters we might consider on the bill. I don't know if there is the appetite to temporarily lay these aside to consider the other matters, knowing nothing gets resolved until this issue gets resolved. I know there are colloquies, including Senator THOMAS, and Senator SMITH had an amendment we can try and work on.

Mr. MCCONNELL. I think we need to resolve the current pending matter. It goes to the heart of the bill. I know even if I didn't object to laying aside the amendment to go on to other matters, others would object. We need to stay on the amendment, the second-degree amendment and continue to discuss how we might unravel the knot which we find ourselves.

There would be an objection to laying the amendment aside and going on to other matters.

Mr. DODD. Mr. President, the authors, the direct opponents of the amendment are not here. I will make the case again, as I tried a week or so ago. I see where we are headed with this. We need to try and find a compromise. Obviously, people feel strongly about this. The debate went on for some time. When Members feel strongly, no matter how you try and resolve

it, sometimes you have to go through the vote process to have some clarity. Then a compromise can emerge. That is how this works from time to time. We have all been in that situation at one time or another.

Certainly, that is where we find ourselves in this case. I have great respect for how Senator BOND feels. We all bring a very strong local experience to this national debate. He had a very strong, in his view, local experience which provoked his interest in the matter. I respect that.

I respect very much the point of view of others that feel there are ways, particularly with statewide voter registration efforts, that we can take major steps to reduce the dangers of fraud or the realities of fraud. The establishment of our Election Commission in this bill will allow on a continuing basis examining the election structures of the country, rather than waiting for a crisis to occur, so we can continue to address matters like this and others we have not considered in this bill.

I had hoped that might occur. I think it will. We can find a way to get together. There are only 6 or 7 other amendments that I know of to consider on the bill. There could be more out there. We were down to either amendments that could be accepted or modified to some degree and become acceptable. I am still hopeful that can be the case.

I know where some of the Members are now on this issue. Perhaps we will go into a quorum call for a while and see if we can find some language that could satisfy both sides.

Mr. MCCONNELL. Mr. President, we are happy to have discussions. I assume there will be on this issue, sooner or later. Our view is sooner rather than later, which is why we are going to stay on this subject.

Therefore, 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. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. SPECTER. Mr. President, I have sought recognition to speak in opposition to the underlying amendment offered by the Senator from New York, Senator SCHUMER, which would permit people to vote by mail with only an authentication of a signature. The amendment modifies the underlying bill, which would require that there be either a photo identification or a government check which would establish that the individual is, in fact, in existence, not a false person; or a paycheck, again establishing the person is in existence; or a utility bill or a bank statement or some other governmental document.

There is no doubt that it is in the interests of democracy to have as many

people register to vote as possible so that people can express themselves in the electoral process. That is very fundamental. It is also fundamental that we ought to do whatever is reasonably possible to avoid vote fraud. This is an issue which I faced to a very substantial extent when I was District Attorney of Philadelphia. Philadelphia is a rough, tough, political town.

When I was DA in the 1960s and 1970s it was a rougher, tougher political town. I had the responsibility to enforce the election laws. In that capacity, on a bipartisan, nonpartisan basis, I prosecuted both Republicans and Democrats alike for vote fraud, and there was a lot of it in the city of Philadelphia. We could only detect a relatively small amount of it, but that was a real problem in our city elections.

When motor voter came up, I supported it, to try to broaden the availability of registration for the broadest number of people. However, there have been very substantial problems with people purporting to vote when those people are not in existence.

When I was DA of Philadelphia, we had a great many people purporting to vote where there was no such person. It is a difficult matter to police and to enforce. The underlying bill has a minimal check, to see to it that there is, in fact, a person who is registered to vote. If you have somebody who has a government check, that is a solid indication. It is not absolute proof that the person is in existence, but they wouldn't be getting a government check or paycheck or utility bill or bank statement. The photo ID, of course, is the best, but the underlying bill does not require that. It is a modest stand in seeing to it that somebody actually is in existence.

If we are to continue motor voter and to have the broad sweep of availability for people to register so you do not have to go down specifically to the registration spot—which is the customary way, in many, many jurisdictions—if we are to have these procedures which make it very, very easy for people to register, and they are to be maintained and continue in existence, then we are going to have to take steps to stop fraud.

It seems to me the provisions of the underlying bill are minimal. So, if you have an amendment which the Senator from New York has offered, that says all you have to have is a signature, anybody can sign a purported signature. Anybody can sign a name. Then, if securing the right to vote simply requires putting that writing down again, it may be the signature of someone other than the person which it purports to represent. So, I believe the underlying Schumer amendment is unwise. That is why I voted to table it.

Now we have a second-degree amendment, offered by the Senator from Missouri, which would seek to limit the applicability of the underlying Schumer amendment. I think that would at

least take some steps to safeguard against voter fraud.

Mr. BOND. Mr. President, does the Senator from Pennsylvania yield for a question?

Mr. SPECTER. I yield, Mr. President.

I am reluctant to do so, knowing the cross-examination expertise of the Senator from Missouri, but I will take my chances.

Mr. BOND. Mr. President, I am not here to cross-examine. I am just here to ask some experience from a Senator who is distinguished by his career as a prosecutor previously. Many people have said that if anybody votes fraudulently, they will be prosecuted.

I have looked long, far, and wide to see any consistent pattern of prosecution of vote fraud. I just do not know that there has been any significant effort. I wonder if the Senator from Pennsylvania can inform me to what extent vote fraud is even prosecuted and what are some of the problems that are entailed in a prosecution for vote fraud?

Mr. SPECTER. Well, vote fraud is prosecuted. When I was District Attorney of Philadelphia, I prosecuted Republicans and Democrats. Customarily, vote fraud is illegal assistance when somebody goes into the polling place, and this happens, and pulls the lever. There you can have a witness. You can identify the individual, and you can prosecute them. If you are seeking to prosecute someone who has sent in a purported signature which matches the signature on record, and there is registration by mail so that no one ever sees the person, you don't have an identification of the voter in the first instance. If you do not have an ongoing identification of that person's actual existence, it is not virtually impossible. It is impossible. How are you going to find the person who signed their name, even if you ascertain that there is no such person as the purported signature? How are you going to find them? It is not a needle in the haystack. It is a needle in a city of more than a million people.

Mr. BOND. Mr. President, the Senator from Pennsylvania pointed out precisely the problem with motor voter making it impossible for States to require a positive identification with the registration. As the Senator from Oregon I think wisely said in his debate, we ought to be making sure the registration is legitimate and that there is a real person behind it. Right now you can't do that under motor voter. The underlying bill, section 103(b) provides that.

But the Senator from Pennsylvania is saying that if somebody registers the name of a dead person, a non-existent person, or even a dog, sends in that registration, writes the name on a card, gets the absentee ballot, and sends it back in, it is next to impossible from the prosecutor's standpoint to prosecute the unknown person who has done the registration and cast the vote.

Is that a fair assessment?

Mr. SPECTER. Mr. President, the Senator from Missouri articulates it accurately. It is impossible to prosecute an unknown person. That is a matter of the fundamental definition. If you do not know the person, you can't swear out a warrant for an arrest. You also can't take the unknown person into custody. Then you would have the problem of proving that this unknown person committed the crime, and proving it beyond a reasonable doubt. It can't be done.

I am concerned about changing motor voter. There is a lot of criticism of motor voter generally. When I supported motor voter, I got a lot of criticism from many people who thought that it went too far. However, I was willing to support motor voter legislation with that broad sweep to try to encourage people to be on the voter rolls to express themselves. Motor voter works against my interest as a candidate in a city like Philadelphia. That happens to be the fact of life. It works against my electoral interests as a U.S. Senator running in Pennsylvania. But notwithstanding that factor, I have supported it, and I continue to support it.

If fraud becomes so widespread—and I think it is reaching that point—that we really do not know the level of fraud, it is impossible to determine. But, there is a lot of evidence that there are a lot of people who are not in existence who are voting. We do know that, because there is a check back. There is a signature of John Jones at a given address, and you find out that there is no John Jones at that address. Who signed the name? How can you tell? You cannot prove who did it to have a criminal prosecution. It is about the easiest form of voter fraud to perpetrate.

If you go into the polling booth in Philadelphia, as we had a lot of people do, and walk behind the curtain with a registered voter and pull the lever, or give illegal assistance—there are legal ways to do it, if the person can't pull the lever—there the person is taking a chance. You can identify them. You can get a witness. You can prosecute them. You can convict them. But, that can't be done just on signature.

For the people who are urging the enactment of the Schumer amendment to broaden the opportunities to vote, let me say to them head on that they are going to be defeating their cause, because motor voter is going to be in jeopardy unless we are able to work it out in a way so there is not fraud in this manner. The underlying bill is a modest step forward to eliminate that fraud.

I compliment the Senator from Missouri for his diligence in pursuing it. I also compliment him for his diligence in pursuing it over the weekend. It is pretty hard to find most of us over the weekend. But he found me and talked to me about this matter. I told him that my experience supported the

stand that he was taking, and that I was prepared to back him and come to the floor and make this argument.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise to thank my colleague from Pennsylvania for giving us some very practical insights on the difficulties a prosecutor faces in prosecuting a phony mail-in registration. It seems to be an almost impossible task, unless you are fortunate enough to get somebody's fingerprints or have some way-beyond-the-normal way of identifying who sent it in.

Obviously, everybody laughs about dead people being registered and Ritzy Mekler, the dog, being registered. We know they did not register, but finding out who registered them is a problem. Ritzy Mekler's owner claims he did not register her. Somebody else may have done so.

But there is a real problem with the phony registrations piled on to our voter rolls in Missouri, for sure—I know in St. Louis, and I would imagine in most parts of the country.

So since we have undone the compromise that we worked 6 months to achieve, I express, again, my willingness to come to a bipartisan compromise on how we make sure, A, that everybody who is entitled to vote gets registered, and, B, gets to vote. But also how do we get those phony people off of the rolls?

I mentioned, in my earlier debate on this amendment, we know that 3,000 registration cards dumped on the St. Louis City Election Board prior to the mayoral primary in 2001 were mostly phony—most of them in the same handwriting, most of them with addresses from one or two blocks of the city. So we actually got on those, and those have been turned over to the prosecuting authorities.

But there is a little matter of 30,000 voters who were added to the rolls in St. Louis City, MO, just prior to the November 2000 general election. Nobody knows for sure who they came from. But let me tell you, I have some suspicions. I have some suspicions that we are seeing people who might benefit from those registrations opposing efforts to purge.

So I would like to see if we can't work out a way to change some of the onerous provisions that the motor voter bill puts on States in trying to ascertain whether the voters who have been registered by mail are legitimate.

I voted against an amendment offered by my good friend and colleague from Montana, Senator BURNS. It was going to give some power to purge. I told him at the time I thought it was a good idea. I think it is an even better idea now.

So we would like to work on finding a way to make sure we can make it easier to vote but tougher to cheat. As I said, if the Schumer-Biden amendment goes through as is, it makes it easier to cheat, not tougher to cheat.

I started, in my remarks prior to the vote on the tabling motion, to share with some of my colleagues the wisdom from the National Commission on Federal Election Reform. They were talking about accountability. And they said: The question is whether to require voters to display some proof of identification at the polls.

This is on page 31:

All states hope that precinct officials and poll watchers will have at least some familiarity with the residents of their precincts. Seven states, all but one of them rural, do nothing more. In the rest, the most common practice now is to require voters to sign their names in an official registry or on a ballot application. About a third of the states require poll workers to check signatures against those provided at registration. Fourteen states insist that voters produce some form of identification.

Most states that have histories of strong party rivalry or election fraud require signature verification or voter identification at the polls.

This is the key part:

Signature verification puts an extra burden upon administrators, and especially on often ill-trained poll workers practicing a very subjective, often impossible, task while voter lines lengthen. Also, many polling places lack the means to provide poll workers with accurate copies of the voter's actual signature (the one the voter used in order to register) and a signature may change over time.

One alternative, favored by several Commissioners, is to require those who are registering to vote and those who are casting their ballot to provide some form of official identification, such as a photo ID issued by a government agency, (e.g., a driver's license). A photo ID is already required in many other transactions, such as check-cashing and using airline tickets. These Commissioners point out that those who register and vote should expect to identify themselves. If they do not have photo identification, then they should be issued such cards from the government or have available alternative forms of official ID. They believe this burden is reasonable, that voters will understand it, and that most democratic nations recognize this act as a valid means of protecting the sanctity of the franchise.

They then go on to talk about striking the right balance, and they conclude talking about whether a photo ID is too much. They talk about alternative forms. But they said on page 32:

We do believe, however, that States should be able to verify a voter's identity.

That goes to the sum and substance of the Schumer amendment. The Schumer amendment is flatly contradicted by the National Commission on Federal Election Reform. That is why I have offered a modest amendment to say that verification and affirmation will only go into effect when and if the Attorney General of the United States certifies that a State has had less than half a percent of illegal ballots cast in the last two Federal elections.

Frankly, I don't believe that signature affirmation or verification works as well as my colleagues claim. There are not hundreds of thousands of people denied an opportunity to register because they don't have any kind of photo ID or government check or bank

statement or utility bill or any other kind of paycheck stubs with their name and address on it. Any of those people who do exist can vote provisionally, and they should be able to vote provisionally. I think there is a handful at most, and we will accommodate them through provisional voting. But I am most worried, for future elections, that there were 30,000 names that came in out of the blue, mail-in registrations that had not been checked in the city of St. Louis. I would like to believe they are all legitimate voters who all of a sudden got the real view that they ought to register in one two-day period. But 15 percent of the electorate? I don't think so.

Mr. President, I am not willing to give up on this process. But I am not willing to see a bill go through that makes it easier to vote and easier to cheat. I thank the Chair and I yield the floor.

Mr. DODD. Mr. President, first of all, I thank my colleague from Missouri for his expression of trying to find some common ground. We know each other pretty well, and I would never question the motivations of my friend from Missouri. He brings a lot of passion to matters he cares about. I like people who do that.

As he knows, there has been a tireless effort to cobble together a proposal here that would enjoy the broad-based support of this institution. We are dealing with 98 other colleagues, and when you deal with a matter like elections, everybody is an expert. We have all been through them and everybody has a point of view—unlike in other matters where members can defer to other colleagues. Here everybody has something to contribute to the discussion and debate. I accept his words here to try to find some resolution of the situation we are in. That is what I have tried to do for a couple of weeks. Sometimes you need to have the votes, because then you know where; you are. Votes will let you know.

This place is pretty equally divided on this issue. We have to try to find something here where a center can gather and move the bill forward. We are hoping to do that.

On the second-degree amendment—and I appreciate him offering an amendment that is substantive and that goes to the heart of this. It is not a frivolous amendment. It is one not the least of which is—I presume the amendment refers to the U.S. Attorney General. My colleague indicates that is the case. The concern, I suppose, we hear from all States is that in this bill they want to avoid to have the Justice Department all of a sudden be reaching into States. We are already trying to become a better partner in the election process, and that attorneys general, regardless of party, can all of a sudden, under this amendment, be engaged in some “fishing expeditions” on some of these matters—I think we would all be concerned about that.

There may be something we can work on that may provide a means by which

we can come to an agreement on the issue of signatures and attestations. Let me say to my friend as well—and he and I went through this a great deal, back an forth, on how we can resolve these issues. As I understand it—and it gets hard trying to identify exactly what each State does—there are 28 or 29 States that do an attestation or signature. I may be off by a State or 2. As I went down the list and tried to determine how many States do that, many of these States believe that is a very viable means by which to deal with the fraud issue.

I know my colleague from Missouri has had different experience in his State. I don't argue with that, except to say that around the country there are different views on how best to achieve these results. There is nothing in here, obviously, that precludes the photo ID from being a part of that means of identification. The issue is whether or not we are going to, in some way, restrict these other means of verification that a majority of States have been comfortable with over the years, and then if there is something else we might add to that to address the concerns the Senator from Missouri raised.

Aside from these particular amendments that are pending, I will point out that, historically, the efforts of enforcement have to be in the States; that is, where there is a problem of fraud, the States have to pursue it. The Presiding Officer brings to this issue more than a casual acquaintance with these issues having been—the Secretary of State in his State worked directly in these areas. I presume he could bring to this discussion some additional thoughts and ideas, and I am grateful to him for that.

As I said, the attestation and signature have been used, and many States are comfortable with that. I am hopeful we can find some mechanism which will allow us to get beyond this particular issue in such a way that while it would not do everything, as my colleague from Missouri might want, it certainly will do more than the present situation.

What I suggest, because we have to resolve this one way or the other, is that we take some time and get our respective staffs together and sit down and skull on this and see if we can hammer out some ideas and come back with some proposals on how we might deal with this.

My friend from Missouri is nodding in the affirmative. Rather than talking, it seems to me we would be advised to sit down and see, over the next half hour or hour, if we can come back with some ideas for consideration. That is the path we will follow.

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

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

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business until 1 p.m., with Senators allowed to speak for not to exceed 10 minutes each.

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

Mr. DODD. Mr. President, 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.

The PRESIDING OFFICER. In my capacity as a Senator from Indiana, I ask unanimous consent the quorum call be rescinded.

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from Indiana, I ask unanimous consent the Senate stand in recess subject to the call of the chair.

Without objection, it is so ordered.

Thereupon, the Senate, at 12:16 p.m., recessed until 12:27 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

The PRESIDING OFFICER. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Madam President, the managers of the bill and staff are working through the amendment that is now before the Senate and trying to resolve this issue. We hope we can move forward on this legislation. There has been a tremendous amount of time spent on it. The majority leader indicated that he wants to move this legislation as quickly as possible. The energy legislation is waiting until this bill is completed in some form or fashion. I hope everyone will understand it will be to everyone's benefit if we can proceed. There has been a hue and cry from the other side that we need to do the energy legislation. The only thing holding up our moving to that is the legislation now before the Senate, the reform bill on the election process in America. I hope that can be done as soon as possible.

We are now in a period of morning business until 1 o'clock. At that time, the decision will be made as to what will transpire thereafter.

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. BENNETT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CAMPAIGN FINANCE REFORM

Mr. BENNETT. Madam President, we are about to finalize and pass on to the President a bill on campaign finance reform. Anyone who has followed the proceedings during the years knows that I have been opposed to this since I first came into the Chamber back in 1993. I remember participating in an all-night filibuster against it, which Senator Mitchell forced us to go through. My hour, as I recall, was something between 1 and 2 in the morning because I didn't have enough seniority to have an hour that was more compatible with my sleeping patterns.

I have done everything to see to it that this bill does not become law, for one very fundamental reason: I believe it is clearly unconstitutional. It violates both the spirit and the letter of the work of James Madison. I have quoted Madison on the floor, but I have been unsuccessful. It is clear to me now that the law is going to pass. It is, in all probability, going to be signed.

I want to take a moment or two to outline, in the spirit of some prophecy, what I think is going to happen as a result of the bill. I have tried to be as objective as possible and set aside my deeply felt conviction that this bill violates what Madison was telling us in the tenth Federalist about appropriate government. The first thing that is very clear is that this bill will weaken—I won't go so far as to say “destroy,” as some others have said—both political parties. Neither party will be able to raise the money to pay the lights, run the overhead, keep the operation going and, at the same time, participate significantly in the campaigns of its members. By banning so-called soft money, we guarantee that each party will have to raise hard money to keep its overhead going and, therefore, be unable to put as much money and as much muscle into individual campaigns. This means that special interest groups which can raise this money have raised this money and will continue to raise this money and will play an increasing role in political campaigns. That is, the vacuum created by pushing down the role of parties will be filled by special interest group money. We are already seeing this. I have seen it in my home State of Utah. The net effect of it will be that candidates will increasingly lose control of their own campaigns.

We saw an example in Utah, where candidate X was attacked by a special interest group over a particular issue. Candidate Y, who normally would benefit from that kind of attack, in fact, was appalled at the attack and did everything she could to stop it because she felt, correctly, that it was reflecting on her. The voter could not differentiate between the source, whether it was from a special interest group or

the political campaign. All the voter knew was that these ads were unnecessarily nasty, unnecessarily antagonistic, attacking candidate X. They took it out on candidate Y. They blamed her for the attacks, and she was powerless to do anything about it because special interest groups have the right to run their own campaigns.

As a result of the passing of campaign finance reform, she would be even more powerless to defend herself against that kind of circumstance because she could not call on her national party for assistance. The party will be prevented from providing the kind of help that is currently available. So, as I say, the net effect will be to increase the power of special interest groups in campaigns and to decrease the abilities of a candidate to manage his or her own campaign.

The next thing I see coming out of this is, of course, a plethora of lawsuits, because the bill is very badly written, it is badly drafted, and it creates a whole series of vague references to the relationship between the national party and the State party, Federal money, State money, what can be done by a State party to try to advance its candidates; and what happens if the State party spends money in a way that somehow is deemed to advance a national candidate, or Federal candidate? Let's have a lawsuit. Let's be in court. Let's have all kinds of disputes.

Once again, by limiting the amount of money that parties can raise, it will drain off party money to handle legal bills. So, once again, the party will be less capable of defending its own candidates in the political arena.

Now, at the moment, my judgment is that there are more special interest groups involved in issue advocacy campaigns who support Democrats than there are who support Republicans. I have seen one study—I have no idea how accurate it is—that indicates that in the last Presidential campaign there was about \$300 million, total, spent on both sides. If you take the money allocated to the parties, the Republican Party outspent the Democratic Party. But when you add in the issue advocacy money spent by special interest groups, most of it was on the Democratic side of the ledger, so the total, according to this one study, suggested that you got to rough parity between the two sides in the election. Now, I think the initial effect will be—if it is true there are more special interest groups supporting Democrats—you will see a financial benefit for the Democrats through that special interest group, if indeed the money spent does benefit them. Once again, we come back to the example I described in Utah, where the money spent by the special interest group damaged the candidate it was supposed to help, because the candidate had no control, no input, and had lost control of her campaign.

Let's assume, for the moment, that all of the money spent by the special

interest groups on behalf of Democratic candidates is well spent and produces a benefit for the Democratic candidates. There will be an attempt—and I suspect overtime it will be successful—for Republicans to create special interest groups to balance that.

We will, once again, get to the point of rough parity because money and politics abhor a vacuum. We will have just as much money spent on politics as we have now. The difference is that it will be channeled either through existing special interest groups, most of which, as I say, benefit the Democrats, or newly created special interest groups to counter that, created to benefit the Republicans. Once again, the total impact will be that candidates and parties will lose control over their elections.

I hope the time does not come, but I think it is possible, where candidates and parties become almost insignificant in political campaigns; where political campaigns are fought between major special interest groups and candidates simply sign up with which interest group they are going to endorse and then sit back, watch the money get spent, and watch the results come in, with our historic political parties significantly weakened, a candidate's ability to manage his own campaign significantly degraded, and ultimately politics in this country the worst as a result of the passage of this legislation.

I lay that down, Madam President, as my view of what is going to happen. The bill will be passed. If the bill is signed, then we can all wait and see. I hope I am wrong. I hope the reformers are right and we will enter a new era of magnificent good feeling about politics.

My expectation is that, as has been the case with most reform efforts until now, we will see things get worse rather than better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be extended until 1:30 p.m. today.

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

The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I ask unanimous consent to speak for up to 15 minutes in morning business.

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

NOMINATIONS OF JUDGE CHARLES PICKERING AND JUDGE BROOKS SMITH

Mr. SPECTER. Madam President, I have sought recognition to announce my support for the nomination of District Court Judge Charles Pickering to the Court of Appeals and make some comments about the pending nomination of Judge D. Brooks Smith, now

Chief Judge of the Western District of Pennsylvania for the Court of Appeals for the Third Circuit, who had a hearing yesterday, and to comment generally about the issues facing the Judiciary Committee on partisanship.

Judge Pickering appeared before the Judiciary Committee. Prior to that time, I had an opportunity to read his opinions, to meet with him personally, to go over the issues, to study his record, and it is my conclusion that if we were dealing with State Senator Charles Pickering from the early 1970s, we would not confirm him for the Court of Appeals. But dealing with Charles Pickering in the year 2002, based upon his record today, he is worthy of confirmation.

In the early 1960s, it was a different world, as we all know. Prior to the passage of the Civil Rights Act of 1964, prior to the passage of the Voting Rights Act and the early days following the decision of the Supreme Court in *Brown v. Board of Education* handed down in 1954, it was a different world.

Judge Pickering has distinguished himself and has shown that he has a sensitivity to civil rights issues. He spoke out against the leader of the Ku Klux Klan in a way which was a threat to his personal security. He has demonstrated in his conduct a sensitivity to racial matters.

There has been quite a divergence in opinion about Judge Pickering based upon people inside the beltway, in Washington, contrasted with the African Americans who know Judge Charles Pickering from his hometown of Laurel, MS.

The pseudo-hearings which have been conducted on national television and the comments in the national press from those who know Judge Pickering from Mississippi portray a very different man than those who oppose his nomination within the beltway.

In making that comparison, I raise no objection to the opinions of the positions taken by people who have spoken out against Judge Pickering. That is their right. But I do make a sharp distinction in terms of the value of those opinions and the weight which ought to be given to those opinions when you have people who know him so much better on his home turf.

If we were to apply the standards which would have been applicable to State Senator Charles Pickering in the early 1970s, it would be very different. I cannot help but think of Senator THURMOND who ran for President as a Dixiecrat in 1948 and who was a staunch opponent of many of the civil rights issues. Senator THURMOND, as so many others, like Charles Pickering, changed over the years and saw the evolution from desegregation in *Brown v. Board of Education* in 1954 to a very different era.

Senator THURMOND has enormous support among African Americans. I mention him because he is someone known to everybody in the Senate,

having been here since 1954 and having established himself as very sensitive and very pro-civil rights, but if he were to be judged on his record from the early 1960s, as some are trying to judge then-State Senator Charles Pickering on his record of the early 1970s, Senator THURMOND would not be confirmed.

I can count the votes, Madam President, and it seems to me that, regrettably, the Judiciary Committee is going to vote along party lines and deny Judge Pickering an affirmative vote to bring his nomination to the floor of the Senate. I may be wrong. I hope I am wrong. I do not think I am wrong. It seems to me that whatever the vote for confirmation is in the Judiciary Committee, Judge Pickering ought to come to the full Senate.

Judge Bork and Judge Thomas—Judge Bork then a judge on the District of Columbia Circuit Court—received a negative vote in the Senate Judiciary Committee 9 to 5, but he was voted to the floor for full consideration and ultimately did not prevail and was defeated 42 in favor, 58 against.

Justice Thomas, then Judge Thomas, had a tie vote in the Judiciary Committee but was voted out of the Judiciary Committee by a vote of 13 to 1 to be considered by the full Senate.

In the old days, the Judiciary Committee used to bottle up a lot of civil rights legislation. It is my view that this is a matter which ought to be considered by the full Senate.

Yesterday, we had the confirmation hearing of United States District Court Judge D. Brooks Smith, who was recommended by Senator Heinz and myself in 1988, appointed by President Reagan, and has had a very distinguished record on the United States District Court for the Western District of Pennsylvania where he now serves as chief judge.

Prior to that, he had been in the Court of Common Pleas in Blair County, PA, and prior to that had been assistant district attorney.

Judge Smith was challenged on a number of grounds. People raised questions about his reversal rate, but when that was examined, we found that of the approximately 5,300 cases that Judge Smith had, about 10 percent of them were appealed, about 530 cases, and that his reversal rate was right at 10 percent, which is right at the norm.

His reversal rate was higher in 1989, his first year as a federal judge, in excess of 35 percent. As the years passed and as he gained more experience, he brought that reversal rate down very substantially. With the total number of cases, about 5,300, and something around 50 reversals, it is right at the 1 percent mark.

I ask unanimous consent that at the conclusion of this presentation the text of the record of Judge Smith on reversals be printed in the RECORD.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

(See Exhibit No. 1.)

Mr. SPECTER. Judge Smith was further challenged on the issue of conflict of interest when he sat on a case where a bank was a depository, where he had stock or financial interest in the bank and his wife was an employee but the bank was not a party. The trustee in that case was Dick Thornburgh, formerly Governor of Pennsylvania and also formerly Attorney General of the United States. Governor Thornburgh wrote an op-ed piece for the Pittsburgh Post-Gazette exonerating Judge Smith from any issue of conflict of interest, citing Justice Donetta Ambrose who succeeded Judge Smith to handle that case after Judge Smith recused himself.

I ask unanimous consent that at the conclusion of this statement the op-ed piece by Governor Thornburgh be printed in the RECORD.

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

(See Exhibit No. 2.)

Mr. SPECTER. Judge Smith was questioned at some length about trips he had made to seminars, that there might have been an effort to influence his decisions and that they were, in effect, junkets.

There is a famous expression that it does not lie in the mouth of someone to say something, which really means that party has no standing to raise the question.

I do not think that the Senate, or Senators, have standing to raise questions about travel. I say that in the context of traveling myself, and I think those travels are very worthwhile. And I have gone to seminars, and I make the appropriate disclosure on my financial statements.

The seminars that Judge Smith attended were entirely appropriate, and he was challenged because he had not listed the value of those trips to seminars. He stated that he thought he had complied with the law. Since staff has checked out, it was found there was no requirement that the value be listed.

It may be when we are talking about Judge Pickering and perhaps about Judge Smith—and I feel confident Judge Smith will be acted upon favorably by the Judiciary Committee, but one never knows—but in looking at the proceedings as to Judge Pickering, this may be a warm-up for the next Supreme Court nomination.

When Attorney General John Ashcroft was up for a confirmation hearing, there was an undertone that where you have the issue of choice, someone has to be willing to say they will support *Roe v. Wade*. It really did not apply to the Attorney General's nomination itself but as to his pro-life position, which then-Senator Ashcroft had articulated, we knew his position. There was an undertone in the hearing, and some on the Judiciary Committee have articulated a view that there ought to be a litmus test, that nobody ought to be confirmed unless that judicial nominee is prepared to say the nominee would uphold *Roe v. Wade*.

When those issues have been posed in the past, the nominees have been accorded standing to say they are not going to comment about cases which may come before the Court. But there is what at least appears to be an effort to put *Roe v. Wade* on a par with *Brown v. Board of Education*. Doubtless it is true that no one could be confirmed to the Supreme Court of the United States or to the Federal judiciary if they said they would favor reversing *Brown v. Board of Education* and integration. It is going to be a hotly contested issue, I believe.

Again, I may be wrong, but I do not think so, that some in the Senate and some on the Judiciary Committee, and perhaps many others, are trying to equate *Roe v. Wade* with *Brown v. Board of Education*.

We see the changing times on the issue of the death penalty for people who have a mental impairment, with the Supreme Court saying they are looking for a national consensus before changing the law. On the evaluation of judicial decisions where the Court does look for an evolving national consensus to establish the moral temper oftentimes, with the Court's interpretations being very different on the equal protection clause of *Plessy v. Ferguson* in 1896 compared to the reversal of *Brown v. Board of Education* in 1954.

I do believe it is time for a truce between Republicans and Democrats on this issue of judicial confirmations. I think we ought to declare a truce and sign an armistice agreement that we are not going to have a repetition of what happened when we had a Democrat in the White House and Republicans in control of the Judiciary Committee. That was the position I took at the time in breaking party ranks and voting to confirm Judge Paez and Judge Marcia Berzon and in voting to confirm Judge Roger Gregory for the Court of Appeals for the Fourth Circuit, and in voting to confirm Bill Lee for Assistant Attorney General of the Civil Division. We ought to declare this truce and ought to sign this armistice so we take partisan politics out of the confirmation process of Federal judges. It is high time we did that.

I hope the confirmation proceeding as to Judge Charles Pickering elevating him from the district court to the court of appeals will be a good occasion for that truce, or that signing of an armistice.

I yield the floor.

EXHIBIT 1

BROOKS SMITH—CASE STATISTICS
ABSOLUTE NUMBERS

Smith has closed 5,298 cases—of which 526 cases were appealed to the Third Circuit.

Smith has been reversed 53 times over his 13 year career as a federal judge (since 11/1/1988).

Note that in 12 of these 53 cases (i.e., about one-fourth of the cases), Smith was affirmed in part and reversed in part. And some of these were complex cases involving numerous issues where he was affirmed on nearly all of the issues but reversed on one ground or a few grounds.

PERCENTAGES

Smith has been reversed in 10% of appealed cases (i.e., 53 of 526 cases).

He has been reversed in only 1% of closed cases (i.e., 53 of 5,298 cases).

COMPARISON

Smith's 10% average reversal rate (in appealed cases) from 1989–2001 is similar to the average annual reversal rate for the Third Circuit and for all circuits for appeals terminated on the merits.

	[Amount in percent]		
	Smith	Third Circuit	All circuits
1989	29.16	12.4	13.4
1990	15.38	11.3	11.8
1991	3.7	10.4	11.7
1992	12.5	10.4	11.0
1993	6.66	10.3	10.0
1994	11.9	11.8	10.0
1995	6.55	9.4	11.0
1996	10	9.9	9.4
1997	16.66	9.9	9.1
1998	13.51	9.0	10.2
1999	0	10.4	9.1
2000	9.3	12.0	9.7
2001	5.88	11.7	9.2

Notes: None of the cases closed by Smith in 1988 were appealed. The reversal rates for the Third Circuit and for all circuits were obtained from the Administrative Office of the U.S. Courts; these rates do not include data regarding the Federal Circuit.

EXHIBIT 2

[From the Pittsburgh Post-Gazette,
February 26, 2002]

SETTING THE RECORD STRAIGHT ON JUDGE D.
BROOKS SMITH
(By Dick Thornburgh)

WASHINGTON.—Today the Senate Judiciary Committee will consider President Bush's nomination of Chief U.S. District Judge D. Brooks Smith for the 3rd U.S. Circuit Court of Appeals, headquartered in Philadelphia.

For 18 years, Judge Smith has served Pennsylvanians with distinction. Judge Smith boasts first-rate credentials in addition to his years of judicial experience, and the American Bar Association unanimously gave him its highest rating. Over 100 Democrats and Republicans alike have signed letters of support to the Senate Judiciary Committee. These letters from judges, public officials and leaders of civil liberties, labor, and women's organizations all praise Judge Smith's fairness and impartiality. The Post-Gazette has detailed the campaign against Judge Smith by the Community Rights Counsel and other extreme interest groups. Just as night follows day, it seems the usual suspects are lining up for another effort to "Bork" a distinguished judge. Specifically, critics argue that Judge Smith should have immediately recused himself from a 1997 municipal fraud case involving an investment adviser later convicted of defrauding several Pennsylvania school districts. Critics say recusal was necessary as Judge Smith's wife worked at Mid-State Bank where some of the defendants' assets were deposited, and the Smiths held stock in Mid-State's parent company.

Please allow me to set the record straight. I served as the trustee for the defrauded schools and bore a fiduciary duty to safeguard their funds. And I can say with front-row, firsthand knowledge that Judge Smith acted with absolute integrity, independence and honor.

First, Mid-State Bank was not a party to the case, and nothing at the outset suggested Mid-State was complicit in any fraudulent scheme. It was therefore unlikely that Judge Smith's wife, who worked in an unrelated part of the bank, would become a material witness. Since the complaint did not allege any wrongdoing by the bank holding the defendants' funds, any stock the Smiths owned in its parent company was immaterial. As trustee, I had sole possession of and control

over the assets, and Judge Smith's initial order distributing 50 percent of frozen funds to defrauded school districts just approved an interim plan proposed jointly by me and the Securities and Exchange Commission while the case proceeded.

When Judge Smith later received information that Mid-State could, in the future, conceivably play a role in the litigation, out of an excess of caution he immediately recused himself sua sponte, without being asked by either party. The actions that Judge Smith took prior to his recusal in the civil case did nothing to limit Mid-State's eventual liability exposure or impact the victims' rights of recovery.

In fact, the attacks by interest groups ignore the fact that no funds were even deposited at Mid-State at the time Judge Smith granted his last orders. As trustee, I had transferred the assets to another bank several days before this order. Nothing that occurred between this order and Judge Smith's recusal days later benefited Mid-State. Judge Donetta Ambrose, who obtained the case after Judge Smith's recusal, agreed. She wrote to the Senate Judiciary Committee to say, "There was never any suggestion by me or the Court of Appeals that Judge Smith acted inappropriately or unethically. Rather, he acted prudently and cautiously. . . . The allegations of unethical conduct in the context of this case are without foundation."

Partisan critics also improperly fault Judge Smith for temporarily handling a later criminal case against the investment adviser. Nobody involved in the case has alleged that Judge Smith issued any improper orders or took any inappropriate action. The case was assigned to Judge Smith only after lawyers in the case agreed that it was unrelated to the SEC's civil case. Mid-State Bank was not a party. The U.S. attorney's office never sought recusal, and defense counsel did not seek recusal until four months later, when Judge Smith immediately recused himself.

As governor of Pennsylvania in 1984, I had the honor of originally nominating Brooks Smith to sit on the Court of Common Pleas in Blair County. In 1988, while attorney general of the United States, I had the honor of seeing the U.S. Senate unanimously confirm Brooks Smith as a federal judge. This year, I hope to see the same Senate set aside the recent attacks of extreme interest groups and honor Judge Smith's long record of judicial service with a swift and unanimous approval to the 3rd Circuit.

By any measure of judicial merit, Brooks Smith is qualified to serve. Like the president who nominated him, Brooks Smith has rallied a broad coalition of support. It would be wrong to allow extreme interest groups to delay his confirmation by even one day. However, I am optimistic that this will not occur. Judge Smith acquired his reputation for honesty, uprightness and professionalism the old-fashioned way—he earned it. And it will see him through.

Mr. SPECTER. 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 the order for the quorum call be dispensed with.

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

EXTENSION OF MORNING
BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be extended until 2 o'clock today.

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

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

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

NEGOTIATIONS ON THE ISSUE OF
VOTER IDENTIFICATION

Mr. DODD. Madam President, I just want to give the Presiding Officer a little bit of an update on where things are regarding negotiations on the Schumer-Wyden-Bond issue involving the question of voter identification.

Staffs are meeting. There has been no resolution, I am sad to report, at this juncture, but they are meeting and are working on this.

I thank Senator SCHUMER and Senator WYDEN and their staffs, along with Senator BOND and his staff, to see if they can come forward with a compromise proposal. As I mentioned two or three times already today, I hoped that would have happened before we got to the vote today. I made a pitch and appeal on numerous occasions, but there was not much of an appetite for a compromise until now.

My hope is we can come to this sooner rather than later. I apologize to my colleagues. I apologize to Senator DASCHLE, who has been absolutely stellar in all of this. I am sure he is going to remind me for years to come, when he asked me how long this bill might take, I said I thought we could do it in a day. I suspect I will hear that story over and over again for many years to come.

We have been on it 2 days. We were on it for 2 days when we were not in session, a Friday and a Monday. We did get some work done then. On the Thursday of the week before recess, we were here, and yesterday, now today, so at least 2½ days.

My hope is that by later this afternoon, sooner rather than later, we can report a compromise proposal, then the rest of the amendments we can deal with fairly quickly. There will be votes on some. I don't anticipate that any one of them, regardless of the outcome, would provoke the kind of situation we are in at this particular juncture.

Hope springs eternal, even in February. I am hopeful that before the afternoon is out, we can make a favorable report to the Chair and to our colleagues that the election reform bill is prepared to move forward and get to final passage.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

STEEL

Ms. MIKULSKI. Madam President, today I come to the Senate Chamber to stand up for steel. There is a crisis in America's steel industry. The next few weeks will determine the fate and future of that industry and, I believe, the fate and future of our steelworkers today and our retired steelworkers.

I commend President Bush for initiating the section 201 investigation on steel. That means an investigation by the International Trade Commission on whether or not we are facing unfair dumping. I am now calling on the President to impose an effective remedy; that is, a remedy of 40-percent tariffs across the board on steel.

Since 1997, 31 steel companies have gone bankrupt, putting at risk over 62,000 jobs. Why is this? It is exactly what the International Trade Commission found: Subsidized foreign steel companies dump their excess products on the United States market at below market prices. They come into the United States and flood us with their imports at fire sale prices.

In response to this unprecedented crisis, President Bush did take an important step of initiating an investigation under section 201 of the trade act. The ITC unanimously found that these imports have caused serious harm to the American steel industry. Now the President has to act before tens of thousands more jobs are lost and retirees face the threat to their pensions and their health care. He must take meaningful action, not just some half measure that doesn't meet the challenge of the crisis.

Steel is in crisis. Last year, 17 steel companies filed for bankruptcy protection, 14 steel mills shut down, and nearly 30,000 workers lost their jobs.

Why does steel matter? This is not nostalgia for our industrial past. This is about our national and our economic security.

If we are worried about dependence on foreign oil, we should certainly be worried about dependence on foreign steel. We need steel to build America, whether it is our bridges or our automobiles, and also for our national security. In my own home State of Maryland, Bethlehem Steel made the steel plate to repair the U.S.S. *Cole*. It is American steel that is building Navy ships, Navy subs, American planes, the kind of steel we need for those bunker-buster bombs we need.

Are we going to rely upon Russia, China, and other countries and be steel dependent? I don't think we should do that.

What about our steelworkers and our steelworker retirees? There are over 300,000 people currently working as steel and iron workers. There are now over 700,000 retirees and surviving spouses. All told, there are more than 1 million Americans, both retired and on the job now, who depend on steel for their livelihood, their pension, and their health care.

What caused this crisis? Is it because American steel was inefficient, because the unions wouldn't cooperate with management, because we didn't use new technologies or new processes? Absolutely not. The reason American steel is in such dire straits is unfair trade. Foreign steel companies, subsidized by their government, dump excess steel in our market at those fire sale prices.

The United States of America does not have excess capacity. The United States and Canada have been net importers of steel. If you want to look at examples of these subsidies, let me give you one: Russia. This comes from the Bloomberg Business Report. This does not come from BARB MIKULSKI. The Bloomberg Report last week talked about how the Russian Government keeps 1,000 unprofitable steel plants open through Russian subsidies. That is not 1,000 workers; that is 1,000 steel plants. Because of those subsidies, they are able to stay in operation.

How can we compete with Russian subsidies where they have comrade health care, all their health care is paid for, they get subsidies in steel, and at the same time we are expected to compete?

What is the solution? We need a level playing field by reducing excess steel capacity abroad.

The way we also send them a message to stop the dumping is by imposing a 40-percent tariff. That would level the playing field. Half measures will not do. We need that 40-percent tariff and we need it without exception. The effects will last much longer than the 3 or 4 years because America's steel industry will have a chance to get back on its feet.

America's steel industry is the best in the world and I can't emphasize how competitive we are. It is the most efficient, uses the fewest man-hours available per ton, thanks to our steelworkers making the best use of technology and a willingness to cooperate with management. It is also the most environmentally sound, producing less emissions on steel produced.

Do you think those 1,000 Russian steel mills are going to be environmentally sensitive and OSHA compliant? I don't think so. American steel companies have invested over \$20 billion in new technology to achieve these efficiencies. American steelworkers have made painful concessions in wages and benefits so that the industry would be efficient and competitive and would have a future.

Madam President, the President must act now. The next few weeks will

determine the fate and future of the steel industry. There is a March 6 deadline for a remedying decision, the tariff decision. The President has the authority. We want him now to have the will. We want him to impose this 40-percent tariff, give American steel mills a future and, most of all, protect the United States of America against dependence on foreign steel. Steel built our Nation; steel will continue to build our Nation, and most of all, steel will help us protect our Nation. Steel built America and it is now time that we stand up for steel. I hope we can count on the President to do this, and we thank him for the work he has already done.

I yield the floor and look forward to standing with the Presiding Officer as we stand up for steel.

Mr. REID. Madam President, before the Senator leaves the floor, I want to say that she is a leader on this issue. I told her privately yesterday that whenever she pointed me to help steel, I would be there. I also say it is not often that you find a Senator who works as hard privately as publicly. I have been in a number of private meetings with the Senator from Maryland, where she has been a staunch vocal advocate of doing something to help the steelworkers and the steel industry of this country.

The people of Maryland should understand the advocacy of this giant from Maryland who is working so hard for the people who have been so good to America—the steelworkers and the steel industry, generally.

Ms. MIKULSKI. Madam President, I thank the Senator from Nevada for those gracious and complimentary remarks. This is a man from Searchlight, NV. He knows what hard work is because of the way he pulled himself up by the bootstraps, and he has given opportunity to other people. All those people working in the mines in Nevada, who every day have those calloused hands in the end, have a very strong advocate in him. We have to stand up for the ordinary people who do extraordinary things in our country. I look forward to working with the Senator.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam president, I ask unanimous consent that morning business be extended until the hour of 3 p.m. today.

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

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

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

THE WIND ENERGY PRODUCTION TAX CREDIT SHOULD BE EXTENDED

Mr. DORGAN. Madam President, about a week ago I spoke briefly on a subject that falls under the jurisdiction of the Senate Finance Committee and that is referred to as the extenders. This term does not mean much to people, but the extenders are tax provisions that expire at certain times. For example, at the end of last year one of the tax provisions that expired was the wind energy production tax credit. It is a tax credit that was in law to stimulate the development of wind energy in our country.

That tax credit expired on December 31 and, at that moment, the development pretty well stopped because the expectation was that the credit would be extended, but it has not been extended. This credit is one of a handful of extenders that should have been extended at the end of last year. The Congress did not do it, because it got connected to the issue of the economic recovery package, and it went back and forth between the House and the Senate.

The fact is, at the end of the day, this tax provision expired and wind energy development has pretty well stopped around the country. By "wind energy development," I mean those developments that were on the books with plans underway, and ready to be financed and installed across the country.

What does this wind energy mean? We are going to take up an energy bill as soon as we figure out what to do with the filibuster on the election reform bill, and when we talk about the energy bill in this country we talk about the need to produce additional energy: more oil, more natural gas, more coal. Yes, we are going to produce more by digging and drilling, and do that in an environmentally acceptable way. But limitless and renewable sources of energy such as ethanol, biodiesel, wind energy, and others, are also a very important part of what we ought to be doing in this country.

Let me focus for a moment on wind energy, because I come from a State in which wind energy has great potential. The Department of Energy ranks the States and their potential for wind energy, and North Dakota ranks No. 1. We are called the Saudi Arabia of wind for its energy potential.

North Dakota is a lot of things. Most of all, it is wonderful. It ranks 50th, dead last, in native forest lands. That means we have less trees than anybody else. But we have a ranking of No. 1 in wind and the ability to take the energy from the wind, put it in transmission lines, and move it around our country to extend America's energy supply.

I held a wind energy conference in Grand Forks, ND, last week. Over 700 people came to the conference from all over the country. They had a display of a couple of the types of blades used in the new, very large turbines. One of these blades weighs 18,000 pounds.

This new technology is highly efficient and, with the small production tax credit, is also very competitive. We have brought the price of wind energy way down, and now if we extend this wind energy tax credit for 5 years, we will be able to unleash the opportunities in wind energy development.

A CEO of a company came to see me about 2 weeks ago and said his company has 150 megawatts of wind-generated electricity on the books and prepared to build in North Dakota. He told me the company has the money for it, \$130 million to \$150 million, the plans complete, but that it cannot move forward until the company knows whether Congress is going to extend the wind energy production tax credit.

The fact is, the Congress is messing around back and forth, stuttering, and not getting it done. This back and forth between the House and the Senate means the extenders did not get finished.

What does that mean? It means companies that were preparing investments and were going to be able to build wind energy facilities across this country have now put these plans on hold.

Does that make sense for the country? Is that a good energy strategy? I do not think so.

I am going to be asking unanimous consent, and I will not do it at the moment because I wanted to provide notice to others in the Chamber as a matter of courtesy, but I will ask either later today or tomorrow, unanimous consent to take up the legislation that I have previously introduced, S. 94. It provides a 5-year extension of the tax credit for electricity produced from wind. I will ask that it be discharged from the Senate Finance Committee and be brought to the floor and voted on.

This is not controversial. We have done this before. We should have done it last December but did not. It does not require a big debate. We have had debate after debate on this. It is widely supported by virtually the entire Senate and the entire House, but it does not get done. It is one of these things that runs off the ditch and gets stuck there, and nobody thinks much about it.

The problem is we are not producing the energy we could be producing, because these projects are not being built. As we get people in the Senate who ring their hands and gnash their teeth and wipe their brow about America's energy problems, I want everybody to understand that part of the solution—just part—to that problem is to build these projects that are ready to go, that can produce and create these new highly efficient wind energy turbines, that can put electricity in our transmission lines and move it around the country.

Does anybody remember California and the price spikes, some of the other problems we have experienced with energy supply? The fact is, this country needs this new form of energy.

I would like to talk for an hour about ethanol, biodiesel, and other limitless and renewable sources of energy. One of the big oil companies once said that ethanol is no good, that it will not work. I saw it in a quarter-page ad in a daily newspaper, and I thought, well, if the big oil companies say this is not any good, it must be something we ought to take a closer look at: Taking the alcohol from a kernel of corn—you get a drop of alcohol from a kernel of corn—and you still have the protein feedstock left. One can use that alcohol to help contribute to America's energy supply. That makes good sense to me. But taking energy from the wind and running it through a turbine, through blades that turn, and then moving the electricity to the transmission lines, makes eminent good sense.

There is no excuse at all for this Congress to twiddle its thumbs when it ought to extend these production tax credits for wind energy. It ought to be done not next week, not next month, not next year; it ought to be done now. It ought to be done for 5 years. If we get people to come out and say first let's not do it, I say they are not thinking much about America's energy needs.

If they say let's do it for a year, I say it will not matter. It will not mean a thing. That will not provide enough of an incentive for anybody to do anything. Let us give people an opportunity to plan, to do the right thing. Let us give people the opportunity and the incentive to build, to extend America's energy supplies.

I am intending to offer that unanimous consent request either later today or tomorrow and would want to put people on notice of that.

Let me, if I might, read a couple of examples of what has happened because Congress did not do what it should do. Lonestar Transportation of Fort Worth, TX, is losing \$1.5 million in revenue per month due to the delay of this production tax credit. Trinity Industries of Dallas, TX, a builder of wind turbine towers, has furloughed 200 workers and projects a revenue loss of \$7 million a month. MFG, a builder of fiberglass turbine blades located in Gainesville, TX, laid off 138 skilled workers. Georgia and Texas: CAB, Inc. of Oakwood, GA, and also in Texas, that manufactures steel tower components, will see a 50-percent reduction in revenues because of failure to extend this. In Oregon, investment will not be made in a multimillion-dollar wind turbine manufacturing facility for Portland. DMI Industries in my State of North Dakota, a tower manufacturer in West Fargo, will likely see a 25-percent decrease in revenues. The company currently employs 165 people and was planning to hire an additional 50. They will not be able to do that at this point. LM Glasfiber, a wind turbine blade manufacturer in Grand Forks, has furloughed 30 percent of its 100 employees because of failure to extend the tax credit. In Louisiana, Beaird Industries

of Shreveport, LA, a builder of metal towers for wind turbines, furloughed 150 of its 500 employees just before Christmas. Zond Wind Turbines in California near Bakersfield furloughed 85 skilled workers. In West Virginia, Atlantic Renewable Energy Corporation will indefinitely delay a \$65 million investment in its Backbone Mountain site in Tucker County. That is 150 construction jobs. M.A. Mortenson Company of Minneapolis, MN, that designs and builds wind tower projects throughout the United States, will hold off creating 150 direct construction jobs and 450 subcontractor jobs without the extension.

The list goes on. I ask unanimous consent to have this printed in the RECORD.

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

ECONOMIC DEVELOPMENT FOREGONE DUE TO DELAY IN EXTENDING THE WIND ENERGY PRODUCTION TAX CREDIT (PTC)

In 2001 the wind industry installed nearly 1,700 megawatts (MW) of new capacity spurring more than \$1.7 billion in direct economic activity.

For this level of economic activity to continue in 2002, Congress must pass a multi-year extension of the wind energy Production Tax Credit (PTC) immediately. Failure to do so would forego billions in economic activity and thousands of jobs such as . . .

Texas: Lonestar Transportation of Ft. Worth, TX is losing \$1.5 million in revenue per month due to the PTC delay. Last year the company earned \$20 million—a full 20 percent of company revenues—by trucking wind turbine towers, blades, and generating units to development sites. Contact: David Ferebee, V.P. of Sales at 1-800-541-8271.

Trinity Industries of Dallas, TX, a builder of wind turbine towers, has furloughed 200 workers and projects a revenue loss of \$7 million per month (or \$84 million over 12 months) until the PTC is extended. Contact: John Miller at 512-322-0299.

MFG, a builder of fiberglass turbine blades located in Gainesville, laid off 138 skilled workers upon notification that Congress had not extended the wind tax credit.

Georgia and Texas: CAB, Inc. of Oakwood, GA and Nacogdoches, TX, a manufacturer of steel tower components will likely see a 50 percent reduction in revenues with workforce reductions of 30-40%. Contact: Ms. Terri Jondahl, Executive Vice President, Chief Operating Officer, at 888-241-7312, www.cabinc.com.

Oregon: Investment will not be made in a multi-million dollar wind turbine manufacturing facility for Portland that would have provided as many as 1,000 jobs.

North Dakota: DMI Industries, a tower manufacturer in West Fargo, ND, will likely see a 25 percent decrease in revenues (about \$15 million) in 2002 without an early PTC extension. The company currently employs 165 people and planned to hire an additional 50. Contact: Chuck Savageau, Business Development Manager at 701-282-6959, csavageau@dmindustries.com.

LMGlasfiber, a wind turbine blade manufacturer in Grand Forks has furloughed 30 percent of its more than 100 employees because of failure to extend the wind tax credit. Had the tax credit been extended last year, the company would have ramped up to 200 jobs. Contact: Craig Hoiseth, President, LM Glasfiber, 701-780-9910.

Louisiana: Beaird Industries of Shreveport, LA—a builder of metal towers for wind tur-

bines—furloughed 150 of its 500 employees just before Christmas 2001 because failure to extend the wind tax credit resulted in no new orders for towers. Last year the company built 800 steel towers for wind turbines. Contact: Alberto Garcia, VP for Sales at 318-865-6351.

California: Zond wind turbines, manufactured near Bakersfield, CA, have furloughed 85 skilled workers because failure to extend the PTC has caused a halt in orders for new turbines. Contact: Robert "Hap" Boyd at 213-452-5103.

West Virginia: Without an immediate PTC extension Atlantic Renewable Energy Corp. will indefinitely delay a \$65 million investment in its Backbone Mountain site in Tucker County. This project would provide about 150 construction jobs and as many as 6 permanent operations and maintenance jobs. Contact: Sam Enfield of Atlantic Renewable Energy Corporation at 301-407-0424.

Minnesota: M.A. Mortenson Company of Minneapolis, Minnesota a design/build contractor of wind power projects throughout the United States will have to hold off on creating up to 150 direct construction jobs and 450 subcontractor jobs in 2002 without the PTC extension. The loss in revenue to M.A. Mortenson Company will be up to \$70,000,000 in 2002. Contact Jerry Grundtner, General Manager, at 763-387-5513.

Farm Economy: Net farm earnings are expected to drop by 20 percent this year (from \$49.3 billion to \$40.6 billion) according to the U.S. Department of Agriculture. Extending the PTC expeditiously will pump significant additional income into the farm economy by allowing more farms to host wind turbines. Wind developers provide lease payments to farmers of about \$3,000 per wind turbine, per year for twenty years or more.

Mr. DORGAN. Madam President, I am disappointed we have not been able to get this completed. It is a matter of will. We understand there is wide support here and in the House. Bring it up, pass it on the floor of the Senate and the House, and send it to the President, so projects can go forward beginning tomorrow, next week, and next month. Skilled workers will find they are required by the companies. New jobs will be created. We will extend America's energy supply. It is exactly what we ought to do.

For that reason, I intend to make unanimous consent requests that the Finance Committee be discharged and we bring up and pass S. 94, legislation to provide a 5-year extension of the tax credit for electricity produced from wind. I intend to come to the Chamber and talk about this—until I am more than a minor annoyance—to see if we can get people to understand we have a responsibility to act in the interests of this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

ENERGY

Mr. MURKOWSKI. Madam President, I will respond briefly to my good friend, Senator DORGAN. I totally agree with his concept that we should pursue ethanol and wind and all alternative sources of energy. We will need them. There is absolutely no question. We need all the energy we can produce in this country.

The good news is the energy bill has been laid down. I hope we can start on this relatively soon. Clearly, we have to get the pending business resolved. I will discuss the foundation we begin with. It is a departure from the traditions of this body. It is unfortunate the majority leader has seen fit to mandate a procedure that is clearly contrary to the traditions of the process associated with the committees of jurisdiction. I am referring specifically, as former chairman of the Energy and Natural Resources Committee and now the ranking member, to the manner in which the majority leader saw fit to circumvent the responsibilities of the committee of jurisdiction.

My good friend, the chairman, Senator BINGAMAN, and I have worked together for some time. We have had a good relationship. Our theory was we would attempt to develop from the committee process a comprehensive energy bill. When I was chairman, we had hearings, we had input, and we introduced a bill. However, as we all are aware, there was a change in June. As a consequence, the Republicans lost control of the Senate and hence lost control of the agenda of the committee process.

Prior to the changeover, we had had several discussions in the Energy and Natural Resources Committee on various issues associated with the proposed energy legislation. This came about as a consequence of our President laying down as one of his prerequisites a mandate that Congress address an energy bill and do it with dispatch. The House has done its job in H.R. 4. So it became the responsibility of the Senate to take up a comprehensive energy bill.

What happened in the process deserves enlightenment. This is what I specifically object to. On the issue of ANWR, we had enough bipartisan votes to report out a bill containing ANWR. The leader knew this. As a consequence, in order to circumvent this process, the terminology I think that was used was to alleviate any differences of opinion in the process. However, that is what this body is all about, differences of opinion in coming together on a consensus. Nonetheless, the leader prevailed and ordered the chairman, Senator BINGAMAN, not to hold any markups on the bill. That precluded the committee from pursuing a process of taking up a bill, proceeding with amendments in the ordinary workings of the committee process, and voting out and bringing to the floor a comprehensive bill.

I can only assume the leader did this as a parliamentary maneuver to ensure we would not get a vote in committee on ANWR, where he clearly knew we had the votes to get it out. I hope every Senator in this body considers the precedent this action sets, particularly those Senators who value the traditions and open debate concept associated with this body. This is a departure. This is almost a dictate from the

majority leader who simply says we are not going to allow the committee of jurisdiction to take up the bill and vote it out and bring it to the floor.

That prevailed, and we have a situation where we are about to start debate on a very complex bill that has not gone through the committee process. What does this mean? This means every Member will be subjected to some very complex issues, those particularly associated with the electricity portion. They are not going to understand the terminology because it didn't go through the committee. There will be a lot of interest on behalf of various lobbyists who have different points of view relative to certain aspects, aspects that have never had a hearing, never had an opportunity for Members to express their views, let alone vote it out.

I am very irate as a consequence of this circumvention of our responsibility, and I think every Senator should be. We should put politics aside and reflect on the traditions of this body which dictate this is not the way this body traditionally does business.

Sure, the majority leader can initiate an action and go around the committee process, but is that the tradition of the Senate? Is that the tradition to circumvent the committees and the amendment process by subjecting this body now to a bill while it has not had hearings on many of the portions that are very complex?

I know how the majority leader feels about ANWR, but I add one more observation. He has indicated if ANWR stays in the bill, he will pull the bill. That means regardless of how the Senate prevails in a democratic process, he will take the initiative to see that it will not happen. He has circumvented the committee process which requires—instead of 51 votes—60 votes, on cloture, which he would, of course, file. Then he says if you get 60 votes, you are going to lose because he is going to pull the bill.

I don't care what the issue is, but I suggest this is a poor way to do business. The Senate should reflect on just what is happening and whether we can support a leader who dictatorially initiates an action of this type. I know it makes many members of the committees feel somewhat at a loss: What are we here for if we are not here to conduct committee business in the course of our responsibility?

As we start to consider this bill, we should continue to reflect on how we got there. We got there without a committee process. We got there as a consequence of the majority leader taking the authority away from the committee. We got a bill before the Senate that has not had a markup, it has not had individual hearings, and many of the portions of the bill, we are told, if we prevail on one, particularly the lightning rod of ANWR, we will lose anyway because he will pull the bill. I just want all parties to know that I object, and I know a number of my colleagues do, to this type of procedure.

I want to refer to a couple of other points that I think are germane to the debate which is going to take place.

For some time now we have been dependent on imported oil from Iraq. As a matter of fact, on September 11 we were importing a little over 1 million barrels a day from that nation. We are enforcing a no-fly zone over that nation. We are putting the lives of our young men and women at risk enforcing that no-fly zone. Yet we are buying oil. It is almost as if we take the oil, put it in our airplanes, and go take out his targets.

What does he do with the money he receives from the United States? He keeps his Republican Guard well fed. That keeps him alive. What else does he do? He develops a missile capability, a delivery capability, biological capability, and perhaps aimed at our ally, Israel.

That is the fact associated with the vulnerability of this country as we increase our dependence on imported oil. We are about 58 percent dependent, and it is increasing. The Department of Energy says it is going to be up to 63 percent or 64 percent in the year 2006. What does that do to the vulnerability of the United States? It means we become more dependent on Iraq.

What about Saudi Arabia? When we look at the terrorist activities in New York, we find most of the passports are from Saudi Arabia. It is a very unstable area, and we are becoming more and more dependent. Is it not in our national interest to reduce our dependence? The answer is clearly yes.

Let me reflect on one more thing. We have not had an inspector in Iraq in several years, under the U.N. agreement. We don't know what Iraq is up to. But as we reflect on the terrors and tragedies that have already occurred in this Nation, we recognize we should have acted sooner. We knew who bin Laden was. We knew about al-Qaida. Yet we did not act, and we know the consequences. The consequences became evident on September 11.

What day of reckoning is going to come when we have to face what Saddam Hussein has been up to? Will it be after the fact or will we mandate that our inspectors go in there and address this threat now? I know what my recommendation would be. It is better sooner than later; sooner to take out the terrorism risks associated with Saddam Hussein.

I know this is something the administration is agonizing about and will be critical if, indeed, there is some action and we will not have taken action.

This is what this issue is all about. It is about the national security of this country and our increased dependence. I do not know how many of my colleagues remember 1973–1974, the Yom Kippur War. Some of us are old enough to remember we had gas lines around the block. The public was outraged, they were inconvenienced.

What was the result of that? We were 37 percent dependent on imported oil at

that time. Now we are 58 percent dependent. You figure it out. It is pretty easy. Our vulnerability has increased. Make no mistake about it, with the unrest in the Mideast we are going to have a crisis. I can tell you, every Member of this body will be standing in line behind me to open up ANWR. They will say we have to increase our domestic production.

What is this bill anyway? Partially, as I have indicated, it is a bill in the national security interests of our country. I ask my colleagues, are they going to stand behind the environmental lobby, that has used this as a cash cow for membership and dollars? There is no evidence to suggest we can't open this area safely. This is my State. We support opening ANWR. We were there when the arguments in the 1960s were prevailing against opening Prudhoe Bay and building an 800-mile pipeline.

Let me tell you what that has done. That has provided this Nation, for several years—it has been operating 27 years—for several years with 25 percent of the total crude oil produced in this country. That was about 2 million barrels a day. Today it is a little over 1 million barrels, a little over 20 percent.

Where was that issue in the 1960s? That issue was before the Senate. It was a tie vote. The Vice President broke the tie, and it passed by one vote. That is how close it was. Where would we have been if we had not done that? Instead of 58 percent, we would probably be somewhere in the area of 68 percent dependent on imported oil.

What were the arguments then? You are going to build an 800-mile pipeline from Prudhoe Bay to Valdez. It is going to be like a fence across Alaska, and the caribou and the moose are not going to cross it. It is going to have a terrible effect on the environment. You are putting a hot pipeline in permafrost, and when the hot pipeline melts the permafrost, it is going to break.

It has been there 27 years, one of the construction wonders of the world. All the doomsayers' arguments then are the same arguments now: You can't do it safely; you can't protect the caribou.

They are all false. Go up to Prudhoe Bay and you find the caribou herd is 27,000. It was 3,000 or 4,000 in the late 1960s.

Talk about polar bear habitat—you can't shoot a polar bear in the United States, and Alaska is part of the United States. You can in Russia. You can in Canada.

So as we reflect upon what we are about to embark, I encourage my colleagues and you, Madam President, to reflect on the prevailing arguments that were used 27 years ago and the prevailing arguments that we are using now. As I indicated, the argument then was a hot pipeline through permafrost; it was a fence across Alaska; it was whether or not we could do it safely; it was the caribou herd—all of which history has proven we have been able to do. We have overcome the problems and responsively addressed them.

One can go up to Prudhoe Bay and get off the airplane and walk over to where the pickups are. Do you know what you see under every single pickup? You see a diaper. It is under the pan of the car. It is a big cotton thing to pick up a drop of oil that spills. As you know, in your own driveway you get drops of oil. That is the extent they go to, to try to maintain the maximum environmental oversight.

As we address this ANWR issue, keep in mind the arguments of those opposed to it. They say it is a 6-month supply of oil. We all know that is only if you didn't have any oil produced in this country or any oil imported into this country. To what does it equate? We don't really know, but the latest USGS reports say 5.6 billion to 16 billion barrels. How does that compare with anything you and I can understand? You can compare it with what Prudhoe Bay has produced in 27 years. Prudhoe Bay was supposed to produce 10 billion barrels. It is on its 13 billionth barrel now. If you took half of the range of ANWR, 5.6 and 16, and said it was 10, it would be as big as Prudhoe Bay.

The infrastructure is already in place. You have a pipeline 800 miles long that is only half full. This is not a big issue, in the sense of reality. Yes, it is a significant amount of oil, if it is 10 billion barrels. If it is 16, it is even better. But if it is 3.5, you will not even develop it because you have to have a major discovery in order to develop in the higher Arctic altitudes associated with drilling in that part of the world.

It is either there in abundance—and it has to be to make a difference—or it isn't. They say it will take 10 years. Come on. If President Clinton had not vetoed the bill in 1995, it would be on line now. He vetoed it. Why? Same response: The environmental community pressured. The cash cow generates membership, it generates dollars. And they are milking it for all it is worth, and will continue until we prevail. Then they will go on to another issue.

What about the Porcupine caribou? We have already addressed that with the caribou comparison in Prudhoe Bay, where they have flourished. As I indicated before, it was a short break.

We don't shoot polar bear. You can't take trophy polar bear in Alaska. They are marine mammals, they are protected. If you want to protect the animals, you don't shoot them; you don't take them for food, or subsistence. There are very few taken for subsistence, I might add.

These are some of the arguments we are going to be addressing.

Furthermore, this is a big jobs bill. Find an issue that employs 250,000 people. These are high-paying jobs. That is why the unions support it. It will generate somewhere in the area of \$2.5 billion in Federal lease sales because these are Federal leases that will come back into the Treasury. It won't cost the taxpayers one red cent. Find a better stimulus.

What about the veterans in this country? They are for it because they do not want to fight another war in a foreign country over oil.

I am always reminded of my good friend, Mark Hatfield. He is a pacifist who said before this body time and time again, I will vote for opening this area any day rather than send a young man or woman overseas to fight in a war over oil in a foreign land.

We talk about alternative energy. I indicated that I support it. But let me tell you about a little comparison. I have some graphs that will show this. One of the largest wind farms in the United States is located outside of the Palms Springs. It is between Palm Springs and Banning, CA. I think it is called San Jacinto. That farm has hundreds of windmills that move when the wind blows. They do not move all the time. The footprint there is 1,500 acres. You see it and you say: Wow, there are a lot of windmills there.

What is the equivalent of that in oil production? That would be equivalent to 1,350 barrels of oil a day from 1,500 acres. What is ANWR? ANWR is 2,000 acres. The equivalent production is 1 million barrels a day. I support wind power, but if you are looking for relief, you had better put it in an equation that makes sense and that people can understand. From 1,500 acres, the equivalent from that wind farm is 1,350 barrels of oil. ANWR's footprint as authorized in the House bill is 2,000 acres. That is equivalent to 1 million barrels per day.

Let us remember the bottom line—our national security. What could this do for the U.S. steel industry? When we built that 800-mile pipeline, do you know what the U.S. steel industry did? This was the largest order ever in the United States—800 miles of 48-inch pipe. They did absolutely nothing. They said: We don't have the capacity for an order that big. Where did it come from? It came from Korea, it came from Japan, and it came from Italy. If the steel unions and the steel industry want to get their act together, let us go after some domestic business. You will have some more domestic business associated with opening up ANWR.

I encourage my colleagues again to reflect a little bit. I hope everybody's conscience bothers them about the manner in which this was laid down, without a committee process and without the jurisdiction of the Democratic chairman of the Energy and Natural Resources Committee. The leadership pulled it out of the committee because he knew we had the votes to get it to the floor and, furthermore, the dictatorial statement that even if we prevail, he is going to pull the bill. Come on. I have been around this place long enough to know what the democratic process is all about, the committee process is all about, and the traditions of the Senate are all about. This is the wrong way to start a bill.

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

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

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended until 4:30 today with Senators allowed to speak for a period not to exceed 10 minutes each.

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

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

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

RECESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess until 4:30 this afternoon.

There being no objection, the Senate, at 3:13 p.m., recessed until 4:31 p.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Florida).

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess until 5:15 p.m. today.

There being no objection, the Senate, at 4:32 p.m., recessed until 5:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. JOHNSON).

The PRESIDING OFFICER. In my capacity as a Senator from the State of South Dakota, I suggest the absence of a quorum. 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.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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 S. 565, the election reform bill:

Christopher Dodd, Harry Reid, Charles Schumer, Ron Wyden, Debbie Stabenow, Patty Murray, Tom Daschle, Jeff Bingaman, Daniel Inouye, Carl Levin, Max Baucus, Joe Biden, Pat Leahy, James M. Jeffords, Barbara Mikulski, Bob Graham, and Edward M. Kennedy.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum with respect to the cloture motion be waived.

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

Mr. REID. Mr. President, for the information of the Senate, I would like to announce to all Members who have amendments on the finite list of amendments that first-degree amendments must be filed prior to 1 p.m., Thursday, February 28. If Members have already submitted amendments, then it is not necessary to resubmit an amendment.

Ms. CANTWELL. Mr. President, I would like to take this opportunity to commend Senators DODD, MCCONNELL, SCHUMER, and BOND for their dedication and diligence in addressing what I believe to be an issue of critical importance to our country—protecting voting rights and ensuring the integrity of the electoral system in our nation. Especially given the events in the world today, making certain that each citizen's vote is counted and promoting public trust and confidence in our election process is crucial.

The State of Washington has a long and trusted history as a leader in election administration. Through great efforts and cooperation, the state has pioneered such programs as motor voter, provisional balloting, vote by mail, and absentee voting.

I thank Senator DODD, the chairman of the Rules Committee for his support for an amendment that I offered with Senator MURRAY's support that has been adopted. The amendment guarantees that States are able to continue using mail-in voting, while also providing new safeguards to make mail-in voters aware of how to properly fill out their ballots, and how, if needed to obtain a replacement.

Voters in my State are proud of our system that offers voters the option of voting by mail or in the polling place, and they are extremely committed to seeing it continue. The mail-in ballot, in my opinion, offers voters several advantages. First, it allows voters to cast their ballots on their own time and at their own convenience. It also allows voters to make more informed choices, as they are able to consult literature sent by the state and by the campaigns in making their decisions. Because these votes are cast without the pressure of other voters waiting in line, or without the time crunch of being late to work or to pick up the kids, voters are also less likely to make mistakes that will disqualify their ballots.

In addition, the mail-in system is very secure. Each ballot that is cast by

mail requires, that the voter sign the outer envelope. This signature is then checked against the voters signature that is kept on file and only when there is agreement that the signatures match is the ballot counted. Washington State has consistently increased the number of voters choosing to vote by mail and through provisional voting without any allegations that these types of voting have involved fraud or other misconduct. In fact, the procedures in place have consistently ensured the integrity and security of our elections and led to public confidence in our system that is unparalleled anywhere in the country.

It has not always been this way. In the early 1990s, we had several close elections that pointed out the vulnerabilities in our system. These close elections led Washington to become one of the first states to adopt statewide guidelines that ensured that each jurisdiction followed the same rules in determining how ballots are verified and counted. In addition, my State also adopted other requirements for testing and procedural consistency. It is my hope that this legislation will lead other States to follow our example and institute similar guidelines and procedures that will result in more people voting and making sure that all votes are properly cast and counted.

Our challenge, at the federal level, is to ensure that in passing legislation that reduces hurdles to civic participation across in country, we respect the role of the States in selecting types of voting that work well for their citizens and lead to maximum participation. I believe that this bill as amended does that, and I thank the chairman of the Rules Committee for his commitment to this bill and to ensuring that States have the flexibility to keep their systems in place.

This bill, by setting minimum standards and by guaranteeing the Federal Government will provide the funds necessary to purchase new equipment, takes very important steps forward in guaranteeing to every American that not only do they have the right to vote, but that when they cast their vote it will be counted.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 10 minutes.

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

TRIP TO LATIN AMERICA

Mr. SPECTER. Mr. President, I would like to report briefly on a trip to Latin America which I made last month before the Senate went into session in January.

This trip took me to a number of Latin American countries to discuss issues of trade and drug control. The

first stop was in Havana, Cuba, where I had an opportunity to talk to President Fidel Castro about the serious situation in Cuba on the deprivation of human rights, and about the failure in Cuba to have contested elections. I urged President Castro to run in a contested election.

I had the opportunity to meet with President Castro about 30 months earlier in June of the year of 1999 and made the same points to him. However, emphatically, again, when I challenged President Castro to run against someone in a contested election, he told me he did have an opponent. His opponent was the United States of America. He said this in more of a humorous way. The United States policy toward Cuba, I think, has tended to make, if not quite a martyr, at least a sympathetic person in President Castro.

We talked about a great many things. With my background as assistant counsel of the Warren Commission, I asked President Castro if there was any connection between Lee Harvey Oswald and Cuba. There had been rumors at the time that Castro and Cuban officials may have put Oswald up to the assassination of President Kennedy. Those rumors were based upon the CIA efforts to assassinate Castro in that era. Oswald was a part of the Fair Play for Cuba Committee, which had a rally in New Orleans. When I asked that of President Castro, he said he was not responsible for Oswald. He was a Marxist, and not a madman. We talked in some detail about the Cuban missile crisis in 1962 and why Castro permitted the Soviets to have missiles in Cuba. He tried to defend that, I think unpersuasively, with the threats to himself from the Bay of Pigs invasion and the CIA assassination attempts.

Before going to see him 30 months ago, I checked with the records of the Church Committee, and found, in fact, that there was evidence about efforts to assassinate Castro—maybe 8 or 9 such attempts. When I told Castro that number, he laughed, and said that there had been many, many more attempts than that—something in the 300 range. I asked him how it felt to be the subject of assassination attempts.

He said: *Muy bien.*

This is Spanish for “very good.”

I said: No, no. How did it really feel when they were trying to assassinate you?

Again, he said: *Muy bien.*

I said: No. How did it really feel?

He said: Do you have a sport?

I said: Yes. My sport is squash.

He said, through the interpreter: Well, avoiding assassination is a sport for me.

I talked to Castro in some detail about his willingness to have Cuban airspace and Cuban waters used by the United States to detect drug trafficking. Toward that end, I offered an amendment to the Foreign Operations Appropriations bill a year and a half ago, which was defeated in conference.

I offered a milder bill this year which was accepted, calling for a report from the State Department. However, when Castro makes an offer to allow Cuban waters and Cuban airspace to interdict drug traffickers, that is an offer we ought to accept. Drugs are polluting a generation of Americans and they are a major cause of street crime in America, which is something that I fought against as District Attorney of Philadelphia. If we can stop the flow of drugs with Castro's assistance, we ought to take him up on that offer.

There have been some changes in U.S. policy toward Cuba. The House of Representatives submitted a bill with a provision to ease travel restrictions, which was dropped in conference. It is my view that it is a very small step which ought to be uncontested.

We then traveled to other Latin American countries. We were in Argentina, where it is well-known that there is a tremendous financial crisis. Argentina has lived beyond its means. They have the inability to pay major suppliers, after having talked to major U.S. firms, such as Exxon-Mobil, IBM, and General Motors. They cannot withdraw money from their bank accounts to pay their suppliers. The International Monetary Fund is working on the matter.

It would be my hope that the United States would provide some leadership and some expertise to try to bring Argentina out of this economic crisis. I think a good bit of the record from the United States and the International Monetary Fund has been too harsh. I think we can make our point without language which borders on arrogance or borders on insults because Argentina is a very important country in Latin America.

One of the problems with Latin America is the frequency of the dictatorships, such as Juan Peron in Argentina, as well as those in Chile and Brazil. It is just a way of life there. Trade with the United States, I think, is very important to promote democracy.

In Peru there was great concern regarding the trade agreement with the United States that had lapsed in December. It is my hope that this trade bill will be acted upon by the Congress at an early date.

In Chile they are waiting for a trade bill to be enacted, with some ten rounds of negotiations. The President of Chile is willing to have an agreement, even if it is not fast tracked, and even if there would be amendments offered on the floor of the Senate or the House of Representatives.

In Uruguay we met with the distinguished President Jorge Batlle. We have a very distinguished U.S. Ambassador there, Martin Silverstein, a Pennsylvanian. We took a look at the coastline, with the attractive apartment houses in Montevideo. Uruguay is quite a contrast to the barren coastline of Havana, Cuba, showing what free enterprise and democracy can do if it is permitted to operate.

Mr. President, I would just like to add another comment or two about Brazil, where we met with the equivalent of our National Security Adviser. There is a little area where Paraguay, Brazil, and Argentina meet where there are supporters of Hezbollah posing quite a threat to that area. In Buenos Aires, we met at the Jewish Community Center with leading Jewish officials there and were told, in detail, about the bombing of the Jewish Community Center in 1994 and the attack on the Israeli Embassy. I was pleased to note that the Brazilian officials are looking into this issue as to the potential terrorist activity arising out of this group in that little section where Paraguay, Brazil, and Argentina meet.

On January 2, 2002, we arrived in Havana, Cuba for two days of meetings with human rights activists, religious leaders, medical researchers, our U.S. country team, and President Fidel Castro. When we arrived in Cuba, we were met by the U.S. country team, who briefed us on the current situation in Cuba.

We began by meeting with a delegation of human rights activists, all of whom had been jailed during the Castro regime on various charges. When asked why he was jailed, one of the dissidents, Oswaldo Paya Sardinias, President of the Christian Liberation Movement, expressed the general sentiment of the group that he was jailed for the anti-Castro opinions he publicly expressed. When I asked them their opinion on the embargo, the group of Cuban dissidents was split on the advisability of continuing the U.S. embargo with Cuba.

Next we traveled to the Finlay Institute in Havana, a research center dedicated to the development and testing of vaccines. Our briefing on the Finlay Institute's work was conducted by a team of researchers including Dr. Concepcion Campa, Director of the Institute and leader of the team that developed the vaccine for meningitis B. Supported entirely by the Cuban government, the Finlay Institute, which I had previously visited in June 1999, is one of the forty-five biotechnology facilities supported by government funds. The Cuban government has demonstrated a commitment to medical research and cooperative agreements, such as the one the Finlay Institute entered into with GlaxoSmithKline in 1999, licensed by the U.S. Treasury Department. This agreement represents a positive and productive relationship with this ostracized nation.

The next morning we met with a delegation of Cuban officials, including the Minister of Justice Roberto Sotolongo and Oliverio Montalvo, the Drug Enforcement Chief. Minister Sotolongo responded to my question regarding the advisability of cooperation between the U.S. and Cuba on the drug issues with his hope that the issue not be politicized. He further stated that exchanges of information between the U.S. and Cuba could net real results in preventing drugs from entering

the U.S. through this region. The Ministers wanted us to know that Cuba is actively involved in intercepting and destroying contraband found in Cuban waters en route to the U.S. and elsewhere.

Minister Sotolongo detailed the 1996 incident involving the Limerick, a successful joint U.S.-Cuba drug interdiction operation. The Limerick, carrying 6.5 tons of cocaine drifted into Cuban waters and was impounded. All the evidence was turned over to the United States, and those involved were tried and convicted in a court with the participation of Cuban officials.

Our time in Cuba concluded with a meeting with President Fidel Castro, which lasted six and one-half hours. Many issues were discussed, including our earlier meeting with the dissidents. President Castro did not directly respond to the merits of the dissidents' issues, but chose instead to reprimand our congressional delegation for holding meetings independent of the schedule that his functionaries had in mind for us. We flatly rejected his objection.

Our conversation with President Castro began with a wide-ranging discussion on drug interdiction. President Castro suggested a formal relationship with the U.S. in order to make progress on drug interdiction efforts in the area. This was a suggestion made to me by General Barry McCaffrey, former head of U.S. drug policy in the previous administration. When asked if he wanted the embargo against Cuba lifted, President Castro responded, "Can you doubt that?"

We spoke of the September 11, 2001 terrorist attacks on America and President Castro was asked to condemn Osama bin Laden. While making general statements against terrorism, President Castro would not condemn bin Laden, feigning a lack of evidence in his possession to make such a condemnation. The President also offered that he had not heard of Osama bin Laden prior to September 11, 2001 incidents and closed our meeting with a call for a bilateral agreement with Cuba to fight terrorism.

As we arrived in Cuba, the United States' decision to transfer detainees from Afghanistan to Guantanamo Bay was being announced publicly. President Castro had issued a press release saying that the Government of Cuba had too little information to comment on the U.S. plan to use Guantanamo Bay for Afghan detainees. At the news conference on January 4, 2002, before our departure, I was asked about the issue and said that my appraisal was that President Castro was not going to object to the U.S. plan to use Guantanamo Bay because if he had an objection, he would have already expressed it. My meetings with President Castro, religious leaders, human rights activists, and medical researchers lead me to believe that we must continue to support and expand our people-to-people relationships with Cuba. There are many areas of mutual concern between

our two countries, including drug interdiction and medical research.

On January 4, 2002, Senator CHAFEE and I traveled to Lima, Peru and were met by Ambassador John Hamilton. Our meeting with President Alejandro Toledo included Foreign Minister Diego Garcia Sayan, First Vice President and Minister of Industry and Trade Raul Diez Canseco, Trade Vice Minister Alfredo Ferrero, and drug czar Ricardo Vega Llona. We first exchanged welcoming statements and our expressions of sympathy to Peru for the tragedy that took place just a week before our arrival in downtown Lima. A fire, stemming from fireworks, had set ablaze a shopping district and killed over 250, according to reports at that time.

The President made clear his desire for a renewed and expanded Andean Trade Preference Act (ATPA) and for continued assistance in combating the drug trade. President Toledo expressed concern that the trade agreement between the United States and Peru had lapsed on December 4, 2001, and urged that the Congress give it prompt consideration. He said that Peruvian farmers would be tempted to grow products for drug production instead of textile production, if the agreement was not extended. I told him I would urge prompt consideration by the Congress. The President and Ministers made the case that eliminating the coca trade in Peru is essential to combat terrorism, and spoke strongly to the elimination of the narco-terrorism as a "matter of national security." With regards to the general state of the Peruvian economy, the President reported that they were coming off of three years of little or no growth, further reporting that the Peruvian economy is affected by the overall world economy. Senator CHAFEE and I were further debriefed on the state of the Peruvian economy by the Minister of Economy and Finance Pedro Pablo Kuczynski.

The President further described his "full commitment" to reform of the Peruvian judicial system. In a separate meeting, I queried the drug czar and his colleagues further on the progress of the drug war in Peru and the region. There was general agreement with my point that progress is difficult without a reduction in the demand for drugs. Meeting participants reiterated the need for the Andean anti-drug plan, which offers increased intelligence sharing, regional air coverage, and maritime cooperation among the Andean nations. Further, it was emphasized that an alternative crop or industry to drug crops was essential for local farmers.

From Lima, Peru, Senator CHAFEE and I traveled to Santiago, Chile on January 6, 2002. After our meeting with President Ricardo Lagos, I wrote a letter to President Bush and Treasury Secretary Paul O'Neill expressing President Lagos' strong support for the U.S.-Chile Bilateral Free Trade Agreement (FTA) without linkage to passage

by the U.S. Congress of trade promotion authority. President Lagos expressed his concern that ongoing congressional negotiations with the White House regarding trade promotion authority may further delay consideration of the Bilateral FTA with Chile. The President further stated that Chile wants "trade not aid."

Additional topics discussed included the potential F-16 sale to Chile, as well as the Pinochet and Letelier/Moffit cases. On December 27, 2000, the Chilean Ministry of Defense announced that the Government of Chile had authorized the Chilean Air Force to initiate discussions on the purchase of ten Lockheed Martin F-16 Fighting Falcons, Block 50, from the United States. The F-16 was chosen over the French Mirage and the Swedish Gripen on its merits in a competitive, transparent selection process.

Regarding the Letelier/Moffit case, which involved the 1976 car bomb murder in Washington, D.C. of former Chilean Ambassador the U.S. Orlando Letelier and his American citizen assistant, Ronnie Moffit. I told the President that the jail sentences of six, seven, and eight years, which were given to those involved in this terrorist act on U.S. soil, were not sufficient in my opinion and asked his opinion on the extradition of those individuals to the U.S. for trial. President Lagos responded that he cannot take a position that would appear to pressure the Court, but that his impression was such that the Court, on its own, might well order extradition.

Concerning counter-terrorism and the events of September 11, 2001, the President expressed strong condemnation of the terrorist attacks. This expression is in keeping the Lagos Administration's action immediately following the terrorist attacks in the U.S. As head of the RIO Group of Latin American countries in 2001, Chile leads the coordinated counter-terrorism efforts for the Group.

On January 8, 2002, Senator CHAFEE and I arrived in Buenos Aires, Argentina, just one week after the latest President was installed during this tumultuous time in that country. Newly-installed President Eduardo Duhalde, the fifth president in thirteen days, is confronted with a bankrupt government and a citizenry deeply dispirited after four years of a worsening economy and recent political instability. It is unclear at this time if this administration is capable, or willing, to put together a viable long-term economic plan to pull Argentina out of its very serious economic situation.

President Duhalde told us that his administration would have a new budget passed within fifteen days with a plan to retire his country's industrial debt, which could then justify further aid from the International Monetary Fund. Corporate representatives from Bank of Boston, General Motors, IBM, and ESSO detailed the extremely difficult business environment, including

a freeze of all bank that precluded the paying of suppliers and subcontractors. This issue, along with the ongoing currency crises, made for an extremely precarious business environment as described by the executives.

Senator CHAFEE and I visited the Jewish Community Center and the site of a 1994 terrorist attack that killed eighty-four people. Upon our arrival to the Community Center, it was explained to us that the line in front of the building was persons visiting the visa office applying for travel to Israel as an escape from the Argentine economic situation.

On January 10, 2002, Senator CHAFEE and I proceeded next to Montevideo, Uruguay for meetings with President Jorge Batlle and the Chief of Staff and National Drug and Anti-Terrorism Coordinator Leonardo Costa. We were accompanied by Ambassador Martin Silverstein, a Pennsylvanian, who is serving with distinction.

We met with President Batlle for over one and one-half hours discussing Argentina, International Patent Rights (IPR), free trade issues, and narcotics. Regarding the Argentine economic crisis, the President was generally optimistic, providing that the new government follows the programs of the newly-installed Economic Minister Jorge Lenikov. President Batlle stated that President Duhalde appeared to have a strong majority within the Parliament.

On International Patent Rights, the President expressed disagreement with the U.S. Government's approach to IPR legislation. While he favors drug legalization, he would not implement such a policy without an international consensus. I took the opportunity to praise the President's support for Free Trade Area of the Americas and free trade, pointing out that this seemed to contrast with the government's unwillingness to enact a strong copyright bill, which is an essential tool for attracting investment.

On January 11, 2001, we traveled to Brasilia, Brazil where our first meeting was with representatives from the Brazilian Ministry of Health to discuss the government's response to HIV and AIDS. A comprehensive presentation by Claudio Duarte da Fonseca and Rosemeire Munhoz with the Health Ministry detailed Brazil's national response to their growing numbers of HIV and AIDS cases. Governmental lead efforts include prevention campaigns, mass media campaigns, behavioral interventions, condom distribution, and a policy of universal and free-of-charge access to ARV drugs.

Our meeting with General Alberto Cardoso, the counterpart to our National Security Adviser, provided assurances of cooperation from his country with the U.S. and Israel efforts to oppose financing of Hezbollah terrorism from an enclave at the border of Paraguay, Argentina, and Brazil. There was no reason to believe that support has come from residents of that area

for the bombing of the Israeli Embassy in Argentina in 1992 and the Jewish Community Center in Buenos Aires in 1994. With the worldwide focus on cutting off terrorist funding, the tri-border area is under international scrutiny.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, first of all, I ask unanimous consent to speak as in morning business for 2 minutes.

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

THE LATIN AMERICA TRIP

Mr. DODD. Mr. President, I wanted to commend our colleague from Pennsylvania who took a trip to Latin America. He talked about it and I commend him for doing that. A lot of attention is being focused—rightfully so—on Southwest Asia because of events since 9-11. I think it is refreshing that a couple of colleagues took the time to visit this hemisphere and the countries they did and to bring back to the U.S. Senate their own observations about events in Cuba, Chile, Uruguay, and Brazil.

I commend our colleague from Pennsylvania. I believe our colleague from Rhode Island, LINCOLN CHAFEE, was along on that trip, and others may have been there also. I thank him for reporting to us on their observations.

CLOSING THE DIGITAL DIVIDE

Mr. BIDEN. Mr. President, I rise today, as we near the end of Black History Month, to focus attention on the widening gap between those Americans who use or have access to telecommunications technologies, like computers and the Internet, and those who do not. Surprisingly, there are those naysayers who suggest that the "digital divide" does not exist, that it is a myth or fabrication of consumer and civil rights advocates. Perhaps it is because the term "digital divide" has been so over-used and, in some instances, mis-used that it causes some to doubt its existence. Perhaps the term has so thoroughly infiltrated our everyday discourse that it causes skeptics to under-estimate its very real and powerful consequences.

No matter the reason for these naysayers' doubt, the unequivocal answer to their question "is there really a digital divide" is a resounding "YES." A series of reports issued by the U.S. Department of Commerce not only confirms that the "digital divide" exists; it suggests that, while the number of Americans accessing the Internet has grown rapidly in recent years, the technology gap between poor and minority communities, on one hand, and other Americans, on the other, is actually widening.

Take this seemingly encouraging example: from December 1998 to August 2000, the percentage of African-Amer-

ican households with Internet access more than doubled, from 11.2 percent to 23.5 percent—an encouraging development, by any measure. But during that same time period, the percentage of total households nationally with Internet access soared to 41.5 percent. And the access rates for White Americans and Asian-Americans/Pacific Islanders—46.1 percent and 56.8 percent, respectively—significantly outpaced that national average. As a consequence, the already substantial gap between African-American Internet usage and national usage grew 3 percentage points. The gap was even greater when comparing African-American usage with that of White Americans or Asian-Americans and Pacific Islanders. Similarly, during that same 20-month period, the gap between Hispanic households with Internet access and the national average grew 4 percentage points.

The effect: What was once a gap is now swelling into a chasm. Just this morning, the Wall Street Journal reported that, in 1997, ten percent of Americans earning less than \$25,000 a year used the Internet, compared with 45 percent of those earning more than \$75,000. By 2001, despite increased usage by both groups, the "gap" had grown to 50 percentage points.

Yes, the "digital divide" exists, and that fact should concern us greatly. In today's information age, unequal access to the national information infrastructure affects nearly every part of our lives. Access to these networks increasingly dictates the ease with which we can pursue education, conduct our financial affairs, apply for a job, or participate in the political process. Lack of access will only reinforce and magnify already existing inequalities in these important areas of life.

Against that backdrop, I am shocked by the Bush administration's apparent efforts to dismantle many programs designed to eliminate the inequality of access to technology. These programs, including the popular E-Rate Program, have a demonstrated record of success connecting roughly 1 million public school classrooms and 13,000 community libraries to modern telecommunications networks. Moreover, the vast majority of the funding is dedicated to low-income communities, and significant dollars flow to schools under the Bureau of Indian Affairs. By all accounts, these initiatives are working, yet the Administration is maneuvering to eliminate them one by one.

Don't be fooled: This is not a debate about electronic gadgets or computer megabytes. It is a debate about who gets to speak and who gets to listen. At its heart, it implicates the very nature of our democracy.

It is a debate about who among us, as the information revolution takes off, will be left behind. Electronic commerce has become a critical factor in determining future economic development and prosperity. Communities and individuals without access to the Internet will be excluded from that growth.

The sadness, however, is that, by leaving some behind, we impoverish not only those individuals, we also impoverish ourselves. None of us will enjoy sustained economic growth unless we expand the information revolution to all parts of our society.

With that in mind, we cannot afford to make technology decisions based on dated and ill-conceived perceptions about the interest or ability of minorities and poor people to purchase certain "high-end" technology. Nor can we simply bypass low-income and minority communities, where the telecommunications and electronic network infrastructure may be older and, therefore, less able to provide more sophisticated services. To the extent that technology, including the Internet and telecommunications services, is deployed in a way that avoids poor and minority communities, we must do all that we can to deter this form of redlining.

Toward this end, the administration should keep its promise to invest \$400 million to create and maintain more than 2,000 community technology centers in low-income neighborhoods by 2002. The role that community technology centers plays in helping to bridge the digital divide cannot be overstated. Community technology centers are instrumental in closing the information technology divide, and, by tapping demand for these services, supporters of community technology initiatives can open up new markets for companies that serve the Internet economy.

The development of information technology holds great potential to strengthen and invigorate American society. That potential cannot be fully realized, however, unless we pay attention to the hundreds of thousands of individuals, many of whom reside in largely minority and/or low-income communities, who have no, or limited, access to our burgeoning national information infrastructure. We can, and must, inform decisionmakers about the true value of minority markets receptive to advanced services. We must provide private industry with incentives to deploy in these markets. And, perhaps most important, we must continue to make public investments in underserved communities. Our failure will only dampen private sector and philanthropic efforts, and, more tragically, handicap a generation of Americans for years to come.

TESTIMONY OF RICHARD PERLE BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE

Mr. HELMS. Mr. President, Mr. Richard Perle is currently Resident Fellow at American Enterprise Institute and chairman of the Defense Policy Board of the Department of Defense, and served as Assistant Secretary of Defense for International Security Policy in the Reagan administration. He gave this testimony at a Senate Foreign Re-

lations Committee hearing this morning on the subject of "How do We Promote Democratization, Poverty Alleviation, and Human Rights To Build A More Secure Future?" Mr. Perle's testimony was superb, and I commend it to all.

Mr. President, I ask unanimous consent that this statement by Richard Perle be placed in the RECORD.

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

STATEMENT OF RICHARD PERLE, FELLOW,
AMERICAN ENTERPRISE INSTITUTE, BEFORE
THE COMMITTEE ON FOREIGN RELATIONS,
UNITED STATES SENATE

Mr. Chairman, I appreciate your invitation to participate in the Committee's hearing which poses the question "How do we promote democratization, poverty alleviation and human rights to build a more secure world?" These three ideas, poverty, democracy and human rights that are often linked as we try to think our way through the vexing problems of national and international security.

The phrase "a more secure world" is almost certainly prompted by the discovery, on September 11, of how insecure we turned out to be on that day. In any case, hardly any discussion takes place these days that is not somehow related to terrorism and the war against it. For my part, this morning will be no exception.

Let me say, at the outset, that the idea that poverty is a cause of terrorism, although widely believed and frequently argued, remains essentially unproven. That poverty is not merely a cause, but a "root cause," which implies that it is an essential source of terrorist violence, is an almost certainly false, and even a dangerous idea, often invoked to absolve terrorists of responsibility or mitigate their culpability. It is a liberal conceit which, if heeded, may channel the war against terror into the cul de sac of grand development schemes in the third world and the elevation of do-good/feel-good NGO's to a role they cannot and should not play.

What we know of the September 11 terrorists suggests they were neither impoverished themselves nor motivated by concerns about the poverty of others. After all, their avowed aim, the destruction of the United States, would, if successful, deal a terrible blow to the growth potential of the world economy. Their devotion to Afghanistan's Taliban regime, which excluded half the Afghan work force from the economy and aimed to keep them illiterate as well as poor, casts conclusive doubt on their interest in alleviating poverty.

Poverty—or poverty and despair—is the most commonly adumbrated explanation for terrorism abroad—and crime at home. Identifying poverty as a source of conduct invariably confuses the matter. We will never know what went through the mind of Mohammed Atta as he plotted the death of thousands of innocent men, women and children, including a number of Moslems. We do know that he lived in relative comfort as did most, perhaps all, of the 19 terrorists—15 of them from affluent Saudi Arabia.

If we accept poverty as an explanation we will stop searching for a true, and useful, explanation. We may not notice the poisonous extremist doctrine propagated, often with Saudi oil money, in mosques and religious institutions around the world.

If we attribute terrorism to poverty, we may fail to demand that President Mubarak of Egypt silence the sermons, from mosques

throughout Egypt, preaching hatred of the United States. As you authorize \$2 billion a year for Egypt, please remember that these same clerics are employees of the Egyptian government. It is not a stretch to say that U.S. taxpayer dollars are helping to pay for the most inflammatory anti-American ranting.

So when you hear about poverty as the root cause of terrorism, I urge you to examine the manipulation of young Muslim men sent on suicidal missions by wealthy fanatics, like Osama bin Laden, whose motives are religious and ideological in nature and have nothing to do with poverty or privation.

Mr. Chairman, this hearing is about building a more secure future; and I know it will come as no surprise if I argue that doing that in the near term will require an effective military establishment to take the war on terrorism to the terrorists, to fight them over there because they are well on the way to achieving their murderous objectives when we are forced to fight them over here. For once those who wish to destroy Americans gain entry to the United States and exploit the institutions of our open society, the likelihood that we will stop them is greatly diminished.

This is why President Bush was right to declare on September 11 that "We will make no distinction between the terrorists who committed these acts and those who harbor them." This was not the policy of the last Democratic administration or the Republican one before it. It is not a policy universally applauded by our allies. But it is a right and bold and courageous policy and the only policy that has a reasonable prospect of protecting the American people from further terrorist acts.

Dealing effectively with the states that support or condone terrorism against us (or even remain indifferent to it) is the only way to deprive terrorists of the sanctuary from which they operate, whether that sanctuary is in Afghanistan or North Korea or Iran or Iraq or elsewhere. The regimes in control of these "rogue" states—a term used widely before the last administration substituted the flaccid term "states of concern"—pose an immediate threat to the United States. The first priority of American policy must be to transform or destroy rogue regimes.

And while some states will observe the destruction of the Taliban regime in Afghanistan and decide to end their support for terrorism rather than risk a similar fate, others will not.

It is with respect to those regimes that persist in supporting and harboring terrorists that the question of the role of democratization and human rights is particularly salient. And foremost among these regimes is Saddam Hussein's Iraq.

The transformation of Iraq from a brutal dictatorship, in which human rights are unknown, to a democratic state protecting the rights of individuals would not only make the world more secure, it would bring immediate benefits to all the people of Iraq (except the small number of corrupt officials who surround Saddam Hussein).

I believe that this is well understood in the Congress, which has repeatedly called on the administration to support the Iraqi National Congress, an umbrella group made up of organizations opposed to Saddam's dictatorship. The INC is pledged to institute democratic political institutions, protect human rights and renounce weapons of mass destruction. As we think through the best way to change the regime in Iraq, it is precisely the proponents of democracy who deserve our support, not the disaffected officer who simply wishes to substitute his dictatorship for that of Saddam Hussein.

I hope, Mr. Chairman, that the Congress, which has been well ahead of the executive

branch in recognizing this, will succeed in persuading this administration, although it failed to persuade the last one, that our objective in removing Saddam's murderous regime must be its replacement by democratic forces in Iraq and the way to do that is work with the Iraqi National Congress.

Mr. Chairman, it goes without saying that democracies that respect human rights, and especially the right to speak and publish and organize freely, are far less likely to make war or countenance terrorism than dictatorships in which power is concentrated in the hands of a few men whose control of the instruments of war and violence is unopposed. As a general rule, democracies do not initiate wars or undertake campaigns of terror. Indeed, democracies are generally loath to build the instruments of war, to finance large military budgets or keep large numbers of their citizens in military establishments. Nations that embrace fundamental human rights will not be found planning the destruction of innocent civilians. I can't think of a single example of a democracy planning acts of terror like those of September 11.

We could discuss at length why democratic political institutions and a belief in the rights of individuals militate against war and terror and violence. But the more difficult questions have to do with how effectively we oppose those regimes that are not democratic and deny their citizens those fundamental human rights, the exercise of which constitutes a major restraint on the use of force and violence.

Here the issue is frequently one of whether we "engage" them in the hope that our engagement will lead to reform and liberalization, or whether we oppose and isolate them. I know of no general prescription. Each case, it seems to me, must be treated individually because no two cases are alike. Take the three cases of the "axis of evil."

In the case of Iraq, I believe engagement is pointless. Saddam Hussein is a murderous thug and it makes no more sense to think of engaging his regime than it would a mafia family.

In the case of Iran, I doubt that the goals of democratization and human rights would be advanced by engaging the current regime in Teheran. There is sufficient disaffection with the mullahs, impressive in its breadth and depth, to commend continued isolation—and patience. The spontaneous demonstrations of sympathy with the United States are brave and moving. We owe those who have marched in sympathy with us the support that comes from refusing to collaborate with the regime in power. The people of Iran may well throw off the tyrannical and ineffective dictatorship that oppresses them. We should encourage them and give them time.

In the case of North Korea end the policy of bribing them. Such a policy invites blackmail, by them or others who observe their manipulation of us—and it certainly moves them no closer to democracy or respect for human rights. We must watch them closely and remain ready to move against any installation that may place weapons of mass destruction or long-range delivery within their reach.

Mr. Chairman, I have only one recommendation for the Committee and it is this: to support enthusiastically, and specifically with substantially larger budgets, the National Endowment for Democracy. On a shoestring it has been a source of innovative, creative programs for the building of democratic institutions, often working in places where democracy and respect for human rights is only a distant dream. It may well be the most cost-effective program in the entire arsenal of weapons in the war against terror and for a more secure world. The En-

dowment, and even more the organizations that benefit from the Endowment's support, need and deserve all the help we can give them.

REMARKS OF JORGE CASTAÑEDA, MEXICAN SECRETARY OF FOREIGN AFFAIRS

Mr. DODD. Mr. President, I rise today to publicly thank my good friend Jorge Castañeda, Mexican Secretary of Foreign Relations, for taking the time out of his busy schedule to address the U.S.-Spain Council last weekend.

I have had the pleasure of chairing the U.S.-Spain Council for two years now, and each year our annual meetings have been informative and thought-provoking. At these meetings American and Spanish members of the Council discuss U.S.-Spain bilateral relations, but we also focus on the unique triangular relationship between the U.S., Spain, and Latin America, particularly Mexico. Our meetings are always candid, constructive, and informative, and I believe that they are particularly valuable for our membership. Part of what makes our annual meetings so successful is the high quality of the speakers that attend our conferences. This was truly evident when Secretary Castañeda delivered the address at our closing dinner last Friday in the Senate Caucus Room.

Having been an elected public servant for over 25 years, I have attended numerous dinners and receptions, and have heard countless dinner speeches. I can honestly say that Secretary Castañeda's speech ranks among the best I have ever heard. In his insightful remarks, Secretary Castañeda detailed his analysis of Mexican political history, and outlined his vision for the future of democracy in Mexico while drawing several parallels between Mexican political liberalization and the democratization of Spain after the fall of Franco. Secretary Castañeda's remarks were astute, thought-provoking, and engaging. Indeed, they are among the most comprehensive analyses of modern Mexico to date. I think that my colleagues, especially those with an interest in the Western Hemisphere, would have enjoyed and greatly benefited from the substance of these remarks had they been present at the dinner.

Dr. Jorge Castañeda is uniquely qualified to speak about Mexico's political situation. He is a man of enormous talent and experience, a leading intellectual, and now an important diplomat. He has thought and written extensively about international relations, and particularly Mexico's role in the global community. He was a world renowned academic before joining the Fox Administration, and has taught at the National Autonomous University of Mexico and at New York University. He is the author of twelve books, published in English and Spanish, and he has been a frequent contributor to noted publications such as *Newsweek* magazine, *El País*, and *Reforma*.

As Secretary of Foreign Relations, Secretary Castañeda has worked to build the image of a safe, honest, and peaceful Mexico that respects human rights and engages in political and social reform. He has also sought very successfully to strengthen his government's involvement on the global stage, both in this Hemisphere and in Europe.

In light of the fact that my colleagues were not able to be present to hear Secretary Castañeda speak, I ask unanimous consent that his remarks be printed in the RECORD. I urge my colleagues to take the time to read them. I know that they will enjoy and be better informed having done so.

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

Ladies and gentlemen: I want to thank the U.S.-Spanish Council and my good friend Senator Chris Dodd for inviting me to join you here this evening. I am grateful for this opportunity to share with you some thoughts on Mexico's foreign policy.

As a result of Mexico's far-reaching process of reform and renewal, the government of President Vicente Fox has acquired a legitimacy that is almost without precedent in our country. This has had a profound impact on President Fox's domestic agenda. It has also forced us to rethink and retool our foreign policy so that it responds to the needs and priorities of a new democratic Mexico. Times have changed. Things have changed. And, Lampedusa notwithstanding, let me assure you that not everything will remain the same.

This process of reform and renewal is uncharted territory for us in Mexico, but it should not be unfamiliar to those who have lived through or have studied democratic transitions in other countries. In the past few decades, many authoritarian regimes have come to an end not as result of violence, but through a peaceful and orderly process of democratization. Several factors came into play to make these transitions possible. One of the most significant among them was the growing role of civil society as a source of moral and political pressure, both at home and abroad. Also prominent was the influence of the media, both national and international, constantly challenging and undermining authoritarian regimes through public exposure. And obviously, the most significant factor was the balance of political forces within each nation and their willingness to enter into agreements that would facilitate the transition to a democratic regime.

All these factors have also been at play in Mexico, and they deserve a detailed examination in order to fully understand the country's recent democratic transition and its prospects for consolidation. However, I wish to focus my remarks here today on another crucial issue that does not often receive the attention it merits, in spite of the potentially decisive role that it can play in the consolidation of a democratic regime: the influence of international affairs and foreign policy in strengthening democracy.

There is often a positive correlation between democracy and international engagement or conversely between authoritarianism and isolation. That is why undemocratic governments tend to be defensive in their engagement with others. The less democratic a country is, the more likely that it will view the outside world with suspicion and will interpret any criticism as an affront to its sovereignty and to the rule of

the few. Undemocratic governments today may pay utmost attention to domestic issues, while they regard international matters with mistrust, at best, or with fear and hostility, at worst.

The end of authoritarianism has a two-fold effect: it means building and consolidating democratic institutions and, at the same time, leaving behind the defensive and inward-looking attitude that had kept our country at a distance from the world community. This complex interplay between foreign policy and democracy has been part of other transitions, and I believe that Mexico can draw some important lessons from those experiences.

Perhaps the most relevant case for Mexico is the Spanish transition. In a recent book, aptly entitled "The Future is No Longer what it Used to Be," former President Felipe Gonzalez and journalist Juan Luis Cebrian provide a brilliant account of the political transition that allowed Spain to overcome its authoritarian legacy and consolidate a democratic regime. Some of the agonizingly complex issues that Spanish society had to resolve in this process are also pertinent, *mutatis mutandis*, to other countries: How to ensure that age-old authoritarian temptations would be effectively resisted and eventually eliminated? How to prevent new conflicts and long standing fractures within society from derailing the democratic process?

The Spanish transition to democracy boldly and creatively addressed these questions. The remarkably successful outcome of this process owed much to the responsible, stabilizing leadership of Spain's political elites and media. This was most singularly achieved through the 1977 Constitution and the celebrated "Pactos de la Moncloa", which brought all major Spanish political forces together to agree on a basic framework for the Spanish State and for economic and social policy. But equally important was the role played by Spanish foreign policy in deepening and strengthening democracy, as well as, change across the board.

They key to this process was Spain's decisive shift towards European integration, which contributed enormously to democratic stability. The first crucial step in this direction was the country's decision to become a full fledged Party to the NATO, which Spain joined on May 1982, submitting its continued membership to a national referendum in 1986. This effectively put an end to its relative isolation and promoted the modernization and democratization of the armed forces, which henceforth were obliged to adhere to the same professional standards in place throughout the NATO's member nations.

The most significant foreign policy measure as far as the consolidation of democracy is concerned, however, was the decision to join the European Economic Community, as the European Union was known then. There was wide consensus among Social political leaders about the need to bind Madrid to Brussels, that is to say, to bring Spain into close association with the EEC nations, anchoring the modernization and democratization of the country within the regional institutions of a democratic Europe. Spain's request for entry had been submitted as early as 1977. But, it was President Felipe González and the *Partido Socialista Obrero Español*, who explicitly linked foreign policy and democratic consolidation as a State goal. They understood that the move towards Europe and the move towards democracy were complementary processes: if Spain was to be part of the European Economic Community and enjoy the benefits that this membership afforded in terms of trade and finance, it also had to maintain social policies and political institutions that were consistent with those of the EEC as a whole.

In assuming these responsibilities within the framework of NATO and the EEC, Spain was acting freely and on the basis of its own sovereign interests. The new demands placed on Spain by European membership were unquestionably binding, but were also the result of an internal and public debate and, as such, a deliberate choice by the Spanish people. It is in this sense that the importance of the foreign factor in the Spanish transition can contribute to understand the current process of change in Mexico.

The fact that foreign policy is a key element of Mexico's transition is neither a whim nor a fluke. Its source is the presidential election of 2000, which stands as a milestone in Mexico's recent political development. But it is also a purposeful response to the changes that have occurred in the international arena over the past decade, not least of which is the emergence of a growing international consensus regarding both the legitimacy of democratic institutions above all others and the respect for fundamental human rights, including basic civil and political rights, and the rule of law.

Under these new conditions, it is imperative to bring Mexico's relations with the rest of the world up to date, and in order to do so, President Fox established a two-pronged strategy. Firstly, it was necessary to provide greater depth to our long term relationship with the United States, which for historical as well as geopolitical reasons remains—and will continue to be in the foreseeable future—Mexico's most important and closest foreign partner. And secondly, given the hegemonic position of the US in the world area and the asymmetry of our bilateral relationship, Mexico needed to develop an additional major policy axis that would bring greater balance to our international agenda. This is the reasoning behind the country's more active engagement in regional and multilateral fora, such as the UN, the OAS, and other international mechanisms over the past year or so. But in addition to their own intrinsic merits and justifications these two external guidelines include fundamental domestic policy connotations.

They obviously face a series of constraints. Admittedly, our country today cannot rely, as Spain did, on an already existing institutional framework such as the one provided by the European Economic Community. There are no established supranational North American or regional institutions which may serve as an anchor for the process of democratization and modernization that we have undertaken; nor are there structural or cohesion funds through which financial assistance could be channeled to reduce inequalities between different countries and regions and foster socioeconomic convergence among European nations, as was the case within the EEC. In the absence of this framework, we need to actively and creatively develop new institutions that will promote North American prosperity and, in the process, help Mexico achieve a successful and definitive transition to democracy.

That is why we have, first, re-launched our bilateral relationship with the United States, introducing new issues, such as migration and energy seeking consistently and systematically to engage all actors across the spectrum of US society; and, most importantly, it explains why we are trying to establish a new conceptual framework for our relationship. What we envision is a new set of standing institutions that would allow for the free movement of capital, goods and services, and also people, so that we may gradually bring about a greater degree of uniformity in the levels of economic and social development within North America. This will require designing creative mechanisms to transfer resources for social cohe-

sion and infrastructure, opening up our borders, and North American institution building to regulate and oversee this process of integration between the three countries. This may sound overtly ambitious and even far-fetched. But it should be doable and, more importantly, it is a right step in the same direction that was chosen over a decade ago for not entirely the right reasons.

Indeed, NAFTA was meant—and largely sold—as a means to lock into place economic convergence and macroeconomic policies. This was done, however, in a typically authoritarian fashion in Mexico, without authentic debate, transparency or consensus and some of the Treaty's most obvious shortcomings may be attributed directly to this.

Playing a more active role in the multilateral arena is the other road we have chosen abroad to consolidate democracy domestically. We are convinced that it is in Mexico's best interest to adapt itself to the new rules-based international system that is gradually emerging and we therefore now subscribe to the argument that certain principles are universal and enforceable above and beyond the sovereignty of the State. In this regard, also, there are important precedents in Mexico's recent past. The so-called "democratic clause" that was part and parcel of Mexico's Free Trade Agreement signed with the European Union in 1999 is evidence that, even before the full onset of democracy in Mexico, the country was being compelled to adhere to certain basic international standards if it wanted to have a more active international profile.

This is why Mexico has recently taken a more proactive role in international fora fighting racial discrimination and promoting the rights of indigenous peoples in the World Conference held in Durban last year; or strengthening democratic values and institutions in the Americas through the Interamerican Democratic Charter and throughout the world by joining the Community of Democracies; or adopting a more consistent stance in the proceedings of the UN Human Rights Commission; or actively working to increase transparency and combat corruption during the recent International Anti-Corruption Conference held in Prague; or hosting the UN sponsored International Conference on Financing for Development to be held next month in Monterrey; or hosting the forthcoming Ministerial Conference of the World Trade Organization in 2003.

These actions and the commitments not only promote key foreign policy interests, but they also, and most crucially, help to anchor Mexico's emerging democracy and process of change. They will contribute to prevent a future dislocation of the democratic process or the temptation to return to the authoritarianism of previous decades.

Let me give you an example. The government of President Fox has radically altered the country's traditional international stance on human rights, and has recently taken a number of important steps to guarantee their full observance within the country. Prominent prisoners, such as activists Teodor Cabrera and Rodolfo Montiel, fishermen Leocadio Ascencio and Aurelio Guzmán, and Mr. José Gallardo, a former member of the Mexican armed forces, were released from jail as a result of the President's decision to review their cases and find adequate solutions that fully respect the rule of law. They are part of an ambitious agenda for reform that has already allowed for the liberation of nearly a hundred other prisoners who had been detained because of their activities during the Chiapas uprising; the appointment of a Special Prosecutor to investigate past human rights violations, the subscription or ratification of 13 international treaties on issues such as discrimination against

women, the exploitation of children or crimes against humanity or asking the Mexican Congress to ratify the Statute of Rome creating the International Criminal Court; and an agreement for the establishment of a regional delegation of the International Committee of the Red Cross in Mexico. But they are also, first and foremost, actions that seek to guarantee that international surveillance on these issues will strengthen democracy and human rights at home.

Ladies and Gentlemen: By overcoming authoritarian rule, Mexico is leaving behind its former defensive attitude and reaching out to the world in search for a new identity, just as Spain did more than 25 years ago. But while the similarities between the Spanish and the Mexican transitions are significant, the differences are equally revealing.

Whereas Spaniards were able to come to terms with their authoritarian past, Mexicans have yet to achieve reconciliation and a common sense of purpose of its real and longstanding democratic institutions by addressing the grievances of recent past history. Whereas the Spanish people immediately experienced the tangible benefits afforded by EEC membership, through infrastructure and cohesion funds aimed at overcoming backwardness and establishing a level playing field within the Community, Mexican society has yet to fully realize the enormous advantages to be gained by establishing similar mechanisms to boost economic and social development in Mexico and by embracing the idea of a North American community. Whereas Spain was able to anchor its democratic transition in an existing European Community, Mexico must strive to build the institutions of true North American Community. And whereas Spain's entry in the EEC impinged upon Spanish sovereignty, as indeed it affected the sovereignty of all other EEC members, NAFTA, a truly Anglo-Saxon institution, left domestic politics and social policy, two fundamental attributes of sovereignty, largely untouched.

This latter point is crucial. Mexico, today, as Spain purposefully did back in the eighties, seeks supranational rules and regulations that bind and ensure its democratic transition and enhance its prosperity and ensure its democratic stability. This seems to me a more than fair trade off.

The jury is still out on Mexico's democratic consolidation. If we are to succeed, the leaders of all major political parties in Mexico must have the courage to put some of their differences aside and work together for a common purpose. But our North American partners must also show themselves willing to take on the challenge of developing a new vision for our region, one that can radically change for the better the lives of millions of people throughout Mexico, the U.S. and Canada.

If there has been a clear and consistent trait throughout the world in recent decades, it is the tendency towards integration, which in turn has resulted in stronger democratic institutions and the adherence to basic universal standards of behavior. This is not a spontaneous or natural process, even though there may be historical forces at play. Rather, it must be complemented by deliberate action. This is exactly what the government of President Fox has set out to achieve: to use foreign policy as a crowbar to open up our country and help consolidate democracy and change human rights in Mexico. Succeeding in this endeavor is not only critical for Mexico; it is an issue of central importance to the future of North America, to our hemisphere and to the rest of the international community.

Let me conclude by quoting the Spanish-British historian Charles Powell, who ends his splendid work on the history of Spain after Franco by stating—not without some

British reserve and understatement—that “it would be unfair not to acknowledge that what was achieved [by this transition] undoubtedly constitutes a cause for collective pride”.

I sincerely hope that, 26 years from now, a future historian of Mexico can express similar feelings about our transition to democracy. It is this hope that spurs many of us in government, and throughout society at large, to do everything we can to ensure that our country lives up to its present challenge. And I am sure that all of you will understand why we in Mexico wholeheartedly believe that it is a cause that our partners should also embrace.

Thank you.

THE PENSION SECURITY ACT OF 2002

Mr. GREGG. Mr. President, the spectacular collapse of the Enron Corporation has broken lives, shattered dreams and shaken confidence in our financial markets and in several professions. From what we know so far, it appears that the fall of Enron involves malfeasance, misfeasance and nonfeasance on the part of very many people. There may ultimately be criminal prosecutions, civil fines, and partial restitution. It may take years to sort out all of the problems and for Congress to enact appropriate solutions.

Although the Enron investigations and lawsuits are ongoing, we have learned several lessons in the area of employee retirement security that can be addressed swiftly and responsibly. I am pleased to join my colleagues Senators TIM HUTCHINSON and TRENT LOTT in introducing the Pension Security Act of 2002. This legislation creates important new protections and rights for working Americans that give them the tools to enhance their own retirement planning and security.

The measure includes new safeguards and options to help workers preserve and enhance their retirement security, and insists on greater accountability from companies and senior corporate executives during “blackout” periods when rank-and-file workers are unable to make changes to their retirement accounts.

Under the Pension Security Act, workers would have more freedom to diversify their investments, much greater access to high quality investment advice, advance notice before blackout periods, more information about their pensions, and other tools they can use to maximize the potential of their 401(k) plans and ensure a secure retirement future.

The bill also clarifies that employers have a fiduciary responsibility for the security of workers' investments during “blackout” periods and bars senior corporate executives from selling their own stock at times when rank-and-file workers cannot make changes to their 401(k) accounts.

The bill strikes an important balance between preserving employee free choice and opportunity in the voluntary retirement savings system and protecting individuals from the wrongful acts of others. I look forward to working with all of my colleagues to

join with us in enacting these important reforms.

SENATOR TED KENNEDY'S 70TH BIRTHDAY

Mr. INOUE. Mr. President, I am most honored to express my congratulations to my dear friend, Senator TED KENNEDY, as he celebrates his 70th birthday. He and I joined the Senate chamber 40 years ago, and it has been my privilege to serve alongside this great man over the years.

Senator KENNEDY has championed health insurance and education reform, defended the rights of the elderly and workers, strengthened civil rights, and protected our natural resources. He has proudly and ably carried on his family's legacy of public service.

I wish to thank Senator KENNEDY for his outstanding service to his home State of Massachusetts and to our Nation. I extend my best wishes to him for many more years of good health, memorable experiences, and continued success.

Mr. AKAKA. Mr. President, I wish to join my colleagues from both sides of the aisle who have taken to the Senate floor to offer heartfelt tributes and best wishes to our esteemed colleague and friend, the senior Senator from Massachusetts (Mr. KENNEDY) as he celebrates his 70th birthday. While prior commitments precluded my participation in yesterday's bipartisan tribute, I wanted to take a moment to offer my congratulations to Senator KENNEDY.

For 40 of his 70 years, TED KENNEDY has worked for the people of Massachusetts and America in the United States Senate. During that time, through hard work, consensus building and perseverance, with great wit and charm, and, on many memorable occasions, passionate oratory, TED KENNEDY has established himself as one of the most effective legislators of the 20th century and a champion for equality, opportunity, and justice for all Americans.

When I was appointed to the Senate in 1990, we were considering the Americans With Disabilities Act, one of the many landmark civil rights bills that TED KENNEDY has helped to inspire and craft, guide through Congress, and become law. For as long as I have been in public service, TED KENNEDY has been a powerful voice and an advocate for those who are most vulnerable in our Nation. On issues ranging from civil rights, voting rights, equal rights for women, equal protection for all Americans regardless gender, race, religion, or sexual orientation, Americans with disabilities, access to health care, quality education for all children, workers' rights, patients' rights, a decent minimum wage, food stamps, or equal justice for all Americans, TED KENNEDY has been at the forefront of the battles for equal opportunity for all Americans, for fairness, for justice.

In 1963, speaking on civil rights for African Americans, President Kennedy

said that "every American ought to have the right to be treated as he would wish to be treated, as one would wish his children to be treated. This is not the case." Throughout his illustrious career, TED KENNEDY has worked to ensure that all Americans are treated fairly, are treated with respect and dignity. His work in the Senate has helped us move forward as a people and Nation toward the vision of America that President Kennedy and Senator ROBERT F. KENNEDY spoke about with such eloquence. His effectiveness in forging bipartisan partnerships to advance the causes and issues he cares so much about is legendary. As the Majority Leader said, TED KENNEDY is the master of the principled compromise. In doing so, TED inspires those of us lucky enough to serve with him with his dedication, persistence and hard work, and he has earned the admiration, respect, and love of people across America.

As both a colleague and friend, no one is more generous with his time or considerate than Ted Kennedy. The senior Senator from Illinois (Mr. DURBIN) and some of my colleagues mentioned that in some parts of their states being accused of voting too much like TED KENNEDY is a standard political reproach. In Hawaii, a comparison to TED KENNEDY is a badge of honor. In 1990, I was appointed to the Senate in May, and was campaigning for election in November. My race was extremely close, and the Senate was in session until the last week of October working on the Federal budget. Then President George H.W. Bush and other national leaders had come to the islands to campaign for my opponent. TED KENNEDY agreed to campaign with me in Hawaii right before the election. His appearance energized the voters, and sparked a surge in the polls that broke open a close race. In fact, on election night, TED KENNEDY was the first person to call with congratulations based on exit poll projections he had received.

In the history of the Senate, there have been few Senators whose record of accomplishments, whose hard work, whose contributions to building a more perfect Union, equals that of the senior Senator from Massachusetts. I am proud to serve with him in the Senate and fortunate to call him a friend. It is with the deepest admiration and profound aloha that I wish TED, hau'oli la hanau, a most Happy Birthday. May you have many more. God bless you.

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred May 16, 1993 in Rehoboth Beach, DE. Three gay men were brutally assaulted by five assailants. The attackers used bottles and an aluminum baseball bat to beat the victims.

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.

90TH ANNIVERSARY OF HADASSAH

Mr. KOHL. Mr. President, this week marks the 90th anniversary of Hadassah, the Women's Zionist Organization of America. With over 300,000 members and 1,500 chapters across the country, Hadassah is the largest women's and largest Jewish membership organization in the United States. Over the last nine decades, its devoted members have exhibited the best of the American philanthropic and volunteer spirit in pursuing the organization's mission of a peaceful and secure Israel, a vital Jewish culture, and the Jewish imperative for social justice.

Today in Israel, Hadassah continues to add to a well-established humanitarian record that has fostered peace, understanding, and prosperity for all Israeli citizens. The Hadassah Medical Organization (HMO) operates two hospitals, ninety outpatient clinics, and numerous community health centers that provide state of the art health care to 600,000 patients a year—regardless of race, religion, or creed. These medical facilities often treat the most critically wounded in the region's ongoing conflicts and the support they receive from Hadassah members allows them to save lives. The HMO reaches out beyond Israel, providing medical personnel and training during international health crises, enhancing the welfare of communities around the globe.

Here in United States, Hadassah's women's health and education initiatives have enhanced the health and well being of the American Jewish community and our Nation. Its informative awareness campaigns on breast cancer, osteoporosis, and eating disorders have empowered women of all ages to make healthy lifestyle decisions. Hadassah has strengthened American Jewish culture through sponsorship of Jewish and Hebrew educational classes and study groups.

Mr. President, for ninety years Hadassah has brought Jewish-American women together to explore their shared faith and connection to Israel. On this week of their 90th anniversary, I commend their good work and wish them many more years of success.

ERIC BERGOUST APPRECIATION

Mr. BURNS. Mr. President, I rise today to recognize Eric Bergoust, a dis-

tinguished freestyle skier from Missoula MT. At the age of 31, Eric has attained nearly every milestone that inspires athletes to achieve their dreams. He is an Olympic champion, a world champion, and has held numerous world records throughout his career. As impressive as his accomplishments are, the passion Eric has for his sport is truly remarkable. Passion shines brightest through innovations, and Eric has made many. He has landed unprecedented jumps throughout his career, and has developed a one-armed take off style that has opened up new possibilities to all freestyle skiers.

Like so many of his fellow Montanans, Eric has achieved great things through both his appreciation of the virtues of a will-do attitude and the determination to follow through on a task. These assets led Eric down the seemingly improbable path from a boy jumping off the roof of his house into a mattress pile, to a young man driving alone from Montana to Lake Placid with only makeshift skis and ten dollars in his pocket, to an Olympic and world champion. It has been exciting to see Eric accomplish so many things. But when I consider the determination and passion that have pushed Eric along, it has become clear that maybe his path really wasn't so improbable after all.

2002 BLACK HISTORY MONTH

Mr. DURBIN. Mr. President, I rise today in honor of Black History Month, a 76-year tradition recognizing and celebrating the contributions of African-Americans throughout our history.

Dr. Carter G. Woodson, the son of former slaves, earned his bachelor's and master's degrees from the University of Chicago in my home State of Illinois, before continuing his studies at Harvard University and the Sorbonne in Paris. Since African-American history had barely begun to be studied or even documented, Dr. Woodson established what is now called the Association for the Study of Afro-American Life and History and founded the Journal of Negro History. In 1926, he started Negro History Week and chose the second week of February because it marks the birthdays of two men who have had a great impact on African-Americans: Abraham Lincoln and Frederick Douglass. Thanks to the efforts of Dr. Woodson and those who have followed him, we now celebrate the outstanding achievements of African-Americans past and present during the entire month of February.

Illinois has a rich African-American legacy. Gwendolyn Brooks was the first African-American poet to win the Pulitzer Prize, and in 1968, she was named the poet laureate of Illinois. In 1985-86, she was the Poet Laureate Consultant in Poetry to the Library of Congress and focused her efforts on encouraging elementary school students to write poetry.

Black History Month is also a celebration of lesser-known African-Americans, and I would like to recognize the far-reaching contributions of Illinoisan Lloyd Augustus Hall. Mr. Hall was a chemist who earned more than 100 patents in the United States, Great Britain, and Canada. His work revolutionized the meatpacking industry, and his method for sterilizing spices is used today to sterilize medicine, medical supplies, and cosmetics. He was the first African-American elected to the National Board of Directors of the American Institute of Chemists, and President John F. Kennedy appointed him to the American Food for Peace Council in 1962.

Today, Illinoisans continue to build upon Dr. Woodson's legacy of preserving and celebrating African-American history. Last month, Jewish leaders at the Beth Emet synagogue in Evanston, Illinois, released a restored recording of a speech Dr. Martin Luther King, Jr., gave there 44 years ago. It took months of digital forensic audio techniques to clean background noise and to convert the reel-to-reel tape to compact disc, but the effort was well worth it, and Dr. King's words then are still instructive today.

Dr. King observed that there had been three distinct periods in our nation's history of race relations: slavery, segregation, and desegregation. He also declared that the issue of civil rights is "an eternal moral issue which may well determine the destiny of our nation" and looked toward a fourth period—a period of real integration.

This month, we honor the great strides made by African-Americans in overcoming obstacles and color barriers. But I am afraid we have not yet reached Dr. King's goal of real integration. The unemployment rate for African-Americans has jumped to 9.8 percent, over four percentage points higher than the rate for all workers. The 2000 Presidential election illustrated the disenfranchisement of thousands of African-American voters nationwide, whose votes did not count. There is disturbing evidence that some law enforcement agencies and agents "profile," or make pre-determinations about, people based on their race.

Dr. King noted the important role that we in the Federal Government must play in addressing issues such as these. In his 1958 speech at Beth Emet, he said, "As we look to Washington, so often it seems that the judicial branch of the government is fighting the battle alone. The executive and legislative branches of the government have been all too slow and stagnant and silent, and even apathetic, at points. The hour has come now for the Federal Government to use its power, its constitutional power, to enforce the law of the land."

The time indeed has come for Congress to show that it is no longer slow and certainly not apathetic. I have been working for several months to try to extend unemployment benefits and

to help unemployed workers continue their health benefits. I proposed an amendment that would have increased weekly unemployment benefits by \$25 or fifteen percent, whichever is greater. It also would have expanded coverage to part-time and low-wage workers, helping nearly 80 percent of the laid-off workers who currently are not receiving benefits.

In addition, I am an original cosponsor of the bipartisan election reform measure and introduced an amendment to eliminate the unnecessary special treatment of punchcard voting systems. The overwhelming majority of African-American and Hispanic voters use the punchcard system, which loses at least 50 percent more votes than optically-scanned paper ballots. My amendment would have reduced the number of these discarded votes by permitting a voter to verify the votes he or she selected on the ballot and notifying the voter if more than one candidate had been selected for a single office. The voter also would have had the opportunity to change the ballot or correct any error before the ballot was cast and counted.

I am also an original cosponsor of the End Racial Profiling Act of 2001, which prohibits law enforcement agencies and agents from engaging in racial profiling and provides for enforcement in civil court. This legislation would also require Federal, State, and local law enforcement agencies receiving Federal grants to maintain adequate policies and procedures designed to eliminate racial profiling. Furthermore, I have introduced the Reasonable Search Standards Act to prohibit U.S. Customs Service personnel from searching or detaining individuals based on racial and other discriminatory profiling criteria.

The official theme for this year's Black History Month is "The Color Line Revisited: Is Racism Dead?" This month, and every month, we must push forward until the answer to this question is a resounding "Yes." We must continue to fight for economic opportunity, equal justice, and equity in education and health care. While we celebrate the accomplishments of African-Americans throughout our history, we must build upon those achievements, until we can finally reach Dr. King's vision of real integration.

ADDITIONAL STATEMENTS

IN REMEMBRANCE OF LOUIS M. LAINO

• Mr. SANTORUM. Mr. President, I rise today to honor the memory of one of my constituents, Mr. Louis M. Laino, a man who gave his life in defense of his country.

I would like to call attention to a tragic accident which occurred on January 15, 1961, and which took the lives of 28 brave Americans, one of whom, Louis M. Laino, was a resident of the

Commonwealth of Pennsylvania. Mr. Laino was a crew member aboard Texas Tower 4.

Texas Tower 4 was one of three Department of the Air Force radar sites installed in the North Atlantic Ocean in the 1950s whose purpose was to provide early warning in the event of an enemy missile or bomber strike against the United States. Texas Tower 4 was located approximately 85 miles southeast of New York City in 185 feet of water. Prior to the accident in 1961, Tower 4 had earned a reputation for being unstable and had been nicknamed "Old Shaky" by the crew members who served aboard the structure.

On September 12, 1960, Texas Tower 4 was struck by Hurricane "Donna." The storm's 130-mile per hour winds and 50-foot waves exceeded Tower 4's design specifications and caused structural damage to the platform. The Air Force decided that extensive repair work would need to be performed on Tower 4 the following spring. February 1, 1961, was established as the date for complete evacuation of the platform. In the meantime, a maintenance crew of 28 persons was stationed aboard Tower 4 to perform immediate repair work prior to more rigorous repairs being performed. Mr. Laino was among this group of workers, and tragically lost his life when a second storm struck Tower 4. This storm possessed 85-mile per hour winds, 35-foot waves, and proved to be too much for the already weakened Tower 4 to withstand. At 7:20 pm on the evening of January 15, 1961, Texas Tower 4's structure failed, and the platform, with all hands on board, sank to the bottom of the Atlantic.

In closing, I would again like to call attention to the sacrifice made by Louis M. Laino in defense of his country. Mr. Laino made the ultimate sacrifice, that of his life. On behalf of the people of Pennsylvania, I salute Mr. Laino for his courage and bravery in performing a dangerous duty. Mr. Laino died so that all of us might be safer, and for that, he should be remembered.●

HONORING SENATOR HARRY F. BYRD, JR.

Mr. ALLEN. Mr. President, I rise today to recognize and honor Harry F. Byrd, Jr., for his lifelong commitment to principles and honestly serving the people of Virginia and the United States of America. The Virginia General Assembly recently honored U.S. Senator Harry F. Byrd, Jr., of Winchester, VA, and celebrated his accomplishments. Some present members of the Senate had the pleasure of serving and working with Senator Byrd of Virginia. Having the privilege of serving in the seat once held by Senator Byrd, I wish to share with all my colleagues those positive sentiments expressed in the resolution adopted by the General Assembly of Virginia, and ask that the related article be printed in the RECORD.

The article follows:

TEXT OF SENATE RESOLUTION HONORING
HARRY F. BYRD JR.

SENATE JOINT RESOLUTION NO. 179

Whereas, Harry Flood Byrd, Jr., of Winchester has served the Commonwealth and the nation with great distinction, continuing a Byrd family tradition that dates to the earliest days of the Republic; and

Whereas, educated at the Virginia Military Institute and the University of Virginia, Harry Byrd, Jr., followed his father Harry Byrd, Sr., into public service, thus forming a father-son combination that was the most influential in 20th century Virginia politics; and

Whereas, Harry Byrd, Jr., served as a member of the Democratic State Central Committee from 1940 to 1965 and served as a lieutenant in the U.S. Naval Reserve during World War II; and

Whereas, following distinguished service in the Senate of Virginia from 1948 to 1965, Harry Byrd, Jr., succeeded his father in the United States Senate on November 12, 1965; and

Whereas, for the next 18 years, Harry F. Byrd, Jr., maintained the family tradition of fiscal conservatism, unquestioned integrity, and a distaste for political expediency; and

Whereas, Harry F. Byrd, Jr., continued his father's insistence on "pay as you go" government, and his aversion to debt still reverberates in Virginia's continued recognition as a fiscally sound, well-managed state; and

Whereas, Senator Byrd is the oldest living former United States Senator from Virginia; and

Whereas, the influence of Harry Byrd, Jr., on the political life of Virginia during the 20th century was profound, beneficent, and lasting, and the ideas and ideals he espoused continue to ring true as the Commonwealth enters the 21st; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the General Assembly hereby honor Harry Flood Byrd, Jr., for his dedication, commitment, and integrity over a long and meritorious political career; and, be it

Resolved further, That the Clerk of the Senate prepare a copy of this resolution for presentation to Harry Flood Byrd Jr., as an expression of the admiration and respect of the General Assembly.

HARRY F. BYRD JR.

(By Bob Lewis)

RICHMOND, VA. (AP).—Former U.S. Sen. Harry F. Byrd Jr. returned to the state Senate chamber to prolonged standing applause Thursday to receive a proclamation in his honor and recall his own Senate service.

The 87-year-old heir to the political dynasty that ruled Virginia for much of the 20th century noted his first days in the Senate in 1948, when he was pressured into hastily signing onto a bill.

"The next day, all hell broke loose. It was interpreted as an effort to keep the president off the ballot that year," Byrd said with a chuckle. "I learned never to sign a bill without reading it."

The bill was the state's unsuccessful effort to snub President Harry S. Truman.

Then, in a soft voice, Byrd looked to his right to the desk he occupied in his 18 years in the state Senate and recalled old days and old friends.

"I find it hard to believe it was 54 years ago that I first came here," he said. "I love the Senate. I love the U.S. Senate, too, but this Senate is my favorite. It's smaller and you can make friends here to a greater degree than you can in Washington."

Among his closest friends in that freshman Senate class were Albertis Harrison and Mills E. Godwin, who later became Virginia

governors. "And we remained friends until Albertis and Mills died," Byrd said.

Byrd served 18 years in the Virginia Senate as a Democrat, the party his father, Harry F. Byrd Sr., built into a political machine. In 1966, after Byrd Sr. retired from his U.S. Senate seat in poor health, Byrd Jr. won a special election to fill the four years that remained on his father's term. He left the party and won re-election in 1970 and 1976 as an independent, then retired from public life in 1982 to return to his hometown, Winchester, and run his family's newspapers.

Byrd was a former director and a second vice president of The Associated Press.

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.)

PRESIDENTIAL MESSAGES

The following presidential messages were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

PM-71. A message from the President of the United States, transmitting, pursuant to law, a report concerning the continuation of the national emergency relating to Cuba and of the emergency authority relating to the regulation of the anchorage and movement of vessels to extend beyond March 1, 2002; to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, which states that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond March 1, 2002.

GEORGE W. BUSH.

THE WHITE HOUSE, February 26, 2002.

MESSAGES FROM THE HOUSE

At 11:24 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks,

announced that the House has passed the following bill, without amendment:

S. 1206. An act to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 304. Concurrent resolution expressing sympathy to the people of the Democratic Republic of the Congo who were tragically affected by the eruption of the Nyiragongo volcano on January 17, 2002.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1892) to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked.

ENROLLED BILLS SIGNED

At 6:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1892. An act to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked.

H.R. 3699. An act to revise certain grants for continuum of care assistance for homeless individual and families.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 304. Concurrent resolution expressing sympathy to the people of the Democratic Republic of the Congo who were tragically affected by the eruption of the Nyiragongo volcano on January 17, 2002; to the Committee on Foreign Relations.

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 Mr. ENZI (for himself and Mr. THOMAS):

S. 1970. A bill to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building"; to the Committee on Governmental Affairs.

By Mr. GRASSLEY:

S. 1971. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information

about, their pension plans, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 1972. A bill to amend the charter of the AMVETS organization; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 975

At the request of Mr. CHAFEE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 975, a bill to improve environmental policy by providing assistance for State and tribal land use planning, to promote improved quality of life, regionalism, and sustainable economic development, and for other purposes.

S. 1125

At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1125, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1617

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1617, a bill to amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes.

S. 1651

At the request of Mr. DORGAN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1651, a bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes.

S. 1754

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1754, a bill to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2002 through 2007, and for other purposes.

S. 1850

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1850, a bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes.

S. 1867

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 1917

At the request of Mr. JEFFORDS, the names of the Senator from Indiana (Mr. BAYH), the Senator from South Dakota (Mr. DASCHLE), the Senator from Louisiana (Mr. BREAUX), the Senator from Maine (Ms. SNOWE), the Senator from California (Mrs. FEINSTEIN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. 1969

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1969, a bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets, and to amend the Securities Exchange Act of 1934 to prohibit insider trades during any suspension of the ability of plan participants or beneficiaries to direct investment away from equity securities of the plan sponsor.

At the request of Mr. HUTCHINSON, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1969, supra.

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 206

At the request of Mr. MURKOWSKI, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 206, a resolution designating the week of March 17 through March 23, 2002 as "National Inhalants and Poison Prevention Week."

S. RES. 211

At the request of Ms. COLLINS, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. TORRICELLI), the Senator from North Dakota (Mr. DORGAN), the Senator from Michigan (Mr. LEVIN), the Senator from North Dakota (Mr. CONRAD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Virginia (Mr. WARNER), the Sen-

ator from Minnesota (Mr. DAYTON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Ohio (Mr. DEWINE), the Senator from Georgia (Mr. CLELAND), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Wyoming (Mr. ENZI), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. Res. 211, a resolution designating March 2, 2002, as "Read Across America Day."

At the request of Mr. SPECTER, his name was added as a cosponsor of S. Res. 211, supra.

AMENDMENT NO. 2937

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 2937 proposed to S. 565, a bill to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself and Mr. THOMAS):

S. 1970. A bill to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building"; to the Committee on Government Affairs.

Mr. ENZI. Mr. President, I rise to introduce a bill to designate the facility of the United States Postal Service located at 2829 Commercial Way, Rock Springs, WY, as the "Teno Roncalio Post Office Building." I am joined by my distinguished colleague from Wyoming, Senator THOMAS in the introduction of this bill.

Mr. Roncalio has served the great State of Wyoming and this Nation with honor and integrity throughout his public and private career. The Wyoming native was Wyoming's first five-term Representative to the U.S. House of Representatives during the 1960s and 1970s, and served as a delegate to four democratic National Conventions. He was also selected to serve for two years as a national Democratic committeeman.

Mr. Roncalio was named to the U.S. Army Officer Candidates Hall of Fame after having served in World War II and participating in beachhead invasions in Sicily and Normandy. Mr. Roncalio also received the Silver Star for gallantry in action for his service in North Africa, Italy, France, Central Europe, and Germany.

Mr. Roncalio and I have worked on some projects together, and just the friendships he has made over the years almost guarantees success. On several occasions, I have been pleased with his willingness to share his opinions with me based on his vast experience, common sense, and desire to see the "right thing" done. He has been a model and mentor to many.

Mr. Roncalio has committed his lifetime to public service, and I strongly encourage my colleagues to support naming the Federal post office building in Rock springs, WY after Mr. Teno Roncalio in recognition of his long, distinguished career in Wyoming and national politics.

By Mr. GRASSLEY:

S. 1971. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, there has been a flurry of activity surrounding the bankruptcy of the Enron Corporation. Part of the attention has focused on the company's questionable accounting practices and tax havens. Another spotlight has been focused on the Enron retirement plans, particularly its 401(k) plan.

These are legitimate areas of inquiry. The same fact pattern in the case of Enron applies to Global Crossings, a company that was founded in 1997, went public in 1998, sold shares worth \$734 million before the company collapsed just this year, pauperizing its workforce and investors. In both companies, executives were lining their pockets with gold while they were duping investors and pillaging workers' retirement plans. The difference between Enron and Global Crossing is merely one of scale. Enron was the seventh largest company on the Fortune 500. Global Crossings was smaller but there are eerie similarities, both between these two bankruptcies, and the effect they have had on the way we now view pension plan security.

Any company bankruptcy will inevitably harm workers, retirees and investors. Some Enron employees, and some of those at Global Crossing, invested large amounts of their own money in company stock. In addition, both plans matched contributions made by the workers with the, now worthless, company stock. Had the company's financial statements correctly reflected the value of its stock, neither the workers, nor the investors would have purchased the shares. Unfortunately, the financial statements of those two companies were at least, highly misleading and very possibly fraudulent.

The losses by retirement plan participants are of concern to the Senate Finance Committee because it is the

Committee with jurisdiction over both the Internal Revenue Code, IRC, and parts of ERISA. The Code provides generous tax benefits to retirement plan sponsors. In return for those tax preferences, plans must be established and maintained in accordance with the rules set out in the Internal Revenue Code and in the Employee Retirement Income Security Act of 1974, as amended, ERISA.

The losses in the plans sponsored by recently bankrupted companies have prompted us to reconsider some of the laws that govern retirement programs. In particular, many have questioned whether plan participants should be permitted to hold any company stock in their accounts, or only a limited amount of stock. Other questions have been raised about fiduciary obligations, so-called "blackouts" and about information provided to workers.

For those in the business community who are alarmed about the large number of proposals, including mine, making changes to this area of the law, I would urge caution. This bill is not written in stone. Further refinements will be made to it. I am introducing it today because the Finance Committee will be holding a hearing on this issue tomorrow. Barely three weeks thereafter, Congress will be entering another recess period. If the introduction of this bill is delayed, interested parties will not have the time they need to examine this proposal and give me their views.

This bill gives workers new diversification rights on holdings of company stock in their accounts. Some legislative proposals have called for caps on the amount of stock that can be dedicated by employers to workers' 401(k) accounts through matching contributions or through gains on the value of company stock. I believe such an approach will discourage employers from giving stock to workers through their plan and could not be administered except through the application of benefit wear-aways. During the cash balance pension plan debate, Congress found out just how unpopular benefit wear-aways are with plan participants.

Some have also suggested that employees should not be permitted to purchase employer stock in their plans. They argue the need for a paternalistic government to save employees from the "temptation" of investing in employer stock in their 401(k) plans. I do not believe the government should treat workers like children. American workers are intelligent, and when armed with the right information, they will exercise foresight and make decisions for the best interest of themselves and their families.

My approach does not discourage employer matching contributions in company stock. Nor would it restrict a worker choice to invest in company stock. However, once the worker has three years of service with the employer, he or she should be permitted to change investments out of the com-

pany stock and into any other investment offered by the plan. This change gives maximum flexibility to the worker and will prevent the long holding periods that some companies impose on matching contributions in their own stock.

An important exception to this rule will apply to closely held corporations. Because of the difficulty of valuing stock in closely held corporations, under my bill, these rules will not apply to closely-held companies. This bill also provides that a pure, "stand-alone" ESOP, one consisting solely of now-elective contributions is not subject to the new rule.

The current draft of the bill does not include a long phase-in of the effective date for company stock currently allocated to workers retirement accounts. Such a delayed effective date has been proposed in other legislation. However, I am open to such a recommendation, if necessary. I encourage plan sponsors and practitioners to give me their thoughts on that issue.

This legislation also provides new disclosure requirements. At the end of 2001, Enron stopped participants from trading their investments while they changed plan administrators. Its stock was declining in value at this time, and for a long period prior to the so-called "blackout". It is no surprise that while the plan was closed to trading, all indications are that the value of the stock continued to decline. It appears that Enron employees did receive a notice prior to the transaction suspension period. But concerns have been raised that a statutory requirement for a notice will help to protect participants in other plans from missing an opportunity to change investments prior to a transaction suspension period. I am inclined to agree.

Consequently, this bill will also impose a requirement that plans provide 30-days advance notice of transaction suspension periods, the so-called "blackouts". These are periods when participants are unable to change their investments. This change in law is needed so that employees have the opportunity to trade out of company stock, or for that matter, any other investment, before the beginning of a blackout period. The bill does not limit the duration of a transaction suspension period. Some companies to a remarkable job in shortening the time during which a plan is closed to transactions, however, practitioners have convinced me that it would be impractical to limit these transaction suspension periods given the number of variables involved in reconciling accounts.

New disclosure requirements for so-called blackouts will be supplemented by better information regarding the value of plan benefits. I have long been concerned that participants need better information regarding their retirement. In the 105th Congress, I introduced a bill with Senator BREAUX that would impose a requirement for periodic pension benefit statements.

Language on periodic benefit statements was included again in a bill that Senator BAUCUS and I introduced early last year. While most of that bill was enacted as the Economic Growth and Revenue Reconciliation Act of 2001, EGTRRA, Public Law 107-16, the requirement for periodic benefit statements was "Byrded out". In other words, it was dropped from the bill because it was revenue neutral and as such did not meet the rules governing a reconciliation measure.

Because we did not enact that provision in EGTRRA, the benefit statements language has been replicated here. Under this bill, participants will be entitled to a quarterly statement from their defined contribution plan, such as a section 401(k) plan. If the workers also have a defined benefit plan, they would be entitled to an estimated benefit statement once every three years.

Included in the periodic benefit statements will be language designed to alert workers to how much employer stock they hold in their accounts. Also included will be information regarding the importance to long-term retirement security of participants of a well-balanced and diversified portfolio. This information will encourage workers to avoid over-concentration in employer securities and to periodically re-balance their portfolio.

Mr. President, I ask unanimous consent that the text of the bill and a technical explanation be printed in the RECORD.

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

S. 1971

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Employee Savings and Trust Equity Guarantee Act".

TITLE I—DIVERSIFICATION OF PENSION PLAN ASSETS

SEC. 101. DEFINED CONTRIBUTION PLANS REQUIRED TO PROVIDE EMPLOYEES WITH FREEDOM TO INVEST THEIR PLAN ASSETS.

(a) AMENDMENTS OF INTERNAL REVENUE CODE.—

(1) QUALIFICATION REQUIREMENT.—Section 401(a) of the Internal Revenue Code of 1986 (relating to qualified pension, profit-sharing, and stock bonus plans) is amended by inserting after paragraph (34) the following new paragraph:

“(35) DIVERSIFICATION REQUIREMENTS FOR CERTAIN DEFINED CONTRIBUTION PLANS.—

“(A) IN GENERAL.—A trust which is part of an applicable defined contribution plan shall not be treated as a qualified trust unless the plan—

“(i) provides that a participant or beneficiary of a participant has the right at any time to invest any elective deferrals (and earnings thereon) contributed to his or her account in the form of publicly traded employer securities in any other investment option offered under the plan,

“(ii) provides that a participant with 3 or more years of service and any beneficiary of a participant has the right to invest any

publicly traded employer securities (and earnings thereon) to which clause (i) does not apply and which are allocated to his or her account in any other investment option offered under the plan, and

“(iii) offers at least 3 investment options (not inconsistent with regulations prescribed by the Secretary).

“(B) CERTAIN RESTRICTIONS AND CONDITIONS NOT ALLOWED.—A plan shall not meet the requirements of subparagraph (A) if the plan imposes restrictions or conditions on the investment of publicly traded employer securities which are not imposed on the investment of other assets of the plan. This subparagraph shall not apply to any restrictions or conditions imposed by reason of application of securities laws.

“(C) APPLICABLE DEFINED CONTRIBUTION PLAN.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘applicable defined contribution plan’ means any defined contribution plan which holds any publicly traded employer securities.

“(ii) EXCEPTION FOR CERTAIN ESOPs.—Such term does not include an employee stock ownership plan (within the meaning of section 4975(e)(7)) if—

“(I) there are no contributions to such plan (or earnings thereunder) which are held within such plan and are subject to subsections (k)(3) or (m)(2), and

“(II) such plan is a separate plan (within the meaning of section 414(l)) with respect to any other defined benefit plan or defined contribution plan maintained by the same employer or employers.

“(D) OTHER DEFINITIONS.—For purposes of this paragraph—

“(i) PUBLICLY TRADED EMPLOYER SECURITIES.—The term ‘publicly traded employer securities’ means employer securities which are readily tradable on an established securities market.

“(ii) EMPLOYER SECURITIES.—The term ‘employer securities’ has the meaning given such term by section 407(d)(1) of the Employee Retirement Income Security Act of 1974.

“(iii) YEAR OF SERVICE.—The term ‘year of service’ has the meaning given such term by section 411(a)(5).”

(2) CONFORMING AMENDMENT.—Section 401(a)(28)(B) of such Code (relating to additional requirements relating to employee stock ownership plans) is amended by adding at the end the following new clause:

“(v) EXCEPTION.—This paragraph shall not apply to an applicable defined contribution plan (as defined in paragraph (35)(C)).”

(b) AMENDMENT OF ERISA.—Section 204 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054) is amended by redesignating subsection (j) as subsection (k) and by adding at the end the following new subsection:

“(j)(1) An applicable individual account plan shall provide that—

“(A) a participant or beneficiary of a participant has the right at any time to invest any elective deferrals (and earnings thereon) contributed to his or her account in the form of publicly traded employer securities in any other investment option offered under the plan,

“(B) a participant with 3 or more years of service and any beneficiary of a participant has the right to invest any publicly traded employer securities (and earnings thereon) to which subparagraph (A) does not apply and which are allocated to his or her account in any other investment option offered under the plan, and

“(C) offers at least 3 investment options (not inconsistent with regulations prescribed by the Secretary).

“(2) A plan shall not meet the requirements of paragraph (1) if the plan imposes re-

strictions or conditions on the investment of publicly traded employer securities which are not imposed on the investment of other assets of the plan.

“(3)(A) For purposes of this subsection, the term ‘applicable individual account plan’ means any individual account plan which holds any publicly traded employer securities.

“(B) Such term does not include an employee stock ownership plan (within the meaning of section 4975(e)(7) of the Internal Revenue Code of 1986) if—

“(i) there are no contributions to such plan (or earnings thereunder) which are held within such plan and subject to subsection (k)(3) or (m)(2) of section 401 of such Code, and

“(ii) such plan is a separate plan (within the meaning of section 414(l) of such Code) with respect to any other defined benefit plan or defined contribution plan maintained by the same employer or employers.

“(4) For purposes of this subsection—

“(A) the term ‘publicly traded employer securities’ means employer securities which are readily tradable on an established securities market,

“(B) the term ‘employer security’ has the meaning given such term by section 407(d)(1), and

“(C) the term ‘year of service’ has the meaning given such term by section 203(b)(2).”

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2003.

(2) SPECIAL RULE FOR COLLECTIVELY BARGAINED AGREEMENTS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of the enactment of this Act, subsection (a) shall be applied to benefits pursuant to, and individuals covered by, any such agreement by substituting for “January 1, 2003” the earlier of—

(A) the later of—

(i) January 1, 2004, or

(ii) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after such date of enactment), or

(B) January 1, 2005.

TITLE II—PROTECTION OF EMPLOYEES DURING PENSION PLAN TRANSACTION SUSPENSION PERIOD

SEC. 201. PROTECTION OF PARTICIPANTS OR BENEFICIARIES FROM SUSPENSION OF ABILITY TO DIVERSIFY PLAN ASSETS.

(a) NOTICE REQUIREMENTS.—

(1) EXCISE TAX.—

(A) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

“SEC. 4980G. FAILURE OF APPLICABLE PLANS TO PROVIDE NOTICE OF TRANSACTION SUSPENSION PERIOD.

“(a) IMPOSITION OF TAX.—There is hereby imposed a tax on the failure of any applicable defined contribution plan to meet the requirements of subsection (e) with respect to any participant or beneficiary.

“(b) AMOUNT OF TAX.—

“(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to any participant or beneficiary shall be \$100 for each day in the non-compliance period with respect to the failure.

“(2) NONCOMPLIANCE PERIOD.—For purposes of this section, the term ‘noncompliance period’ means, with respect to any failure, the

period beginning on the date the failure first occurs and ending on the date the notice to which the failure relates is provided or the failure is otherwise corrected.

“(C) LIMITATIONS ON AMOUNT OF TAX.—

“(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED AND REASONABLE DILIGENCE EXERCISED.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that any person subject to liability for tax under subsection (d) did not know that the failure existed and exercised reasonable diligence to meet the requirements of subsection (e).

“(2) TAX NOT TO APPLY TO FAILURES CORRECTED AS SOON AS REASONABLY PRACTICABLE.—No tax shall be imposed by subsection (a) on any failure if—

“(A) any person subject to liability for the tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), and

“(B) such person provides the notice described in subsection (e) as soon as reasonably practicable after the first date such person knew, or exercising reasonable diligence should have known, that such failure existed.

“(3) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—

“(A) IN GENERAL.—If the person subject to liability for tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed \$500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as 1 plan.

“(B) TAXABLE YEARS IN THE CASE OF CERTAIN CONTROLLED GROUPS.—For purposes of this paragraph, if all persons who are treated as a single employer for purposes of this section do not have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

“(4) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

“(d) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by subsection (a):

“(1) In the case of a plan other than a multiemployer plan, the employer.

“(2) In the case of a multiemployer plan, the plan.

“(e) NOTICE OF TRANSACTION SUSPENSION PERIOD.—

“(1) IN GENERAL.—The plan administrator of an applicable defined contribution plan shall provide notice of any transaction suspension period to each participant or beneficiary to whom the transaction suspension period applies (and to any employee organization representing such participants).

“(2) NOTICE.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with rules or other guidance adopted by the Secretary) to allow applicable individuals to understand the timing and effect of such transaction suspension period.

“(3) TIMING OF NOTICE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the notice required by paragraph (1) shall be provided not later

than 30 days before the beginning of the transaction suspension period.

“(B) EXCEPTIONS TO 30-DAY NOTICE.—

“(i) UNPLANNED EVENTS.—In the case of any transaction suspension period which is imposed by reason of an event outside of the control of a plan sponsor or administrator, subparagraph (A) shall not apply and the notice shall be furnished as soon as reasonably possible under the circumstances.

“(ii) ACQUISITIONS, ETC.—In the case of any transaction suspension period—

“(I) in connection with an acquisition or disposition to which section 410(b)(6)(C) applies, or

“(II) due to such other circumstances specified by the Secretary,

the Secretary may provide that subparagraph (A) shall not apply and the notice shall be furnished at such time as the Secretary specifies.

“(4) FORM AND MANNER OF NOTICE.—The notice required by paragraph (1) shall be in writing, except that such notice may be in electronic or other form to the extent that such form is reasonably accessible to the applicable individual.

“(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) APPLICABLE DEFINED CONTRIBUTION PLAN.—The term ‘applicable defined contribution plan’ means a defined contribution plan which—

“(A) is a qualified retirement plan (as defined in section 4974(c)), and

“(B) permits a participant or beneficiary to exercise control over assets in his or her account.

“(2) TRANSACTION SUSPENSION PERIOD.—

“(A) IN GENERAL.—The term ‘transaction suspension period’ means a temporary or indefinite period of 2 or more consecutive business days during which there is a substantial reduction (other than by reason of application of securities laws) in the rights of 1 or more participants or beneficiaries to direct investments in a defined contribution plan.

“(B) BUSINESS DAY.—For purposes of this paragraph, a day shall not be treated as a business day to the extent that 1 or more established securities markets for trading securities are not open.”

(B) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end the following new item:

“Sec. 4980G. Failure of applicable plans to provide notice of transaction suspension period.”

(2) AMENDMENTS OF ERISA.—

(A) IN GENERAL.—Section 101 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 11021) is amended by redesignating the second subsection (h) as subsection (j) and by inserting after the first subsection (h) the following new subsection:

“(i)(1) The plan administrator of an individual account plan which permits a participant or beneficiary to exercise control over assets in his or her account applies shall provide notice of any transaction suspension period to each participant or beneficiary to whom the transaction suspension period applies (and to any employee organization representing such participants).

“(2) The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with rules or other guidance adopted by the Secretary of the Treasury) to allow applicable individuals to understand the timing and effect of such transaction suspension period.

“(3)(A) Except as provided in subparagraph (B), the notice required by paragraph (1) shall be provided not later than 30 days be-

fore the beginning of the transaction suspension period.

“(B)(i) In the case of any transaction suspension period which is imposed outside of the control of a plan sponsor or administrator, subparagraph (A) shall not apply and the notice shall be furnished as soon as reasonably possible under the circumstances.

“(ii) In the case of any transaction suspension period—

“(I) in connection with an acquisition or disposition to which section 410(b)(6)(C) of the Internal Revenue Code of 1986 applies, or

“(II) due to such other circumstances specified by the Secretary of the Treasury,

the Secretary of the Treasury may provide that subparagraph (A) shall not apply and the notice shall be furnished at such time as the Secretary specifies.

“(4) The notice required by paragraph (1) shall be in writing, except that such notice may be in electronic or other form to the extent that such form is reasonably accessible to the applicable individual.

“(5)(A) For purposes of this subparagraph, the term ‘transaction suspension period’ means a temporary or indefinite period of 2 or more consecutive business days during which there is a substantial reduction (other than by reason of application of securities laws) in the rights of 1 or more participants or beneficiaries to direct investments in an individual account plan.

“(B) For purposes of this paragraph, a day shall not be treated as a business day to the extent that 1 or more established securities markets for trading securities are not open.”

(B) CIVIL PENALTIES FOR FAILURE TO PROVIDE NOTICE.—Section 502 of such Act is amended—

(i) in subsection (a)(6), by striking “or (6)” and inserting “(6), or (7)”;

(ii) by redesignating paragraph (7) of subsection (c) as paragraph (8); and

(iii) by inserting after paragraph (6) of subsection (c) the following new paragraph:

“(7) The Secretary may assess a civil penalty against any person of up to \$100 a day from the date of the person’s failure or refusal to provide notice to participants and beneficiaries in accordance with section 101(i). For purposes of this paragraph, each violation with respect to any single participant or beneficiary, shall be treated as a separate violation.”

(b) INAPPLICABILITY OF RELIEF FROM FIDUCIARY LIABILITY DURING SUSPENSION OF ABILITY OF PARTICIPANT OR BENEFICIARY TO DIRECT INVESTMENTS.—Section 404(c)(1) of such Act (29 U.S.C. 1104(c)(1)) is amended—

(1) in subparagraph (B), by inserting before the period the following: “, except that this subparagraph shall not apply for any period during which the ability of a participant or beneficiary to direct the investment of assets in his or her individual account is suspended by a plan sponsor or fiduciary”; and

(2) by adding at the end the following: “Any limitation or restriction that may govern the frequency of transfers between investment vehicles shall not be treated as a suspension referred to in subparagraph (B) to the extent such limitation or restriction is disclosed to participants or beneficiaries through the summary plan description or materials describing specific investment alternatives under the plan.”

“(c) SAFE HARBOR GUIDANCE.—The Secretary of Labor, in consultation with the Secretary of Treasury, shall, prior to December 31, 2002, issue final regulations providing clear guidance, including safe harbors, on how plan sponsors or any other affected fiduciaries can satisfy their fiduciary responsibilities during any period which the ability of a participant or beneficiary to direct the investment of assets in his or her individual account is suspended.”

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

(2) EXCEPTIONS TO 30-DAY NOTICE.—The Secretary of the Treasury shall, no later than 120 days after the date of the enactment of this Act, specify the circumstances under section 4980G(e)(3)(B)(ii) of the Internal Revenue Code of 1986 under which the 30-day notice rule would not apply and the time by which the notice is required to be provided.

SEC. 202. CERTAIN SALES AND PURCHASES OF COMPANY STOCK BY CORPORATE INSIDERS TO BE SUBJECT TO EXCISE TAX ON GOLDEN PARACHUTE PAYMENTS.

(a) IN GENERAL.—Section 4999 of the Internal Revenue Code of 1986 (relating to golden parachute payments) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) CERTAIN SALES OF COMPANY STOCK BY CORPORATE INSIDERS.—

“(1) TREATMENT AS EXCESS PARACHUTE PAYMENT.—

“(A) IN GENERAL.—For purposes of this section, if there is a sale or exchange, or purchase, of stock in a corporation by a corporate insider during any period in which a transaction suspension period affecting the ability of participants and beneficiaries to invest stock in such corporation is in effect with respect to a defined contribution plan—

“(i) to which section 401(a) (28) or (35) applies, and

“(ii) which is maintained by such corporation (or any other entity consolidated with such corporation for purposes of reporting to the Securities and Exchange Commission), any amount realized by the corporate insider on such sale or exchange (or the purchase price in the case of a purchase) shall be treated as an excess parachute payment.

“(B) LIMITATION.—Subparagraph (A) shall only apply to stock acquired by an individual by reason of the individual's employment with the corporation or by reason of any other relationship with the corporation that makes the individual a corporate insider.

“(2) APPLICATION TO OTHER INSTRUMENTS.—For purposes of paragraph (1)—

“(A) any sale or exchange, or purchase, of an option, warrant, or other derivative of stock in a corporation,

“(B) any transaction involving the exercise of an option, warrant, or other derivative of stock in a corporation, or

“(C) any similar transaction, shall be treated in the same manner as a transaction involving the sale or exchange, or purchase, of stock.

“(3) CORPORATE INSIDER.—For purposes of this subsection, the term ‘corporate insider’ means, with respect to a corporation, any individual who is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to such corporation.

“(4) TRANSACTION SUSPENSION PERIOD.—The term ‘transaction suspension period’ has the meaning given such term by section 4980G(f)(2).”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges after the 120th day after the date of the enactment of this Act.

TITLE III—PROVIDING OF INFORMATION TO ASSIST PARTICIPANTS

SEC. 301. PERIODIC PENSION BENEFITS STATEMENTS.

(a) EXCISE TAX.—

(1) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc., plans), as amended by this Act, is amended by adding at the end the following new section:

“SEC. 4980H. FAILURE OF CERTAIN DEFINED CONTRIBUTION PLANS TO PROVIDE REQUIRED QUARTERLY STATEMENTS.

“(a) IMPOSITION OF TAX.—There is hereby imposed a tax on the failure of an applicable defined contribution plan to meet the requirements of subsection (e) with respect to any participant or beneficiary.

“(b) AMOUNT OF TAX.—

“(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to any participant or beneficiary shall be \$100 for each day in the non-compliance period with respect to the failure.

“(2) NONCOMPLIANCE PERIOD.—For purposes of this section, the term ‘noncompliance period’ means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the statement to which the failure relates is provided or the failure is otherwise corrected.

“(c) LIMITATIONS ON AMOUNT OF TAX.—

“(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED AND REASONABLE DILIGENCE EXERCISED.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that any person subject to liability for tax under subsection (d) did not know that the failure existed and exercised reasonable diligence to meet the requirements of subsection (e).

“(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

“(A) any person subject to liability for the tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), and

“(B) such person provides the statement described in subsection (e) during the 30-day period beginning on the first date such person knew, or exercising reasonable diligence should have known, that such failure existed.

“(3) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—

“(A) IN GENERAL.—If the person subject to liability for tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed \$500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as 1 plan.

“(B) TAXABLE YEARS IN THE CASE OF CERTAIN CONTROLLED GROUPS.—For purposes of this paragraph, if all persons who are treated as a single employer for purposes of this section do not have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

“(4) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

“(d) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by subsection (a):

“(1) In the case of a plan other than a multiemployer plan, the employer.

“(2) In the case of a multiemployer plan, the plan.

“(e) REQUIREMENT TO PROVIDE QUARTERLY STATEMENTS.—

“(1) IN GENERAL.—The administrator of an applicable defined contribution plan shall furnish a pension benefit statement—

“(A) to a plan participant at least once each calendar quarter, and

“(B) to a plan beneficiary upon written request but no more frequently than once during any 12-month period.

“(2) STATEMENT.—

“(A) IN GENERAL.—A pension benefit statement under paragraph (1) shall indicate, on the basis of the latest available information—

“(i) the total benefits accrued, and

“(ii) the nonforfeitable pension benefits, if any, which have accrued, or the earliest date on which benefits will become nonforfeitable.

“(B) SPECIFIC INFORMATION.—A pension benefit statement under paragraph (1) shall include (together with the information required in subparagraph (A))—

“(i) the value of any assets held in the form of employer securities, without regard to whether such securities were contributed by the plan sponsor or acquired at the direction of the plan or of the participant or beneficiary, and an explanation of any limitations or restrictions on the right of the participant or beneficiary to direct an investment; and

“(ii) an explanation of the importance, for the long-term retirement security of participants and beneficiaries, of a well-balanced and diversified investment portfolio, including a discussion of the risk of holding substantial portions of a portfolio in the security of any one entity, such as employer securities.

“(3) MANNER OF STATEMENT.—A pension benefit statement under paragraph (1)—

“(A) shall be written in a manner calculated to be understood by the average plan participant, and

“(B) may be provided in written, electronic, or other appropriate form.

“(f) APPLICABLE DEFINED CONTRIBUTION PLAN.—For purposes of this section, the term ‘applicable defined contribution plan’ means a defined contribution plan which—

“(1) is a qualified retirement plan (as defined in section 4974(c)), and

“(2) permits a participant or beneficiary to exercise control over assets in his or her account.”

(2) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end the following new item:

“Sec. 4980H. Failure of certain defined contribution plans to provide required quarterly statements.”

(b) AMENDMENTS OF ERISA.—

(1) IN GENERAL.—Section 105(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025(a)) is amended to read as follows:

“(a)(1)(A) The administrator of an individual account plan shall furnish a pension benefit statement—

“(i) to a plan participant at least once annually (each calendar quarter in the case of an applicable individual account plan), and

“(ii) to a plan beneficiary upon written request.

“(B) The administrator of a defined benefit plan shall furnish a pension benefit statement—

“(i) at least once every 3 years to each participant with a nonforfeitable accrued benefit who is employed by the employer maintaining the plan at the time the statement is furnished to participants, and

“(ii) to a participant or beneficiary of the plan upon written request.

Information furnished under subparagraph (B) to a participant (other than at the request of the participant) may be based on reasonable estimates determined under regulations prescribed by the Secretary.

“(2)(A) A pension benefit statement under paragraph (1)—

“(i) shall indicate, on the basis of the latest available information—

“(I) the total benefits accrued, and

“(II) the nonforfeitable pension benefits, if any, which have accrued, or the earliest date on which benefits will become nonforfeitable,

“(ii) shall be written in a manner calculated to be understood by the average plan participant, and

“(iii) may be provided in written, electronic, telephonic, or other appropriate form.

“(B) In the case of an applicable individual account plan, the pension benefit statement under paragraph (1) shall include (together with the information required in subparagraph (A))—

“(i) the value of any assets held in the form of employer securities, without regard to whether such securities were contributed by the plan sponsor or acquired at the direction of the plan or of the participant or beneficiary, and an explanation of any limitations or restrictions on the right of the participant or beneficiary to direct an investment, and

“(ii) an explanation of the importance, for the long-term retirement security of participants and beneficiaries, of a well-balanced and diversified investment portfolio, including a discussion of the risk of holding substantial portions of a portfolio in the security of any 1 entity, such as employer securities.

“(C) For purposes of this subsection, the term ‘applicable individual account plan’ means an individual account plan to which section 404(c) applies.

“(3)(A) In the case of a defined benefit plan, the requirements of paragraph (1)(B)(i) shall be treated as met with respect to a participant if the administrator provides the participant at least once each year with notice of the availability of the pension benefit statement and the ways in which the participant may obtain such statement. Such notice shall be provided in written, electronic, telephonic, or other appropriate form, and may be included with other communications to the participant if done in a manner reasonably designed to attract the attention of the participant.

“(B) The Secretary may provide that years in which no employee or former employee benefits (within the meaning of section 410(b) of the Internal Revenue Code of 1986) under the plan need not be taken into account in determining the 3-year period under paragraph (1)(B)(i).”

(c) CONFORMING AMENDMENTS.—

(1) Section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by striking subsection (d).

(2) Section 105(b) of such Act (29 U.S.C. 1025(b)) is amended to read as follows:

“(b) In no case shall a participant or beneficiary of a plan be entitled to more than 1 statement described in subsection (a)(1)(A)(i) or (B)(ii), whichever is applicable, in any 12-month period.”

(d) MODEL STATEMENTS.—The Secretary of Labor shall develop 1 or more model benefit statements, written in a manner calculated to be understood by the average plan participant, that may be used by plan administrators in complying with the requirements of section 4980H of the Internal Revenue Code of 1986 and section 105 of the Employee Retirement Income Security Act of 1974.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2003.

TECHNICAL EXPLANATION OF S. 1971

DIVERSIFICATION OF PENSION PLAN ASSETS

The bill amends the Internal Revenue Code to require a qualified defined contribution plan invested in publicly-traded employer securities to provide participants with the right to diversify their investment in employer securities. A participant must be provided with the immediate right to reinvest elective deferrals that are invested in employer securities. In addition, the participant must be provided with the right to invest employer contributions that are invested in employer securities once the participant has 3 or more years of service.

The participant must be permitted to reinvest employer securities allocated to the participant's account in any other investment option currently available to employees, and the plan must provide at least 3 alternative investment options. These diversification rights are also extended to any beneficiary of a participant.

A plan will fail to comply with this requirement if the ability of participants to diversify their investment in employer securities is restricted under the plan or in practice. For example, a plan will not comply with this requirement if it provides for diversification of investment in employer securities, but also provides for a reduced matching contribution for any participant who invests any employer securities in another investment option. The bill also amends ERISA by adding this diversification requirement to section 204.

These diversification requirements do not apply to an ESOP that provides only for non-elective employer contributions and is separate from any other qualified plan maintained by the same employer. These ESOPs continue to be subject to the diversification requirements in effect under section 401(a)(28) of the Code.

PROTECTION OF EMPLOYEES DURING PENSION PLAN TRANSACTION SUSPENSION PERIODS

Notice of transaction suspension periods

The bill requires that participants and beneficiaries who are permitted to direct the investment of their accounts in a qualified defined contribution plan must be notified by the plan administrator of any “transaction suspension period” no later than 30 days before the transaction suspension period begins.

A transaction suspension period is any temporary or indefinite period of 2 or more business days during which there is a substantial reduction in the rights of participant or beneficiaries to direct investments (other than by reason of the application of securities laws). The notice must provide sufficient information to allow affected participants and beneficiaries to understand the timing and effect of the transaction suspension period and must be written in a manner calculated to be understood by the average plan participant.

The notice may be provided in writing or through an electronic or other form reasonably accessible to the affected participants and beneficiaries. These requirements are not violated if 30-days notice could not be provided because of events outside of the control of the plan sponsor or administrator, provided that notice is provided as soon as is reasonably possible under the circumstances. This exception to the 30-day requirement also applies, to the extent permitted in guidance by the Secretary, in other appropriate situations such as acquisitions or dispositions.

The bill also imposes an excise tax of \$100 a day on the failure of a qualified defined contribution plan to provide notice to a participant or beneficiary. The excise tax is im-

posed on the employer or, in the case of a multiemployer plan, on the plan. No excise tax is imposed during any period during which any person subject to liability for the tax did not know that the failure existed and exercised reasonable diligence to meet the notice requirement.

In addition, no excise tax is imposed to the extent that a person subject to liability for the tax exercised reasonable diligence and actually provided notice as soon as reasonably practicable after the first date such person knew, or exercising reasonable diligence should have known, that such failure existed. For a person who exercised reasonable diligence, the tax is limited to no more than \$500,000 for the failures during a taxable year. Finally, the Secretary may waive all or part of any tax that would otherwise be imposed to the extent that payment of the tax would be excessive or otherwise inequitable.

Inapplicability of relief from fiduciary liability during transaction suspension period

The provisions of ERISA that limit fiduciary liability during periods when a participant or beneficiary exercises control over assets in his account would be amended to clarify that this limit does not apply during any transaction suspension period.

Trading in company stock by corporate insiders subject to excise tax

Under the bill, a corporate insider is subject to a 20% excise tax on any acquisition, disposition, or similar transaction involving any employer securities during any transaction suspension period that affects investment in employer securities with respect to which notice must be provided to any plan participant or beneficiary.

The excise tax is calculated based on the amount realized by the insider in any sale or other disposition or the fair market value of securities acquired by the insider during the transaction suspension period. For this purpose, “corporate insiders” are individuals subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to the corporation.

PROVIDING OF INFORMATION TO ASSIST PARTICIPANTS

Periodic pension benefit statements

The bill amends ERISA to require the plan administrator of a qualified defined contribution plan to provide participants with benefit statements at least annually, except that benefit statements must be provided at least quarterly to participants who have the ability to direct the investment of their account in the plan. These statements must provide information on (i) the fair market value of assets in the participant's account, (ii) the portion of the assets which are nonforfeitable and the earliest date on which assets not nonforfeitable become so, (iii) the percentage (if any) which the fair market value of employer securities bears to the fair market value of assets in the account, and (iv) a reminder of the importance of having diversified investments of assets in the plan and other plans of the employer in which the individual is also a participant. In addition, statements must be provided to plan beneficiaries at least annually, if requested in writing.

The bill also amends ERISA to require that the administrator of a qualified defined benefit plan provide a benefit statement at least every 3 years to a participant with a nonforfeitable accrued benefit who is employed by the employer maintaining the plan at the time the statement is furnished. A statement is also required to be provided to any participant or beneficiary upon written request.

This benefit statement must provide information on the total benefits accrued, the

nonforfeitable pension benefits, if any, which have accrued, or the earliest date on which benefits will become nonforfeitable. The statement must be written in a manner calculated to be understood by the average plan participant and may be provided in writing or in electronic or other form reasonably accessible by the participant.

The information provided in a defined benefit plan statement, other than a statement requested by a plan participant, may be based on reasonable estimates. The requirement to provide a defined benefit plan statement is met if the plan notifies participants annually of the availability of a statement and information on how the participant can obtain a statement.

The bill also imposes an excise tax of \$100 a day during a period of noncompliance with the requirement that quarterly benefit statements be provided to participants who have the right to direct investment of their account. The excise tax is imposed on the employer or, in the case of a multiemployer plan, on the plan. No excise tax is imposed during any period during which any person subject to liability for the tax did not know that the failure existed and exercised reasonable diligence to meet the notice requirement.

In addition, no excise tax is imposed to the extent that a person subject to liability for the tax exercised reasonable diligence and actually provided notice as soon as reasonably practicable after the first date such person knew, or exercising reasonable diligence should have known, that such failure existed. For a person who exercised reasonable diligence, the tax is limited to no more than \$500,000 for the failures during a taxable year. Finally, the Secretary may waive all or part of any tax that would otherwise be imposed to the extent that payment of the tax would be excessive or otherwise inequitable.

EFFECTIVE DATE

The provisions of the bill would be effective for plan years beginning on or after January 1, 2003, except that the provisions related to the provision of benefit statements would be effective for plan years beginning after December 31, 2003. The bill provides a transition period for compliance with the diversification requirements for plans maintained pursuant to collective bargaining agreements.

By Mr. ROCKEFELLER:

S. 1972. A bill to amend the charter of the AMVETS organization; to the Committee on the Judiciary.

Mr. ROCKEFELLER. Mr. President, today I introduce legislation on behalf of American Veterans of World War II, Korea, and Vietnam, AMVETS, a nonprofit veterans service organization chartered by Congress in 1947, which boasts approximately 250,000 members. Formed in the years immediately following World War II, AMVETS has served America's veterans for more than 50 years.

This bill would amend the AMVETS' congressional charter in three ways. First, it would change AMVETS' official name from "American Veterans of World War II, Korea, and Vietnam" to simply "American Veterans," in order to more accurately reflect the group's membership; second, it would amend the charter to reflect long-standing organizational changes; and finally, it would recognize the change of address for AMVETS' headquarters from Washington, DC, to Lanham, MD.

These amendments are important to allowing AMVETS to continue its strong tradition of serving veterans. I am proud to offer them my assistance, and I ask that my colleagues act quickly to accommodate these small changes.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1972

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

SECTION 1. AMENDMENTS TO AMVETS CHARTER.

(a) NAME OF ORGANIZATION.—(1) Sections 22701(a) and 22706 of title 36, United States Code, are amended by striking "AMVETS (American Veterans of World War II, Korea, and Vietnam)" and inserting "AMVETS (American Veterans)".

(2)(A) The heading of chapter 227 of such title is amended to read as follows:

"CHAPTER 227—AMVETS (AMERICAN VETERANS)".

(B) The item relating to such chapter in the table of chapters at the beginning of subtitle II of such title is amended to read as follows:

"227. AMVETS (American veterans) .. 22701".

(b) GOVERNING BODY.—Section 22704(c)(1) of such title is amended by striking "seven national vice commanders" and all that follows through "a judge advocate," and inserting "two national vice commanders, a finance officer, a judge advocate, a chaplain, six national district commanders.".

(c) HEADQUARTERS AND PRINCIPAL PLACE OF BUSINESS.—Section 22708 of such title is amended—

(1) by striking "the District of Columbia" in the first sentence and inserting "Maryland"; and

(2) by striking "the District of Columbia" in the second sentence and inserting "Maryland".

AMENDMENTS SUBMITTED AND PROPOSED

SA 2940. Mr. BOND proposed an amendment to amendment SA 2937 submitted by Mr. SCHUMER and intended to be proposed to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

SA 2941. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2942. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2940. Mr. BOND proposed an amendment to amendment SA 2937 submitted by Mr. SCHUMER and intended

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

At the end, add the following:

SEC. . SIGNATURE VERIFICATION PROGRAMS.

Notwithstanding any other provision of this Act, a State may use a signature verification or affirmation program to meet the requirements of section 103(b) relating to the verification of the identity of individuals who register to vote by mail only if the Attorney General certifies that less than one-half of 1 percent of votes cast in the 2 most recent elections for Federal office were cast by voters who were not eligible to vote under the law of such State.

SA 2941. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 18, line 8, strike through page 19, line 24, and insert the following:

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraphs (3) and (4), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual has registered to vote in a jurisdiction by mail; and

(B) the individual has not previously voted in an election for Federal office in that State.

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark for matching with the signature or personal mark of the individual on record with a State or local election official; or

(i) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark for matching with the signature or personal mark of the individual on record with a State or local election official.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) IDENTITY VERIFICATION BY SIGNATURE OR PERSONAL MARK.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

SA 2942. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, strike lines 19 and 20, and insert the following:

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

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND UNION AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 27, 2002, at 10 a.m., to conduct an oversight hearing on “Corporate Governance.”

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 27, 2002, at 2 p.m., to hear testimony on “Retirement Security: Picking up the Enron Pieces.”

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 27, 2002, at 10 a.m., to hold a hearing titled, “Now Do We Promote Democratization, Poverty Alleviation, and Human Rights To Build a More Secure Future?”

Agenda

Witnesses: The Honorable Madeleine Albright, former Secretary of State, Chairman, National Democratic Institute, Washington, DC, and the Honorable Richard N. Perle, former Assistant Secretary of Defense for International Security, Resident Fellow, American Enterprise Institute, Washington, DC.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 27, 2002, at 2:15 p.m., to hold a hearing titled, “U.S. Funding for the UN Population Fund: The Effect on Women's Lives.”

Agenda

Witnesses

Panel 1: Mr. Arthur E. “Gene” Dewey, Assistant Secretary, Bureau of Population, Refugees, and Migration, Department of State, Washington, DC.

Panel 2: The Honorable Nicolas H. Biegan, former Ambassador of the Netherlands to NATO, Amsterdam, the Netherlands; Mrs. Phyllis E. Oakley, Former Assistant Secretary of State for Intelligence and Research, Former Assistant Secretary of State for Population, Refugees, and Migration, Adjunct Professor, Johns Hopkins University, Washington, DC; Ms. Josephine Guy, Director of Governmental Affairs, America 21, Louisville, KY; and Dr. Nicholas Eberstadt, Henry Wendt Chair in Political Economy, American Enterprise Institute, Washington, DC.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, February 27, 2002, at 9:30 a.m., to hold a hearing entitled “The Watchdogs Didn't Bark: Enron and the Wall Street Analysts.”

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Employment Non-Discrimination Act, ENDA, during the session of the Senate on Wednesday, February 27, 2002, at 10 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Workplace Safety and Health for Immigration and Low Wage Workers during the session of the Senate on Wednesday, February 27, 2002, at 2 p.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, February 27, 2002, at 2 p.m., in room 106 of the Dirksen Senate Building to conduct a hearing on the rulings of the U.S. Supreme Court affecting tribal governments powers and authorities.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Sovereign Immunity and the Protection of Intellectual Property” on Wednesday, February 27, 2002, at 10 a.m., in Dirksen room 226.

Revised Witness List

Panel I: James E. Rogan, Under Secretary of Commerce for Intellectual Property, Director of the U.S. Patent and Trademark Office, Washington, DC; and Marybeth Peters, Register of Copyrights, U.S. Copyright Office, Washington, DC.

Panel II: Michael K. Kirk, Executive Director, American Intellectual Property Law Association, Arlington, Virginia; Keith Shraad, Western Regional Director, National Information Consortium, Lawrence, Kansas; William E. Thro, General Counsel, Christopher Newport University, Newport News, Virginia; and Paul Bender, Professor, Arizona State University College of Law, Counsel to Meyer & Klipper, PLLC, Washington, DC.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing regarding the U.S. Small Business Administration's Fiscal Year 2003 Budget and other matters on Wednesday, February 27, 2002, beginning at 9 a.m., in room 428A of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet

during the session of the Senate on Wednesday, February 27, 2002, for a joint hearing with the House of Representatives' Committee on Veterans Affairs, to hear the legislative presentations of the Disabled American Veterans and the Veterans of Foreign Wars.

The hearing will take place in room 345 of the Cannon House Office Building at 9:30 a.m.

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

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, February 27, 2002, from 9 a.m.–12 p.m., in Dirksen 628 for the purpose of conducting a hearing.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 27, 2002, at 2:30 p.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 27, 2002, at 2:30 p.m., in open and closed session to receive testimony on the weapons of mass destruction threat from Iraq.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 27, 2002, at 10 a.m., in open session to receive testimony on Department of Defense acquisition policy.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, February 27, 2002, at 2 p.m., on digital divide and minority serving institutions.

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

MEASURE PLACED ON CALENDAR—H.R. 2356

Mr. REID. Mr. President, I understand H.R. 2356 is at the desk and is due for its second reading.

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

The senior assistant bill clerk read as follows:

A bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

Mr. REID. Mr. President, I ask unanimous consent that H.R. 2356 be read for a second time, and I would object to any further proceedings.

The PRESIDING OFFICER. Under the rule, the bill will be placed on the calendar.

READ ACROSS AMERICA DAY

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. Res. 211, and that the Senate then proceed to its immediate consideration.

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

The clerk will report the bill by title. The senior assistant bill clerk read as follows:

A resolution (S. 211) designating March 2, 2002, as "Read Across America Day."

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

The resolution (S. Res. 211) was agreed to.

The preamble was agreed to. The resolution, with its preamble, is as follows:

S. RES. 211

Whereas reading is a basic requirement for quality education and professional success, and a source of pleasure throughout life;

Whereas Americans must be able to read if the Nation is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107-110) and the new Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and additional resources for reading assistance; and

Whereas more than 40 national associations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2002, as "Read Across America Day";

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of Dr. Seuss and in a celebration of reading; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 699, 700, and 701, and the nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements thereon be printed in the RECORD, and the Senate return to legislative session.

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

The nominations considered and confirmed are as follows:

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Steven R. Polk, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John R. Baker, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Lance W. Lord, 0000.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

PN1312 Air Force nomination of David E. Blum, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of December 20, 2001

PN1313 Air Force nominations (2) beginning JAMES C. COOPER, II, and ending JOHN J. KUPKO, II, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of December 20, 2001

PN1349 Air Force nominations (2) beginning LINDA F. JONES, and ending Robert J. King, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 2002

PN1350 Air Force nomination of Dan Rose, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 2002

PN1351 Air Force nominations (3) beginning DOUGLAS W. KNIGHTON, and ending ROBERT J. SEMRAD, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 2002

PN1352 Air Force nominations (5) beginning RICHARD E. HORN, and ending MARK A. WEINER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 2002

PN1358 Air Force nominations (10) beginning VINCENT G. DEBONO, JR., and ending AMY M. ROWE, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 2002

PN1360 Air Force nominations (41) beginning KATHRYN L. AASEN, and ending JUSTIN N. ZUMSTEIN, which nominations were

received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 2002

PN1362 Air Force nominations (155) beginning MELISSA A. AERTS, and ending RICHARD M. ZWIRKO, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 2002

PN1353 Air Force nominations (295) beginning TODD E. ABBOTT, and ending STEPHEN J. ZIMMERMANN, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 2002

PN1369 Air Force nominations (56) beginning KIRBY D. AMONSON, and ending DALTON P. WILSON, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 2002

PN1377 Air Force nominations (2) beginning SANDRA G. MATHEWS, and ending MARGARET M. NONNEMACHER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 2002

PN1378 Air Force nominations (2) beginning REBECCA A. DOBBS, and ending MAX S. KUSH, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 2002

PN1379 Air Force nominations (11) beginning ERNEST H. BARNETT, and ending RONALD W. SCHMIDT, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 2002

PN1380 Air Force nominations (16) beginning SANDRA H. ALFORD, and ending FRANCIS C. ZUCCONI, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 2002

PN1381 Air Force nominations (14) beginning RAUL A. AGUILAR, and ending GILBERT L. WERGOWSKA, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 2002

PN1382 Air Force nominations (143) beginning LARRY W. ALEXANDER, and ending CLAUDIA R. ZIEBIS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 2002

ARMY

PN1299 Army nomination of LESLIE C. SMITH, II, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of December 18, 2001

PN1353 Army nominations (8) beginning FRANKLIN E. LIMERICK, JR., and ending GARY J. THORSTENSON, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 2002

PN1354 Army nominations (7) beginning DARLENE S. COLLINS, and ending MICHAEL J. WAGNER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 2002

PN1364 Army nominations (17) beginning GARY J. BROCKINGTON, and ending DONNA M. WRIGHT, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 2002

PN1438 Army nominations (35) beginning MARIAN AMREIN, and ending STEVEN M. WALTERS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 15, 2002

MARINE CORPS

PN1367 Marine Corps nominations (143) beginning ROBERT J. ABLITT, and ending CARL J. WOODS, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 2002

PN1368 Marine Corps nominations (192) beginning DONALD A. BARNETT, and ending NICOLAS R. WISECARVER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 2002

PN1418 Marine Corps nominations (365) beginning ALBERT R. ADLER, and ending PETER D. ZORETIC, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 11, 2002

NAVY

PN1391 Navy nominations (4) beginning GREGORY W. KIRWAN, and ending MATTHEW M. SCOTT, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 5, 2002

PN1392 Navy nominations (9) beginning MICHAEL J. ADAMS, and ending SCOTT A. SUOZZI, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 5, 2002

PN1419 Navy nomination John J. Whyte, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 11, 2002

PN1420 Navy nominations (33) beginning KELLY V. AHLM, and ending THOMAS A. WINTER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 11, 2002

PN1421 Navy nominations (262) beginning RENE V. ABADESCO, and ending MARK W. YATES, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 11, 2002

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

BLACK HISTORY MONTH

Mr. BROWNBACK. Mr. President, perhaps one of the most moving anthems of this Nation was written by Katharine Lee Bates, "America The Beautiful." In the fourth verse, Ms. Bates wrote:

O beautiful for patriot dream that sees beyond the years,
Thine alabaster cities gleam undimmed by human tears!

From the inception of our Nation, many Americans have given their lives in order that we may enjoy the freedom and prosperity of American society. Now where is that more apparent than in our military history.

As we celebrate Black History Month, it is fitting that we take time to remember those Americans who, undaunted by the confines of slavery, oppression, and segregation, fought valiantly to preserve our great Nation.

During the struggle for national independence during the Revolutionary

War, approximately 8,000 to 10,000 African-American soldiers served the cause for freedom. Of that number, 5,000 African Americans served in combat roles. These brave soldiers fought or provided labor in virtually every major action of the war, from the first exchange of fire at Lexington and Concord to the decisive victory at Yorktown.

When the war of 1812 broke out between the United States and Great Britain, once again African Americans offered their services to protect this country. For example, New York raised two 1,000-man African-American regiments and many White units included African-American soldiers.

In Philadelphia, 2,500 African Americans volunteered to erect fortifications on the outskirts of the city, and an estimated 10 percent of those serving on U.S. Navy ships in the Great Lakes were African Americans, who took part as seamen in Capt. Oliver Hazard Perry's victory over the British on Lake Erie in 1813. During the battle, an African-American soldier, Cytus Tiffany, used his body as a shield to protect Captain Perry during the battle.

Captain Perry later wrote:

I have yet to learn that the colour of a man's skin * * * can affect a man's qualifications or usefulness.

Similarly, many African Americans quickly volunteered their military services during the Civil War. In fact, many slaves escaped persecution to join the Union forces in order to end slavery in this country.

One such brave individual was Robert Smalls. Smalls, who was born into slavery, was "hired out" by his Master for various jobs, including that of sailor. While serving on a ship called the Planter, Smalls coordinated and carried out an escape with the Confederate vessel into Federal lines on May 13, 1862.

Following this heroic deed, Robert eventually was made captain of the vessel. Robert's courage and intelligence in delivering the Planter to the Union forces helped invalidate the theory that Blacks were inferior to whites and greatly influenced the 1862 debates over slavery and the Union's use of African American soldiers.

One of the most distinguished and revered African-American military regiments in our Nation's history was the Buffalo Soldiers.

After the Civil war, the future of African Americans in the U.S. Army was in question. However, in July 1866, Congress passed legislation establishing two cavalry and four infantry regiments that were to be solely comprised of African Americans. The mounted regiments were the 9th and 10th Cavalries, soon nicknamed "Buffalo Soldiers" by the Cheyenne and Comanche Tribes.

Until the early 1890s, they constituted 20 percent of all cavalry forces on the American frontier. Their invaluable service on the Western frontier still remains one of the most exemplary services preformed by a regiment in the U.S. Army.

As a Kansan and an American, I am very proud of the Buffalo Soldiers. In fact, this is a picture of the late Elmer Robinson, Sergeant 1st Class, 10th Cavalry. Mr. Robinson served his country valiantly from 1935 to 1955. After he retired from the military, he resided in Leavenworth, KS until his death in July 2000. Over the years African-Americans continued to serve valiantly for our country such as with the Tuskegee Airmen in World War II and subsequent wars following. In 1948, President Harry Truman issued an Executive Order that paved the way for our Armed Forces to end segregation.

Over the years, the military produced many distinguished African-Americans such as, Benjamin O. Davis, Sr., who was the first African-American general in the regular Armed Forces and his son, Benjamin O. Davis, Jr., who became the second African-American general in the regular Armed Forces and in the Air Force.

Finally, one of the most distinguished and recognized African-American military leaders in our Nation is Secretary of State, General Colin Powell. Secretary Powell has served and continues to serve this country with distinction. He dedicated the monument we have, a statue of a Buffalo soldier on horseback in Leavenworth, KS.

During the late 1980s, former President George Bush nominated Secretary Powell as Chairman of the Joint Chiefs of Staff—becoming the first African-American to serve in this capacity. This would not be his last “African-American first” accomplishment however. After the election of President George W. Bush, the President nominated Secretary Powell to the position of Secretary of State where he serves currently with distinction.

This American history is just a glimpse of what I hope will be showcased on a national level. As you know, we recently passed legislation that creates a Presidential Commission charged with recommending a legislative plan of action to establish a National African-American history and culture museum in Washington, DC. It had been 70 years people had fought for this museum. We passed it last year.

This is the first concrete step we have taken to properly honor the many contributions of African-Americans in this society. Currently, we are in the process of nominating the presidential commission and I am looking forward to the commission's recommendations regarding establishing this museum on the National Mall—where it belongs.

Indeed, this country has been richly blessed by the contributions and sacrifices of African-Americans.

Cytus Tiffany, Robert Smalls, the Buffalo Soldiers, and the Tuskegee Airmen only make up a fraction of Americans who believed in the ideals of America and were willing to “see beyond” the years of their oppression to a society that was fully inclusive of all citizens despite race.

Because of their sacrifices, our Nation has prospered and grown into the

symbol of freedom around the world. As we continue to ensure our national freedom, we encourage you to join us and celebrate this magnificent American history; a history of a group of individuals who were brought to our shores in shackles, yet, helped remove “shackles” from our society to ensure that we live together in peace and prosperity.

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

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

UNANIMOUS CONSENT AGREEMENT—AMENDMENT NO. 2917, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that amendment No. 2917 be modified with the changes at the desk, notwithstanding the pendency of S. 517; that upon modification, the amendment be printed as a Senate document.

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

The amendment, as modified, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Energy Policy Act of 2002”.

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.

Sec. 2. Table of contents.

DIVISION A—RELIABLE AND DIVERSE POWER GENERATION AND TRANSMISSION

TITLE I—REGIONAL COORDINATION

Sec. 101. Policy on regional coordination.

Sec. 102. Federal support for regional coordination.

TITLE II—ELECTRICITY

Subtitle A—Amendments to the Federal Power Act

Sec. 201. Definitions.

Sec. 202. Electric utility mergers.

Sec. 203. Market-based rates.

Sec. 204. Refund effective date.

Sec. 205. Transmission interconnections.

Sec. 206. Open access transmission by certain utilities.

Sec. 207. Electric reliability standards.

Sec. 208. Market transparency rules.

Sec. 209. Access to transmission by intermittent generators.

Sec. 210. Enforcement.

Subtitle B—Amendments to the Public Utility Holding Company Act

Sec. 221. Short title.

Sec. 222. Definitions.

Sec. 223. Repeal of the Public Utility Holding Company Act of 1935.

Sec. 224. Federal access to books and records.

Sec. 225. State access to books and records.

Sec. 226. Exemption authority.

Sec. 227. Affiliate transactions.

Sec. 228. Applicability.

Sec. 229. Effect on other regulations.

Sec. 230. Enforcement.

Sec. 231. Savings provisions.

Sec. 232. Implementation.

Sec. 233. Transfer of resources.

Sec. 234. Inter-agency review of competition in the wholesale and retail markets for electric energy.

Sec. 235. GAO study on implementation.

Sec. 236. Effective date.

Sec. 237. Authorization of appropriations.

Sec. 238. Conforming amendments to the Federal Power Act.

Subtitle C—Amendments to the Public Utility Regulatory Policies Act of 1978

Sec. 241. Real-time pricing standard.

Sec. 242. Adoption of additional standards.

Sec. 243. Technical assistance.

Sec. 244. Cogeneration and small power production purchase and sale requirements.

Sec. 245. Net metering.

Subtitle D—Consumer Protections

Sec. 251. Information disclosure.

Sec. 252. Consumer privacy.

Sec. 253. Unfair trade practices.

Sec. 254. Applicable procedures.

Sec. 255. Federal Trade Commission enforcement.

Sec. 256. State authority.

Sec. 257. Application of subtitle.

Sec. 258. Definitions.

Subtitle E—Renewable Energy and Rural Construction Grants

Sec. 261. Renewable energy production incentive.

Sec. 262. Assessment of renewable energy resources.

Sec. 263. Federal purchase requirement.

Sec. 264. Rural construction grants.

Sec. 265. Renewable portfolio standard.

Sec. 266. Renewable energy on Federal land.

TITLE III—HYDROELECTRIC RELICENSING

Sec. 301. Alternative mandatory conditions and fishways.

Sec. 302. Charges for tribal lands.

Sec. 303. Disposition of hydroelectric charges.

Sec. 304. Annual licenses.

Sec. 305. Enforcement.

Sec. 306. Establishment of hydroelectric relicensing procedures.

Sec. 307. Relicensing study.

Sec. 308. Data collection procedures.

TITLE IV—INDIAN ENERGY

Sec. 401. Comprehensive Indian energy program.

Sec. 402. Office of Indian Energy Policy and Programs.

Sec. 403. Conforming amendments.

Sec. 404. Siting energy facilities on tribal lands.

Sec. 405. Indian Mineral Development Act review.

Sec. 406. Renewable energy study.

Sec. 407. Federal Power Marketing Administrations.

Sec. 408. Feasibility study of combined wind and hydropower demonstration project.

TITLE V—NUCLEAR POWER

Subtitle A—Price-Anderson Act Reauthorization

Sec. 501. Short title.

Sec. 502. Extension of Department of Energy indemnification authority.

Sec. 503. Department of Energy liability limit.

Sec. 504. Incidents outside the United States.

Sec. 505. Reports.

Sec. 506. Inflation adjustment.

Sec. 507. Civil penalties.

Sec. 508. Effective date.

Subtitle B—Miscellaneous Provisions

Sec. 511. Uranium sales.

- Sec. 512. Reauthorization of thorium reimbursement.
- Sec. 513. Fast Flux Test Facility.
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- TITLE VI—OIL AND GAS PRODUCTION**
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- Sec. 602. Federal onshore leasing programs for oil and gas.
- Sec. 603. Oil and gas lease acreage limitations.
- Sec. 604. Orphaned and abandoned wells on Federal lands.
- Sec. 605. Orphaned and abandoned oil and gas well program.
- Sec. 606. Offshore development.
- Sec. 607. Coalbed methane study.
- Sec. 608. Fiscal policies to maximize recovery of domestic oil and gas resources.
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- Sec. 701. Short title.
- Sec. 702. Findings.
- Sec. 703. Purposes.
- Sec. 704. Issuance of certificate of public convenience and necessity.
- Sec. 705. Environmental reviews.
- Sec. 706. Federal coordinator.
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- Sec. 711. Clarification of authority to amend terms and conditions to meet current project requirements.
- Sec. 712. Definitions.
- Sec. 713. Sense of the Senate.
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- Sec. 721. Application of the Historic Preservation Act to operating pipelines.
- Sec. 722. Environmental review and permitting of natural gas pipeline projects.
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- Sec. 802. Fuel economy truth in testing.
- Sec. 803. Ensuring safety of passenger automobiles and light trucks.
- Sec. 804. High occupancy vehicle exception.
- Sec. 805. Credit trading program.
- Sec. 806. Green labels for fuel economy.
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- Sec. 817. Biodiesel fuel use credits.
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- Sec. 916. Energy savings performance contract definitions.
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- Sec. 932. Increase of CDBG public services cap for energy conservation and efficiency activities.
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- Subtitle B—Climate Change Strategy**
- Sec. 1011. Short title.
- Sec. 1012. Findings.
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- Sec. 1015. United States Climate Change Response Strategy.
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Sec. 1342. Changes in findings.

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Sec. 1802. Role of the Department of Energy.

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DIVISION A—RELIABLE AND DIVERSE POWER GENERATION AND TRANSMISSION

TITLE I—REGIONAL COORDINATION

SEC. 101. POLICY ON REGIONAL COORDINATION.

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

while minimizing the impact of providing energy services on communities and the environment.

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

- (1) the generation or transmission of electric energy,
- (2) the transportation, storage, and distribution of crude oil, residual fuel oil, refined petroleum product, or natural gas, or
- (3) the reduction in load through increased efficiency, conservation, or load control measures.

SEC. 102. FEDERAL SUPPORT FOR REGIONAL COORDINATION.

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

- (1) assessing future supply availability and demand requirements,
- (2) planning and siting additional energy infrastructure, including generating facilities, electric transmission facilities, pipelines, refineries, and distributed generation facilities to meet regional needs,
- (3) identifying and resolving problems in distribution networks,
- (4) developing plans to respond to surge demand or emergency needs, and
- (5) developing renewable energy, energy efficiency, conservation, and load control programs.

(b) ANNUAL CONFERENCE ON REGIONAL ENERGY COORDINATION.—

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

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

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

(4) AGENDA.—The Secretary of Energy, in consultation with the officials identified in paragraph (3) and participants identified in paragraph (2), shall establish an agenda for each conference that promotes regional coordination on energy policy and infrastructure issues.

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

- (A) regional coordination on energy policy and infrastructure issues, and
- (B) federal support for regional coordination.

TITLE II—ELECTRICITY

Subtitle A—Amendments to the Federal Power Act

SEC. 201. DEFINITIONS.

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

“(22) ‘electric utility’ means any person or Federal or State agency (including any municipality) that sells electric energy; such

term includes the Tennessee Valley Authority and each Federal power marketing agency.

(b) DEFINITION OF TRANSMITTING UTILITY.—Section 3(23) of the Federal Power Act (16 U.S.C. 796(23)) is amended to read as follows:

“(23) TRANSMITTING UTILITY.—The term ‘transmitting utility’ means an entity (including any entity described in section 201(f)) that owns or operates facilities used for the transmission of electric energy in—

“(A) interstate commerce; or

“(B) for the sale of electric energy at wholesale.”.

SEC. 202. ELECTRIC UTILITY MERGERS.

Section 203(a) of the Federal Power Act (16 U.S.C. 824b) is amended to read as follows:

(a)(1) No public utility shall, without first having secured an order of the Commission authorizing it to do so—

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

“(B) merge or consolidate, directly or indirectly, such facilities or any part thereof with the facilities of any other person, by any means whatsoever,

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

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

“(2) No holding company in a holding company system that includes a transmitting utility or an electric utility company shall purchase, acquire, or take any security of, or, by any means whatsoever, directly or indirectly, merge or consolidate with a transmitting utility, an electric utility company, a gas utility company, or a holding company in a holding company system that includes a transmitting utility, an electric utility company, or a gas utility company, without first having secured an order of the Commission authorizing it to do so.

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

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

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

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

SEC. 203. MARKET-BASED RATES.

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

“(h) The Commission may determine whether a market-based rate for the sale of electric energy subject to the jurisdiction of the Commission is just and reasonable and not unduly discriminatory or preferential. In making such determination, the Commission shall consider—

“(1) whether the seller and its affiliates have, or have adequately mitigated, market power in the generation and transmission of electric energy;

“(2) whether the sale is made in a competitive market;

“(3) whether market mechanisms, such as power exchanges and bid auctions, function adequately;

“(4) the effect of demand response mechanisms;

“(5) the effect of mechanisms or requirements intended to ensure adequate reserve margins; and

“(6) other such considerations as the Commission may deem to be appropriate and in the public interest.”.

(b) REVOCATION OF MARKET-BASED RATES.—Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding at the end the following:

“(f) Whenever the Commission, after a hearing had upon its own motion or upon complaint, finds that a rate charged by a public utility authorized to charge a market-based rate under section 205 is unjust, unreasonable, unduly discriminatory or preferential, the Commission shall determine the just and reasonable rate and fix the same by order in accordance with this section, or order such other action as will, in the judgment of the Commission, adequately ensure a just and reasonable market-based rate.”.

SEC. 204. REFUND EFFECTIVE DATE.

Section 206(b) of the Federal Power Act (16 U.S.C. 824e(b)) is amended by—

(1) striking “60 days after the filing of such complaint nor later than 5 months after the expiration of such 60-day period” in the second sentence and inserting “on which the complaint is filed”; and

(2) striking “60 days after the publication by the Commission of notice of its intention to initiate such proceeding nor later than 5 months after the expiration of such 60-day period” in the third sentence and inserting “on which the Commission publishes notice of its intention to initiate such proceeding”.

SEC. 205. TRANSMISSION INTERCONNECTIONS.

Section 210 of the Federal Power Act (16 U.S.C. 824i) is amended to read as follows:

“TRANSMISSION INTERCONNECTION AUTHORITY

“SEC. 210. (a)(1) The Commission shall, by rule, establish technical standards and procedures for the interconnection of facilities used for the generation of electric energy with facilities used for the transmission of electric energy in interstate commerce. The rule shall provide—

“(A) criteria to ensure that an interconnection will not unreasonably impair the reliability of the transmission system; and

“(B) criteria for the apportionment or reimbursement of the costs of making the interconnection.

“(2) Notwithstanding section 201(f), a transmitting utility shall interconnect its transmission facilities with the generation facilities of a power producer upon the application of the power producer if the power producer complies with the requirements of the rule.

“(b) Upon the application of a power producer or its own motion, the Commission may, after giving notice and an opportunity for a hearing to any entity whose interest may be affected, issue an order requiring—

“(1) the physical connection of facilities used for the generation of electric energy with facilities used for the transmission of electric energy in interstate commerce;

“(2) such action as may be necessary to make effective any such physical connection;

“(3) such sale or exchange of electric energy or other coordination, as may be necessary to carry out the purposes of such order; or

“(4) such increase in transmission capacity as may be necessary to carry out the purposes of such order.

“(c) As used in this section, the term ‘power producer’ means an entity that owns

or operates a facility used for the generation of electric energy.”.

SEC. 206. OPEN ACCESS TRANSMISSION BY CERTAIN UTILITIES.

Part II of the Federal Power Act is further amended by inserting after section 211 the following:

“OPEN ACCESS BY UNREGULATED TRANSMITTING UTILITIES

“SEC. 211A. (1) Subject to section 212(h), the Commission may, by rule or order, require an unregulated transmitting utility to provide transmission services—

“(A) at rates that are comparable to those that the unregulated transmitting utility charges itself, and

“(B) on terms and conditions (not relating to rates) that are comparable to those under Commission rules that require public utilities to offer open access transmission services and that are not unduly discriminatory or preferential.

“(2) The Commission shall exempt from any rule or order under this subsection any unregulated transmitting utility that—

“(A) sells no more than 4,000,000 megawatt hours of electricity per year;

“(B) does not own or operate any transmission facilities that are necessary for operating an interconnected transmission system (or any portion thereof), or

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

“(3) The rate changing procedures applicable to public utilities under subsections (c) and (d) of section 205 are applicable to unregulated transmitting utilities for purposes of this section.

“(4) In exercising its authority under paragraph (1), the Commission may remand transmission rates to an unregulated transmitting utility for review and revision where necessary to meet the requirements of paragraph (1).

“(5) The provision of transmission services under paragraph (1) does not preclude a request for transmission services under section 211.

“(6) The Commission may not require a State or municipality to take action under this section that constitutes a private business use for purposes of section 141 of the Internal Revenue Code of 1986 (26 U.S.C. 141).

“(7) For purposes of this subsection, the term ‘unregulated transmitting utility’ means an entity that—

“(A) owns or operates facilities used for the transmission of electric energy in interstate commerce, and

“(B) is either an entity described in section 201(f) or a rural electric cooperative.”.

SEC. 207. ELECTRIC RELIABILITY STANDARDS.

Part II of the Federal Power Act is further amended by adding at the end the following:

“SEC. 215. ELECTRIC RELIABILITY STANDARDS.

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

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

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

“(b) STANDARDS.—In carrying out its responsibility under subsection (a), the Commission may adopt and enforce, in whole or in part, a reliability standard proposed or adopted by the North American Electric Reliability Council, a regional reliability council, a similar organization, or a State regulatory authority.

“(c) ENFORCEMENT.—In carrying out its responsibility under subsection (a), the Commission may certify one or more self-regulating reliability organizations (which may

include the North American Electric Reliability Council, one or more regional reliability councils, one or more regional transmission organizations, or any similar organization) to ensure the reliable operation of the interstate transmission system and to monitor and enforce compliance of their members with electric reliability standards adopted under this section.

“(d) COOPERATION WITH CANADA AND MEXICO.—The Commission shall ensure that any self-regulating reliability organization certified under this section, one or more of whose members are interconnected with transmitting utilities in Canada or the Republic of Mexico, provide for the participation of such utilities in the governance of the organization and the adoption of reliability standards. Nothing in this section shall be construed to extend the jurisdiction of the Commission outside of the United States.

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

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

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

“(2) The term ‘reliability’ means the ability of the interstate transmission system to transmit sufficient electric energy to supply the aggregate electric demand and energy requirements of electricity consumers at all times and the ability of the system to withstand sudden disturbances.”

SEC. 208. MARKET TRANSPARENCY RULES.

Part II of the Federal Power Act is further amended by adding at the end the following:

“SEC. 216. MARKET TRANSPARENCY RULES.

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

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

“(1) each regional transmission organization to provide statistical information about the available capacity and capacity constraints of transmission facilities operated by the organization; and

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

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

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

SEC. 209. ACCESS TO TRANSMISSION BY INTERMITTENT GENERATORS.

Part II of the Federal Power Act is further amended by adding at the end the following:

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

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

“(1) inherent to intermittent energy resources; and

“(2) are beyond the control of such generators.

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

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

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

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

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

“(c) DEFINITIONS.—As used in this section:

“(1) The term ‘intermittent generator’ means a facility that generates electricity using wind or solar energy and no other energy source.

“(2) The term ‘nonfirm transmission service’ means transmission service provided on an ‘as available’ basis.

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

SEC. 210. ENFORCEMENT.

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

(1) inserting “electric utility,” after “Any person,”; and

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

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

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

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

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

Subtitle B—Amendments to the Public Utility Holding Company Act

SEC. 221. SHORT TITLE.

This subtitle may be cited as the ‘Public Utility Holding Company Act of 2002’.

SEC. 222. DEFINITIONS.

For purposes of this subtitle:

(1) The term “affiliate” of a company means any company, 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, directly or indirectly, by such company.

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

(3) The term “Commission” means the Federal Energy Regulatory Commission.

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

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

(6) The terms “exempt wholesale generator” and “foreign utility company” have the same meanings as in sections 32 and 33, respectively, of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z-5a, 79z-5b), as those sections existed on the day before the effective date of this subtitle.

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

(8) The term “holding company” means—

(A) any company that directly or indirectly owns, controls, or holds, with power to vote, 10 percent or more of the outstanding voting securities of a public utility company or of a holding company of any public utility company; and

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

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

(10) The term “jurisdictional rates” means rates established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use.

(11) The term “natural gas company” means a person engaged in the transportation of natural gas in interstate commerce

or the sale of such gas in interstate commerce for resale.

(12) The term "person" means an individual or company.

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

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

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

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

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

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

(17) The term "voting security" means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

SEC. 223. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

The Public Utility Holding Company Act of 1935 (15 U.S.C. 79 et seq.) is repealed.

SEC. 224. FEDERAL ACCESS TO BOOKS AND RECORDS.

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

(b) AFFILIATE COMPANIES.—Each affiliate of a holding company or of any subsidiary company of a holding company shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records with respect to any transaction with another affiliate, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(c) HOLDING COMPANY SYSTEMS.—The Commission may examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(d) CONFIDENTIALITY.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of ex-

amination of books, accounts, memoranda, or other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

SEC. 225. STATE ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Upon the written request of a State commission having jurisdiction to regulate a public utility company in a holding company system, the holding company or any associate company or affiliate thereof, other than such public utility company, wherever located, shall produce for inspection books, accounts, memoranda, and other records that—

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

(2) the State commission deems are relevant to costs incurred by such public utility company; and

(3) are necessary for the effective discharge of the responsibilities of the State commission with respect to such proceeding.

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

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

(d) EFFECT ON STATE LAW.—Nothing in this section shall preempt applicable State law concerning the provision of books, accounts, memoranda, and other records, or in any way limit the rights of any State to obtain books, accounts, memoranda, and other records under any other Federal law, contract, or otherwise.

(e) COURT JURISDICTION.—Any United States district court located in the State in which the State commission referred to in subsection (a) is located shall have jurisdiction to enforce compliance with this section.

SEC. 226. EXEMPTION AUTHORITY.

(a) RULEMAKING.—Not later than 90 days after the effective date of this subtitle, the Commission shall promulgate a final rule to exempt from the requirements of section 224 any person that is a holding company, solely with respect to one or more—

(1) qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.);

(2) exempt wholesale generators; or

(3) foreign utility companies.

(b) OTHER AUTHORITY.—The Commission shall exempt a person or transaction from the requirements of section 224, if, upon application or upon the motion of the Commission—

(1) the Commission finds that the books, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility or natural gas company; or

(2) the Commission finds that any class of transactions is not relevant to the jurisdictional rates of a public utility or natural gas company.

SEC. 227. AFFILIATE TRANSACTIONS.

(a) COMMISSION AUTHORITY UNAFFECTED.—Nothing in this subtitle shall limit the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) to require that jurisdictional rates are just and reasonable, including the ability to deny or approve the pass through of costs, the prevention of cross-subsidization, and the promulgation of such rules and regulations as are necessary or appropriate for the protection of utility consumers.

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

SEC. 228. APPLICABILITY.

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

(1) the United States;

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

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

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

(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of his or her official duty.

SEC. 229. EFFECT ON OTHER REGULATIONS.

Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 230. ENFORCEMENT.

The Commission shall have the same powers as set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 825e-825p) to enforce the provisions of this subtitle.

SEC. 231. SAVINGS PROVISIONS.

(a) IN GENERAL.—Nothing in this subtitle prohibits a person from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the effective date of this subtitle.

(b) EFFECT ON OTHER COMMISSION AUTHORITY.—Nothing in this subtitle limits the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) (including section 301 of that Act) or the Natural Gas Act (15 U.S.C. 717 et seq.) (including section 8 of that Act).

SEC. 232. IMPLEMENTATION.

Not later than 18 months after the date of enactment of this subtitle, the Commission shall—

(1) promulgate such regulations as may be necessary or appropriate to implement this subtitle (other than section 225); and

(2) submit to the Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this subtitle and the amendments made by this subtitle.

SEC. 233. TRANSFER OF RESOURCES.

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

SEC. 234. INTER-AGENCY REVIEW OF COMPETITION IN THE WHOLESALE AND RETAIL MARKETS FOR ELECTRIC ENERGY.

(a) TASK FORCE.—There is established an inter-agency task force, to be known as the "Electric Energy Market Competition Task Force" (referred to in this section as the "task force"), which shall consist of—

(1) 1 member each from—

(A) the Department of Justice, to be appointed by the Attorney General of the United States;

(B) the Federal Energy Regulatory Commission, to be appointed by the chairman of that Commission; and

(C) the Federal Trade Commission, to be appointed by the chairman of that Commission; and

(2) 2 advisory members (who shall not vote), of whom—

(A) 1 shall be appointed by the Secretary of Agriculture to represent the Rural Utility Service; and

(B) 1 shall be appointed by the Chairman of the Securities and Exchange Commission to represent that Commission.

(b) STUDY AND REPORT.—

(1) STUDY.—The task force shall perform a study and analysis of the protection and promotion of competition within the wholesale and retail market for electric energy in the United States.

(2) REPORT.—

(A) FINAL REPORT.—Not later than 1 year after the effective date of this subtitle, the task force shall submit a final report of its findings under paragraph (1) to the Congress.

(B) PUBLIC COMMENT.—At least 60 days before submission of a final report to the Congress under subparagraph (A), the task force shall publish a draft report in the Federal Register to provide for public comment.

(c) FOCUS.—The study required by this section shall examine—

(1) the best means of protecting competition within the wholesale and retail electric market;

(2) activities within the wholesale and retail electric market that may allow unfair and unjustified discriminatory and deceptive practices;

(3) activities within the wholesale and retail electric market, including mergers and acquisitions, that deny market access or suppress competition;

(4) cross-subsidization that may occur between regulated and nonregulated activities; and

(5) the role of State public utility commissions in regulating competition in the wholesale and retail electric market.

(d) CONSULTATION.—In performing the study required by this section, the task force shall consult with and solicit comments from its advisory members, the States, representatives of the electric power industry, and the public.

SEC. 235. GAO STUDY ON IMPLEMENTATION.

(a) STUDY.—The Comptroller General shall conduct a study of the success of the Federal Government and the States during the 18-month period following the effective date of this subtitle in—

(1) the prevention of anticompetitive practices and other abuses by public utility holding companies, including cross-subsidization and other market power abuses; and

(2) the promotion of competition and efficient energy markets to the benefit of consumers.

(b) REPORT TO CONGRESS.—Not earlier than 18 months after the effective date of this subtitle or later than 24 months after that effective date, the Comptroller General shall submit a report to the Congress on the results of the study conducted under subsection (a), including probable causes of its findings and recommendations to the Congress and the States for any necessary legislative changes.

SEC. 236. EFFECTIVE DATE.

This subtitle shall take effect 18 months after the date of enactment of this subtitle.

SEC. 237. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this subtitle.

SEC. 238. CONFORMING AMENDMENTS TO THE FEDERAL POWER ACT.

(a) CONFLICT OF JURISDICTION.—Section 318 of the Federal Power Act (16 U.S.C. 825q) is repealed.

(b) DEFINITIONS.—

(1) Section 201(g) of the Federal Power Act (16 U.S.C. 824(g)) is amended by striking “1935” and inserting “2002”.

(2) Section 214 of the Federal Power Act (16 U.S.C. 824m) is amended by striking “1935” and inserting “2002”.

Subtitle C—Amendments to the Public Utility Regulatory Policies Act of 1978

SEC. 241. REAL-TIME PRICING STANDARD.

(a) ADOPTION OF STANDARD.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

“(11) REAL-TIME PRICING.—(A) Each electric utility shall, at the request of an electric consumer, provide electric service under a real-time rate schedule, under which the rate charged by the electric utility varies by the hour (or smaller time interval) according to changes in the electric utility’s wholesale power cost. The real-time pricing service shall enable the electric consumer to manage energy use and cost through real-time metering and communications technology.

“(B) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

“(C) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall consider and make a determination concerning whether it is appropriate to implement the standard set out in subparagraph (A) not later than one year after the date of enactment of this paragraph.”

“(b) SPECIAL RULES FOR REAL-TIME PRICING STANDARD.—Section 115 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended by adding at the end the following:

“(i) REAL-TIME PRICING.—In a state that permits third-party marketers to sell electric energy to retail electric consumers, the electric consumer shall be entitled to receive the same real-time metering and communication service as a direct retail electric consumer of the electric utility.”

SEC. 242. ADOPTION OF ADDITIONAL STANDARDS.

(a) ADOPTION OF STANDARDS.—Section 113(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2623(b)) is amended by adding at the end the following:

“(6) DISTRIBUTED GENERATION.—Each electric utility shall provide distributed generation, combined heat and power, and district heating and cooling systems competitive access to the local distribution grid and competitive pricing of service, and shall use simplified standard contracts for the interconnection of generating facilities that have a power production capacity of 250 kilowatts or less.

“(7) DISTRIBUTION INTERCONNECTIONS.—No electric utility may refuse to interconnect a generating facility with the distribution facilities of the electric utility if the owner or operator of the generating facility complies with technical standards adopted by the State regulatory authority and agrees to pay the costs established by such State regulatory authority.

“(8) MINIMUM FUEL AND TECHNOLOGY DIVERSITY STANDARD.—Each electric utility shall develop a plan to minimize dependence on one fuel source and to ensure that the electric energy it sells to consumers is generated using a diverse range of fuels and technologies, including renewable technologies.

“(9) FOSSIL FUEL EFFICIENCY.—Each electric utility shall develop and implement a ten-year plan to increase the efficiency of its fossil fuel generation and shall monitor and report to its State regulatory authority excessive greenhouse gas emissions resulting from the inefficient operation of its fossil fuel generating plants.”

(c) TIME FOR ADOPTING STANDARDS.—Section 113 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2623) is further amended by adding at the end the following:

“(d) SPECIAL RULE.—For purposes of implementing paragraphs (6), (7), (8), and (9) of subsection (b), any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this subsection.”

SEC. 243. TECHNICAL ASSISTANCE.

Section 132(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2642(c)) is amended to read as follows:

“(c) TECHNICAL ASSISTANCE FOR CERTAIN RESPONSIBILITIES.—The Secretary may provide such technical assistance as he determines appropriate to assist State regulatory authorities and electric utilities in carrying out their responsibilities under section 111(d)(11) and paragraphs (6), (7), (8), and (9) of section 113(b).”

SEC. 244. COGENERATION AND SMALL POWER PRODUCTION PURCHASE AND SALE REQUIREMENTS.

(a) TERMINATION OF MANDATORY PURCHASE AND SALE REQUIREMENTS.—Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-3) is amended by adding at the end the following:

“(m) TERMINATION OF MANDATORY PURCHASE AND SALE REQUIREMENTS.—

“(1) IN GENERAL.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase or sell electric energy under this section.

“(2) NO EFFECT ON EXISTING RIGHTS AND REMEDIES.—Nothing in this subsection affects the rights or remedies of any party with respect to the purchase or sale of electric energy or capacity from or to a facility under this section under any contract or obligation to purchase or to sell electric energy or capacity on the date of enactment of this subsection, including—

“(A) the right to recover costs of purchasing such electric energy or capacity; and

“(B) in States without competition for retail electric supply, the obligation of a utility to provide, at just and reasonable rates for consumption by a qualifying small power production facility or a qualifying cogeneration facility, backup, standby, and maintenance power.

“(3) RECOVERY OF COSTS.—

“(A) REGULATION.—To ensure recovery by an electric utility that purchases electric energy or capacity from a qualifying facility pursuant to any legally enforceable obligation entered into or imposed under this section before the date of enactment of this subsection, of all prudently incurred costs associated with the purchases, the Commission shall issue and enforce such regulations as may be required to ensure that the electric utility shall collect the prudently incurred costs associated with such purchases.

“(B) ENFORCEMENT.—A regulation under subparagraph (A) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).”

(b) ELIMINATION OF OWNERSHIP LIMITATIONS.—

(1) Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)) is amended to read as follows:

“(C) ‘qualifying small power production facility’ means a small power production facility that the Commission determines, by rule, meets such requirements (including requirements respecting minimum size, fuel use, and fuel efficiency) as the Commission may, by rule, prescribe.”

(2) Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)) is amended to read as follows:

“(B) ‘qualifying cogeneration facility’ means a cogeneration facility that the Commission determines, by rule, meets such requirements (including requirements respecting minimum size, fuel use, and fuel efficiency) as the Commission may, by rule, prescribe.”

SEC. 245. NET METERING.

Title VI of the Public Utility Regulatory Policies Act of 1978 is amended by adding at the end the following:

“SEC. 605. NET METERING FOR RENEWABLE ENERGY AND FUEL CELLS.

“(a) DEFINITIONS.—For purposes of this section:

“(1) The term ‘eligible on-site generating facility’ means—

“(A) a facility on the site of a residential electric consumer with a maximum generating capacity of 10 kilowatts or less that is fueled by solar energy, wind energy, or fuel cells; or

“(B) a facility on the site of a commercial electric consumer with a maximum generating capacity of 500 kilowatts or less that is fueled solely by a renewable energy resource, landfill gas, or a high efficiency system.

“(2) The term ‘renewable energy resource’ means solar, wind, biomass, or geothermal energy.

“(3) The term ‘high efficiency system’ means fuel cells or combined heat and power.

“(4) The term ‘net metering service’ means service to an electric consumer under which electric energy generated by that electric consumer from an eligible on-site generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.

“(b) REQUIREMENT TO PROVIDE NET METERING SERVICE.—Each electric utility shall make available upon request net metering service to an electric consumer that the electric utility serves.

“(c) RATES AND CHARGES.—

“(1) IDENTICAL CHARGES.—An electric utility—

“(A) shall charge the owner or operator of an on-site generating facility rates and charges that are identical to those that would be charged other electric consumers of the electric utility in the same rate class; and

“(B) shall not charge the owner or operator of an on-site generating facility any additional standby, capacity, interconnection, or other rate or charge.

“(2) MEASUREMENT.—An electric utility that sells electric energy to the owner or operator of an on-site generating facility shall measure the quantity of electric energy produced by the on-site facility and the quantity of electric energy consumed by the owner or operator of an on-site generating facility during a billing period in accordance with normal metering practices.

“(3) ELECTRIC ENERGY SUPPLIED EXCEEDING ELECTRIC ENERGY GENERATED.—If the quantity of electric energy sold by the electric utility to an on-site generating facility exceeds the quantity of electric energy supplied by the on-site generating facility to the electric utility during the billing period, the electric utility may bill the owner or operator for the net quantity of electric energy sold, in accordance with normal metering practices.

“(4) ELECTRIC ENERGY GENERATED EXCEEDING ELECTRIC ENERGY SUPPLIED.—If the quantity of electric energy supplied by the on-site generating facility to the electric utility exceeds the quantity of electric energy sold by the electric utility to the on-site generating facility during the billing period—

“(A) the electric utility may bill the owner or operator of the on-site generating facility

for the appropriate charges for the billing period in accordance with paragraph (2); and

“(B) the owner or operator of the on-site generating facility shall be credited for the excess kilowatt-hours generated during the billing period, with the kilowatt-hour credit appearing on the bill for the following billing period.

“(d) SAFETY AND PERFORMANCE STANDARDS.—

“(1) An eligible on-site generating facility and net metering system used by an electric consumer shall meet all applicable safety, performance, reliability, and interconnection standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories.

“(2) The Commission, after consultation with State regulatory authorities and non-regulated electric utilities and after notice and opportunity for comment, may adopt, by rule, additional control and testing requirements for on-site generating facilities and net metering systems that the Commission determines are necessary to protect public safety and system reliability.

“(e) APPLICATION.—This section applies to each electric utility during any calendar year in which the total sales of electric energy by such utility for purposes other than resale exceeded 1,000,000 kilowatt-hours during the preceding calendar year.”

Subtitle D—Consumer Protections

SEC. 251. INFORMATION DISCLOSURE.

(a) OFFERS AND SOLICITATIONS.—The Federal Trade Commission shall issue rules requiring each electric utility that makes an offer to sell electric energy, or solicits electric consumers to purchase electric energy to provide the electric consumer a statement containing the following information—

(1) the nature of the service being offered, including information about interruptibility of service;

(2) the price of the electric energy, including a description of any variable charges;

(3) a description of all other charges associated with the service being offered, including access charges, exit charges, back-up service charges, stranded cost recovery charges, and customer service charges; and

(4) information the Federal Trade Commission determines is technologically and economically feasible to provide, is of assistance to electric consumers in making purchasing decisions, and concerns—

(A) the product or its price;

(B) the share of electric energy that is generated by each fuel type; and

(C) the environmental emissions produced in generating the electric energy.

(b) PERIODIC BILLINGS.—The Federal Trade Commission shall issue rules requiring any electric utility that sells electric energy to transmit to each of its electric consumers, in addition to the information transmitted pursuant to section 115(f) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625(f)), a clear and concise statement containing the information described in subsection (a)(4) for each billing period (unless such information is not reasonably ascertainable by the electric utility).

SEC. 252. CONSUMER PRIVACY.

(a) PROHIBITION.—The Federal Trade Commission shall issue rules prohibiting any electric utility that obtains consumer information in connection with the sale or delivery of electric energy to an electric consumer from using, disclosing, or permitting access to such information unless the electric consumer to whom such information relates provides prior written approval.

(b) PERMITTED USE.—The rules issued under this section shall not prohibit any electric utility from using, disclosing, or

permitting access to consumer information referred to in subsection (a) for any of the following purposes—

(1) to facilitate an electric consumer's change in selection of an electric utility under procedures approved by the State or State regulatory authority;

(2) to initiate, render, bill, or collect for the sale or delivery of electric energy to electric consumers or for related services;

(3) to protect the rights or property of the person obtaining such information;

(4) to protect retail electric consumers from fraud, abuse, and unlawful subscription in the sale or delivery of electric energy to such consumers;

(5) for law enforcement purposes; or

(6) for purposes of compliance with any Federal, State, or local law or regulation authorizing disclosure of information to a Federal, State, or local agency.

(c) AGGREGATE CONSUMER INFORMATION.—The rules issued under this subsection may permit a person to use, disclose, and permit access to aggregate consumer information and may require an electric utility to make such information available to other electric utilities upon request and payment of a reasonable fee.

(d) DEFINITIONS.—As used in this section:

(1) The term ‘aggregate consumer information’ means collective data that relates to a group or category of retail electric consumers, from which individual consumer identities and characteristics have been removed.

(2) The term ‘consumer information’ means information that relates to the quantity, technical configuration, type, destination, or amount of use of electric energy delivered to any retail electric consumer.

SEC. 253. UNFAIR TRADE PRACTICES.

(a) SLAMMING.—The Federal Trade Commission shall issue rules prohibiting the change of selection of an electric utility except with the informed consent of the electric consumer.

(b) CRAMMING.—The Federal Trade Commission shall issue rules prohibiting the sale of goods and services to an electric consumer unless expressly authorized by law or the electric consumer.

SEC. 254. APPLICABLE PROCEDURES.

The Federal Trade Commission shall proceed in accordance with section 553 of title 5, United States Code, when prescribing a rule required by this subtitle.

SEC. 255. FEDERAL TRADE COMMISSION ENFORCEMENT.

Violation of a rule issued under this subtitle shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) respecting unfair or deceptive acts or practices. All functions and powers of the Federal Trade Commission under such Act are available to the Federal Trade Commission to enforce compliance with this subtitle notwithstanding any jurisdictional limits in such Act.

SEC. 256. STATE AUTHORITY.

Nothing in this subtitle shall be construed to preclude a State or State regulatory authority from prescribing and enforcing additional laws, rules, or procedures regarding the practices which are the subject of this section, so long as such laws, rules, or procedures are not inconsistent with the provisions of this section or with any rule prescribed by the Federal Trade Commission pursuant to it.

SEC. 257. APPLICATION OF SUBTITLE.

The provisions of this subtitle apply to each electric utility if the total sales of electric energy by such utility for purposes other than resale exceed 500 million kilowatt-hours per calendar year. The provisions of this subtitle do not apply to the operations

of an electric utility to the extent that such operations relate to sales of electric energy for purposes of resale.

SEC. 258. DEFINITIONS.

As used in this subtitle:

(1) The term "aggregate consumer information" means collective data that relates to a group or category of electric consumers, from which individual consumer identities and identifying characteristics have been removed.

(2) The term "consumer information" means information that relates to the quantity, technical configuration, type, destination, or amount of use of electric energy delivered to an electric consumer.

(3) The terms "electric consumer", "electric utility", and "State regulatory authority" have the meanings given such terms in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

Subtitle E—Renewable Energy and Rural Construction Grants

SEC. 261. RENEWABLE ENERGY PRODUCTION INCENTIVE.

(a) INCENTIVE PAYMENTS.—Section 1212(a) of the Energy Policy Act of 1992 (42 U.S.C. 13317(a)) is amended by striking "and which satisfies" and all that follows through "Secretary shall establish." and inserting the following: "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."

(b) QUALIFIED RENEWABLE ENERGY FACILITY.—Section 1212(b) of the Energy Policy Act of 1992 (42 U.S.C. 13317(b)) is amended—

(1) by striking "a State or any political" and all that follows through "nonprofit electrical cooperative" and inserting the following: "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

(2) by inserting "landfill gas, incremental hydropower, ocean" after "wind, biomass,".

(c) ELIGIBILITY WINDOW.—Section 1212(c) of the Energy Policy Act of 1992 (42 U.S.C. 13317(c)) is amended 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".

(d) PAYMENT PERIOD.—Section 1212(d) of the Energy Policy Act of 1992 (42 U.S.C. 13317(d)) is amended 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".

(e) AMOUNT OF PAYMENT.—Section 1212(e)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13317(e)(1)) is amended by inserting "landfill gas, incremental hydropower, ocean" after "wind, biomass,".

(f) SUNSET.—Section 1212(f) of the Energy Policy Act of 1992 (42 U.S.C. 13317(f)) is amended by striking "the expiration of" and all that follows through "of this section" and inserting "September 30, 2023".

(g) INCREMENTAL HYDROPOWER; AUTHORIZATION OF APPROPRIATIONS.—Section 1212 of the Energy Policy Act of 1992 (42 U.S.C. 13317) is further amended by striking subsection (g) and inserting the following:

"(g) INCREMENTAL HYDROPOWER.—

"(1) PROGRAMS.—Subject to subsection (h)(2), if an incremental hydropower program

meets the requirements of this section, as determined by the Secretary, the incremental hydropower program shall be eligible to receive incentive payments under this section.

"(2) DEFINITION OF INCREMENTAL HYDROPOWER.—In this subsection, the term 'incremental hydropower' means additional generating capacity achieved from increased efficiency or additions of new capacity at a hydroelectric facility in existence on the date of enactment of this paragraph.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal years 2003 through 2023.

"(2) LIMITATION ON FUNDS USED FOR INCREMENTAL HYDROPOWER PROGRAMS.—Not more than 30 percent of the amounts made available under paragraph (1) shall be used to carry out programs described in subsection (g)(2).

"(3) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) shall remain available until expended."

SEC. 262. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.

(a) RESOURCE ASSESSMENT.—Not later than 3 months after the date of enactment of this title, and each year thereafter, the Secretary of Energy shall review the available assessments of renewable energy resources available within the United States, including solar, wind, biomass, ocean, geothermal, and hydroelectric energy resources, and undertake new assessments as necessary, taking into account changes in market conditions, available technologies and other relevant factors.

(b) CONTENTS OF REPORTS.—Not later than one year after the date of enactment of this title, and each year thereafter, the Secretary shall publish a report based on the assessment under subsection (a). The report shall contain—

(1) a detailed inventory describing the available amount and characteristics of the renewable energy resources, and

(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. 263. FEDERAL PURCHASE REQUIREMENT.

(a) REQUIREMENT.—The President shall ensure that, of the total amount of electric energy the federal government consumes during any fiscal year—

(1) not less than 3 percent in fiscal years 2003 through 2004,

(2) not less than 5 percent in fiscal years 2005 through 2009, and

(3) not less than 7.5 percent in fiscal year 2010 and each fiscal year thereafter—shall be renewable energy. The President shall encourage the use of innovative purchasing practices, including aggregation and the use of renewable energy derivatives, by federal agencies.

(b) DEFINITION.—For purposes of this section, the term "renewable energy" means electric energy generated from solar, wind, biomass, geothermal, fuel cells, or additional hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric dam.

(c) TRIBAL POWER GENERATION.—To the maximum extent practicable, the President shall ensure that not less than one-tenth of the amount specified in subsection (a) shall be renewable energy that is generated by an Indian tribe or by a corporation, partnership, or business association which is wholly or

majority owned, directly or indirectly, by an Indian tribe. For purposes of this subsection, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 264. RURAL CONSTRUCTION GRANTS.

Section 313 of the Rural Electrification Act of 1936 (7 U.S.C. 940c) is amended by adding after subsection (b) the following:

"(c) RURAL AND REMOTE COMMUNITIES ELECTRIFICATION GRANTS.—The Secretary of Agriculture, in consultation with the Secretary of Energy and the Secretary of the Interior, may provide grants to eligible borrowers under this Act for the purpose of increasing energy efficiency, siting or upgrading transmission and distribution lines, or providing or modernizing electric facilities for—

"(1) a unit of local government of a State or territory; or

"(2) an Indian tribe or Tribal College or University as defined in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059c(b)(3)).

"(d) GRANT CRITERIA.—The Secretary shall make grants based on a determination of cost-effectiveness and most effective use of the funds to achieve the stated purposes of this section.

"(e) PREFERENCE.—In making grants under this section, the Secretary shall give a preference to renewable energy facilities.

"(f) DEFINITION.—For purposes of this section, the term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(e) AUTHORIZATION.—For the purpose of carrying out subsection (c), there are authorized to be appropriated to the Secretary \$20,000,000 for each of the seven fiscal years following the date of enactment of this subsection."

SEC. 265. RENEWABLE PORTFOLIO STANDARD.

Title VI of the Public Utility Regulatory Policies Act of 1978 is further amended by adding at the end the following:

SEC. 606. FEDERAL RENEWABLE PORTFOLIO STANDARD.

"(a) MINIMUM RENEWABLE GENERATION REQUIREMENT.—For each calendar year beginning with 2003, each retail electric supplier shall submit to the Secretary renewable energy credits in an amount equal to the required annual percentage, specified in subsection (b), of the total electric energy sold by the retail electric supplier to electric consumers in the calendar year. The retail electric supplier shall make this submission before April 1 of the following calendar year.

"(b) REQUIRED ANNUAL PERCENTAGE.—

"(1) For calendar years 2003 and 2004, the required annual percentage shall be determined by the Secretary in an amount less than the amount in paragraph (2);

"(2) For calendar year 2005 the required annual percentage shall be 2.5 percent of the retail electric supplier's base amount; and

"(3) For each calendar year from 2006 through 2020, the required annual percentage of the retail electric supplier's base amount shall be .5 percent greater than the required annual percentage for the calendar year immediately preceding.

“(c) SUBMISSION OF CREDITS.—(1) A retail electric supplier may satisfy the requirements of subsection (a) through the submission of—

“(A) renewable energy credits issued under subsection (d) for renewable energy generated by the retail electric supplier in the calendar year for which credits are being submitted or any of the two previous calendar years;

“(B) renewable energy credits obtained by purchase or exchange under subsection (e);

“(C) renewable energy credits borrowed against future years under subsection (f); or

“(D) any combination of credits under subparagraphs (A), (B), and (C).

“(2) A credit may be counted toward compliance with subsection (a) only once.

“(d) ISSUANCE OF CREDITS.—(1) The Secretary shall establish, not later than one year after the date of enactment of this section, a program to issue, monitor the sale or exchange of, and track renewable energy credits.

“(2) Under the program, an entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits. The application shall indicate—

“(A) the type of renewable energy resource used to produce the electricity,

“(B) the location where the electric energy was produced, and

“(C) any other information the Secretary determines appropriate.

“(3)(A) Except as provided in paragraphs (B) and (C), the Secretary shall issue to an entity one renewable energy credit for each kilowatt-hour of electric energy the entity generates in calendar year 2002 and any succeeding year through the use of a renewable energy resource at an eligible facility.

“(B) For incremental hydropower the credits shall be calculated based on a normalized annual capacity factor for each facility, and not actual generation. The calculation of the credits for incremental hydropower shall not be based on any operational changes at the hydroelectric facility not directly associated with the efficiency improvements or capacity additions.

“(C) The Secretary shall issue two renewable energy credits for each kilowatt-hour of electric energy generated in calendar year 2002 and any succeeding year through the use of a renewable energy resource at an eligible facility located on Indian land. For purposes of this paragraph, renewable energy generated by biomass cofired with other fuels is eligible for two credits only if the biomass was grown on the land eligible under this paragraph.

“(D) To be eligible for a renewable energy credit, the unit of electric energy generated through the use of a renewable energy resource may be sold or may be used by the generator. If both a renewable energy resource and a non-renewable energy resource are used to generate the electric energy, the Secretary shall issue credits based on the proportion of the renewable energy resource used. The Secretary shall identify renewable energy credits by type and date of generation.

“(4) In order to receive a renewable energy credit, the recipient of a renewable energy credit shall pay a fee, calculated by the Secretary, in an amount that is equal to the administrative costs of issuing, recording, monitoring the sale or exchange of, and tracking the credit. The Secretary shall retain the fee and use it to pay these administrative costs.

“(5) When a generator sells electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract subject to section 210 of

this Act, the retail electric supplier is treated as the generator of the electric energy for the purposes of this section for the duration of the contract.

“(e) CREDIT TRADING.—A renewable energy credit may be sold or exchanged by the entity to whom issued or by any other entity who acquires the credit. A renewable energy credit for any year that is not used to satisfy the minimum renewable generation requirement of subsection (a) for that year may be carried forward for use in another year.

“(f) CREDIT BORROWING.—At any time before the end of calendar year 2003, a retail electric supplier that has reason to believe that it will not have sufficient renewable energy credits to comply with subsection (a) may—

“(1) submit a plan to the Secretary demonstrating that the retail electric supplier will earn sufficient credits within the next 3 calendar years which, when taken into account, will enable the retail electric supplier to meet the requirements of subsection (a) for calendar year 2003 and the calendar year involved; and

(2) upon the approval of the plan by the Secretary, apply credits that the plan demonstrates will be earned within the next 3 calendar years to meet the requirements of subsection (a) for each calendar year involved.

“(g) ENFORCEMENT.—The Secretary may bring an action in the appropriate United States district court to impose a civil penalty on a retail electric supplier that does not comply with subsection (a). A retail electric supplier who does not submit the required number of renewable energy credits under subsection (a) is subject to a civil penalty of not more than 3 cents each for the renewable energy credits not submitted.

“(h) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

“(1) the annual electric energy generation and renewable energy generation of any entity applying for renewable energy credits under this section,

“(2) the validity of renewable energy credits submitted by a retail electric supplier to the Secretary, and

“(3) the quantity of electricity sales of all retail electric suppliers.

“(i) ENVIRONMENTAL SAVINGS CLAUSE.—Incremental hydropower shall be subject to all applicable environmental laws and licensing and regulatory requirements.

“(j) STATE SAVINGS CLAUSE.—This section does not preclude a State from requiring additional renewable energy generation in that State.

“(k) DEFINITIONS.—For purposes of this section—

“(1) The term ‘eligible facility’ means—

“(A) a facility for the generation of electric energy from a renewable energy resource that is placed in service on or after January 1, 2002; or

“(B) a repowering or cofiring increment that is placed in service on or after January 1, 2002 at a facility for the generation of electric energy from a renewable energy resource that was placed in service before January 1, 2002.

An eligible facility does not have to be interconnected to the transmission or distribution system facilities of an electric utility.

“(2) The term ‘generation offset’ means reduced electricity usage metered at a site where a customer consumes electricity from a renewable energy technology.

“(3) The term ‘incremental hydropower’ means additional generation capacity achieved from increased efficiency or additions of capacity after January 1, 2002 at a hydroelectric dam that was placed in service before January 1, 2002.

“(4) The term ‘Indian land’ means—

(A) any land within the limits of any Indian reservation, pueblo or rancharia,

“(B) any land not within the limits of any Indian reservation, pueblo or rancharia title to which was on the date of enactment of this paragraph either held by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation,

“(C) any dependent Indian community, and

“(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act.

“(5) The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(6) The term ‘renewable energy’ means electric energy generated by a renewable energy resource.

“(7) The term ‘renewable energy resource’ means solar, wind, biomass, ocean, or geothermal energy, a generation offset, or incremental hydropower facility.

“(8) The term ‘repowering or cofiring increment’ means the additional generation from a modification that is placed in service on or after January 1, 2002 to expand electricity production at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before January 1, 2002.

“(9) The term ‘retail electric supplier’ means a person, State agency, or Federal agency that sells electric energy to electric consumers and sold not less than 500,000,000 kilowatt-hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year.

“(10) The term ‘retail electric supplier’s base amount’ means the total amount of electric energy sold by the retail electric supplier to electric customers during the most recent calendar year for which information is available, excluding electric energy generated by a renewable energy resource, landfill gas, or a hydroelectric facility.

“(1) SUNSET.—Subsection (a) of this section expires December 31, 2020.”

SEC. 266. RENEWABLE ENERGY ON FEDERAL LAND.

(a) COST-SHARE DEMONSTRATION PROGRAM.—Within 12 months after the date of enactment of this section, the Secretaries of the Interior, Agriculture, and Energy shall develop guidelines for a cost-share demonstration program for the development of wind and solar energy facilities on Federal land.

(b) DEFINITION OF FEDERAL LAND.—As used in this section, the term “Federal land” means land owned by the United States that is subject to the operation of the mineral leasing laws; and is either:

(1) public land as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (42 U.S.C. 1702(e)); or

(2) a unit of the National Forest System as that term is used in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(c) RIGHTS-OF-WAYS.—The demonstration program shall provide for the issuance of rights-of-way pursuant to the provisions of title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) by the Secretary of the Interior with respect to Federal land under the jurisdiction of the

Department of the Interior, and by the Secretary of Agriculture with respect to federal lands under the jurisdiction of the Department of Agriculture.

(d) AVAILABLE SITES.—For purposes of this demonstration program, the issuance of rights-of-way shall be limited to areas:

(1) of high energy potential for wind or solar development;

(2) that have been identified by the wind or solar energy industry, through a process of nomination, application, or otherwise, as being of particular interest to one or both industries;

(3) that are not located within roadless areas;

(4) where operation of wind or solar facilities would be compatible with the scenic, recreational, environmental, cultural, or historic values of the Federal land, and would not require the construction of new roads for the siting of lines or other transmission facilities; and

(5) where issuance of the right-of-way is consistent with the land and resource management plans of the relevant land management agencies.

(e) COST-SHARE PAYMENTS BY DOE.—The Secretary of Energy, in cooperation with the Secretary of the Interior with respect to Federal land under the jurisdiction of the Department of the Interior, and the Secretary of Agriculture with respect to Federal land under the jurisdiction of the Department of Agriculture, shall determine if the portion of a project on federal land is eligible for financial assistance pursuant to this section. Only those projects that are consistent with the requirements of this section and further the purposes of this section shall be eligible. In the event a project is selected for financial assistance, the Secretary of Energy shall provide no more than 15 percent of the costs of the project on the federal land, and the remainder of the costs shall be paid by non-Federal sources.

(f) REVISION OF LAND USE PLANS.—The Secretary of the Interior shall consider development of wind and solar energy, as appropriate, in revisions of land use plans under section 202 of the Federal Land Policy and Management Act of 1976 (42 U.S.C. 1712); and the Secretary of Agriculture shall consider development of wind and solar energy, as appropriate, in revisions of land and resource management plans under section 5 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). Nothing in this subsection shall preclude the issuance of a right-of-way for the development of a wind or solar energy project prior to the revision of a land use plan by the appropriate land management agency.

(g) REPORT TO CONGRESS.—Within 24 months after the date of enactment of this section, the Secretary of the Interior shall develop and report to Congress recommendations on any statutory or regulatory changes the Secretary believes would assist in the development of renewable energy on Federal land. The report shall include—

(1) a five-year plan developed by the Secretary of the Interior, in cooperation with the Secretary of Agriculture, for encouraging the development of wind and solar energy on Federal land in an environmentally sound manner; and

(2) an analysis of—

(A) whether the use of rights-of-ways is the best means of authorizing use of Federal land for the development of wind and solar energy, or whether such resources could be better developed through a leasing system, or other method;

(B) the desirability of grants, loans, tax credits or other provisions to promote wind and solar energy development on Federal land; and

(C) any problems, including environmental concerns, which the Secretary of the Interior or the Secretary of Agriculture have encountered in managing wind or solar energy projects on Federal land, or believe are likely to arise in relation to the development of wind or solar energy on Federal land;

(3) a list, developed in consultation with the Secretaries of Energy and Defense, of lands under the jurisdiction of the Departments of Energy and Defense that would be suitable for development for wind or solar energy, and recommended statutory and regulatory mechanisms for such development; and

(4) an analysis, developed in consultation with the Secretaries of Energy and Commerce, of the potential for development of wind, solar, and ocean energy on the Outer Continental Shelf, along with recommended statutory and regulatory mechanisms for such development.

TITLE III—HYDROELECTRIC RELICENSING

SEC. 301. ALTERNATIVE MANDATORY 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 1 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 1 year after the enactment of this subsection, the Secretary of the Interior and the Secretary of Commerce shall each, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.”

SEC. 302. CHARGES FOR TRIBAL LANDS.

Section 10(e)(1) of the Federal Power Act (16 U.S.C. 803(e)(1)) is amended by inserting after the second proviso the following: “*Provided further*, That the Commission shall not issue a new or original license for projects involving tribal lands embraced within Indian reservations until annual charges required under this section have been fixed.”

SEC. 303. DISPOSITION OF HYDROELECTRIC CHARGES.

Section 17 of the Federal Power Act (16 U.S.C. 810) is amended by striking “to be expended under the direction of the Secretary of the Army in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States.” and inserting the following: “to be expended in the following manner on an annual basis: (A) fifty-percent of the funds shall be expended by the Secretary of the Interior pursuant to a grant program to be established by the Secretary to support collaborative watershed restoration and education activities intended to promote the recovery of candidate, threatened, and endangered species under the Endangered Species Act of 1973; and (B) fifty-percent of the funds shall be expended by the Secretary of Agriculture, acting through the Chief of the Forest Service, for the Youth Conservation Corps program.”

SEC. 304. ANNUAL LICENSES.

Section 15(a) of the Federal Power Act (16 U.S.C. 808(a)) is amended by adding at the end the following:

“(4) Prior to issuing a fourth and subsequent annual license under paragraph (1), the Commission shall first consult with the Secretary of the Interior and the Secretary of Commerce, and if the project is within any reservation, with the Secretary under whose supervision such reservation falls.

“(5) Prior to issuing a fourth and subsequent annual license under paragraph (1), the Commission shall publish a written statement setting forth the reasons why the annual license is needed, and describing the results of consultation with the Secretary of the Interior, the Secretary of Commerce, and the Secretary under whose supervision the reservation falls. Such explanation shall also contain the best judgment of the Commission as to whether the Commission anticipates issuing an additional annual license.

“(6) At least 60 days prior to expiration of the seventh and subsequent annual licenses issued under paragraph (1), the Commission shall submit to Congress the written statement required in paragraph (5).”

SEC. 305. ENFORCEMENT.

(a) MONITORING AND INVESTIGATIONS OF MANDATORY CONDITIONS AND FISHWAY PRESCRIPTIONS.—The first sentence of section 31(a) of the Federal Power Act (16 U.S.C. 823b(a)) is amended to read as follows:

“The Commission shall monitor and investigate compliance with each license and permit issued under this Part, each condition

imposed under section 4(e) or 4(h), each fishway prescription imposed under section 18, and each exemption granted from any requirement of this Part.”

(b) **COMPLIANCE ORDERS.**—The third sentence of section 31(a) of the Federal Power Act (16 U.S.C. 823(a)) is amended to read as follows:

“After notice and opportunity for public hearing, the Commission may issue such orders as necessary to require compliance with the terms and conditions of licenses and permits issued under this Part, with conditions imposed under section 4(e) or 4(h), with fishway prescriptions imposed under section 18, and with the terms and conditions of exemptions granted from any requirement of this Part.”

SEC. 306. ESTABLISHMENT OF HYDROELECTRIC RELICENSING PROCEDURES.

(a) **JOINT PROCEDURES OF THE COMMISSION AND RESOURCE AGENCIES.**—

(1) Within 18 months after the date of enactment of this section, the Commission, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture, shall, after consultation with the interested states and public review and comment, issue coordinated regulations governing the issuance of a license under section 15 of the Federal Power Act (16 U.S.C. 808).

(2) Such regulations shall provide for—

(A) the participation of the Commission in the pre-application environmental scoping process conducted by the resource agencies pursuant to section 15(b) of the Federal Power Act (16 U.S.C. 808(b)), sufficient to allow the Commission and the resource agencies to coordinate environmental reviews and other regulatory procedures of the Commission and the resource agencies under Part I of the Federal Power Act, and under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) issuance by the resource agencies of draft and final mandatory conditions under section 4(e) of the Federal Power Act (16 U.S.C. 797(e)), and draft and final fishway prescriptions under section 18 of the Federal Power Act (16 U.S.C. 811);

(C) to the maximum extent possible, identification by the Commission staff in the draft analysis of the license application conducted under the National Environmental Policy Act, of all license articles and license conditions the Commission is likely to include in the license;

(D) coordination by the Commission and the resource agencies of analysis under the National Environmental Policy Act for final license articles and conditions recommended by Commission staff, and the final mandatory conditions and fishway prescriptions of the resource agencies;

(E) procedures for ensuring coordination and sharing, to the maximum extent possible, of information, studies, data and analysis by the Commission and the resource agencies to reduce the need for duplicative studies and analysis by license applicants and other parties to the license proceeding; and

(F) procedures for ensuring resolution at an early stage of the process of the scope and type of reasonable and necessary information, studies, data, and analysis to be provided by the license applicant

(b) **PROCEDURES OF THE COMMISSION.**—Within 18 months after the date of enactment of this section, the Commission shall, after consultation with the interested federal agencies and states and after public comment and review, issue additional regulations governing the issuance of a license under section 15 of the Federal Power Act (16 U.S.C. 808). Such regulations shall—

(1) set a schedule for the Commission to issue—

(A) a tendering notice indicating that an application has been filed with the Commission;

(B) advanced notice to resource agencies of the issuance of the Ready for Environmental Analysis Notice requesting submission of recommendations, conditions, prescriptions, and comments;

(C) a license decision after completion of environmental assessments or environmental impact statements prepared pursuant to the National Environmental Policy Act; and

(D) responses to petitions, motions, complaints and requests for rehearing;

(2) set deadlines for an applicant to conduct all needed resource studies in support of its license application;

(3) ensure a coordinated schedule for all major actions by the applicant, the Commission, affected Federal and State agencies, Indian Tribes and other parties, through final decision on the application; and

(4) provide for the adjustment of schedules if unavoidable delays occur.

SEC. 307. RELICENSING STUDY.

(a) **IN GENERAL.**—The Federal Energy Regulatory Commission shall, jointly with the Secretary of Commerce, the Secretary of the Interior, and the Secretary of Agriculture, conduct a study of all new licenses issued for existing projects under section 15 of the Federal Power Act (16 U.S.C. 808) since January 1, 1994.

(b) **SCOPE.**—The study shall analyze:

(1) the length of time the Commission has taken to issue each new license for an existing project;

(2) the additional cost to the licensee attributable to new license conditions;

(3) the change in generating capacity attributable to new license conditions;

(4) the environmental benefits achieved by new license conditions;

(5) significant unmitigated environmental damage of the project and costs to mitigate such damage; and

(6) litigation arising from the issuance or failure to issue new licenses for existing projects under section 15 of the Federal Power Act or the imposition or failure to impose new license conditions.

(c) **DEFINITION.**—As used in this section, the term “new license condition” means any condition imposed under—

(1) section 4(e) of the Federal Power Act (16 U.S.C. 797(e)),

(2) section 10(a) of the Federal Power Act (16 U.S.C. 803(a)),

(3) section 10(e) of the Federal Power Act (16 U.S.C. 803(e)),

(4) section 10(j) of the Federal Power Act (16 U.S.C. 803(j)),

(5) section 18 of the Federal Power Act (16 U.S.C. 811), or

(6) section 401(d) of the Clean Water Act (33 U.S.C. 1341(d)).

(d) **CONSULTATION.**—The Commission shall give interested persons and licensees an opportunity to submit information and views in writing.

(e) **REPORT.**—The Commission shall report its findings to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Energy and Commerce of the House of Representatives not later than 24 months after the date of enactment of this section.

SEC. 308. DATA COLLECTION PROCEDURES.

Within 24 months after the date of enactment of this section, the Federal Energy Regulatory Commission, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture shall jointly develop procedures for ensuring complete and accurate information concerning the time and cost to parties in the hydroelectric li-

censing process under part I of the Federal Power Act (16 U.S.C. 791 et seq.). Such data shall be published regularly, but no less frequently than every three years.

TITLE IV—INDIAN ENERGY

SEC. 401. COMPREHENSIVE INDIAN ENERGY PROGRAM.

Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501–3506) is amended by adding after section 2606 the following:

“SEC. 2607. COMPREHENSIVE INDIAN ENERGY PROGRAM.

“(a) **DEFINITIONS.**—For purposes of this section—

“(1) the term ‘Director’ means the Director of the Office of Indian Energy Policy and Programs established by section 217 of the Department of Energy Organization Act, and

“(2) the term ‘Indian land’ means—

“(A) any land within the limits of an Indian reservation, pueblo, or rancharia;

“(B) any land not within the limits of an Indian reservation, pueblo, or rancharia whose title on the date of enactment of this section was held—

“(i) in trust by the United States for the benefit of an Indian tribe,

“(ii) by an Indian tribe subject to restriction by the United States against alienation, or

“(iii) by a dependent Indian community; and

“(C) land conveyed to an Alaska Native Corporation under the Alaska Native Claims Settlement Act.

“(b) **INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE.**—

“(1) The Director shall establish programs within the Office of Indian Energy Policy and Programs to assist Indian tribes in meeting their energy education, research and development, planning, and management needs.

“(2) The Director may make grants, on a competitive basis, to an Indian tribe for—

“(A) renewable energy, energy efficiency, and conservation programs;

“(B) studies and other activities supporting tribal acquisition of energy supplies, services, and facilities;

“(C) planning, constructing, developing, operating, maintaining, and improving tribal electrical generation, transmission, and distribution facilities; and

“(D) developing, constructing, and interconnecting electric power transmission facilities with transmission facilities owned and operated by a Federal power marketing agency or an electric utility that provides open access transmission service.

“(3) The Director may develop, in consultation with Indian tribes, a formula for making grants under this section. The formula may take into account the following—

“(A) the total number of acres of Indian land owned by an Indian tribe;

“(B) the total number of households on the Indian tribe’s Indian land;

“(C) the total number of households on the Indian tribe’s Indian land that have no electricity service or are under-served; and

“(D) financial or other assets available to the Indian tribe from any source.

“(4) In making a grant under paragraph (2), the Director shall give priority to an application received from an Indian tribe that is not served or is served inadequately by an electric utility, as that term is defined in section 3(4) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(4)), or by a person, State agency, or any other non-federal entity that owns or operates a local distribution facility used for the sale of electric energy to an electric consumer.

“(5) There are authorized to be appropriated to the Department of Energy such sums as may be necessary to carry out the purposes of this section.

“(6) The Secretary is authorized to promulgate such regulations as the Secretary determines to be necessary to carry out the provisions of this subsection.

“(C) LOAN GUARANTEE PROGRAM.—

“(1) AUTHORITY.—The Secretary may guarantee not more than 90 percent of the unpaid principal and interest due on any loan made to any Indian tribe for energy development, including the planning, development, construction, and maintenance of electrical generation plants, and for transmission and delivery mechanisms for electricity produced on Indian land. A loan guaranteed under this subsection shall be made by—

“(A) a financial institution subject to the examination of the Secretary; or

“(B) an Indian tribe, from funds of the Indian tribe, to another Indian tribe.

“(2) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated to cover the cost of loan guarantees shall be available without fiscal year limitation to the Secretary to fulfill obligations arising under this subsection.

“(3) AUTHORIZATION OF APPROPRIATIONS.—

“(A) There are authorized to be appropriated to the Secretary such sums as may be necessary to cover the cost of loan guarantees, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).

“(B) There are authorized to be appropriated to the Secretary such sums as may be necessary to cover the administrative expenses related to carrying out the loan guarantee program established by this subsection.

“(4) LIMITATION ON AMOUNT.—The aggregate outstanding amount guaranteed by the Secretary of Energy at any one time under this subsection shall not exceed \$2,000,000,000.

“(5) REGULATIONS.—The Secretary is authorized to promulgate such regulations as the Secretary determines to be necessary to carry out the provisions of this subsection.

“(d) INDIAN ENERGY PREFERENCE.—(1) An agency or department of the United States Government may give, in the purchase of electricity, oil, gas, coal, or other energy product or by-product, preference in such purchase to an energy and resource production enterprise, partnership, corporation, or other type of business organization majority or wholly owned and controlled by a tribal government.

“(2) In implementing this subsection, an agency or department shall pay no more than the prevailing market price for the energy product or by-product and shall obtain no less than existing market terms and conditions.

“(e) EFFECT ON OTHER LAWS.—This section does not—

“(1) limit the discretion vested in an Administrator of a Federal power marketing agency to market and allocate Federal power, or

“(2) alter Federal laws under which a Federal power marketing agency markets, allocates, or purchases power.”

SEC. 402. OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.

Title II of the Department of Energy Organization Act is amended by adding at the end the following:

“OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.

“SEC. 217. (a) There is established within the Department an Office of Indian Energy Policy and Programs. This Office shall be headed by a Director, who shall be appointed by the Secretary and compensated at the rate equal to that of level IV of the Executive Schedule under section 5315 of Title 5, United States Code.

“(b) The Director shall provide, direct, foster, coordinate, and implement energy plan-

ning, education, management, conservation, and delivery programs of the Department that—

“(1) promote tribal energy efficiency and utilization;

“(2) modernize and develop, for the benefit of Indian tribes, tribal energy and economic infrastructure related to natural resource development and electrification;

“(3) preserve and promote tribal sovereignty and self determination related to energy matters and energy deregulation;

“(4) lower or stabilize energy costs; and

“(5) electrify tribal members' homes and tribal lands.

“(c) The Director shall carry out the duties assigned the Secretary or the Director under title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.).”

SEC. 403. CONFORMING AMENDMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 2603(c) of the Energy Policy Act of 1992 (25 U.S.C. 3503(c)) is amended to read as follows:

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.”

(b) TABLE OF CONTENTS.—The Table of Contents of the Department of Energy Act is amended by inserting after the item relating to section 216 the following new item:

“Sec. 217. Office of Indian Energy Policy and Programs.”

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by inserting “Director, Office of Indian Energy Policy and Programs, Department of Energy.” after “Inspector General, Department of Energy.”

SEC. 404. SITING ENERGY FACILITIES ON TRIBAL LANDS.—

(a) DEFINITIONS.—For purposes of this section:

(1) INDIAN TRIBE.—The term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, except that such term does not include any Regional Corporation as defined in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)).

(2) INTERESTED PARTY.—The term “interested party” means a person whose interests could be adversely affected by the decision of an Indian tribe to grant a lease or right-of-way pursuant to this section.

(3) PETITION.—The term “petition” means a written request submitted to the Secretary for the review of an action (or inaction) of the Indian tribe that is claimed to be in violation of the approved tribal regulations;

(4) RESERVATION.—The term “reservation” means—

(A) with respect to a reservation in a State other than Oklahoma, all land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, federal statute, secretarial order, or judicial determination;

(B) with respect to a reservation in the State of Oklahoma, all land that is—

(i) within the jurisdictional area of an Indian tribe, and

(ii) within the boundaries of the last reservation of such tribe that was established by treaty, executive order, or secretarial order.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) TRIBAL LANDS.—The term “tribal lands” means any tribal trust lands or other lands

owned by an Indian tribe that are within a reservation, or tribal trust lands located contiguous thereto.

(b) LEASES INVOLVING GENERATION, TRANSMISSION, DISTRIBUTION OR ENERGY PROCESSING FACILITIES.—An Indian tribe may grant a lease of tribal land for electric generation, transmission, or distribution facilities, or facilities to process or refine renewable or nonrenewable energy resources developed on tribal lands, and such leases shall not require the approval of the Secretary if the lease is executed under tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed 30 years.

(c) RIGHTS-OF-WAY FOR ELECTRIC GENERATION, TRANSMISSION, DISTRIBUTION OR ENERGY PROCESSING FACILITIES.—An Indian tribe may grant a right-of-way over tribal lands for a pipeline or an electric transmission or distribution line without separate approval by the Secretary, if—

(1) the right-of-way is executed under and complies with tribal regulations approved by the Secretary and the term of the right-of-way does not exceed 30 years; and

(2) the pipeline or electric transmission or distribution line serves—

(A) an electric generation, transmission or distribution facility located on tribal land, or

(B) a facility located on tribal land that processes or refines renewable or nonrenewable energy resources developed on tribal lands.

(d) RENEWALS.—Leases or rights-of-way entered into under this subsection may be renewed at the discretion of the Indian tribe in accordance with the requirements of this section.

(e) TRIBAL REGULATION REQUIREMENTS.—

(1) The Secretary shall have the authority to approve or disapprove tribal regulations required under this subsection. The Secretary shall approve such tribal regulations if they are comprehensive in nature, including provisions that address—

(A) securing necessary information from the lessee or right-of-way applicant;

(B) term of the conveyance;

(C) amendments and renewals;

(D) consideration for the lease or right-of-way;

(E) technical or other relevant requirements;

(F) requirements for environmental review as set forth in paragraph (3);

(G) requirements for complying with all applicable environmental laws; and

(H) final approval authority.

(2) No lease or right-of-way shall be valid unless authorized in compliance with the approved tribal regulations.

(3) An Indian tribe, as a condition of securing Secretarial approval as contemplated in paragraph (1), must establish an environmental review process that includes the following—

(A) an identification and evaluation of all significant environmental impacts of the proposed action as compared to a no action alternative;

(B) identification of proposed mitigation;

(C) a process for ensuring that the public is informed of and has an opportunity to comment on the proposed action prior to tribal approval of the lease or right-of-way; and

(D) sufficient administrative support and technical capability to carry out the environmental review process.

(4) The Secretary shall review and approve or disapprove the regulations of the Indian tribe within 180 days of the submission of such regulations to the Secretary. Any disapproval of such regulations by the Secretary shall be accompanied by written documentation that sets forth the basis for the

disapproval. The 180-day period may be extended by the Secretary after consultation with the Indian tribe.

(5) If the Indian tribe executes a lease or right-of-way pursuant to tribal regulations required under this subsection, the Indian tribe shall provide the Secretary with—

(A) a copy of the lease or right-of-way document and all amendments and renewals thereto; and

(B) in the case of regulations or a lease or right-of-way that permits payment to be made directly to the Indian tribe, documentation of the payments sufficient to enable the Secretary to discharge the trust responsibility of the United States as appropriate under existing law.

(6) The United States shall not be liable for losses sustained by any party to a lease executed pursuant to tribal regulations under this subsection, including the Indian tribe.

(7) (A) An interested party may, after exhaustion of tribal remedies, submit, in a timely manner, a petition to the Secretary to review the compliance of the Indian tribe with any tribal regulations approved under this subsection. If upon such review, the Secretary determines that the regulations were violated, the Secretary may take such action as may be necessary to remedy the violation, including rescinding or holding the lease or right-of-way in abeyance until the violation is cured. The Secretary may also rescind the approval of the tribal regulations and re-assume the responsibility for approval of leases or rights-of-way associated with the facilities addressed in this section.

(B) If the Secretary seeks to remedy a violation described in subparagraph (A), the Secretary shall—

(i) make a written determination with respect to the regulations that have been violated;

(ii) provide the Indian tribe with a written notice of the alleged violation together with such written determination; and

(iii) prior to the exercise of any remedy or the rescission of the approval of the regulations involved and re-assumption of the lease or right-of-way approval responsibility, provide the Indian tribe with a hearing and a reasonable opportunity to cure the alleged violation.

(C) The tribe shall retain all rights to appeal as provided by regulations promulgated by the Secretary.

(f) **AGREEMENTS.**—

(1) Agreements between an Indian tribe and a business entity that are directly associated with the development of electric generation, transmission or distribution facilities, or facilities to process or refine renewable or nonrenewable energy resources developed on tribal lands, shall not separately require the approval of the Secretary pursuant to section 18 of title 25, United States Code, so long as the activity that is the subject of the agreement has been the subject of an environmental review process pursuant to subsection (e) of this section.

(2) The United States shall not be liable for any losses or damages sustained by any party, including the Indian tribe, that are associated with an agreement entered into under this subsection.

(g) **DISCLAIMER.**—Nothing in this section is intended to modify or otherwise affect the applicability of any provision of the Indian Mineral Leasing Act of 1938 (25 U.S.C. 396a–396g); Indian Mineral Development Act of 1982 (25 U.S.C. 2101–2108); Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1328); any amendments thereto; or any other laws not specifically addressed in this section.

SEC. 405. INDIAN MINERAL DEVELOPMENT ACT REVIEW.

(a) **IN GENERAL.**—The Secretary of the Interior shall conduct a review of the activities that have been conducted by the governments of Indian tribes under the authority of the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.).

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate a report containing:

(1) the results of the review;

(2) recommendations designed to help ensure that Indian tribes have the opportunity to develop their nonrenewable energy resources; and

(3) an analysis of the barriers to the development of energy resources on Indian land, including federal policies and regulations, and make recommendations regarding the removal of those barriers.

(c) **CONSULTATION.**—The Secretary shall consult with Indian tribes on a government-to-government basis in developing the report and recommendations as provided in this subsection.

SEC. 406. RENEWABLE ENERGY STUDY.

(a) **IN GENERAL.**—Not later than 2 years after the date of the enactment of this Act, and once every 2 years thereafter, the Secretary of Energy shall transmit to the Committees on Energy and Commerce and Resources of the House of Representatives and the Committees on Energy and Natural Resources and Indian Affairs of the Senate a report on energy consumption and renewable energy development potential on Indian land. The report shall identify barriers to the development of renewable energy by Indian tribes, including federal policies and regulations, and make recommendations regarding the removal of such barriers.

(b) **CONSULTATION.**—The Secretary shall consult with Indian tribes on a government-to-government basis in developing the report and recommendations as provided in this section.

SEC. 407. FEDERAL POWER MARKETING ADMINISTRATIONS.

Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501) (as amended by section 201) is amended by adding the at the end of the following:

“SEC. 2608. FEDERAL POWER MARKETING ADMINISTRATIONS.

“(a) DEFINITION OF ADMINISTRATOR.—In this section, the term ‘Administrator’ means—

“(1) the Administrator of the Bonneville Power Administration; or

“(2) the Administrator of the Western Area Power Administration.

“(b) ASSISTANCE FOR TRANSMISSION STUDIES.—

“(1) Each Administrator may provide technical assistance to Indian tribes seeking to use the high-voltage transmission system for delivery of electric power. The costs of such technical assistance shall be funded—

“(A) by the Administrator using non-reimbursable funds appropriated for this purpose, or

“(B) by the Indian tribe.—

“(2) PRIORITY FOR ASSISTANCE FOR TRANSMISSION STUDIES.—In providing discretionary assistance to Indian tribes under paragraph (1), each Administrator shall give priority in funding to Indian tribes that have limited financial capability to conduct such studies.

“(c) POWER ALLOCATION STUDY.—

“(1) Not later than 2 years after the date of enactment of this Act, the Secretary of Energy shall transmit to the Committees on

Energy and Commerce and Resources of the House of Representatives and the Committees on Energy and Natural Resources and Indian Affairs of the Senate a report on Indian tribes’ utilization of federal power allocations of the Western Area Power Administration, or power sold by the Southwestern Power Administration, and the Bonneville Power Administration to or for the benefit of Indian tribes in their service areas. The report shall identify—

“(A) the amount of power allocated to tribes by the Western Area Power Administration, and how the benefit of that power is utilized by the tribes;

“(B) the amount of power sold to tribes by other Power Marketing Administrations; and

“(C) existing barriers that impede tribal access to and utilization of federal power, and opportunities to remove such barriers and improve the ability of the Power Marketing Administration to facilitate the utilization of federal power by Indian tribes.

“(2) The Power Marketing Administrations shall consult with Indian tribes on a government-to-government basis in developing the report provided in this section.

“(d) AUTHORIZATION FOR APPROPRIATION.—There are authorized to be appropriated to the Secretary of Energy such sums as may be necessary to carry out the purposes of this section.”

SEC. 408. FEASIBILITY STUDY OF COMBINED WIND AND HYDROPOWER DEMONSTRATION PROJECT.

(a) **STUDY.**—The Secretary of Energy, in coordination with the Secretary of the Army and the Secretary of the Interior, shall conduct a study of the cost and feasibility of developing a demonstration project that would use wind energy generated by Indian tribes and hydropower generated by the Army Corps of Engineers on the Missouri River to supply firming power to the Western Area Power Administration.

(b) **SCOPE OF STUDY.**—The study shall—

(1) determine the feasibility of the blending of wind energy and hydropower generated from the Missouri River dams operated by the Army Corps of Engineers;

(2) review historical purchase requirements and projected purchase requirements for firming and the patterns of availability and use of firming energy;

(3) assess the wind energy resource potential on tribal lands and projected cost savings through a blend of wind and hydropower over a thirty-year period; and

(4) include a preliminary interconnection study and a determination of resource adequacy of the Upper Great Plains Region of the Western Area Power Administration;

(5) determine seasonal capacity needs and associated transmission upgrades for integration of tribal wind generation; and

(6) include an independent tribal engineer as a study team member.

(c) **REPORT.**—The Secretary of Energy and Secretary of the Army shall submit a report to Congress not later than one year after the date of enactment of this title. The Secretaries shall include in the report—

(1) an analysis of the potential energy cost savings to the customers of the Western Area Power Administration through the blend of wind and hydropower;

(2) an evaluation of whether a combined wind and hydropower system can reduce reservoir fluctuation, enhance efficient and reliable energy production and provide Missouri River management flexibility;

(3) recommendations for a demonstration project which the Western Area Power Administration could carry out in partnership with an Indian tribal government or tribal government energy consortium to demonstrate the feasibility and potential of using wind energy produced on Indian lands

to supply firming energy to the Western Area Power Administration or other Federal power marketing agency; and

(4) an identification of the economic and environmental benefits to be realized through such a federal-tribal partnership and identification of how such a partnership could contribute to the energy security of the United States.

(d) CONSULTATION.—The Secretary shall consult with Indian tribes on a government-to-government basis in developing the report and recommendations provided in this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$500,000 to carry out this section, which shall remain available until expended. All costs incurred by the Western Area Power Administration associated with performing the tasks required under this section shall be non-reimbursable.

TITLE V—NUCLEAR POWER
Subtitle A—Price-Anderson Act
Reauthorization

SEC. 501. SHORT TITLE.

This subtitle may be cited as the “Price-Anderson Amendments Act of 2002”.

SEC. 502. EXTENSION OF DEPARTMENT OF ENERGY INDEMNIFICATION AUTHORITY.

Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking “, until August 1, 2002.”.

SEC. 503. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

“(2) In agreements of indemnification entered into under paragraph (1), the Secretary—

“(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity, and

“(B) shall indemnify the persons indemnified against such claims above the amount of the financial protection required, in the amount of \$10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with such contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.”.

(b) CONTRACT AMENDMENTS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following:

“(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of the enactment of the Price-Anderson Amendments Act of 2002, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.”.

(c) LIABILITY LIMIT.—Section 170 e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended by striking “paragraph (3)” and inserting “paragraph (2)(B)”.

SEC. 504. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking “\$100,000,000” and inserting “\$500,000,000”.

(b) LIABILITY LIMIT.—Section 170 e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking “\$100,000,000” and inserting “\$500,000,000”.

SEC. 505. REPORTS.

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking “August 1, 1998” and inserting “August 1, 2008”.

SEC. 506. INFLATION ADJUSTMENT.

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210 (t)) is amended—

(1) by renumbering paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

“(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2002, in accordance with the aggregate percentage change in the Consumer Price Index since—

“(A) such date of enactment, in the case of the first adjustment under this paragraph; or

“(B) the previous adjustment under this paragraph.”.

SEC. 507. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A b.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a (b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NOT-FOR-PROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

“d. (1) Notwithstanding subsection a., a civil penalty for a violation under subsection a. shall not exceed the amount of the fee paid under the contract under which such violation occurs for any not-for-profit contractor, subcontractor, or supplier.

“(2) For purposes of this section, the term ‘not-for-profit’ means that no part of the net earnings of the contractor, subcontractor, or supplier inures, or may lawfully inure, to the benefit of any natural person or for-profit artificial person.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of enactment of this section.

SEC. 508. EFFECTIVE DATE.

The amendments made by sections 503(a) and 504 shall not apply to any nuclear incident that occurs before the date of the enactment of this subtitle.

Subtitle B—Miscellaneous Provisions

SEC. 511. URANIUM SALES.

(a) INVENTORY SALES.—Section 3112(d) of the USEC Privatization Act (42 U.S.C. 2297h-10(d)) is amended to read as follows:

“(d) INVENTORY SALES.—(1) In addition to the transfers authorized under subsections (b), (c), and (e), the Secretary may, from time to time, sell or transfer uranium (including natural uranium concentrates, natural uranium hexafluoride, enriched uranium, and depleted uranium) from the Department of Energy’s stockpile.

“(2) Except as provided in subsections (b), (c), and (e), the Secretary may not deliver uranium in any form for consumption by end users in any year in excess of the following amounts:

“Annual Maximum Deliveries to End Users

“Year-	(million lbs. U ₃ O ₈ equivalent)	
2003 through 2009-	.....	3
2010-	.....	5
2011-	.....	5
2012-	.....	7
2013 and each year thereafter-	.....	10.

“(3) Except as provided in subsections (b), (c), and (e), no sale or transfer of uranium in any form shall be made unless—

“(A) the President determines that the material is not necessary for national security needs;

“(B) the Secretary determines, based on the written views of the Secretary of State and the Assistant to the President for National Security Affairs, that the sale or transfer will not adversely affect the national security interests of the United States;

“(C) the Secretary determines that the sale of the material will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry, taking into account the sales of uranium under the Russian HEU Agreement and the Suspension Agreement; and

“(D) the price paid to the Secretary will not be less than the fair market value of the material.”.

(b) EXEMPT TRANSFERS AND SALES.—Section 3112(e) of the USEC Privatization Act (42 U.S.C. 2297h-10(e)) is amended to read as follows:

“(e) EXEMPT SALES OR TRANSFERS.—Notwithstanding subsection (d)(2), the Secretary may transfer or sell uranium—

“(1) to the Tennessee Valley Authority for use pursuant to the Department of Energy’s highly enriched uranium or tritium program, to the extent provided by law;

“(2) to research and test reactors under the University Reactor Fuel Assistance and Support Program or the Reduced Enrichment for Research and Test Reactors Program;

“(3) to USEC Inc. to replace contaminated uranium received from the Department of Energy when the United States Enrichment Corporation was privatized;

“(4) to any person for emergency purposes in the event of a disruption in supply to end users in the United States; and

“(5) to any person for national security purposes, as determined by the Secretary.”.

SEC. 512. REAUTHORIZATION OF THORIUM REIMBURSEMENT.

(a) REIMBURSEMENT OF THORIUM LICENSEES.— Section 1001(b)(2)(C) of the Energy Policy Act of 1992 (42 U.S.C. 2296a) is amended—

(1) by striking “\$140,000,000” and inserting “\$365,000,000”; and

(2) by adding at the end the following: “Such payments shall not exceed the following amounts:

- “(i) \$90,000,000 in fiscal year 2002.
- “(ii) \$55,000,000 in fiscal year 2003.
- “(iii) \$20,000,000 in fiscal year 2004.
- “(iv) \$20,000,000 in fiscal year 2005.
- “(v) \$20,000,000 in fiscal year 2006.
- “(vi) \$20,000,000 in fiscal year 2007.

Any amounts authorized to be paid in a fiscal year under this subparagraph that are not paid in that fiscal year may be paid in subsequent fiscal years.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1003(a) of the Energy Policy Act of 1992 (42 U.S.C. 2296a-2) is amended by striking “\$490,000,000” and inserting “\$715,000,000”.

(c) DECONTAMINATION AND DECOMMISSIONING FUND.—Section 1802(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2297g-1(a)) is amended—

(1) by striking “\$488,333,333” and inserting “\$518,233,333”; and

(2) by inserting after “inflation” the following: “beginning on the date of enactment of the Energy Policy Act of 1992”.

SEC. 513. FAST FLUX TEST FACILITY.

The Secretary of Energy shall not reactivate the Fast Flux Test Facility to conduct—

- (1) any atomic energy defense activity,
- (2) any space-related mission, or
- (3) any program for the production or utilization of nuclear material if the Secretary has determined, in a record of decision, that

the program can be carried out at existing operating facilities.

DIVISION B—DOMESTIC OIL AND GAS PRODUCTION AND TRANSPORTATION
TITLE VI—OIL AND GAS PRODUCTION

SEC. 601. PERMANENT AUTHORITY TO OPERATE THE STRATEGIC PETROLEUM RESERVE.

(a) AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) by striking section 166 (42 U.S.C. 6246) and inserting—

“SEC. 166. There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part, to remain available until expended.”; and

(2) by striking part E (42 U.S.C. 6251; relating to the expiration of title I of the Act) and its heading.

(b) AMENDMENT TO TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.) is amended—

(1) by striking section 256(h) (42 U.S.C. 6276(h)) and inserting—

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part, to remain available until expended.”.

(2) by striking section 273(e) (42 U.S.C. 6283(e)); relating to the expiration of summer fill and fuel budgeting programs; and

(3) by striking part D (42 U.S.C. 6285; relating to the expiration of title II of the Act) and its heading.

(c) TECHNICAL AMENDMENTS.—The table of contents for the Energy Policy and Conservation Act is amended by striking the items relating to part D of title I and part D of title II.

SEC. 602. FEDERAL ONSHORE LEASING PROGRAMS FOR OIL AND GAS.

(a) TIMELY ACTION ON LEASES AND PERMITS.—To ensure timely action on oil and gas leases and applications for permits to drill on lands otherwise available for leasing, the Secretary of the Interior shall—

(1) ensure expeditious compliance with the requirements section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

(2) improve consultation and coordination with the States;

(3) improve the collection, storage, and retrieval of information related to such leasing activities; and

(4) improve inspection and enforcement activities related to oil and gas leases.

(b) AUTHORIZATION OF APPROPRIATIONS.—

For the purpose of carrying out paragraphs (1) through (4) of subsection (a), there are authorized to be appropriated to the Secretary of the Interior \$60,000,000 for each of the fiscal years 2003 through 2006, in addition to amounts otherwise authorized to be appropriated for the purpose of carrying out section 17 of the Mineral Leasing Act (30 U.S.C. 226).

SEC. 603. OIL AND GAS LEASE ACREAGE LIMITATIONS.

Section 27(d)(1) of the Mineral Leasing Act (30 U.S.C. 184(d)(1)) is amended by inserting after “acreage held in special tar sand areas” the following: “as well as acreage under any lease any portion of which has been committed to a Federally approved unit or cooperative plan or communitization agreement, or for which royalty, including compensatory royalty or royalty in kind, was paid in the preceding calendar year.”.

SEC. 604. ORPHANED AND ABANDONED WELLS ON FEDERAL LAND.

(a) ESTABLISHMENT.—(1) The Secretary of the Interior, in cooperation with the Sec-

retary of Agriculture, shall establish a program to ensure within three years after the date of enactment of this Act, remediation, reclamation, and closure of orphaned oil and gas wells located on lands administered by the land management agencies within the Department of the Interior and the U.S. Forest Service that are—

(A) abandoned;
(B) orphaned; or
(C) idled for more than 5 years and having no beneficial use.

(2) The program shall include a means of ranking critical sites for priority in remediation based on potential environmental harm, other land use priorities, and public health and safety.

(3) The program shall provide that responsible parties be identified wherever possible and that the costs of remediation be recovered.

(4) In carrying out the program, the Secretary of the Interior shall work cooperatively with the Secretary of Agriculture and the states within which the federal lands are located, and shall consult with the Secretary of Energy, and the Interstate Oil and Gas Compact Commission.

(b) PLAN.—Within six months from the date of enactment of this section, the Secretary of the Interior, in cooperation with the Secretary of Agriculture, shall prepare a plan for carrying out the program established under subsection (a). Copies of the plan shall be transmitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior \$5,000,000 for each of fiscal years 2003 through 2005 to carry out the activities provided for in this section.

SEC. 605. ORPHANED AND ABANDONED OIL AND GAS WELL PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a program to provide technical assistance to the various oil and gas producing states to facilitate state efforts over a ten-year period to ensure a practical and economical remedy for environmental problems caused by orphaned and abandoned exploration or production well sites on state and private lands. The Secretary shall work with the states, through the Interstate Oil and Gas Compact Commission, to assist the states in quantifying and mitigating environmental risks of onshore abandoned and orphaned wells on state and private lands.

(b) PROGRAM ELEMENTS.—The program should include—

(1) mechanisms to facilitate identification of responsible parties wherever possible;

(2) criteria for ranking critical sites based on factors such as other land use priorities, potential environmental harm and public visibility; and

(3) information and training programs on best practices for remediation of different types of sites.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for the activities under this section \$5,000,000 for each of fiscal years 2003 through 2005 to carry out the provisions of this section.

SEC. 606. OFFSHORE 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, the Secretary may grant a request for a suspension of operations under any lease to allow

the lessee to reprocess or reinterpret geologic or geophysical data beneath allocthonous salt sheets, when in the Secretary’s judgment such suspension is necessary to prevent waste caused by the drilling of unnecessary wells, and to maximize ultimate recovery of hydrocarbon resources under the lease. Such suspension shall be limited to the minimum period of time the Secretary determines is necessary to achieve the objectives of this subsection.”.

SEC. 607. COALBED METHANE STUDY.

(a) STUDY.—The National Academy of Sciences shall conduct a study on the effects of coalbed methane production on surface and water resources.

(b) DATA ANALYSIS.—The study shall analyze available hydrogeologic and water quality data, along with other pertinent environmental or other information to determine—

(1) adverse effects associated with surface or subsurface disposal of waters produced during extraction of coalbed methane;

(2) depletion of groundwater aquifers or drinking water sources associated with production of coalbed methane;

(3) any other significant adverse impacts to surface or water resources associated with production of coalbed methane; and

(4) production techniques or other factors that can mitigate adverse impacts from coalbed methane development.

(c) RECOMMENDATIONS.—The study shall analyze existing Federal and State laws and regulations, and make recommendations as to changes, if any, to Federal law necessary to address adverse impacts to surface or water resources attributable to coalbed methane development.

(d) COMPLETION OF STUDY.—The National Academy of Sciences shall submit the study to the Secretary of the Interior within 18 months after the date of enactment of this Act, and shall make the study available to the public at the same time.

(e) REPORT TO CONGRESS.—The Secretary of the Interior shall report to Congress within 6 months of her receipt of the study on—

(1) the findings and recommendations of the study;

(2) the Secretary’s agreement or disagreement with each of its findings and recommendations; and

(3) any recommended changes in funding to address the effects of coalbed methane production on surface and water resources.

SEC. 608. FISCAL POLICIES TO MAXIMIZE RECOVERY OF DOMESTIC OIL AND GAS RESOURCES.

(a) EVALUATION.—The Secretary of Energy, in coordination with the Secretaries of the Interior, Commerce, and Treasury, Indian tribes and the Interstate Oil and Gas Compact Commission, shall evaluate the impact of existing Federal and State tax and royalty policies on the development of domestic oil and gas resources and on revenues to Federal, State, local and tribal governments.

(b) SCOPE.—The evaluation under subsection (a) shall—

(1) analyze the impact of fiscal policies on oil and natural gas exploration, development drilling, and production under different price scenarios, including the impact of the individual and corporate Alternative Minimum Tax, state and local production taxes and fixed royalty rates during low price periods;

(2) assess the effect of existing federal and state fiscal policies on investment under different geological and developmental circumstances, including but not limited to deepwater environments, subsalt formations, deep and deviated wells, coalbed methane and other unconventional oil and gas formations;

(3) assess the extent to which federal and state fiscal policies negatively impact the

ultimate recovery of resources from existing fields and smaller accumulations in offshore waters, especially in water depths less than 800 meters, of the Gulf of Mexico;

(4) compare existing federal and state policies with tax and royalty regimes in other countries with particular emphasis on similar geological, developmental and infrastructure conditions; and

(5) evaluate how alternative tax and royalty policies, including counter-cyclical measures, could increase recovery of domestic oil and natural gas resources and revenues to Federal, State, local and tribal governments.

(c) **POLICY RECOMMENDATIONS.**—Based upon the findings of the evaluation under subsection (a), a report describing the findings and recommendations for policy changes shall be provided to the President, the Congress, the Governors of the member states of the Interstate Oil and Gas Compact Commission, and Indian tribes having an oil and gas lease approved by the Secretary of the Interior. The recommendations should ensure that the public interest in receiving the economic benefits of tax and royalty revenues is balanced with the broader national security and economic interests in maximizing recovery of domestic resources. The report should include recommendations regarding actions to—

(1) ensure stable development drilling during periods of low oil and/or natural gas prices to maintain reserve replacement and deliverability;

(2) minimize the negative impact of a volatile investment climate on the oil and gas service industry and domestic oil and gas exploration and production;

(3) ensure a consistent level of domestic activity to encourage the education and retention of a technical workforce; and

(4) maintain production capability during periods of low oil and/or natural gas prices.

(d) **ROYALTY GUIDELINES.**—The recommendations required under (c) should include guidelines for private resource holders as to the appropriate level of royalties given geology, development cost, and the national interest in maximizing recovery of oil and gas resources.

(e) **REPORT.**—The study under subsection (a) shall be completed not later than 18 months after the date of enactment of this section. The report and recommendations required in (c) shall be transmitted to the President, the Congress, Indian tribes, and the Governors of the member States of the Interstate Oil and Gas Compact Commission.

SEC. 609. STRATEGIC PETROLEUM RESERVE.

(a) **FULL CAPACITY.**—The President shall—

(1) fill the Strategic Petroleum Reserve established pursuant to part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.) to full capacity as soon as practicable;

(2) acquire petroleum for the Strategic Petroleum Reserve by the most practicable and cost-effective means, including the acquisition of crude oil the United States is entitled to receive in kind as royalties from production on Federal lands; and

(3) ensure that the fill rate minimizes impacts on petroleum markets.

(b) **RECOMMENDATIONS.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a plan to B

(1) eliminate any infrastructure impediments that may limit maximum drawdown capability; and

(2) determine whether the capacity of the Strategic Petroleum Reserve on the date of enactment of this section is adequate in light of the increasing consumption of petroleum and the reliance on imported petroleum.

TITLE VII—NATURAL GAS PIPELINES

Subtitle A—Alaska Natural Gas Pipeline

SEC. 701. SHORT TITLE.

This subtitle may be cited as the “Alaska Natural Gas Pipeline Act of 2002”.

SEC. 702. FINDINGS.

The Congress finds that:

(1) Construction of a natural gas pipeline system from the Alaskan North Slope to United States markets is in the national interest and will enhance national energy security by providing access to the significant gas reserves in Alaska needed to meet the anticipated demand for natural gas.

(2) The Commission issued a certificate of public convenience and necessity for the Alaska Natural Gas Transportation System, which remains in effect.

SEC. 703. PURPOSES.

The purposes of this subtitle are—

(1) to expedite the approval, construction, and initial operation of one or more transportation systems for the delivery of Alaska natural gas to the contiguous United States;

(2) to ensure access to such transportation systems on an equal and nondiscriminatory basis and to promote competition in the exploration, development and production of Alaska natural gas; and

(3) to provide federal financial assistance to any transportation system for the transport of Alaska natural gas to the contiguous United States, for which an application for a certificate of public convenience and necessity is filed with the Commission not later than 6 months after the date of enactment of this subtitle.

SEC. 704. ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

(a) **AUTHORITY OF THE COMMISSION.**—Notwithstanding the provisions of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719–719o), the Commission may, pursuant to section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)), consider and act on an application for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project other than the Alaska Natural Gas Transportation System.

(b) **ISSUANCE OF CERTIFICATE.**—

(1) The Commission shall issue a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project under this section if the applicant has—

(A) entered into a contract to transport Alaska natural gas through the proposed Alaska natural gas transportation project for use in the contiguous United States; and

(B) satisfied the requirements of section 7(e) of the Natural Gas Act (15 U.S.C. 717f(e)).

(2) In considering an application under this section, the Commission shall presume that—

(A) a public need exists to construct and operate the proposed Alaska natural gas transportation project; and

(B) sufficient downstream capacity will exist to transport the Alaska natural gas moving through such project to markets in the contiguous United States.

(c) **EXPEDITED APPROVAL PROCESS.**—The Commission shall issue a final order granting or denying any application for a certificate of public and convenience and necessity under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) and this section not more than 60 days after the issuance of the final environmental impact statement for that project pursuant to section 704.

(d) **REVIEWS AND ACTIONS OF OTHER FEDERAL AGENCIES.**—All reviews conducted and actions taken by any federal officer or agency relating to an Alaska natural gas trans-

portation project authorized under this section shall be expedited, in a manner consistent with completion of the necessary reviews and approvals by the deadlines set forth in this subtitle.

(e) **REGULATIONS.**—The Commission may issue regulations to carry out the provisions of this section.

SEC. 705. ENVIRONMENTAL REVIEWS.

(a) **COMPLIANCE WITH NEPA.**—The issuance of a certificate of public convenience and necessity authorizing the construction and operation of any Alaska natural gas transportation project under section 704 shall be treated as a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) **DESIGNATION OF LEAD AGENCY.**—The Commission shall be the lead agency for purposes of complying with the National Environmental Policy Act of 1969, and shall be responsible for preparing the statement required by section 102(2)(c) of that Act (42 U.S.C. 4332(2)(c)) with respect to an Alaska natural gas transportation project under section 704. The Commission shall prepare a single environmental statement under this section, which shall consolidate the environmental reviews of all Federal agencies considering any aspect of the project.

(c) **OTHER AGENCIES.**—All Federal agencies considering aspects of the construction and operation of an Alaska natural gas transportation project section 704 shall cooperate with the Commission, and shall comply with deadlines established by the Commission in the preparation of the statement under this section. The statement prepared under this section shall be used by all such agencies to satisfy their responsibilities under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to such project.

(d) **EXPEDITED PROCESS.**—The Commission shall issue a draft statement under this section not later than 12 months after the Commission determines the application to be complete and shall issue the final statement not later than 6 months after the Commission issues the draft statement, unless the Commission for good cause finds that additional time is needed.

(e) **UPDATED ENVIRONMENTAL REVIEWS UNDER ANGTA.**—The Secretary of Energy shall require the sponsor of the Alaska Natural Gas Transportation System to submit such updated environmental data, reports, permits, and impact analyses as the Secretary determines are necessary to develop detailed terms, conditions, and compliance plans required by section 5 of the President’s Decision.

SEC. 706. FEDERAL COORDINATOR.

(a) **ESTABLISHMENT.**—There is established as an independent establishment in the executive branch, the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects.

(b) **THE FEDERAL COORDINATOR.**—The Office shall be headed by a Federal Coordinator for Alaska Natural Gas Transportation Projects, who shall—

(1) be appointed by the President, by and with the advice of the Senate,

(2) hold office at the pleasure of the President, and

(3) be compensated at the rate prescribed for level III of the Executive Schedule (5 U.S.C. 5314).

(c) **DUTIES.**—The Federal Coordinator shall be responsible for—

(1) coordinating the expeditious discharge of all activities by federal agencies with respect to an Alaska natural gas transportation project; and

(2) ensuring the compliance of Federal agencies with the provisions of this subtitle.
SEC. 707. JUDICIAL REVIEW.

(a) **EXCLUSIVE JURISDICTION.**—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine—

(1) the validity of any final order or action (including a failure to act) of the Commission under this subtitle;—

(2) the constitutionality of any provision of this subtitle, or any decision made or action taken thereunder; or

(3) the adequacy of any environmental impact statement prepared under the National Environmental Policy Act of 1969 with respect to any action under this subtitle.

(b) **DEADLINE FOR FILING CLAIM.**—Claims arising under this subtitle may be brought not later than 60 days after the date of the decision or action giving rise to the claim.
SEC. 708. LOAN GUARANTEE.

(a) **AUTHORITY.**—The Secretary of Energy may guarantee not more than 80 percent of the principal of any loan made to the holder of a certificate of public convenience and necessity issued under section 704(b) of this Act or section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) for the purpose of constructing an Alaska natural gas transportation project.

(b) **CONDITIONS.**—

(1) The Secretary of Energy may not guarantee a loan under this section unless the guarantee has filed an application for a certificate of public convenience and necessity under section 704(b) of this Act or for an amended certificate under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) with the Commission not later than 6 months after the date of enactment of this subtitle.

(2) A loan guaranteed under this section shall be made by a financial institution subject to the examination of the Secretary.

(3) Loan requirements, including term, maximum size, collateral requirements and other features shall be determined by the Secretary.

(c) **LIMITATION ON AMOUNT.**—Commitments to guarantee loans may be made by the Secretary of Energy only to the extent that the total loan principal, any part of which is guaranteed, will not exceed \$10,000,000,000.

(d) **REGULATIONS.**—The Secretary of Energy may issue regulations to carry out the provisions of this section.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary such sums as may be necessary to cover the cost of loan guarantees, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).
SEC. 709. STUDY OF ALTERNATIVE MEANS OF CONSTRUCTION.

(a) **REQUIREMENT OF STUDY.**—If no application for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project has been filed with the Commission within 6 months after the date of enactment of this title, the Secretary of Energy shall conduct a study of alternative approaches to the construction and operation of the project.

(b) **SCOPE OF STUDY.**—The study shall consider the feasibility of establishing a government corporation to construct an Alaska natural gas transportation project, and alternative means of providing federal financing and ownership (including alternative combinations of government and private corporate ownership) of the project.

(c) **CONSULTATION.**—In conducting the study, the Secretary of Energy shall consult with the Secretary of the Treasury and the Secretary of the Army (acting through the

Commanding General of the Corps of Engineers).

(d) **REPORT.**—If the Secretary of Energy is required to conduct a study under subsection (a), he shall submit a report containing the results of the study, his recommendations, and any proposals for legislation to implement his recommendations to the Congress within 6 months after the expiration of the Secretary of Energy's authority to guarantee a loan under section 708.

SEC. 710. SAVINGS CLAUSE.

Nothing in this subtitle affects any decision, certificate, permit, right-of-way, lease, or other authorization issued under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g).

SEC. 711. CLARIFICATION OF AUTHORITY TO AMEND TERMS AND CONDITIONS TO MEET CURRENT PROJECT REQUIREMENTS.

Any Federal officer or agency responsible for granting or issuing any certificate, permit, right-of-way, lease, or other authorization under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) may add to, amend, or abrogate any term or condition included in such certificate, permit, right-of-way, lease, or other authorization to meet current project requirements (including the physical design, facilities, and tariff specifications), so long as such action does not compel a change in the basic nature and general route of the Alaska Natural Gas Transportation System as designated and described in section 2 of the President's Decision, or would otherwise prevent or impair in any significant respect the expeditious construction and initial operation of such transportation system.

SEC. 712. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Alaska natural gas" has the meaning given such term by section 4(1) of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719b(1)).

(2) The term "Alaska natural gas transportation project" means any other natural gas pipeline system that carries Alaska natural gas from the North Slope of Alaska to the border between Alaska and Canada (including related facilities subject to the jurisdiction of the Commission) that is authorized under either—

(A) the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719–719o); or

(B) section 704 of this subtitle.

(3) The term "Alaska Natural Gas Transportation System" means the Alaska natural gas transportation project authorized under the Alaska Natural Gas Transportation Act of 1976 and designated and described in section 2 of the President's Decision.

(4) The term "Commission" means the Federal Energy Regulatory Commission.

(5) The term "natural gas company" means a person engaged in the transportation of natural gas in interstate commerce or the sale in interstate commerce of such gas for resale; and

(6) The term "President's Decision" means the Decision and Report to Congress on the Alaska Natural Gas Transportation system issued by the President on September 22, 1977 pursuant to section 7 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719c) and approved by Public Law 95–158.

SEC. 713. SENSE OF THE SENATE.

It is the sense of the Senate that an Alaska natural gas transportation project will provide significant economic benefits to the United States and Canada. In order to maximize those benefits, the Senate urges the sponsors of the pipeline project to make every effort to use steel that is manufactured or produced in North America and to

negotiate a project labor agreement to expedite construction of the pipeline.

Subtitle B—Operating Pipelines

SEC. 721. APPLICATION OF HISTORIC PRESERVATION ACT TO OPERATING PIPELINES.

Section 7 of the Natural Gas Act (15 U.S.C. 717(f)) is amended by adding at the end the following:

“(i)(1) Notwithstanding the National Historic Preservation Act (16 U.S.C. 470 et seq.), a transportation facility shall not be eligible for inclusion on the National Register of Historic Places unless—

“(A) the Commission has permitted the abandonment of the transportation facility pursuant to subsection (b), or

“(B) the owner of the facility has given written consent to such eligibility.

“(2) Any transportation facility considered 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 written consent to such eligibility.”.

SEC. 722. ENVIRONMENTAL REVIEW AND PERMITTING OF NATURAL GAS PIPELINE PROJECTS.

(a) **INTERAGENCY REVIEW.**—The Chairman of the Council on Environmental Quality, in coordination with the Federal Energy Regulatory Commission, shall establish an interagency task force to develop an interagency memorandum of understanding to expedite the environmental review and permitting of natural gas pipeline projects.

(b) **MEMBERSHIP OF INTERAGENCY TASK FORCE.**—The task force shall consist of—

(1) the Chairman of the Council on Environmental Quality, who shall serve as the Chairman of the interagency task force,

(2) the Chairman of the Federal Energy Regulatory Commission,

(3) the Director of the Bureau of Land Management,

(4) the Director of the U.S. Fish and Wildlife Service,

(5) the Commanding General, U.S. Army Corps of Engineers,

(6) the Chief of the Forest Service,

(7) the Administrator of the Environmental Protection Agency,

(8) the Chairman of the Advisory Council on Historic Preservation, and

(9) the heads of such other agencies as the Chairman of the Council on Environmental Quality and the Chairman of the Federal Energy Regulatory Commission deem appropriate.

(c) **MEMORANDUM OF UNDERSTANDING.**—The agencies represented by the members of the interagency task force shall enter into the memorandum of understanding not later than one year after the date of the enactment of this section.

DIVISION C—DIVERSIFYING ENERGY

DEMAND AND IMPROVING EFFICIENCY

TITLE VIII—FUELS AND VEHICLES

Subtitle A—CAFE Standards and Related

Matters

SEC. 801. AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) **INCREASED STANDARDS.**—Section 32902 of title 49, United States Code, is amended—

(1) by striking “NON-PASSENGER AUTOMOBILES.” in subsection (a) and inserting “PRESCRIPTION OF STANDARDS BY REGULATION.—”; and

(2) by striking “(except passenger automobiles)” in subsection (a) and inserting “(except passenger automobiles and light trucks)”;

(3) by striking subsection (b) and inserting the following:

“(b) **STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.**—

“(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2005 in order to achieve a combined average fuel economy standard for passenger automobiles and light trucks for model year 2013 of at least 35 miles per gallon.

“(2) ANNUAL PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under paragraph (1), the Secretary shall prescribe appropriate annual fuel economy standard increases for passenger automobiles and light trucks that—

“(A) increase the applicable average fuel economy standard ratably over the 9 model-year period beginning with model year 2005 and ending with model year 2013;

“(B) require that each manufacturer achieve—

“(i) a fuel economy standard for passenger automobiles manufactured by that manufacturer of at least 33.2 miles per gallon no later than model year 2010; and

“(ii) a fuel economy standard for light trucks manufactured by that manufacturer of at least 26.3 miles per gallon no later than model year 2010; and

“(C) for any model year within that 9 model-year period does not result in an average fuel economy standard lower than—

“(i) 27.5 miles per gallon for passenger automobiles; or

“(ii) 20.7 miles per gallon for light duty trucks.

“(3) DEADLINE FOR REGULATIONS.—The Secretary shall promulgate the regulations required by paragraphs (1) and (2) in final form no later than 18 months after the date of enactment of the Energy Policy Act of 2002.

“(4) DEFAULT STANDARDS.—If the Secretary fails to meet the requirement of paragraph (3), the average fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2005 is the average fuel economy standard set forth in the following tables:

“For model year —	The average fuel economy standard for passenger automobiles is:
“2005 —	28 miles per gallon
“2006 —	28.5 miles per gallon
“2007 —	30 miles per gallon
“2008 —	31 miles per gallon
“2009 —	32.5 miles per gallon
“2010 —	34 miles per gallon
“2011 —	35 miles per gallon
“2012 —	36.5 miles per gallon
“2013 and thereafter —	38.3 miles per gallon

“For model year —	The average fuel economy standard for light trucks is:
“2005 —	21.5 miles per gallon
“2006 —	22.5 miles per gallon
“2007 —	23.5 miles per gallon
“2008 —	24.5 miles per gallon
“2009 —	26 miles per gallon
“2010 —	27.5 miles per gallon
“2011 —	29.5 miles per gallon
“2012 —	31 miles per gallon
“2013 and thereafter —	32 miles per gallon

“(5) COMBINED STANDARD FOR MODEL YEARS AFTER MODEL YEAR 2010.—Unless the default standards under paragraph (4) are in effect, for model years after model year 2010, the Secretary may by rulemaking establish—

“(A) separate average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer; or

“(B) a combined average fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer.”;

(4) by striking “the standard” in subsection (c)(1) and inserting “a standard”;

(5) by striking the first and last sentences of subsection (c)(2); and

(6) by striking “(and submit the amendment to Congress when required under subsection (c)(2) of this section)” in subsection (g).

(b) DEFINITION OF LIGHT TRUCKS.—

(1) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended by adding at the end the following:

“(17) ‘light truck’ means an automobile that the Secretary decides by regulation—

“(A) is manufactured primarily for transporting not more than 10 individuals;

“(B) is rated at not more than 10,000 pounds gross vehicle weight;

“(C) is not a passenger automobile; and

“(D) does not fall within the exceptions from the definition of ‘medium duty passenger vehicle’ under section 86.1803-01 of title 40, Code of Federal Regulations.”—

“(2) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(A) shall issue proposed regulations implementing the amendment made by paragraph (1) not later than 1 year after the date of the enactment of this Act; and

(B) shall issue final regulations implementing the amendment not later than 18 months after the date of the enactment of this Act.

(3) EFFECTIVE DATE.—Regulations prescribed under paragraph (1) shall apply beginning with model year 2007.

(c) APPLICABILITY OF EXISTING STANDARDS.—This section does not affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2005.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to carry out the provisions of chapter 329 of title 49, United States Code, \$25,000,000 for each of fiscal years 2003 through 2015.

SEC. 802. FUEL ECONOMY TRUTH IN TESTING.

(a) IN GENERAL.—Section 32907 of title 49, United States Code, is amended by adding at the end the following:

“(c) IMPROVED TESTING PROCEDURES.—

“(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall conduct—

“(A) an ongoing examination of the accuracy of fuel economy testing of passenger automobiles and light trucks by the Administrator performed in accordance with the procedures in effect as of the date of enactment of the Energy Policy Act of 2002 for the purpose of determining whether, and to what extent, the fuel economy of passenger automobiles and light trucks as tested by the Administrator differs from the fuel economy reasonably to be expected from those automobiles and trucks when driven by average drivers under average driving conditions; and

“(B) an assessment of the extent to which fuel economy changes during the life of passenger automobiles and light trucks.”.

(2) REPORT.—The Administrator of the Environmental Protection Agency shall, within 12 months after the date of enactment of the Energy Policy Act of 2002 and annually thereafter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce of the House of Representatives a report on the results of the study required by paragraph (1). The report shall include—

“(A) a comparison between—

“(i) fuel economy measured, for each model in the applicable model year, through testing procedures in effect as of the date of enactment of the Energy Policy Act of 2002; and

“(ii) fuel economy of such passenger automobiles and light trucks during actual on-

road performance, as determined under that paragraph;

“(B) a statement of the percentage difference, if any, between actual on-road fuel economy and fuel economy measured by test procedures of the Environmental Protection Administration; and

“(C) a plan to reduce, by model year 2015, the percentage difference identified under subparagraph (B) by using uniform test methods that reflect actual on-the-road fuel economy consumers experience under normal driving conditions to no greater than 5 percent.”.

SEC. 803. ENSURING SAFETY OF PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—The Secretary of Transportation shall exercise such authority under Federal law as the Secretary may have to ensure that—

(1) passenger automobiles and light trucks (as those terms are defined in section 32901 of title 49, United States Code) are safe;

(2) progress is made in improving the overall safety of passenger automobiles and light trucks; and

(3) progress is made in maximizing United States employment.

(b) IMPROVED CRASHWORTHINESS.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“§ 30128. Improved crashworthiness

“(a) ROLLOVERS.—Within 3 years after the date of enactment of the Energy Policy Act of 2002, the Secretary of Transportation, through the National Highway Traffic Safety Administration, shall prescribe a motor vehicle safety standard under this chapter for rollover crashworthiness standards that include—

“(1) dynamic roof crush standards;

“(2) improved seat structure and safety belt design;

“(3) side impact head protection airbags; and

“(4) roof injury protection measures.

“(b) HEAVY VEHICLE HARM REDUCTION COMPATIBILITY STANDARD.—

“(1) Within 3 years after the date of enactment of the Energy Policy Act of 2002, the Secretary, through the National Highway Traffic Safety Administration, shall prescribe a federal motor vehicle safety standard under this chapter that will reduce the aggressivity of light trucks by 30 percent, using a baseline of model year 2002, and will improve vehicle compatibility in collisions between light trucks and cars, in order to protect against unnecessary death and injury.

“(2) The Secretary should review the effectiveness of this standard every five years following final issuance of the standard and shall issue, through the National Highway Traffic Safety Administration, upgrades to the standard to reduce fatalities and injuries related to vehicle compatibility and light truck aggressivity.”.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30127 the following: “30128. Improved crashworthiness”.

SEC. 804. 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 it is a hybrid vehicle or is certified by the Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, to be a vehicle that runs only on an alternative fuel.

(b) **HYBRID VEHICLE DEFINED.**—In this section, the term “hybrid vehicle” means a motor vehicle—

(1) which—

(A) 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; or

(B) recovers kinetic energy through regenerative braking and provides at least 13 percent maximum power from the electrical storage device;

(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. 805. CREDIT TRADING PROGRAM.

(a) **IN GENERAL.**—Section 32903 of title 49, United States Code, is amended by adding at the end the following:

“(g) **VEHICLE CREDIT TRADING SYSTEM.**—

“(1) **IN GENERAL.**—The Secretary of Transportation, with technical assistance from the Administrator of the Environmental Protection Agency, may establish a system under which manufacturers with credits under this section may sell those credits to other manufacturers or transfer them among a manufacturer’s fleets.

“(2) **PURPOSES.**—The purposes of the system are:

“(A) Reducing the adverse effects of inefficient consumption of fuel by passenger automobiles and light trucks.

“(B) Accelerating introduction of advanced technology vehicles into use in the United States.

“(C) Encouraging manufacturers to exceed the average fuel economy standards established by section 32902.

“(D) Reducing emissions of carbon dioxide by passenger automobiles and light trucks.

“(E) Decreasing the United States’ consumption of oil as vehicular fuel.

“(F) Providing manufacturers flexibility in meeting the average fuel economy standards established by section 32902.

“(G) Increasing consumer choice.

“(3) **PROGRAM REQUIREMENTS.**—The system established under paragraph (1) shall—

“(A) make only credits accrued after the date of enactment of the Energy Policy Act of 2002 eligible for transfer or sale;

“(B) use techniques and methods that minimize reporting costs for manufacturers;

“(C) provide for monitoring and verification of credit purchases;

“(D) require participating manufacturers to report monthly sales of vehicles to the Administrator of the Environmental Protection Agency; and

“(E) make manufacturer-specific credit, transfer, sale, and purchase information publicly available through annual reports and monthly posting of transactions on the Internet.

“(4) **CREDITS MAY BE TRADED BETWEEN PASSENGER AUTOMOBILES AND LIGHT TRUCKS AND BETWEEN DOMESTIC AND IMPORT FLEETS.**—The system shall provide that credits earned under this section—

“(A) with respect to passenger automobiles may be applied with respect to light trucks;

“(B) with respect to light trucks may be applied with respect to passenger automobiles;

“(C) with respect to passenger automobiles manufactured domestically may be applied with respect to passenger automobiles not manufactured domestically; and

“(D) with respect to passenger automobiles not manufactured domestically may be applied with respect to passenger automobiles manufactured domestically.

“(5) **REPORT.**—The Secretary and the Administrator shall jointly submit an annual report to the Congress—

“(A) describing the effectiveness of the credits provided by this subsection achieving the purposes described in paragraph (2); and

“(B) setting forth a full accounting of all credits, transfers, sales, and purchases for the most recent model year for which data is available.”

(b) **NO CARRYBACK OF CREDITS.**—Section 32903(a) of title 49, United States Code, is amended—

(1) by striking “applied to—” and inserting “applied—”;

(2) by inserting “for model years before model year 2006, to” in paragraph (1) before “any”;

(3) by striking “and” after the semicolon in paragraph (1);

(4) by striking “earned.” in paragraph (2) and inserting “earned; and”; and

(5) by adding at the end the following:

“(3) for model years after 2001, in accordance with the vehicle credit trading system established under subsection (g), to any of the 3 consecutive model years immediately after the model year for which the credit was earned.”

(c) **USE OF CREDIT VALUE TO CALCULATE CIVIL PENALTY.**—Section 32912(b) of title 49, United States Code, is amended—

(1) by inserting “and is unable to purchase sufficient credits under section 32903(g) to comply with the standard” after “title” the first place it appears; and

(2) by striking all after “penalty” and inserting “of the greater of—

“(1) an amount determined by multiplying—

“(A) the number of credits necessary to enable the manufacturer to meet that standard; by

“(B) 1.5 times the previous year’s weighted average open market price of a credit under section 32903(g); or

“(2) \$5 multiplied by each 0.1 of a mile a gallon by which the applicable average fuel economy standard under section 32902 exceeds the average fuel economy—

“(A) calculated under section 32904(a)(1)(A) or (B) for automobiles to which the standard applied manufactured by the manufacturer during the model year;

“(B) multiplied by the number of those automobiles; and

“(C) reduced by the credits available to the manufacturer under section 32903 for the model year.”

(d) **CONFORMING AMENDMENTS.**—Section 32903 of title 49, United States Code, is amended—

(1) by inserting “or light trucks” after “passenger automobiles” each place it appears in subsection (c);

(2) by inserting after “manufacturer.” in subsection (d) “Credits earned with respect to passenger automobiles may be used with respect to nonpassenger automobiles and light duty trucks.”; and

(3) by inserting after “manufacturer.” in subsection (e) “Credits earned with respect to non-passenger automobiles or light trucks may be used with respect to passenger automobiles.”

SEC. 806. GREEN LABELS FOR FUEL ECONOMY.

Section 32908 of title 49, United States Code, is amended—

(1) by striking “title.” in subsection (a)(1) and inserting “title, and a light truck (as defined in section 32901(17) after model year 2005; and”;

(2) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H), and inserting after subparagraph (E) the following:

“(F) a label (or a logo imprinted on a label required by this paragraph) that—

“(i) reflects an automobile’s performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

“(ii) permits consumers to compare performance results under clause (i) among all passenger automobiles and light duty trucks (as defined in section 32901) and with vehicles in the vehicle class to which it belongs; and

“(iii) is designed to encourage the manufacture and sale of passenger automobiles and light trucks that meet or exceed applicable fuel economy standards under section 32902; and

“(G) a fuelstar under paragraph (5).”; and

(3) by adding at the end of subsection (b) the following:

“(4) **GREEN LABEL PROGRAM.**—

“(A) **MARKETING ANALYSIS.**—Within 2 years after the date of enactment of the Energy Policy Act of 2002, the Administrator shall complete a study of social marketing strategies with the goal of maximizing consumer understanding of point-of-sale labels or logos described in paragraph (1)(F).

“(B) **CRITERIA.**—In developing criteria for the label or logo, the Administrator shall also consider, among others as appropriate, the following factors:

“(i) The amount of greenhouse gases that will be emitted over the life-cycle of the automobile.

“(ii) The fuel economy of the automobile.

“(iii) The recyclability of the automobile.

“(iv) Any other pollutants or harmful by-products related to the automobile, which may include those generated during manufacture of the automobile, those issued during use of the automobile, or those generated after the automobile ceases to be operated.

“(5) **FUELSTAR PROGRAM.**—The Secretary, in consultation with the Administrator, shall establish a program, to be known as the ‘fuelstar’ program, under which stars shall be imprinted on or attached to the label required by paragraph (1) that will, consistent with the findings of the marketing analysis required under subsection 4(A), provide consumer incentives to purchase vehicles that exceed the applicable fuel economy standard.

SEC. 807. LIGHT TRUCK CHALLENGE.

(a) **IN GENERAL.**—The Secretary of Transportation shall conduct an open competition for a project to demonstrate the feasibility of multiple fuel hybrid electric vehicle powertrains in sport utility vehicles and light trucks. The Secretary shall execute a contract with the entity determined by the Secretary to be the winner of the competition under which the Secretary will provide \$10,000,000 to that entity in each of fiscal years 2003 and 2004 to carry out the project.

(b) **PROJECT REQUIREMENTS.**—Under the contract, the Secretary shall require the entity to which the contract is awarded to—

(1) select a current model year production vehicle;

(2) modify that vehicle so that it—

(A) meets all existing vehicle performance characteristics of the sport utility vehicle or light truck selected for the project;

(B) improves the vehicle's fuel economy rating by 50 percent or more (as measured by gasoline consumption); and

(3) meet the requirements of paragraph (2) in such a way that incorporation of the modification in the manufacturer's production process would not increase the vehicle's incremental production costs by more than 10 percent.

(c) ELIGIBLE ENTRANTS.—The competition conducted by the Secretary shall be open to any entity, or consortium of nongovernmental entities, educational institutions, and not-for-profit organizations, that—

(1) has the technical capability and resources needed to complete the project successfully; and

(2) has sufficient financial resources in addition to the contract amount, if necessary, to complete the contract successfully.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation \$10,000,000 for each of fiscal years 2003 and 2004 to carry out this section.

SEC. 808. SECRETARY OF TRANSPORTATION TO CERTIFY BENEFITS.

Beginning with model year 2005, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall determine and certify annually to the Congress—

(1) the annual reduction in United States consumption of petroleum used for vehicle fuel, and

(2) the annual reduction in greenhouse gas emissions, properly attributable to the implementation of the average fuel economy standards imposed under section 32902 of title 49, United States Code, as a result of the amendments made by this Act.

SEC. 809. DEPARTMENT OF TRANSPORTATION ENGINEERING AWARD PROGRAM.

(a) ENGINEERING TEAM AWARDS.—The Secretary of Transportation shall establish an engineering award program to recognize the engineering team of any manufacturer of passenger automobiles or light trucks (as such terms are defined in section 32901 of title 49, United States Code) whose work directly results in production models of—

(1) the first large sport utility vehicle, van, or light truck to achieve a fuel economy rating of 30 miles per gallon under section 32902 of such title;

(2) the first mid-sized sport utility vehicle, van, or light truck to achieve a fuel economy rating of 35 miles per gallon under section 32902 of such title; and

(3) the first small sport utility vehicle, van, or light truck to achieve a fuel economy rating of 40 miles per gallon under section 32902 of such title.

(b) MANUFACTURER'S AWARD.—The Secretary of Transportation shall establish an Oil Independence Award to recognize the first manufacturer of domestically-manufactured (within the meaning of section 32903 of title 49, United States Code) passenger automobiles and light trucks to achieve a combined fuel economy rating of 37 miles per gallon under section 32902 of such title.

(c) REQUIREMENTS FOR PARTICIPATION IN ENGINEERING TEAM AWARDS PROGRAM.—In establishing the engineering team awards program under subsection (a), the Secretary shall establish eligibility requirements that include—

(1) a requirement that the vehicle, van, or truck be domestically-manufactured or manufacturable (if a prototype) within the meaning of section 32903 of title 49, United States Code;

(2) a requirement that the vehicle, van, or truck meet all applicable Federal standards for emissions and safety (except that crash testing shall not be required for a prototype); and

(3) such additional requirements as the Secretary may require in order to carry out the program.

(d) AMOUNT OF PRIZE.—The Secretary shall award a prize of not less than \$10,000 to each engineering team determined by the Secretary to have successfully met the requirements of subsection (a)(1), (2), or (3). The Secretary shall provide for recognition of any manufacturer to have met the requirements of subsection (b) with appropriate ceremonies and activities, and may provide a monetary award in an amount determined by the Secretary to be appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this section.

SEC. 810. COOPERATIVE TECHNOLOGY AGREEMENTS.

(a) IN GENERAL.—The Secretary of Transportation, in cooperation with the Administrator of the Environmental Protection Agency, may execute a cooperative research and development agreement with any manufacturer of passenger automobiles or light trucks (as those terms are defined in section 32901 of title 49, United States Code) to implement, utilize, and incorporate in production government-developed or jointly-developed fuel economy technology that will result in improvements in the average fuel economy of any class of vehicles produced by that manufacturer of at least 55 percent greater than the average fuel economy of that class of vehicles for model year 2000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation and the Administrator of the Environmental Protection Agency such sums as may be necessary to carry out this section.

Subtitle B—Alternative and Renewable Fuels

SEC. 811. INCREASED USE OF ALTERNATIVE FUELS BY FEDERAL FLEETS.

(a) REQUIREMENT TO USE ALTERNATIVE FUELS.—Section 400AA(a)(3)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6374(a)(3)(E)) is amended to read as follows:

“(E) Dual fueled vehicles acquired pursuant to this section shall be operated on alternative fuels. If the Secretary determines that all dual fueled vehicles acquired pursuant to this section cannot operate on alternative fuels at all times, he may waive the requirement in part, but only to the extent that:

“(i) not later than September 30, 2003, not less than 50 percent of the total annual volume of fuel used in such dual fueled vehicles shall be from alternative fuels; and

“(ii) not later than September 30, 2005, not less than 75 percent of the total annual volume of fuel used in such dual fueled vehicles shall be from alternative fuels.”.

(b) DEFINITION OF “DEDICATED VEHICLE”.—Section 400AA(g)(4)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6374(g)(4)(B)) is amended by inserting after “solely on alternative fuel” the following: “, including a three-wheeled enclosed electric vehicle having a vehicle identification number”.

SEC. 812. EXCEPTION TO HOV PASSENGER REQUIREMENTS FOR ALTERNATIVE FUEL VEHICLES.

Section 102(a)(1) of title 23, United States Code, is amended by inserting after “required” the following: “(unless, in the discretion of the State transportation department, the vehicle is being operated on, or is being fueled by, an alternative fuel (as defined in

section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)))”.

SEC. 813. DATA COLLECTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

“(m) In order to improve the ability to evaluate the effectiveness of the Nation's renewable fuels mandate, the Administrator shall conduct and publish the results of a survey of renewable fuels consumption in the motor vehicle fuels market in the United States monthly, and in a manner designed to protect the confidentiality of individual responses. In conducting the survey, the Administrator shall collect information both on a national basis and a regional basis, including—

(1) the quantity of renewable fuels produced;

(2) the cost of production;

(3) the cost of blending and marketing;

(4) the quantity of renewable fuels consumed;

(5) the quantity of renewable fuels imported; and

(6) market price data.

SEC. 814. GREEN SCHOOL BUS PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy and the Secretary of Transportation shall jointly 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 instead 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 instead 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 only be used to demonstrate the use of new alternative fuel school buses or ultra-low sulfur diesel school buses that—

(1) have a gross vehicle weight greater than 14,000 pounds;

(2) are powered by a heavy duty engine;

(3) in the case of alternative fuel school buses, emit not more than—

(A) for buses manufactured in model year 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) in the case of ultra-low sulfur diesel school buses, emit not more than the lesser of—

(A) the emissions of nonmethane hydrocarbons, oxides of nitrogen, and particulate matter of the best performing technology of the same class of ultra-low sulfur diesel school buses commercially available at the time the grant is made; or

(B) the applicable following amounts—

(i) for buses manufactured in model year 2002 or 2003, 3.0 grams per brake horsepower-hour of oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(ii) 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.

(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. 815. FUEL CELL BUS DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program for entering into cooperative agreements with private sector fuel cell bus developers for the development of fuel cell-powered school buses, and subsequently with not less than 2 units of 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 815 may be used for carrying out this section for the period encompassing fiscal years 2003 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. 816. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy for carrying out sections 814 and 815, to remain available until expended—

(1) \$50,000,000 for fiscal year 2003;

(2) \$60,000,000 for fiscal year 2004;

(3) \$70,000,000 for fiscal year 2005; and

(4) \$80,000,000 for fiscal year 2006.

SEC. 817. BIODIESEL FUEL USE CREDIT.

Section 312(c) of the Energy Policy Act of 1992 (42 U.S.C. 13220(c)) is amended—

(1) by striking “NOT” in the subsection heading; and

(2) by striking “not”.

SEC. 818. NEIGHBORHOOD ELECTRIC VEHICLES.

Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) by striking “or a dual fueled vehicle” and inserting “, a dual fueled vehicle, or a neighborhood electric vehicle”;

(2) by striking “and” at the end of paragraph (13);

(3) by striking the period at the end of subparagraph (14) and inserting “; and”; and

(4) by adding at the end the following:

“(15) the term ‘neighborhood electric vehicle’ means a motor vehicle that qualifies as both—

“(A) a low-speed vehicle, as such term is defined in section 571.3(b) of title 49, Code of Federal Regulations; and

“(B) a zero-emission vehicle, as such term is defined in section 86.1703-99 of title 40, Code of Federal Regulations.”.

Subtitle C—Additional Fuel Efficiency Measures

SEC. 821. FUEL EFFICIENCY 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. 822. ASSISTANCE FOR STATE PROGRAMS TO RETIRE FUEL-INEFFICIENT MOTOR VEHICLES.

(a) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the “National Motor Vehicle Efficiency Improvement Program.” Under this program, the Secretary shall provide grants to States to operate programs to offer owners of passenger automobiles and light-duty trucks manufactured in model years more than 15 years prior to the fiscal year in which appropriations are made under subsection (d) financial incentives to voluntarily—

(1) scrap such automobiles and to replace them with automobiles with higher fuel efficiency; or

(2) repair such vehicles to improve their fuel economy.

(b) STATE PLAN.—Not later than 180 days after the date of enactment of an appropriations act containing funds authorized under subsection (d), to be eligible to receive funds under the program, the Governor of a State shall submit to the Secretary a plan to carry out a program under this subtitle in that State.

(c) ELIGIBILITY CRITERIA.—The Secretary shall approve a State plan and provide the funds under subsection (d), if the State plan—

(1) for voluntary vehicle scrappage programs—

(A) requires that all passenger automobiles and light-duty trucks turned in be scrapped;

(B) requires that prior to scrapping a vehicle, the state provide public notification of the intent to scrap and allow for the salvage of valuable parts from the vehicle;

(C) requires that all passenger automobiles and light-duty trucks turned in be currently registered in the State in order to be eligible;

(D) requires that all passenger automobiles and light-duty trucks turned in be operational at the time that they are turned in;

(E) restricts automobile owners (except not-for-profit organizations) from turning in more than one passenger automobile and one light-duty truck in a 12-month period;

(F) provides an appropriate payment to the person recycling the scrapped passenger automobile or light-duty truck for each turned-in passenger automobile or light-duty truck;

(G) provides a minimum payment to the automobile owner for each passenger automobile and light-duty truck turned in;

(H) provides, in addition to the payment under subparagraph (G), an additional credit that may be redeemed by the owner of the turned-in passenger automobile or light-duty truck at the time of purchase of new fuel-efficient automobile; and

(I) estimates the fuel efficiency benefits of the program, and reports the estimated results to the Secretary annually; and

(2) for voluntary vehicle repair programs—

(A) requires the vehicle owner contribute at least 20 percent of the cost of the repairs;

(B) sets a ceiling beyond which the vehicle owner is responsible for the cost of repairs;

(C) allows the vehicle owner to opt out of the program if the cost of the repairs is considered to be too great; and

(D) estimates the fuel economy benefits of the program and reports the estimated results to the Secretary annually.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary to carry out this section such sums as may be necessary, to remain available until expended.

(e) ALLOCATION FORMULA.—The amounts appropriated pursuant to subsection (d) shall be allocated among the States on the basis of the population of the States as contained in the most recent reliable census data available from the Bureau of the Census, Department of Commerce, for all States at the time that the Secretary needs to compute shares under this subsection.

(f) DEFINITIONS.—In this section:

(1) AUTOMOBILE.—The term “automobile” has the meaning given such term in section 32901(3) of title 49, United States Code.

(2) FUEL-EFFICIENT AUTOMOBILE.—

(A) The term “fuel-efficient automobile” means a passenger automobile or a light-duty truck that has an average fuel economy greater than the average fuel economy standard prescribed pursuant to section 32902 of title 49, United States Code, or other law, applicable to such passenger automobile or light-duty truck.

(B) The term “average fuel economy” has the meaning given such term in section 32901(5) of title 49, United States Code.

(C) The term “average fuel economy standard” has the meaning given such term in section 32901(6) of title 49, United States Code.

(D) The term “fuel economy” has the meaning given such term in section 32901(10) of title 49, United States Code.

(3) LIGHT-DUTY TRUCK.—The term “light-duty truck” means an automobile that is not a passenger automobile. Such term shall include a pickup truck, a van, or a four-wheel-drive general utility vehicle, as those terms are defined in section 600.002-85 of title 40, Code of Federal Regulations.

(4) PASSENGER AUTOMOBILE.—The term “passenger automobile” has the meaning given such term by section 32901(16) of title 49, United States Code.

(5) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(6) STATE.—The term “State” means any of the several States and the District of Columbia.

SEC. 823. IDLING REDUCTION SYSTEMS IN HEAVY DUTY VEHICLES.

Title III of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.) is amended by adding at the end the following:

“PART K—REDUCING TRUCK IDLING

“SEC. 400AAA. REDUCING TRUCK IDLING.

“(a) STUDY.—Not later than 18 months after the date of enactment of this section, the Secretary shall, in consultation with the Secretary of Transportation, commence a study to analyze the potential fuel savings resulting from long duration idling of main drive engines in heavy-duty vehicles.

“(b) REGULATIONS.—Upon completion of the study under subsection (a), the Secretary may issue regulations requiring the installation of idling reduction systems on all newly manufactured heavy duty vehicles.

“(c) DEFINITIONS.—As used in this section:

“(1) The term ‘heavy-duty vehicle’ means a vehicle that has a gross vehicle weight rating greater than 8,500 pounds and is powered by a diesel engine.

“(2) The term ‘idling reduction system’ means a device or system of devices used to reduce long duration idling of a diesel engine in a vehicle.

“(3) The term ‘long duration idling’ means the operation of a main drive engine of a heavy-duty vehicle for a period of more than 15 consecutive minutes when the main drive engine is not engaged in gear, except that such term does not include idling as a result of traffic congestion or other impediments to the movement of a heavy-duty vehicle.

“(4) The term ‘vehicle’ has the meaning given such term in section 4 of title 1, United States Code.”

TITLE IX—ENERGY EFFICIENCY AND ASSISTANCE TO LOW INCOME CONSUMERS

Subtitle A—Low Income Assistance and State Energy Programs

SEC. 901. INCREASED FUNDING FOR LIHEAP, WEATHERIZATION ASSISTANCE, AND STATE ENERGY GRANTS.

“(a) LIHEAP.—(1) 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 2003 through 2005.”

(2) Section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(e)) is amended by striking “\$600,000,000” and inserting “\$1,000,000,000”.

(3) Section 2609A(a) of the Low-Income Energy Assistance Act of 1981 (42 U.S.C. 8628a(a)) is amended by striking “not more than \$300,000” and inserting: “not more than \$750,000”.

(b) WEATHERIZATION ASSISTANCE.—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: “\$325,000,000 for fiscal year 2003, \$400,000,000 for fiscal year 2004, and \$500,000,000 for fiscal year 2005.”

SEC. 902. STATE ENERGY PROGRAMS.

(a) STATE ENERGY CONSERVATION PLANS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by adding at the end the following:

“(g) The Secretary shall, at least once every three years, invite the Governor of

each State to review and, if necessary, revise the energy conservation plan of the State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions that may be carried out in pursuit of common energy conservation goals.”

(b) STATE ENERGY CONSERVATION GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended to read as follows:

“SEC. 364. Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of enactment of the Energy Policy Act of 2002 shall contain a goal, consisting of an improvement of 25 percent or more in the efficiency of use of energy in the State concerned in calendar year 2010 as compared to calendar year 1990, and may contain interim goals.”

(c) STATE ENERGY CONSERVATION GRANTS.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking “for fiscal years 1999 through 2003 such sums as may be necessary.” and inserting: “\$100,000,000 for each of fiscal years 2003 and 2004; \$125,000,000 for fiscal year 2005; and such sums as may be necessary for each fiscal year thereafter.”

SEC. 903. ENERGY EFFICIENT SCHOOLS.

(a) ESTABLISHMENT.—There is established in the Department of Energy the High Performance Schools Program (in this section referred to as the “Program”).

(b) GRANTS.—The Secretary of Energy may make grants to a State energy office—

(1) to assist school districts in the State to improve the energy efficiency of school buildings;

(2) to administer the Program; and

(3) to promote participation in the Program.

(c) GRANTS TO ASSIST SCHOOL DISTRICTS.—The Secretary shall condition grants under subsection (b)(1) on the State energy office using the grants to assist school districts that have demonstrated—

(1) a need for the grants to build additional school buildings to meet increasing elementary or secondary enrollments or to renovate existing school buildings; and

(2) a commitment to use the grant funds to develop high performance school buildings in accordance with a plan that the State energy office, in consultation with the State educational agency, has determined is feasible and appropriate to achieve the purposes for which the grant is made.

(d) GRANTS FOR ADMINISTRATION.—Grants under subsection (b)(2) shall be used to—

(1) evaluate compliance by school districts with requirements of this section;

(2) distribute information and materials to clearly define and promote the development of high performance school buildings for both new and existing facilities;

(3) organize and conduct programs for school board members, school personnel, architects, engineers, and others to advance the concepts of high performance school buildings;

(4) obtain technical services and assistance in planning and designing high performance school buildings; or

(5) collect and monitor data and information pertaining to the high performance school building projects.

(e) GRANTS TO PROMOTE PARTICIPATION.—Grants under subsection (b)(3) shall be used for promotional and marketing activities, including facilitating private and public financing, promoting the use of energy savings performance contracts, working with school administrations, students, and communities, and coordinating public benefit programs.

(f) SUPPLEMENTING GRANT FUNDS.—The State energy office shall encourage qualifying school districts to supplement funds awarded pursuant to this section with funds from other sources in the implementation of their plans.

(g) ALLOCATIONS.—Except as provided in subsection (h), funds appropriated to carry out this section shall be allocated as follows:

- (1) 70 percent shall be used to make grants under subsection (b)(1);
- (2) 15 percent shall be used to make grants under subsection (b)(2); and
- (3) 15 percent shall be used to make grants under subsection (b)(3).

(h) OTHER FUNDS.—The Secretary of Energy may retain an amount, not to exceed \$300,000 per year, 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 school buildings.

(i) AUTHORIZATION OF APPROPRIATIONS.—For grants under subsection (b) there are authorized to be appropriated—

- (1) \$200,000,000 for fiscal year 2003;
- (2) \$210,000,000 for fiscal year 2004;
- (3) \$220,000,000 for fiscal year 2005;
- (4) \$230,000,000 for fiscal year 2006; and
- (5) such sums as may be necessary for fiscal year 2007 and each fiscal year thereafter through fiscal year 2012.

(j) DEFINITIONS.—For purposes of this section:

(1) HIGH PERFORMANCE SCHOOL BUILDING.—The term “high performance school building” means a school building that, in its design, construction, operation, and maintenance—

- (A) maximizes use of renewable energy and energy-efficient technologies and systems;
- (B) is cost-effective on a life-cycle basis;
- (C) achieves either—
 - (i) the applicable Energy Star building energy performance ratings, or
 - (ii) energy consumption levels at least 30 percent below those of the most recent version of ASHRAE Standard 90.1;
- (D) uses affordable, environmentally preferable, and durable materials;
- (E) enhances indoor environmental quality;
- (F) protects and conserves water; and
- (G) optimizes site potential.

(2) RENEWABLE ENERGY.—The term “renewable energy” means energy produced by solar, wind, biomass, ocean, geothermal, or hydroelectric power.

(3) SCHOOL.—The term “school” means—
(A) an “elementary school” as that term is defined in section 14101(14) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(14)),

(B) a “secondary school” as that term is defined in section 14101(25) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(25)), or

(C) an elementary or secondary Indian school funded by the Bureau of Indian Affairs.

(4) STATE EDUCATIONAL AGENCY.—The term “State educational agency” has the same meaning given such term in section 14101(28) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(28)).

(5) STATE ENERGY OFFICE.—The term “State energy office” means the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), or, if no such agency exists, a State agency designated by the Governor of the State.

SEC. 904. LOW INCOME COMMUNITY ENERGY EFFICIENCY PILOT PROGRAM.

(a) GRANTS.—The Secretary of Energy is authorized to make grants to private, non-

profit community development organizations and Indian tribe economic development entities to improve energy efficiency, identify and develop alternative renewable and distributed energy supplies, and increase energy conservation in low income rural and urban communities.

(b) PURPOSE OF GRANTS.—The Secretary may make grants on a competitive basis to a community development organization for—

- (1) investments that develop alternative renewable and distributed energy supplies;
- (2) energy efficiency projects and energy conservation programs;
- (3) studies and other activities that improve energy efficiency in low income rural and urban communities;
- (4) planning and development assistance for increasing the energy efficiency of buildings and facilities; and
- (5) technical and financial assistance to local government and private entities on developing new renewable and distributed sources of power or combined heat and power generation.

(c) DEFINITION.—For purposes of this section, the term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native Village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section there are authorized to be appropriated to the Secretary of Energy an amount not to exceed \$10 million for fiscal year 2003 and each fiscal year thereafter through fiscal year 2005.

Subtitle B—Federal Energy Efficiency

SEC. 911. ENERGY MANAGEMENT REQUIREMENTS.

(a) ENERGY REDUCTION GOALS.—Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended to read as follows:

“(1) Subject to paragraph (2), each agency shall apply energy conservation measures to, and shall improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in fiscal years 2002 through 2011 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in fiscal year 2000, by the percentage specified in the following table:

Fiscal Year	Percentage reduction
2002—	2
2003—	4
2004—	6
2005—	8
2006—	10
2007—	12
2008—	14
2009—	16
2010—	18
2011—	20.”.

(b) REVIEW AND REVISION OF ENERGY PERFORMANCE REQUIREMENT.—Section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)) is further amended by adding at the end the following:

“(3) Not later than December 31, 2010, the Secretary shall review the results of the implementation of the energy performance requirement established under paragraph (1) and submit to Congress recommendations concerning energy performance requirements for calendar years 2012 through 2021.”.

(c) EXCLUSIONS.—Section 543(c)(1) of the National Energy Conservation Policy Act (42

U.S.C. 8253(c)(1)) is amended to read as follows:

“(1)(A) An agency may exclude, from the energy performance requirement for a calendar year established under subsection (a) and the energy management requirement established under subsection (b), any Federal building or collection of Federal buildings, if the head of the agency finds that—

- “(i) compliance with those requirements would be impracticable;
- “(ii) the agency has completed and submitted all federally required energy management reports;
- “(iii) the agency has achieved compliance with the energy efficiency requirements of this Act, the Energy Policy Act of 1992, Executive Orders, and other federal law; and
- “(iv) the agency has implemented all practicable, life-cycle cost-effective projects with respect to the Federal building or collection of Federal buildings to be excluded.

“(B) A finding of impracticability under subparagraph (A)(i) shall be based on—

- “(i) the energy intensiveness of activities carried out in the Federal building or collection of Federal buildings; or
- “(ii) the fact that the Federal building or collection of Federal buildings is used in the performance of a national security function.”.

(d) REVIEW BY SECRETARY.—Section 543(c)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(2)) is amended—

- (1) by striking “impracticability standards” and inserting “standards for exclusion”; and
- (2) by striking “a finding of impracticability” and inserting “the exclusion”.

(e) CRITERIA.—Section 543(c) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)) is further amended by adding at the end the following:

“(3) Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue guidelines that establish criteria for exclusions under paragraph (1).”.

(f) REPORTS.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

- (1) in the subsection heading, by inserting “The PRESIDENT and” before “CONGRESS”; and
- (2) by inserting “President and” before “Congress”.

(g) CONFORMING AMENDMENT.—Section 550(d) of the National Energy Conservation Policy Act (42 U.S.C. 8258b(d)) is amended in the second sentence by striking “the 20 percent reduction goal established under section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a))” and inserting “each of the energy reduction goals established under section 543(a).”.

SEC. 912. ENERGY USE MEASUREMENT AND ACCOUNTABILITY.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is further amended by adding at the end the following:

“(e) METERING OF ENERGY USE.—

“(1) DEADLINE.—By October 1, 2004, all Federal buildings shall be metered or submetered in accordance with guidelines established by the Secretary under paragraph (2).

“(2) GUIDELINES.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Department of Defense, the General Service Administration and representatives from the metering industry, energy services industry, national laboratories, universities and federal facility energy managers, shall establish guidelines for agencies to carry out paragraph (1).

“(B) REQUIREMENTS FOR GUIDELINES.—The guidelines shall—

“(i) take into consideration—

“(I) the cost of metering and submetering and the reduced cost of operation and maintenance expected to result from metering and submetering;

“(II) the extent to which metering and submetering are expected to result in increased potential for energy management, increased potential for energy savings and energy efficiency improvement, and cost and energy savings due to utility contract aggregation; and

“(III) the measurement and verification protocols of the Department of Energy;

“(ii) include recommendations concerning the amount of funds and the number of trained personnel necessary to gather and use the metering information to track and reduce energy use;

“(iii) establish 1 or more dates, not later than 1 year after the date of issuance of the guidelines, on which the requirement specified in paragraph (1) shall take effect; and

“(iv) establish exclusions from the requirement specified in paragraph (1) based on the de minimus quantity of energy use of a Federal building, industrial process, or structure.

“(f) USE OF ENERGY CONSUMPTION DATA IN FEDERAL BUILDINGS.—

“(1) IN GENERAL.—Beginning not later than January 1, 2003, each agency shall use, to the maximum extent practicable, for the purposes of efficient use of energy and reduction in the cost of electricity used in the Federal buildings of the agency, interval consumption data that measure on a real-time or daily basis consumption of electricity in the Federal buildings of the agency.

“(2) PLAN.—As soon as practicable after the date of enactment of this subsection, in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing how the agency will implement the requirement of paragraph (1), including how the agency will designate personnel primarily responsible for achieving the requirement.”.

SEC. 913. FEDERAL BUILDING PERFORMANCE STANDARDS.

(a) REVISED STANDARDS.—Section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)) is amended—

(1) in paragraph (2)(A), by striking “CABO Model Energy Code, 1992” and inserting “the 2000 International Energy Conservation Code”; and

(2) by adding at the end the following:

(3) REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary of Energy shall establish, by rule, revised Federal building energy efficiency performance standards that require that, if cost-effective—

“(i) new commercial buildings and multi-family high rise residential buildings be constructed so as to achieve the applicable Energy Star building energy performance ratings or energy consumption levels at least 30 percent below those of the most recent ASHRAE Standard 90.1, whichever results in the greater increase in energy efficiency;

“(ii) new residential buildings (other than those described in clause (i)) be constructed so as to achieve the applicable Energy Star building energy performance ratings or achieve energy consumption levels at least 30 percent below the requirements of the most recent version of the International Energy Conservation Code, whichever results in the greater increase in energy efficiency; and

“(iii) sustainable design principles are applied to the siting, design, and construction of all new and replacement buildings.

“(B) ADDITIONAL REVISIONS.—Not later than 1 year after the date of approval of

amendments to ASHRAE Standard 90.1 or the 2000 International Energy Conservation Code, the Secretary of Energy shall determine, based on the cost-effectiveness of the requirements under the amendments, whether the revised standards established under this paragraph should be updated to reflect the amendments.

“(C) STATEMENT ON COMPLIANCE OF NEW BUILDINGS.—In the budget request of the Federal agency for each fiscal year and each report submitted by the Federal agency under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)), the head of each Federal agency shall include—

“(i) a list of all new Federal buildings of the Federal agency; and

“(ii) a statement concerning whether the Federal buildings meet or exceed the revised standards established under this paragraph, including a monitoring and commissioning report that is in compliance with the measurement and verification protocols of the Department of Energy.

“(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this paragraph and to implement the revised standards established under this paragraph.”.

(b) ENERGY LABELING PROGRAM.—Section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)) is further amended by adding at the end the following:

“(e) ENERGY LABELING PROGRAM.—The Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency, shall develop an energy labeling program for new Federal buildings that exceed the revised standards established under subsection (a)(3) by 15 percent or more.”.

SEC. 914. PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

(a) REQUIREMENTS.—Part 3 of title V of the National Energy Conservation Policy Act is amended by adding at the end the following:

“SEC. 552. FEDERAL PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

“(a) DEFINITIONS.—In this section:

“(1) ENERGY STAR PRODUCT.—The term ‘Energy Star product’ means a product that is rated for energy efficiency under an Energy Star program.

“(2) ENERGY STAR PROGRAM.—The term ‘Energy Star program’ means the program established by section 324A of the Energy Policy and Conservation Act.

“(3) EXECUTIVE AGENCY.—The term ‘executive agency’ has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

“(4) FEMP DESIGNATED PRODUCT.—The term ‘FEMP designated product’ means a product that is designated under the Federal Energy Management Program of the Department of Energy as being among the highest 25 percent of equivalent products for energy efficiency.

“(b) PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.—

“(1) REQUIREMENT.—To meet the requirements of an executive agency for an energy consuming product, the head of the executive agency shall, except as provided in paragraph (2), procure—

“(A) an Energy Star product; or

“(B) a FEMP designated product.

“(2) EXCEPTIONS.—The head of an executive agency is not required to procure an Energy Star product or FEMP designated product under paragraph (1) if—

“(A) an Energy Star product or FEMP designated product is not cost effective over the life cycle of the product; or

“(B) no Energy Star product or FEMP designated product is reasonably available that meets the requirements of the executive agency.

“(3) PROCUREMENT PLANNING.—The head of an executive agency shall incorporate into the specifications for all procurements involving energy consuming products and systems, and into the factors for the evaluation of offers received for the procurement, criteria for energy efficiency that are consistent with the criteria used for rating Energy Star products and for rating FEMP designated products.

“(c) LISTING OF ENERGY EFFICIENT PRODUCTS IN FEDERAL CATALOGS.—Energy Star and FEMP designated products shall be clearly identified and prominently displayed in any inventory or listing of products by the General Services Administration or the Defense Logistics Agency.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the National Energy Conservation Policy Act (42 U.S.C. 8201 note) is amended by inserting after the item relating to section 551 the following:

“Sec. 552. Federal Government procurement of energy efficient products.”

(c) REGULATIONS.—Not later than 180 days after the effective date specified in subsection (f), the Secretary of Energy shall issue guidelines to carry out section 552 of the National Energy Conservation Policy Act (as added by subsection (a)).

(d) DESIGNATION OF ENERGY STAR PRODUCTS.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall expedite the process of designating products as Energy Star products (as defined in section 552 of the National Energy Conservation Policy Act (as added by subsection (a))).

(e) DESIGNATION OF ELECTRIC MOTORS.—In the case of electric motors of 1 to 500 horsepower, agencies shall select only premium efficient motors that meet a standard designated by the Secretary. The Secretary shall designate such a standard within 120 days of the enactment of this paragraph, after considering the recommendations of associated electric motor manufacturers and energy efficiency groups.

(f) EFFECTIVE DATE.—Subsection (a) and the amendment made by that subsection take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 915. REPEAL OF ENERGY SAVINGS PERFORMANCE CONTRACT SUNSET.

Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is repealed.

SEC. 916. ENERGY SAVINGS PERFORMANCE CONTRACT DEFINITIONS.

(a) 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) 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—

“(A) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

“(B) the increased efficient use of existing energy sources by cogeneration or heat recovery, excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

“(C) the increased efficient use of existing water sources.”.

(b) 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 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.”.

(C) 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, more efficient treatment of wastewater or stormwater, improvements in operation or maintenance efficiencies, retrofit activities or other related activities, not at a Federal hydroelectric facility.”.

SEC. 917. 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. 918. FEDERAL ENERGY BANK.

Part 3 of title V of the National Energy Conservation Policy Act is amended by adding at the end the following:

“SEC. 553. FEDERAL ENERGY BANK.

“(a) DEFINITIONS.—In this section:

“(1) BANK.—The term ‘Bank’ means the Federal Energy Bank established by subsection (b).

“(2) ENERGY OR WATER EFFICIENCY PROJECT.—The term ‘energy or water efficiency project’ means a project that assists a Federal agency in meeting or exceeding the energy or water efficiency requirements of—

“(A) this part;

“(B) title VIII;

“(C) subtitle F of title I of the Energy Policy Act of 1992 (42 U.S.C. 8262 et seq.); or

“(D) any applicable Executive order, including Executive Order No. 13123.

“(3) FEDERAL AGENCY.—The term ‘Federal agency’ means—

“(A) an Executive agency (as defined in section 105 of title 5, United States Code);

“(B) the United States Postal Service;

“(C) Congress and any other entity in the legislative branch; and

“(D) a Federal court and any other entity in the judicial branch.

“(b) ESTABLISHMENT OF BANK.—

“(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the ‘Federal Energy Bank’, consisting of—

“(A) such amounts as are deposited in the Bank under paragraph (2);

“(B) such amounts as are repaid to the Bank under subsection (c)(2)(D); and

“(C) any interest earned on investment of amounts in the Bank under paragraph (3).

“(2) DEPOSITS IN BANK.—

“(A) IN GENERAL.—Subject to the availability of appropriations and to subparagraph (B), the Secretary of the Treasury shall deposit in the Bank an amount equal to \$250,000,000 in fiscal year 2003 and in each fiscal year thereafter.

“(B) MAXIMUM AMOUNT IN BANK.—Deposits under subparagraph (A) shall cease beginning with the fiscal year following the fiscal year in which the amounts in the Bank (including amounts on loan from the Bank) become equal to or exceed \$1,000,000,000.

“(3) INVESTMENT OF AMOUNTS.—The Secretary of the Treasury shall invest such portion of the Bank as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

“(c) LOANS FROM THE BANK.—

“(1) IN GENERAL.—The Secretary of the Treasury shall transfer from the Bank to the Secretary such amounts as are appropriated to carry out the loan program under paragraph (2).

“(2) LOAN PROGRAM.—

“(A) ESTABLISHMENT.—

“(i) IN GENERAL.—In accordance with subsection (d), the Secretary, in consultation with the Secretary of Defense, the Administrator of General Services, and the Director of the Office of Management and Budget, shall establish a program to make loans of amounts in the Bank to any Federal agency that submits an application satisfactory to the Secretary in order to pay the costs of a project described in subparagraph (C).

“(ii) COMMENCEMENT OF OPERATIONS.—The Secretary may begin—

“(I) accepting applications for loans from the Bank in fiscal year 2002; and

“(II) making loans from the Bank in fiscal year 2003.

“(B) ENERGY SAVINGS PERFORMANCE CONTRACTING FUNDING.—To the extent practicable, an agency shall not submit a project for which energy performance contracting funding is available and is acceptable to the Federal agency under title VIII.

“(C) PURPOSES OF LOAN.—

“(i) IN GENERAL.—A loan from the Bank may be used to pay—

“(I) the costs of an energy or water efficiency project, or a renewable or alternative energy project, for a new or existing Federal building (including selection and design of the project);

“(II) the costs of an energy metering plan and metering equipment installed pursuant to section 543(e) or for the purpose of verification of the energy savings under an energy savings performance contract under title VIII; or

“(III) at the time of contracting, the costs of confunding of an energy savings performance contract (including a utility energy service agreement) in order to shorten the payback period of the project that is the subject of the energy savings performance contract.

“(ii) LIMITATION.—A Federal agency may use not more than 10 percent of the amount of a loan under subclause (I) or (II) of clause (i) to pay the costs of administration and proposal development (including data collection and energy surveys).

“(iii) RENEWABLE AND ALTERNATIVE ENERGY PROJECTS.—Not more than 25 percent of the amount on loan from the Bank at any time may be loaned for renewable energy and alternative energy projects (as defined by the Secretary in accordance with applicable law (including Executive Orders)).

“(D) REPAYMENTS.—

“(i) IN GENERAL.—Subject to clauses (ii) through (iv), a Federal agency shall repay to the Bank the principal amount of a loan plus interest at a rate determined by the Presi-

dent, in consultation with the Secretary and the Secretary of the Treasury.

“(ii) WAIVER OR REDUCTION OF INTEREST.—The Secretary may waive or reduce the rate of interest required to be paid under clause (i) if the Secretary determines that payment of interest by a Federal agency at the rate determined under that clause is not required to fund the operations of the Bank.

“(iii) DETERMINATION OF INTEREST RATE.—The interest rate determined under clause (i) shall be at a rate that is sufficient to ensure that, beginning not later than October 1, 2007, interest payments will be sufficient to fully fund the operations of the Bank.

“(iv) INSUFFICIENCY OF APPROPRIATIONS.—

“(I) REQUEST FOR APPROPRIATIONS.—As part of the budget request of the Federal agency for each fiscal year, the head of each Federal agency shall submit to the President a request for such amounts as are necessary to make such repayments as are expected to become due in the fiscal year under this subparagraph.

“(II) SUSPENSION OF REPAYMENT REQUIREMENT.—If, for any fiscal year, sufficient appropriations are not made available to a Federal agency to make repayments under this subparagraph, the Bank shall suspend the requirement of repayment under this subparagraph until such appropriations are made available.

“(E) FEDERAL AGENCY ENERGY BUDGETS.—Until a loan is repaid, a Federal agency budget submitted by the President to Congress for a fiscal year shall not be reduced by the value of any energy conservation measure implemented using amounts from the Bank.

“(F) NO RESCISSION OR REPROGRAMMING.—A Federal agency shall not rescind or reprogram loan amounts made available from the Bank except as permitted under guidelines issued under subparagraph (G).

“(G) GUIDELINES.—The Secretary shall issue guidelines for implementation of the loan program under this paragraph, including selection criteria, maximum loan amounts, and loan repayment terms.

“(d) SELECTION CRITERIA.—

“(1) IN GENERAL.—The Secretary shall establish criteria for the selection of projects to be awarded loans in accordance with paragraph (2).

“(2) SELECTION CRITERIA.—

“(A) IN GENERAL.—The Secretary may make loans from the Bank only for a project that—

“(i) is technically feasible;

“(ii) is determined to be cost-effective using life cycle cost methods established by the Secretary;

“(iii) includes a measurement and management component, based on the measurement and verification protocols of the Department of Energy, to—

“(I) commission energy savings for new and existing Federal facilities;

“(II) monitor and improve energy efficiency management at existing Federal facilities; and

“(III) verify the energy savings under an energy savings performance contract under title VIII; and

“(iv)(I) in the case of renewable energy or alternative energy project, has a simple payback period of not more than 15 years; and

“(II) in the case of any other project, has a simple payback period of not more than 10 years.

“(B) PRIORITY.—In selecting projects, the Secretary shall give priority to projects that—

“(i) are a component of a comprehensive energy management project for a Federal facility; and

“(ii) are designed to significantly reduce the energy use of the Federal facility.

“(e) REPORTS AND AUDITS.—

“(1) REPORTS TO THE SECRETARY.—Not later than 1 year after the completion of installation of a project that has a cost of more than \$1,000,000, and annually thereafter, a Federal agency shall submit to the Secretary a report that—

“(A) states whether the project meets or fails to meet the energy savings projections for the project; and

“(B) for each project that fails to meet the energy savings projections, states the reasons for the failure and describes proposed remedies.

“(2) AUDITS.—The Secretary may audit, or require a Federal agency that receives a loan from the Bank to audit, any project financed with amounts from the Bank to assess the performance of the project.

“(3) REPORTS TO CONGRESS.—At the end of each fiscal year, the Secretary shall submit to Congress a report on the operations of the Bank, including a statement of—

“(A) the total receipts by the Bank;

“(B) the total amount of loans from the Bank to each Federal agency; and

“(C) the estimated cost and energy savings resulting from projects funded with loans from the Bank.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to such sums as are necessary to carry out this section.”

SEC. 919. ENERGY AND WATER SAVING MEASURES IN CONGRESSIONAL BUILDINGS.

(a) IN GENERAL.—Part 3 of title V of the National Energy Conservation Policy Act is amended by adding at the end:

“SEC. 554. ENERGY AND WATER SAVINGS MEASURES IN CONGRESSIONAL BUILDINGS.

“(a) IN GENERAL.—The Architect of the Capitol—

“(1) shall develop, update, and implement a cost-effective energy conservation and management plan (referred to in this section as the “plan”) for all facilities administered by the Congress (referred to in this section as ‘congressional buildings’) to meet the energy performance requirements for Federal buildings established under section 543(a)(1).

“(2) shall submit the plan to Congress, not later than 180 days after the date of enactment of this section.

“(b) PLAN REQUIREMENTS.—The plan shall include—

“(1) a description of the life-cycle cost analysis used to determine the cost-effectiveness of proposed energy efficiency projects;

“(2) a schedule of energy surveys to ensure complete surveys of all congressional buildings every five years to determine the cost and payback period of energy and water conservation measures;

“(3) a strategy for installation of life cycle cost effective energy and water conservation measures;

“(4) the results of a study of the costs and benefits of installation of submetering in congressional buildings; and

“(5) information packages and “how-to” guides for each Member and employing authority of Congress that detail simple, cost-effective methods to save energy and taxpayer dollars in the workplace.

“(c) CONTRACTING AUTHORITY.—The Architect—

“(1) may contract with nongovernmental entities and use private sector capital to finance energy conservation projects and meet energy performance requirements; and

“(2) may use innovative contracting methods that will attract private sector funding for the installation of energy efficient and

renewable energy technology, such as energy savings performance contracts described in title VIII.

“(d) CAPITOL VISITOR CENTER.—The Architect—

“(1) shall ensure that state-of-the-art energy efficiency and renewable energy technologies are used in the construction and design of the Visitor Center; and

“(2) shall include in the Visitor Center an exhibit on the energy efficiency and renewable energy measures used in congressional buildings.

“(e) ANNUAL REPORT.—The Architect shall submit to Congress annually a report on congressional energy management and conservation programs required under this section that describes in detail—

“(1) energy expenditures and savings estimates for each facility;—

“(2) energy management and conservation projects; and

“(3) future priorities to ensure compliance with this section.”

(b) REPEAL.—Section 310 of the Legislative Branch Appropriations Act, 1999 (40 U.S.C. 166i), is repealed.

Subtitle C—Industrial Efficiency and Consumer Products

SEC. 921. VOLUNTARY COMMITMENTS TO REDUCE INDUSTRIAL ENERGY INTENSITY.

(a) VOLUNTARY AGREEMENTS.—The Secretary of Energy shall enter into voluntary agreements with one or more persons in industrial sectors that consume significant amounts of primary energy per unit of physical output to reduce the energy intensity of their production activities.

(b) GOAL.—Voluntary agreements under this section shall have a goal of reducing energy intensity by not less than 2.5 percent each year from 2002 through 2012.

(c) RECOGNITION.—The Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency and other appropriate federal agencies, shall develop mechanisms to recognize and publicize the achievements of participants in voluntary agreements under this section.

(d) DEFINITION.—In this section, the term “energy intensity” means the primary energy consumed per unit of physical output in an industrial process.

(e) TECHNICAL ASSISTANCE.—An entity that enters into an agreement under this section and continues to make a good faith effort to achieve the energy efficiency goals specified in the agreement shall be eligible to receive from the Secretary a grant or technical assistance as appropriate to assist in the achievement of those goals.

(f) REPORT.—Not later than June 30, 2008 and June 30, 2012, the Secretary shall submit to Congress a report that evaluates the success of the voluntary agreements, with independent verification of a sample of the energy savings estimates provided by participating firms.

SEC. 922. AUTHORITY TO SET STANDARDS FOR COMMERCIAL PRODUCTS.

Part B of title III of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.) is amended as follows:

(1) In the heading for such part, by inserting “AND COMMERCIAL” after “CONSUMER”.

(2) In section 321(2), by inserting “or commercial” after “consumer”.

(3) In paragraphs (4), (5), and (15) of section 321, by striking “consumer” each place it appears and inserting “covered”.

(4) In section 322(a), by inserting “or commercial” after “consumer” the first place it appears in the material preceding paragraph (1).

(5) In section 322(b), by inserting “or commercial” after “consumer” each place it appears.

(6) In section 322 (b)(1)(B) and (b)(2)(A), by inserting “or per business in the case of a commercial product” after “per-household” each place it appears.

(7) In section 322 (b)(2)(A), by inserting “or businesses in the case of commercial products” after ‘households’ each place it appears.

(8) In section 322 (B)(2)(C)—

(A) by striking “term” and inserting “terms”; and

(B) by inserting “and ‘business’” after “household”.

(9) In section 323 (b)(1) (B) by inserting “or commercial” after “consumer”.

SEC. 923. ADDITIONAL DEFINITIONS.

Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by adding at the end the following:

“(32) The term ‘battery charger’ means a device that charges batteries for consumer products.

“(33) The term ‘commercial refrigerator, freezer and refrigerator-freezer’ means a refrigerator, freezer or refrigerator-freezer that—

“(A) is not a consumer product regulated under this Act; and

“(B) incorporates most components involved in the vapor-compression cycle and the refrigerated compartment in a single package.

“(34) The term ‘external power supply’ means an external power supply circuit that is used to convert household electric current into either DC current or lower-voltage AC current to operate a consumer product.

“(35) The term ‘illuminated exit sign’ means a sign that—

“(A) is designed to be permanently fixed in place to identify an exit; and

“(B) consists of—

“(i) an electrically powered integral light source that illuminates the legend ‘EXIT’ and any directional indicators; and

“(ii) provides contrast between the legend, any directional indicators, and the background.

“(36)(A) Except as provided in subsection (B), the term ‘low-voltage dry-type transformer’ means a transformer that—

“(i) has an input voltage of 600 volts or less;

“(ii) is air-cooled;

“(iii) does not use oil as a coolant; and

“(iv) is rated for operation at a frequency of 60 Hertz.

“(B) The term ‘low-voltage dry-type transformer’ does not include—

“(i) transformers with multiple voltage taps, with the highest voltage tap equaling at least 20 percent more than the lowest voltage tap;

“(ii) transformers that are designed to be used in a special purpose application, such as transformers commonly known as drive transformers, rectifier transformers, autotransformers, Uninterruptible Power System transformers, impedance transformers, harmonic transformers, regulating transformers, sealed and nonventilating transformers, machine tool transformers, welding transformers, grounding transformers, or testing transformers; or

“(iii) any transformer not listed in clause (ii) that is excluded by the Secretary by rule because the transformer is designed for a special application and the application of standards to the transformer would not result in significant energy savings.

“(37) The term “standby mode” means the lowest amount of electric power used by a household appliance when not performing its active functions, as defined on an individual product basis by the Secretary.

“(38) The term ‘torchier’ means a portable electric lamp with a reflector bowl that directs light upward so as to give indirect illumination.

“(39) The term ‘transformer’ means a device consisting of 2 or more coils of insulated wire that transfers alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.

“(40) The term ‘unit heater’ means a self-contained fan-type heater designed to be installed within the heated space, except that such term does not include a warm air furnace.

SEC. 924. ADDITIONAL TEST PROCEDURES.

(a) EXIT SIGNS.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended by adding at the end the following:

“(9) Test procedures for illuminated exit signs shall be based on the test method used under the Energy Star program of the Environmental Protection Agency for illuminated exit signs, as in effect on the date of enactment of this paragraph.

“(10) Test procedures for low voltage dry-type distribution transformers shall be based on the ‘Standard Test Method for Measuring the Energy Consumption of Distribution Transformers’ prescribed by the National Electrical Manufacturers Association (NEMA TP 2-1998). The Secretary may review and revise this test procedure based on future revisions to such standard test method.

(b) ADDITIONAL CONSUMER AND COMMERCIAL PRODUCTS.—Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is further amended by adding at the end the following:

“(f) ADDITIONAL CONSUMER AND COMMERCIAL PRODUCTS.—The Secretary shall within 24 months after the date of enactment of this subsection prescribe testing requirements for suspended ceiling fans, refrigerated bottled or canned beverage vending machines, commercial unit heaters, and commercial refrigerators, freezers and refrigerator-freezers. Such testing requirements shall be based on existing test procedures used in industry to the extent practical and reasonable. In the case of 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.”

SEC. 925. ENERGY LABELING.

(a) RULEMAKING ON EFFECTIVENESS OF CONSUMER PRODUCT LABELING.—Paragraph (2) of section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding at the end the following:

“(F) 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 labeling rules that would improve the effectiveness of consumer product labels. Such rulemaking shall be completed within 15 months of the date of enactment of this subparagraph.”

(b) RULEMAKING ON LABELING FOR ADDITIONAL PRODUCTS.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is further amended by adding at the end the following:

“(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 subsections (u) and (v) of section 325, and within 18 months of enactment of this paragraph for products referred to in subsections (w) through (y) of section 325, prescribe, by rule,

labeling requirements for such products. Labeling requirements adopted under this paragraph shall take effect on the same date as the standards set pursuant to sections 325(v) through (y).

SEC. 926. ENERGY STAR PROGRAM.

The Energy Policy and Conservation Act (42 U.S.C. 6201 and following) is amended by inserting after section 324 the following:

“ENERGY STAR PROGRAM.

“SEC. 324A. (a) IN GENERAL.—There is established at the Department of Energy and the Environmental Protection Agency a program to identify and promote energy-efficient products and buildings in order to reduce energy consumption, improve energy security, and reduce pollution through labeling of products and buildings that meet the highest energy efficiency standards. Responsibilities under the program shall be divided between the Department of Energy and the Environmental Protection Agency consistent with the terms of agreements between the two agencies. The Administrator and the Secretary shall—

“(1) promote Energy Star compliant technologies as the preferred technologies in the marketplace for achieving energy efficiency and to reduce pollution;

(2) work to enhance public awareness of the Energy Star label;

(3) preserve the integrity of the Energy Star label; and

(4) solicit the comments of interested parties in establishing a new Energy Star product category or in revising a product category, and upon adoption of a new or revised product category provide an explanation of the decision that responds to significant public comments.”

SEC. 927. ENERGY CONSERVATION STANDARDS FOR CENTRAL AIR-CONDITIONERS AND HEAT PUMPS.

Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended to read as follows:

“(1) Except as provided in paragraph (3), the seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps manufactured on or after January 23, 2006 shall be no less than 13.0.

“(2) Except as provided in paragraph (4), the heating seasonal performance factor of central air conditioning heat pumps manufactured on or after January 23, 2006 shall be no less than 7.7.

“(3) The seasonal energy efficiency ratio of central air conditioners or central air conditioning heat pumps manufactured on or after January 23, 2006 shall be no less than 12.0 for products that—

“(A) have a rated cooling capacity equal to or less than 30,000 Btu per hour;

“(B) have an outdoor or indoor unit having at least two overall exterior dimensions or an overall displacement that—

“(i) is substantially smaller than those of other units that are currently installed in site-built single family homes, and of a similar cooling or heating capacity, and

“(ii) if increased would result in a significant increase in the cost of installation or would result in a significant loss in the utility of the product to the consumer; and

“(C) were available for purchase in the United States as of December 1, 2000.

“(4) The heating seasonal performance factor of central air conditioning heat pumps manufactured on or after January 25, 2006 shall not be less 7.4 for products that meet the criteria in paragraph (3).

“(5) The Secretary may postpone the requirements of paragraphs (3) and (4) for specific product types until a date no later than January 23, 2010, if he determines that compliance is either—

“(A) not technologically feasible, or

“(B) not economically justifiable.

“(6) The Secretary shall publish a final rule not later than January 1, 2006 to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2011.”

SEC. 928. ENERGY CONSERVATION STANDARDS FOR ADDITIONAL CONSUMER AND COMMERCIAL PRODUCTS.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

“(u) STANDBY MODE ELECTRIC ENERGY CONSUMPTION.—

“(1) INITIAL RULEMAKING.—

“(A) The Secretary shall, within 18 months after the date of enactment of this subsection, prescribe by notice and comment, definitions of standby mode and test procedures for the standby mode power use of battery chargers and external power supplies. In establishing these test procedures, the Secretary shall consider, among other factors, existing test procedures used for measuring energy consumption in standby mode and assess the current and projected future market for battery chargers and external power supplies. This assessment shall include estimates of the significance of potential energy savings from technical improvements to these products and suggested product classes for standards. Prior to the end of this time period, the Secretary shall hold a scoping workshop to discuss and receive comments on plans for developing energy conservation standards for standby mode energy use for these products.

“(B) The Secretary shall, within 3 years after the date of enactment of this subsection, issue a final rule that determines whether energy conservation standards shall be promulgated for battery chargers and external power supplies or classes thereof. For each product class, any such standards shall be set at the lowest level of standby energy use that—

(i) meets the criteria of subsections (o), (p), (q), (r), (s) and (t); and

(ii) will result in significant overall annual energy savings, considering both standby mode and other operating modes.

“(2) DESIGNATION OF ADDITIONAL COVERED PRODUCTS.—

“(A) Not later than 180 days after the date of enactment of this subsection, the Secretary shall publish for public comment and public hearing a notice to determine whether any noncovered products should be designated as covered products for the purpose of instituting a rulemaking under this section to determine whether an energy conservation standard restricting standby mode energy consumption, should be promulgated; providing that any restriction on standby mode energy consumption shall be limited to major sources of such consumption.

“(B) In making the determinations pursuant to subparagraph (A) of whether to designate new covered products and institute rulemakings, the Secretary shall, among other relevant factors and in addition to the criteria in section 322(b), consider—

“(i) standby mode power consumption compared to overall product energy consumption; and

“(ii) the priority and energy savings potential of standards which may be promulgated under this subsection compared to other required rulemakings under this section and the available resources of the Department to conduct such rulemakings.

“(C) Not later than one year after the date of enactment of this subsection, the Secretary shall issue a determination of any new covered products for which he intends to

institute rulemakings on standby mode pursuant to this section and he shall state the dates by which he intends to initiate those rulemakings.

“(3) REVIEW OF STANDBY ENERGY USE IN COVERED PRODUCTS.—In determining pursuant to section 323 whether test procedures and energy conservation standards pursuant to section 325 should be revised, the Secretary shall consider for covered products which are major sources of standby mode energy consumption whether to incorporate standby mode into such test procedures and energy conservation standards, taking into account, among other relevant factors, the criteria for non-covered products in subparagraph (B) of this subsection.

“(4) RULEMAKING FOR STANDBY MODE.—

“(A) Any rulemaking instituted under this subsection or for covered products under this section which restricts standby mode power consumption shall be subject to the criteria and procedures for issuing energy conservation standards set forth in section 325 and the criteria set forth in paragraph 2(B) of this subsection.

“(B) No standard can be proposed for new covered products or covered products in a standby mode unless the Secretary has promulgated applicable test procedures for each product pursuant to section 323.

“(C) The provisions of section 327 shall apply to new covered products which are subject to the rulemakings for standby mode after a final rule has been issued.

(5) EFFECTIVE DATE.—Any standard promulgated under this subsection shall be applicable to products manufactured or imported three years after the date of promulgation.

(6) VOLUNTARY PROGRAMS TO REDUCE STANDBY MODE ENERGY USE.—The Secretary and the Administrator shall collaborate and develop programs, including programs pursuant to section 324A and other voluntary industry agreements or codes of conduct, which are designed to reduce standby mode energy use.

“(v) SUSPENDED CEILING FANS, VENDING MACHINES, UNIT HEATERS, AND COMMERCIAL REFRIGERATORS, FREEZERS AND REFRIGERATOR-FREEZERS.—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 suspended ceiling fans, refrigerated bottled or canned beverage vending machines, unit heaters, and commercial refrigerators, freezers and refrigerator-freezers. In establishing standards under this subsection, the Secretary shall use the criteria and procedures contained in subsections (l) and (m). Any standard prescribed under this subsection shall apply to products manufactured 3 years after the date of publication of a final rule establishing such standard.

“(w) ILLUMINATED EXIT SIGNS.—Illuminated exit signs manufactured on or after January 1, 2005 shall meet the Energy Star Program performance requirements for illuminated exit signs prescribed by the Environmental Protection Agency as in effect on the date of enactment of this subsection.

“(x) TORCHIERES.—Torchieres manufactured on or after January 1, 2005—

“(1) shall consume not more than 190 watts of power; and

“(2) shall not be capable of operating with lamps that total more than 190 watts.

“(y) LOW VOLTAGE DRY-TYPE TRANSFORMERS.—

“The efficiency of low voltage dry-type transformers manufactured on or after January 1, 2005 shall be the Class I Efficiency Levels for low voltage dry-type transformers specified in Table 4-2 of the ‘Guide for Determining Energy Efficiency for Distribution Transformers’ published by the National

Electrical Manufacturers Association (NEMA TP-1-1996).”

SEC. 929. 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 at the end the following:

“(c) HVAC MAINTENANCE.—(1) For the purpose of ensuring that installed air conditioning and heating systems operate at their maximum rated efficiency levels, the Secretary shall, within 180 days of the date of enactment of this subsection, carry out a program to educate homeowners and small business owners concerning the energy savings resulting from properly conducted maintenance of air conditioning, heating, and ventilating systems.

“(2) The Secretary may carry out the program in cooperation with industry trade associations, industry members, and energy efficiency organizations.”

Subtitle D—Housing Efficiency

SEC. 931. CAPACITY BUILDING FOR ENERGY EFFICIENT, AFFORDABLE HOUSING.

Section 4(b) of the HUD Demonstration Act of 1993 (42 U.S.C. 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. 932. 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. 933. 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. 934. 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 112.18.1-2000, 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. 935. 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. 936. 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 D—INTEGRATION OF ENERGY POLICY AND CLIMATE CHANGE POLICY
TITLE X—CLIMATE CHANGE POLICY FORMULATION

Subtitle A—Global Warming

SEC. 1001. SENSE OF CONGRESS ON GLOBAL WARMING.

(a) **FINDINGS.**—The Congress makes the following findings:

(1) Evidence continues to build that increases in atmospheric concentrations of man-made greenhouse gases are contributing to global climate change.

(2) The Intergovernmental Panel on Climate Change (IPCC) has concluded that “there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities” and that the Earth’s average temperature can be expected to rise between 2.5 and 10.4 degrees Fahrenheit in this century.

(3) The National Academy of Sciences confirmed the findings of the IPCC, stating that “the IPCC’s conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase of greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue” and that “there is general agreement that the observed warming is real and particularly strong within the past twenty years”.

(4) The IPCC has stated that in the last 40 years, the global average sea level has risen, ocean heat content has increased, and snow cover and ice extent have decreased, which threatens to inundate low-lying island nations and coastal regions throughout the world.

(5) The Environmental Protection Agency has found that global warming may harm the United States by altering crop yields, accelerating sea level rise, and increasing the spread of tropical infectious diseases.

(6) In 1992, the United States ratified the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, the ultimate objective of which is the “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system”, and which stated in part “the Parties to the Convention are to implement policies with the aim of returning . . . to their 1990 levels anthropogenic emissions of carbon dioxide and other greenhouse gases.”

(7) There is a shared international responsibility to address this problem, as industrial nations are the largest historic and current emitters of greenhouse gases and developing nations’ emissions will significantly increase in the future.

(8) The United Nations Framework Convention on Climate Change further states that “developed country Parties should take the lead in combating climate change and the adverse effects thereof”, as these nations are the largest historic and current emitters of greenhouse gases.

(9) Senate Resolution 98 of July 1997, which expressed that developing nations, especially the largest emitters, must also be included in any future, binding climate change treaty and such a treaty must not result in serious harm to the United States economy, should not cause the United States to abandon its shared responsibility to help find a solution to the global climate change dilemma.

(10) American businesses need to know how governments worldwide will respond to the threat of global warming.

(11) The United States has benefitted and will continue to benefit from investments in the research, development and deployment of a range of clean energy and efficiency technologies that can mitigate global warm-

ing and that can make the United States economy more productive, bolster energy security, create jobs, and protect the environment.

(b) **SENSE OF CONGRESS.**—It is the sense of the United States Congress that the United States should demonstrate international leadership and responsibility in mitigating the health, environmental, and economic threats posed by global warming by—

(1) taking responsible action to ensure significant and meaningful reductions in emissions of greenhouse gases from all sectors;

(2) creating flexible international and domestic mechanisms, including joint implementation, technology deployment, emissions trading and carbon sequestration projects that will reduce, avoid, and sequester greenhouse gas emissions; and

(3) participating in international negotiations, including putting forth a proposal at the next meeting of the Conference of the Parties, with the objective of securing United States’ participation in a revised Kyoto Protocol or other future binding climate change agreements in a manner that is consistent with the environmental objectives of the Framework Convention on Climate Change, that protects the economic interests of the United States, and recognizes the shared international responsibility for addressing climate change, including developing country participation.

Subtitle B—Climate Change Strategy

SEC. 1011. SHORT TITLE.

This title may be cited as the “Climate Change Strategy and Technology Innovation Act of 2002”.

SEC. 1012. FINDINGS.

Congress finds that—

(1) evidence continues to build that increases in atmospheric concentrations of greenhouse gases are contributing to global climate change;

(2) in 1992, the Senate ratified the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, the ultimate objective of which is the “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system”;

(3) although science currently cannot determine precisely what atmospheric concentrations are “dangerous”, the current trajectory of greenhouse gas emissions will lead to a continued rise in greenhouse gas concentrations in the atmosphere, not stabilization;

(4) the remaining scientific uncertainties call for temperance of human actions, but not inaction;

(5) greenhouse gases are associated with a wide range of human activities, including energy production, transportation, agriculture, forestry, manufacturing, buildings, and other activities;

(6) the economic consequences of poorly designed climate change response strategies, or of inaction, may cost the global economy trillions of dollars;

(7) a large share of this economic burden would be borne by the United States;

(8) stabilization of greenhouse gas concentrations in the atmosphere will require transformational change in the global energy system and other emitting sectors at an almost unimaginable level—a veritable industrial revolution is required;

(9) such a revolution can occur only if the revolution is preceded by research and development that leads to bold technological breakthroughs;

(10) over the decade preceding the date of enactment of this Act—

(A) energy research and development budgets in the public and private sectors have de-

clined precipitously and have not been focused on the climate change response challenge; and

(B) the investments that have been made have not been guided by a comprehensive strategy;

(11) the negative trends in research and development funding described in paragraph (10) must be reversed with a focus on not only traditional energy research and development, but also bolder, breakthrough research;

(12) much more progress could be made on the issue of climate change if the United States were to adopt a new approach for addressing climate change that included, as an ultimate long-term goal—

(A) stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system; and

(B) a response strategy with 4 key elements consisting of—

(i) definition of interim emission mitigation levels, that, coupled with specific mitigation approaches and after taking into account actions by other nations (if any), would result in stabilization of greenhouse gas concentrations;

(ii) technology development, including—

(I) a national commitment to double energy research and development by the United States public and private sectors; and

(II) in carrying out such research and development, a national commitment to provide a high degree of emphasis on bold, breakthrough technologies that will make possible a profound transformation of the energy, transportation, industrial, agricultural, and building sectors of the United States;

(iii) climate adaptation research that—

(I) focuses on response actions necessary to adapt to climate change that may have already occurred; and

(II) focuses on response actions necessary to adapt to climate change that may occur under any future climate change scenario; and

(iv) climate science research that—

(I) builds on the substantial scientific understanding of climate change that exists as of the date of enactment of this Act; and

(II) focuses on resolving the remaining scientific, technical, and economic uncertainties to aid in the development of sound response strategies; and

(13) inherent in each of the 4 key elements of the response strategy is consideration of the international nature of the challenge, which will require—

(A) establishment of joint climate response strategies and joint research programs;

(B) assistance to developing countries and countries in transition for building technical and institutional capacities and incentives for addressing the challenge; and

(C) promotion of public awareness of the issue.

SEC. 1013. PURPOSE.

The purpose of this title is to implement the new approach described in section 1012(12) by developing a national focal point for climate change response through—

(1) the establishment of the National Office of Climate Change Response within the Executive Office of the President to develop the United States Climate Change Response Strategy that—

(A) incorporates the 4 key elements of that new approach;

(B) is supportive of and integrated in the overall energy, transportation, industrial, agricultural, forestry, and environmental policies of the United States;

(C) takes into account—

(i) the diversity of energy sources and technologies;

(ii) supply-side and demand-side solutions; and

(iii) national infrastructure, energy distribution, and transportation systems;

(D) provides for the inclusion and equitable participation of Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties;

(E) incorporates new models of Federal-State cooperation;

(F) defines a comprehensive energy technology research and development program that—

(i) recognizes the important contributions that research and development programs in existence on the date of enactment of this title make toward addressing the climate change response challenge; and

(ii) includes an additional research and development agenda that focuses on the bold, breakthrough technologies that are critical to the long-term stabilization of greenhouse gas concentrations in the atmosphere;

(G) includes consideration of other efforts to address critical environmental and health concerns, including clean air, clean water, and responsible land use policies; and

(H) incorporates initiatives to promote the deployment of clean energy technologies developed in the United States and abroad;

(2) the establishment of the Interagency Task Force, chaired by the Director of the White House Office, to serve as the primary mechanism through which the heads of Federal agencies work together to develop and implement the Strategy;

(3) the establishment of the Office of Climate Change Technology within the Department of Energy—

(A) to manage, as its primary responsibility, an innovative research and development program that focuses on the bold, breakthrough technologies that are critical to the long-term stabilization of greenhouse gas concentrations in the atmosphere; and

(B) to provide analytical support and data to the White House Office, other agencies, and the public;

(4) the establishment of an independent review board—

(A) to review the Strategy and annually assess United States and international progress toward the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system; and

(B) to assess—

(i) the performance of each Federal agency that has responsibilities under the Strategy; and

(ii) the adequacy of the budget of each such Federal agency to fulfill the responsibilities of the Federal agency under the Strategy; and

(5) the establishment of offices in, or the carrying out of activities by, the Department of Agriculture, the Department of Transportation, the Department of Commerce, the Environmental Protection Agency, and other Federal agencies as necessary to carry out this title.

SEC. 1014. DEFINITIONS.

In this title:

(1) **CLIMATE-FRIENDLY TECHNOLOGY.**—The term “climate-friendly technology” means any energy supply or end-use technology that, over the life of the technology and compared to similar technology in commercial use as of the date of enactment of this Act—

(A) results in reduced emissions of greenhouse gases;

(B) may substantially lower emissions of other pollutants; and

(C) may generate substantially smaller or less hazardous quantities of solid or liquid waste.

(2) **DEPARTMENT.**—The term “Department” means the Department of Energy.

(3) **DEPARTMENT OFFICE.**—The term “Department Office” means the Office of Climate Change Technology of the Department established by section 1017(a).

(4) **FEDERAL AGENCY.**—The term “Federal agency” has the meaning given the term “agency” in section 551 of title 5, United States Code.

(5) **GREENHOUSE GAS.**—The term “greenhouse gas” means—

(A) an anthropogenic gaseous constituent of the atmosphere (including carbon dioxide, methane, nitrous oxide, chlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and tropospheric ozone) that absorbs and re-emits infrared radiation and influences climate; and

(B) an anthropogenic aerosol (such as black soot) that absorbs solar radiation and influences climate.

(6) **INTERAGENCY TASK FORCE.**—The term “Interagency Task Force” means the United States Climate Change Response Interagency Task Force established under section 1016(d).

(7) **KEY ELEMENT.**—The term “key element”, with respect to the Strategy, means—

(A) definition of interim emission mitigation levels, that, coupled with specific mitigation approaches and after taking into account actions by other nations (if any), would result in stabilization of greenhouse gas concentrations;

(B) technology development, including—

(i) a national commitment to double energy research and development by the United States public and private sectors; and

(ii) in carrying out such research and development, a national commitment to provide a high degree of emphasis on bold, breakthrough technologies that will make possible a profound transformation of the energy, transportation, industrial, agricultural, and building sectors of the United States;

(C) climate adaptation research that—

(i) focuses on response actions necessary to adapt to climate change that may have already occurred; and

(ii) focuses on response actions necessary to adapt to climate change that may occur under any future climate change scenario; and

(D) climate science research that—

(i) builds on the substantial scientific understanding of climate change that exists as of the date of enactment of this Act; and

(ii) focuses on resolving the remaining scientific, technical, and economic uncertainties to aid in the development of sound response strategies.

(8) **QUALIFIED INDIVIDUAL.**—

(A) **IN GENERAL.**—The term “qualified individual” means an individual who has demonstrated expertise and leadership skills to draw on other experts in diverse fields of knowledge that are relevant to addressing the climate change response challenge.

(B) **FIELDS OF KNOWLEDGE.**—The fields of knowledge referred to in subparagraph (A) are—

(i) the science of primary and secondary climate change impacts;

(ii) energy and environmental economics;

(iii) technology transfer and diffusion;

(iv) the social dimensions of climate change;

(v) climate change adaptation strategies;

(vi) fossil, nuclear, and renewable energy technology;

(vii) energy efficiency and energy conservation;

(viii) energy systems integration;

(ix) engineered and terrestrial carbon sequestration;

(x) transportation, industrial, and building sector concerns;

(xi) regulatory and market-based mechanisms for addressing climate change;

(xii) risk and decision analysis;

(xiii) strategic planning; and

(xiv) the international implications of climate change response strategies.

(9) **REVIEW BOARD.**—The term “Review Board” means the United States Climate Change Response Strategy Review Board established by section 1019.

(10) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(11) **STABILIZATION OF GREENHOUSE GAS CONCENTRATIONS.**—The term “stabilization of greenhouse gas concentrations” means the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, recognizing that such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner, as contemplated by the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

(12) **STRATEGY.**—The term “Strategy” means the United States Climate Change Response Strategy developed under section 1015.

(13) **WHITE HOUSE OFFICE.**—The term “White House Office” means the National Office of Climate Change Response of the Executive Office of the President established by section 1016(a).

SEC. 1015. UNITED STATES CLIMATE CHANGE RESPONSE STRATEGY.

(a) **IN GENERAL.**—The Director of the White House Office shall develop the United States Climate Change Response Strategy, which shall—

(1) have the long-term goal of stabilization of greenhouse gas concentrations through actions taken by the United States and other nations;

(2) recognize that accomplishing the long-term goal of stabilization will take from many decades to more than a century, but acknowledging that significant actions must begin in the near term;

(3) build on the 4 key elements;

(4) be developed on the basis of an examination of a broad range of emissions levels and dates for achievement of those levels (including those evaluated by the Intergovernmental Panel on Climate Change and those consistent with U.S. treaty commitments) that, after taking into account by actions other nations (if any), would culminate in the stabilization of greenhouse gas concentrations;

(5) consider the broad range of activities and actions that can be taken by United States entities to reduce, avoid, or sequester greenhouse gas emissions both within the United States and in other nations through the use of market mechanisms, which may include but not limited to mitigation activities, terrestrial sequestration, earning offsets through carbon capture or project-based activities, trading of emissions credits in domestic and international markets, and the application of the resulting credits from any of the above within the United States;

(6) minimize any adverse short-term and long-term social, economic, national security, and environmental impacts, including ensuring that the strategy is developed in an economically and environmentally sound manner;

(7) incorporate mitigation approaches leading to the development and deployment of advanced technologies and practices that will reduce, avoid, or sequester greenhouse gas emissions;

(8) recognize that the climate change response strategy is intended to guide the nation's effort to address climate change, but it shall not create a legal obligation on the part of any person or entity other than the duties of the Director of the White House Office and Interagency Task Force in the development of the strategy;

(9) be consistent with the goals of energy, transportation, industrial, agricultural, forestry, environmental, economic, and other relevant policies of the United States;

(10) be consistent with the goals of energy, transportation, industrial, agricultural, forestry, environmental, and other relevant policies of the United States;

(11) have a scope that considers the totality of United States public, private, and public-private sector actions that bear on the long-term goal;

(12) be based on an evaluation of a wide range of approaches for achieving the long-term goal, including evaluation of—

(A) a variety of cost-effective Federal and State policies, programs, standards, and incentives;

(B) policies that integrate and promote innovative, market-based solutions in the United States and in foreign countries; and

(C) participation in other international institutions, or in the support of international activities, that are established or conducted to facilitate stabilization of greenhouse gas concentrations;

(13) in the final recommendations of the Strategy, emphasize response strategies that achieve the long-term goal and provide specific recommendations concerning—

(A) measures determined to be appropriate for short-term implementation, giving preference to cost-effective and technologically feasible measures that will—

(i) produce measurable net reductions in United States emissions that lead toward achievement of the long-term goal; and

(ii) minimize any adverse short-term and long-term economic, environmental, national security, and social impacts on the United States;

(B) the development of technologies that have the potential for long-term implementation—

(i) giving preference to technologies that have the potential to reduce significantly the overall cost of stabilization of greenhouse gas concentrations; and

(ii) considering a full range of energy sources, energy conversion and use technologies, and efficiency options;

(C) such changes in institutional and technology systems as are necessary to adapt to climate change in the short-term and the long-term;

(D) such review, modification, and enhancement of the scientific, technical, and economic research efforts of the United States, and improvements to the data resulting from research, as are appropriate to improve the accuracy of predictions concerning climate change and the economic and social costs and opportunities relating to climate change; and

(E) changes that should be made to project and grant evaluation criteria under other Federal research and development programs so that those criteria do not inhibit development of climate-friendly technologies;

(14) be developed in a manner that provides for meaningful participation by, and consultation among, Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested

parties in accordance with subsections (b)(4)(C)(iv)(II) and (d)(3)(B)(iii) of section 1016;

(15) address how the United States should engage State, tribal, and local governments in developing and carrying out a response to climate change;

(16) promote, to the maximum extent practicable, public awareness, outreach, and information-sharing to further the understanding of the full range of climate change-related issues;

(17) provide a detailed explanation of how the measures recommended by the Strategy will ensure that they do not result in serious harm to the economy of the United States;

(18) provide a detailed explanation of how the measures recommended by the Strategy will achieve the long-term goal of stabilization of greenhouse gas concentrations;

(19) include any recommendations for legislative and administrative actions necessary to implement the Strategy;

(20) serve as a framework for climate change response actions by all Federal agencies;

(21) recommend which Federal agencies are, or should be, responsible for the various aspects of implementation of the Strategy and any budgetary implications;

(22) address how the United States should engage foreign governments in developing an international response to climate change; and

(23) be subject to review by an independent review board in accordance with section 1019.

(b) **SUBMISSION TO CONGRESS.**—Not later than 1 year after the date of enactment of this title, the President shall submit to Congress the Strategy.

(c) **UPDATING.**—Not later than 2 years after the date of submission of the Strategy to Congress under subsection (b), and at the end of each 2-year period thereafter, the President shall submit to Congress an updated version of the Strategy.

(d) **PROGRESS REPORTS.**—Not later than 1 year after the date of submission of the Strategy to Congress under subsection (b), and at the end of each 1-year period thereafter, the President shall submit to Congress a report that—

(1) describes the progress on implementation of the Strategy; and

(2) provides recommendations for improvement of the Strategy and the implementation of the Strategy.

(e) **ALIGNMENT WITH ENERGY, TRANSPORTATION, INDUSTRIAL, AGRICULTURAL, FORESTRY, AND OTHER POLICIES.**—The President, the Director of the White House Office, the Secretary, and the other members of the Interagency Task Force shall work together to align the actions carried out under the Strategy and actions associated with the energy, transportation, industrial, agricultural, forestry, and other relevant policies of the United States so that the objectives of both the Strategy and the policies are met without compromising the climate change-related goals of the Strategy or the goals of the policies.

SEC. 1016. NATIONAL OFFICE OF CLIMATE CHANGE RESPONSE OF THE EXECUTIVE OFFICE OF THE PRESIDENT.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established, within the Executive Office of the President, the National Office of Climate Change Response.

(2) **FOCUS.**—The White House Office shall have the focus of achieving the long-term goal of stabilization of greenhouse gas concentrations while minimizing adverse short-term and long-term economic and social impacts.

(3) **DUTIES.**—Consistent with paragraph (2), the White House Office shall—

(A) establish policies, objectives, and priorities for the Strategy;

(B) in accordance with subsection (d), establish the Interagency Task Force to serve as the primary mechanism through which the heads of Federal agencies shall assist the Director of the White House Office in developing and implementing the Strategy;

(C) to the maximum extent practicable, ensure that the Strategy is based on objective, quantitative analysis, drawing on the analytical capabilities of Federal and State agencies, especially the Department Office;

(D) advise the President concerning necessary changes in organization, management, budgeting, and personnel allocation of Federal agencies involved in climate change response activities; and

(E) advise the President and notify a Federal agency if the policies and discretionary programs of the agency are not well aligned with, or are not contributing effectively to, the long-term goal of stabilization of greenhouse gas concentrations.

(b) **DIRECTOR OF THE WHITE HOUSE OFFICE.**—

(1) **IN GENERAL.**—The White House Office shall be headed by a Director, who shall report directly to the President.

(2) **APPOINTMENT.**—The Director of the White House Office shall be a qualified individual appointed by the President, by and with the advice and consent of the Senate.

(3) **DUTIES OF THE DIRECTOR OF THE WHITE HOUSE OFFICE.**—

(A) **STRATEGY.**—In accordance with section 1015, the Director of the White House Office shall coordinate the development and updating of the Strategy.

(B) **INTERAGENCY TASK FORCE.**—The Director of the White House Office shall serve as Chairperson of the Interagency Task Force.

(C) **ADVISORY DUTIES.**—

(i) **CLIMATE, ENERGY, TRANSPORTATION, INDUSTRIAL, AGRICULTURAL, BUILDING, FORESTRY, AND OTHER PROGRAMS.**—The Director of the White House Office, using an integrated perspective considering the totality of actions in the United States, shall advise the President and the heads of Federal agencies on—

(I) the extent to which United States energy, transportation, industrial, agricultural, forestry, building, and other relevant programs are capable of producing progress on the long-term goal of stabilization of greenhouse gas concentrations; and

(II) the extent to which proposed or newly created energy, transportation, industrial, agricultural, forestry, building, and other relevant programs positively or negatively affect the ability of the United States to achieve the long-term goal of stabilization of greenhouse gas concentrations.

(ii) **TAX, TRADE, AND FOREIGN POLICIES.**—The Director of the White House Office, using an integrated perspective considering the totality of actions in the United States, shall advise the President and the heads of Federal agencies on—

(I) the extent to which the United States tax policy, trade policy, and foreign policy are capable of producing progress on the long-term goal of stabilization of greenhouse gas concentrations; and

(II) the extent to which proposed or newly created tax policy, trade policy, and foreign policy positively or negatively affect the ability of the United States to achieve the long-term goal of stabilization of greenhouse gas concentrations.

(iii) **INTERNATIONAL TREATIES.**—The Secretary of State, acting in conjunction with the Interagency Task Force and using the analytical tools available to the White House Office, shall provide to the Director of the White House Office an opinion that—

(I) specifies, to the maximum extent practicable, the economic and environmental

costs and benefits of any proposed international treaties or components of treaties that have an influence on greenhouse gas management; and

(II) assesses the extent to which the treaties advance the long-term goal of stabilization of greenhouse gas concentrations, while minimizing adverse short-term and long-term economic and social impacts and considering other impacts.

(iv) CONSULTATION.—

(I) WITH MEMBERS OF INTERAGENCY TASK FORCE.—To the extent practicable and appropriate, the Director of the White House Office shall consult with all members of the Interagency Task Force and other interested parties before providing advice to the President.

(II) WITH OTHER INTERESTED PARTIES.—The Director of the White House Office shall establish a process for obtaining the meaningful participation of Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties in the formulation of advice to be provided to the President.

(D) PUBLIC EDUCATION, AWARENESS, OUTREACH, AND INFORMATION-SHARING.—The Director of the White House Office, to the maximum extent practicable, shall promote public awareness, outreach, and information-sharing to further the understanding of the full range of climate change-related issues.

(4) ANNUAL REPORTS.—The Director of the White House Office, in consultation with the Interagency Task Force and other interested parties, shall prepare an annual report for submission by the President to Congress that—

(A) assesses progress in implementation of the Strategy;

(B) assesses progress, in the United States and in foreign countries, toward the long-term goal of stabilization of greenhouse gas concentrations;

(C) assesses progress toward meeting climate change-related international obligations;

(D) makes recommendations for actions by the Federal Government designed to close any gap between progress-to-date and the measures that are necessary to achieve the long-term goal of stabilization of greenhouse gas concentrations; and

(E) addresses the totality of actions in the United States that relate to the 4 key elements.

(5) ANALYSIS.—During development of the Strategy, preparation of the annual reports submitted under paragraph (5), and provision of advice to the President and the heads of Federal agencies, the Director of the White House Office shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any uncertainties associated with the analysis.

(c) STAFF.—

(1) IN GENERAL.—The Director of the White House Office shall employ a professional staff of not more than 25 individuals to carry out the duties of the White House Office.

(2) INTERGOVERNMENTAL PERSONNEL AND FELLOWSHIPS.—The Director of the White House Office may use the authority provided by the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and subchapter VI of chapter 33 of title 5, United States Code, and fellowships, to obtain staff from academia, scientific bodies, nonprofit organizations, and national laboratories, for appointments of a limited term.

(d) INTERAGENCY TASK FORCE.—

(1) IN GENERAL.—The Director of the White House Office shall establish the United States Climate Change Response Interagency Task Force.

(2) COMPOSITION.—The Interagency Task Force shall be composed of—

(A) the Director of the White House Office, who shall serve as Chairperson;

(B) the Secretary of State;

(C) the Secretary;

(D) the Secretary of Commerce;

(E) the Secretary of the Treasury;

(F) the Secretary of Transportation;

(G) the Secretary of Agriculture;

(H) the Administrator of the Environmental Protection Agency;

(I) the Administrator of the Agency for International Development;

(J) the United States Trade Representative;

(K) the National Security Advisor;

(L) the Chairman of the Council of Economic Advisers;

(M) the Chairman of the Council on Environmental Quality;

(N) the Director of the Office of Science and Technology Policy;

(O) the Chairperson of the Subcommittee on Global Change Research (which performs the functions of the Committee on Earth and Environmental Sciences established by section 102 of the Global Change Research Act of 1990 (15 U.S.C. 2932)); and

(P) the heads of such other Federal agencies as the Chairperson determines should be members of the Interagency Task Force.

(3) STRATEGY.—

(A) IN GENERAL.—The Interagency Task Force shall serve as the primary forum through which the Federal agencies represented on the Interagency Task Force jointly—

(i) assist the Director of the White House Office in developing and updating the Strategy; and

(ii) assist the Director of the White House Office in preparing annual reports under subsection (b)(5).

(B) REQUIRED ELEMENTS.—In carrying out subparagraph (A), the Interagency Task Force shall—

(i) take into account the long-term goal and other requirements of the Strategy specified in section 1015(a);

(ii) consult with State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties; and

(iii) build consensus around a Strategy that is based on strong scientific, technical, and economic analyses.

(4) WORKING GROUPS.—The Chairperson of the Interagency Task Force may establish such topical working groups as are necessary to carry out the duties of the Interagency Task Force.

(e) PROVISION OF SUPPORT STAFF.—In accordance with procedures established by the Chairperson of the Interagency Task Force, the Federal agencies represented on the Interagency Task Force shall provide staff from the agencies to support information, data collection, and analyses required by the Interagency Task Force.

(f) HEARINGS.—On request of the Chairperson, the Interagency Task Force may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Interagency Task Force considers to be appropriate.

SEC. 1017. TECHNOLOGY INNOVATION PROGRAM IMPLEMENTED THROUGH THE OFFICE OF CLIMATE CHANGE TECHNOLOGY OF THE DEPARTMENT OF ENERGY.

(a) ESTABLISHMENT OF OFFICE OF CLIMATE CHANGE TECHNOLOGY OF THE DEPARTMENT OF ENERGY.—

(1) IN GENERAL.—There is established, within the Department, the Office of Climate Change Technology.

(2) DUTIES.—The Department Office shall—

(A) manage an energy technology research and development program that directly supports the Strategy by—

(i) focusing on high-risk, bold, breakthrough technologies that—

(I) have significant promise of contributing to the national climate change policy of long-term stabilization of greenhouse gas concentrations by—

(aa) mitigating the emissions of greenhouse gases;

(bb) removing and sequestering greenhouse gases from emission streams; or

(cc) removing and sequestering greenhouse gases from the atmosphere;

(II) are not being addressed significantly by other Federal programs; and

(III) would represent a substantial advance beyond technology available on the date of enactment of this title;

(ii) forging fundamentally new research and development partnerships among various Department, other Federal, and State programs, particularly between basic science and energy technology programs, in cases in which such partnerships have significant potential to affect the ability of the United States to achieve stabilization of greenhouse gas concentrations at the lowest possible cost;

(iii) forging international research and development partnerships that are in the interests of the United States and make progress on stabilization of greenhouse gas concentrations;

(iv) making available, through monitoring, experimentation, and analysis, data that are essential to proving the technical and economic viability of technology central to addressing climate change; and

(v) transitioning research and development programs to other program offices of the Department once such a research and development program crosses the threshold of high-risk research and moves into the realm of more conventional technology development;

(B) prepare annual reports in accordance with subsection (b)(6);

(C) identify the total contribution of all Department programs to climate change response;

(D) provide substantial analytical support to the White House Office, particularly support in the development of the Strategy and associated progress reporting; and

(E) advise the Secretary on climate change-related issues, including necessary changes in Department organization, management, budgeting, and personnel allocation in the programs involved in climate change response-related activities.

(b) DIRECTOR OF THE DEPARTMENT OFFICE.—

(1) IN GENERAL.—The Department Office shall be headed by a Director, who shall report directly to the Secretary.

(2) APPOINTMENT.—The Director of the Department Office shall be an employee of the Federal Government who is a qualified individual appointed by the President.

(3) TERM.—The Director of the Department Office shall be appointed for a term of 4 years.

(4) VACANCIES.—A vacancy in the position of the Director of the Department Office shall be filled in the same manner as the original appointment was made.

(5) DUTIES OF THE DIRECTOR OF THE DEPARTMENT OFFICE.—

(A) TECHNOLOGY DEVELOPMENT.—The Director of the Department Office shall manage the energy technology research and development program described in subsection (a)(2)(A).

(B) STRATEGY.—The Director of the Department Office shall support development of the Strategy through the provision of staff and analytical support.

(C) INTERAGENCY TASK FORCE.—Through active participation in the Interagency Task Force, the Director of the Department Office shall—

(i) based on the analytical capabilities of the Department Office, share analyses of alternative climate change response strategies with other members of the Interagency Task Force to assist all members in understanding—

(I) the scale of the climate change response challenge; and

(II) how the actions of the Federal agencies of the members positively or negatively contribute to climate change solutions; and

(ii) determine how the energy technology research and development program described in subsection (a)(2)(A) can be designed for maximum impact on the long-term goal of stabilization of greenhouse gas concentrations.

(D) TOOLS, DATA, AND CAPABILITIES.—The Director of the Department Office shall foster the development of tools, data, and capabilities to ensure that—

(i) the United States has a robust capability for evaluating alternative climate change response scenarios; and

(ii) the Department Office provides long-term analytical continuity during the terms of service of successive Presidents.

(E) ADVISORY DUTIES.—The Director of the Department Office shall advise the Secretary on all aspects of climate change response.

(6) ANNUAL REPORTS.—The Director of the Department Office shall prepare an annual report for submission by the Secretary to Congress and the White House Office that—

(A) assesses progress toward meeting the goals of the energy technology research and development program described in subsection (a)(2)(A);

(B) assesses the activities of the Department Office;

(C) assesses the contributions of all energy technology research and development programs of the Department (including science programs) to the long-term goal and other requirements of the Strategy specified in section 1015(a); and

(D) makes recommendations for actions by the Department and other Federal agencies to address the components of technology development that are necessary to support the Strategy.

(7) ANALYSIS.—During development of the Strategy, annual reports submitted under paragraph (6), and advice to the Secretary, the Director of the Department Office shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any associated uncertainties.

(c) STAFF.—The Director of the Department Office shall employ a professional staff of not more than 25 individuals to carry out the duties of the Department Office.

(d) INTERGOVERNMENTAL PERSONNEL AND FELLOWSHIPS.—The Department Office may use the authority provided by the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.), subchapter VI of chapter 33 of title 5, United States Code, and other Departmental personnel authorities, to obtain staff from academia, scientific bodies, nonprofit organizations, industry, and national laboratories, for appointments of a limited term.

(e) RELATIONSHIP TO OTHER DEPARTMENT PROGRAMS.—Each project carried out by the Department Office shall be—

(1) initiated only after consultation with 1 or more other appropriate program offices of the Department that support research and development in areas relating to the project;

(2) managed by the Department Office; and

(3) in the case of a project that reaches a sufficient level of maturity, with the concurrence of the Department Office and an appro-

priate office described in paragraph (1), transferred to the appropriate office, along with the funds necessary to continue the project to the point at which non-Federal funding can provide substantial support for the project.

(f) ANALYSIS OF STRATEGIC CLIMATE CHANGE RESPONSE.—

(1) IN GENERAL.—

(A) GOAL.—The Department Office shall foster the development and application of advanced computational tools, data, and capabilities that, together with the capabilities of other federal agencies, support integrated assessment of alternative climate change response scenarios and implementation of the Strategy.

(B) PARTICIPATION AND SUPPORT.—Projects supported by the Department Office may include participation of, and be supported by, other Federal agencies that have a role in the development, commercialization, or transfer of energy, transportation, industrial, agricultural, forestry, or other climate change-related technology.

(2) PROGRAMS.—

(A) IN GENERAL.—The Department Office shall—

(i) develop and maintain core analytical competencies and complex, integrated computational modeling capabilities that, together with the capabilities of other federal agencies, are necessary to support the design and implementation of the Strategy; and

(ii) track United States and international progress toward the long-term goal of stabilization of greenhouse gas concentrations.

(B) INTERNATIONAL CARBON DIOXIDE SEQUESTRATION MONITORING AND DATA PROGRAM.—In consultation with Federal, State, academic, scientific, private sector, nongovernmental, tribal, and international carbon capture and sequestration technology programs, the Department Office shall design and carry out an international carbon dioxide sequestration monitoring and data program to collect, analyze, and make available the technical and economic data to ascertain—

(i) whether engineered sequestration and terrestrial sequestration will be acceptable technologies from regulatory, economic, and international perspectives;

(ii) whether carbon dioxide sequestered in geological formations or ocean systems is stable and has inconsequential leakage rates on a geologic time-scale; and

(iii) the extent to which forest, agricultural, and other terrestrial systems are suitable carbon sinks.

(3) AREAS OF EXPERTISE.—

(A) IN GENERAL.—The Department Office shall develop and maintain expertise in integrated assessment, modeling, and related capabilities necessary—

(i) to understand the relationship between natural, agricultural, industrial, energy, and economic systems;

(ii) to design effective research and development programs; and

(iii) to develop and implement the Strategy.

(B) TECHNOLOGY TRANSFER AND DIFFUSION.—The expertise described in clause (i) shall include knowledge of technology transfer and technology diffusion in United States markets and foreign markets.

(4) DISSEMINATION OF INFORMATION.—The Department Office shall ensure, to the maximum extent practicable, that technical and scientific knowledge relating to greenhouse gas emission reduction, avoidance, and sequestration is broadly disseminated through publications, fellowships, and training programs.

(5) ASSESSMENTS.—In a manner consistent with the Strategy, the Department shall conduct assessments of deployment of climate-friendly technology.

(6) USE OF PRIVATE SECTOR FUNDING.—

(A) IN GENERAL.—The Department Office shall create an operating model that allows for collaboration, division of effort, and cost sharing with industry on individual climate change response projects.

(B) REQUIREMENTS.—Although cost sharing in some cases may be appropriate, the Department Office shall focus on long-term high-risk research and development and should not make industrial partnerships or cost sharing a requirement, if such a requirement would bias the activities of the Department Office toward incremental innovations.

(C) REEVALUATION ON TRANSITION.—At such time as any bold, breakthrough research and development program reaches a sufficient level of technological maturity such that the program is transitioned to a program office of the Department other than the Department Office, the cost-sharing requirements and criteria applicable to the program should be reevaluated.

(D) PUBLICATION IN FEDERAL REGISTER.—Each cost-sharing agreement entered into under this subparagraph shall be published in the Federal Register.

SEC. 1018. ADDITIONAL OFFICES AND ACTIVITIES.

The Secretary of Agriculture, the Secretary of Transportation, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the heads of other Federal agencies may establish such offices and carry out such activities, in addition to those established or authorized by this Act, as are necessary to carry out this Act.

SEC. 1019. UNITED STATES CLIMATE CHANGE RESPONSE STRATEGY REVIEW BOARD.

(a) ESTABLISHMENT.—There is established as an independent establishment within the executive branch the United States Climate Change Response Strategy Review Board.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Review Board shall consist of 11 members who shall be appointed, not later than 90 days after the date of enactment of this Act, by the President by and with the advice and consent of the Senate, from among qualified individuals nominated by the National Academy of Sciences in accordance with paragraph (2).

(2) NOMINATIONS.—Not later than 60 days after the date of enactment of this Act, after taking into strong consideration the guidance and recommendations of a broad range of scientific and technical societies that have the capability of recommending qualified individuals, the National Academy of Sciences shall nominate for appointment to the Review Board not fewer than 22 individuals who—

(A) are—

(i) qualified individuals; or

(ii) experts in a field of knowledge specified in section 1014(9)(B); and

(B) as a group represent broad, balanced expertise.

(3) PROHIBITION ON FEDERAL GOVERNMENT EMPLOYMENT.—A member of the Review Board shall not be an employee of the Federal Government.

(4) TERMS; VACANCIES.—

(A) TERMS.—

(i) IN GENERAL.—Subject to clause (ii), each member of the Review Board shall be appointed for a term of 4 years.

(ii) INITIAL TERMS.—

(I) COMMENCEMENT DATE.—The term of each member initially appointed to the Review Board shall commence 120 days after the date of enactment of this title.

(II) TERMINATION DATE.—Of the 11 members initially appointed to the Review Board, 5 members shall be appointed for a term of 2 years and 6 members shall be appointed for a

term of 4 years, to be designated by the President at the time of appointment.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Review Board shall be filled in the manner described in this subparagraph.

(ii) NOMINATIONS BY THE NATIONAL ACADEMY OF SCIENCES.—Not later than 60 days after the date on which a vacancy commences, the National Academy of Sciences shall—

(I) after taking into strong consideration the guidance and recommendations of a broad range of scientific and technical societies that have the capability of recommending qualified individuals, nominate, from among qualified individuals, not fewer than 2 individuals to fill the vacancy; and

(II) submit the names of the nominees to the President.

(iii) SELECTION.—Not later than 30 days after the date on which the nominations under clause (ii) are submitted to the President, the President shall select from among the nominees an individual to fill the vacancy.

(iv) SENATE CONFIRMATION.—An individual appointed to fill a vacancy on the Review Board shall be appointed by and with the advice and consent of the Senate.

(5) APPLICABILITY OF ETHICS IN GOVERNMENT ACT OF 1978.—A member of the Review Board shall be deemed to be an individual subject to the Ethics in Government Act of 1978 (5 U.S.C. App.).

(6) CHAIRPERSON; VICE CHAIRPERSON.—The members of the Review Board shall select a Chairperson and a Vice Chairperson of the Review Board from among the members of the Review Board.

(c) DUTIES.—

(1) IN GENERAL.—Not later than 180 days after the date of submission of the initial Strategy under section 1015(b), each updated version of the Strategy under section 1015(c), and each progress report under section 1015(d), the Review Board shall submit to the President, Congress, and the heads of Federal agencies as appropriate a report assessing the adequacy of the Strategy or report.

(2) COMMENTS.—In reviewing the Strategy or a report under paragraph (1), the Review Board shall consider and comment on—

(A) the adequacy of effort and the appropriateness of focus of the totality of all public, private, and public-private sector actions of the United States with respect to the 4 key elements;

(B) the extent to which actions of the United States, with respect to climate change, complement or leverage international research and other efforts designed to manage global emissions of greenhouse gases, to further the long-term goal of stabilization of greenhouse gas concentrations;

(C) the funding implications of any recommendations made by the Review Board; and

(D)(i) the effectiveness with which each Federal agency is carrying out the responsibilities of the Federal agency with respect to the short-term and long-term greenhouse gas management goals; and

(ii) the adequacy of the budget of each such Federal agency to carry out those responsibilities.

(3) ADDITIONAL RECOMMENDATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Review Board, at the request of the President or Congress, may provide recommendations on additional climate change-related topics.

(B) SECONDARY DUTY.—The provision of recommendations under subparagraph (A) shall be a secondary duty to the primary duty of the Review Board of providing independent review of the Strategy and the reports under paragraphs (1) and (2).

(d) POWERS.—

(1) HEARINGS.—

(A) IN GENERAL.—On request of the Chairperson or a majority of the members of the Review Board, the Review Board may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Review Board considers to be appropriate.

(B) ADMINISTRATION OF OATHS.—Any member of the Review Board may administer an oath or affirmation to any witness that appears before the Review Board.

(2) PRODUCTION OF DOCUMENTS.—

(A) IN GENERAL.—On request of the Chairperson or a majority of the members of the Review Board, and subject to applicable law, the Secretary or head of a Federal agency represented on the Interagency Task Force, or a contractor of such an agency, shall provide the Review Board with such records, files, papers, data, and information as are necessary to respond to any inquiry of the Review Board under this Act.

(B) INCLUSION OF WORK IN PROGRESS.—Subject to applicable law, information obtainable under subparagraph (A)—

(i) shall not be limited to final work products; but

(ii) shall include draft work products and documentation of work in progress.

(3) POSTAL SERVICES.—The Review Board may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(e) COMPENSATION OF MEMBERS.—A member of the Review Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(f) TRAVEL EXPENSES.—A member of the Review Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Review Board.

(g) STAFF.—

(1) IN GENERAL.—The Chairperson of the Review Board may, without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Review Board to perform the duties of the Review Board.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Review Board.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Review Board may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(h) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Review Board may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

SEC. 1020. AUTHORIZATION OF APPROPRIATIONS.

(a) WHITE HOUSE OFFICE.—

(1) USE OF AVAILABLE APPROPRIATIONS.—From funds made available to Federal agencies for the fiscal year in which this Title is enacted, the President shall provide such sums as are necessary to carry out the duties of the White House Office under this title until the date on which funds are made available under paragraph (2).

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the White House Office to carry out the duties of the White House Office under this Title \$5,000,000 for each of fiscal years 2003 through 2011, to remain available through September 30, 2011.

(b) DEPARTMENT OFFICE.—

(1) USE OF AVAILABLE APPROPRIATIONS.—From funds made available to Federal agencies for the fiscal year in which this title is enacted, the President shall provide such sums as are necessary to carry out the duties of the Department Office under this Title until the date on which funds are made available under paragraph (2).

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department Office to carry out the duties of the Department Office under this title \$4,750,000,000 for the period of fiscal years 2003 through 2011, to remain available through September 30, 2011.

(c) REVIEW BOARD.—

(1) USE OF AVAILABLE APPROPRIATIONS.—From funds made available to Federal agencies for the fiscal year in which this title is enacted, the President shall provide such sums as are necessary to carry out the duties of the Review Board under this title until the date on which funds are made available under paragraph (2).

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Review Board to carry out the duties of the Review Board under this title \$3,000,000 for each of fiscal years 2003 through 2011, to remain available until expended.

(d) ADDITIONAL AMOUNTS.—Amounts authorized to be appropriated under this section shall be in addition to—

(1) amounts made available to carry out the United States Global Change Research Program under the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.); and

(2) amounts made available under other provisions of law for energy research and development.

Subtitle C—Science and Technology Policy

SEC. 1031. GLOBAL CLIMATE CHANGE IN THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

Section 101(b) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601(b)) is amended—

(1) by redesignating paragraphs (7) through (13) as paragraphs (8) through (14), respectively; and

(2) by inserting after paragraph (6) the following:

“(7) improving efforts to understand, assess, predict, mitigate, and respond to global climate change.”

SEC. 1032. ESTABLISHMENT OF ASSOCIATE DIRECTOR FOR GLOBAL CLIMATE CHANGE.

Section 203 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6612) is amended—

(1) by striking “four” in the second sentence and inserting “five”; and

(2) by striking “title.” in the second sentence and inserting “title, one of whom shall be responsible for global climate change science and technology under the Office of Science and Technology Policy.”

Subtitle D—Miscellaneous Provisions**SEC. 1041. ADDITIONAL INFORMATION FOR REGULATORY REVIEW.**

In each case that an agency prepares and submits a Statement of Energy Effects pursuant to Executive Order 13211 of May 18, 2001 (relating to actions concerning regulations that significantly affect energy supply, distribution, or use), or as part of compliance with Executive Order 12866 of September 30, 1993 (relating to regulatory planning and review) or its successor, the agency shall also submit an estimate of the change in net annual greenhouse gas emissions resulting from the proposed significant energy action. In the case in which there is an increase in net annual greenhouse gas emissions as a result of the proposed significant energy action, the agency shall indicate what policies or measures will be undertaken to mitigate or offset the increased emissions.

SEC. 1042. GREENHOUSE GAS EMISSIONS FROM FEDERAL FACILITIES.**(a) METHODOLOGY.—**

(1) **IN GENERAL.**—Not later than one year after the date of enactment of this section, the Secretary of Energy, Secretary of Agriculture, Secretary of Commerce, and Administrator of the Environmental Protection Agency shall publish a jointly developed methodology for preparing estimates of annual net greenhouse gas emissions from all Federally owned, leased, or operated facilities and emission sources, including mobile sources.

(2) **INDIRECT AND OTHER EMISSIONS.**—The methodology under paragraph (1) shall include emissions resulting from any Federal procurement action with an annual Federal expenditure of greater than \$100 million, indirect emissions associated with Federal electricity consumption, and other emissions resulting from Federal actions that the heads of the agencies under paragraph (1) may jointly decide to include in the estimates.

(b) **PUBLICATION.**—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary of Energy shall publish an estimate of annual net greenhouse gas emissions from all Federally owned, leased, or operated facilities and emission sources, using the methodology published under subsection (a).—

TITLE XI—NATIONAL GREENHOUSE GAS DATABASE**SEC. 1101. PURPOSE.**

The purpose of this title is to establish a greenhouse gas inventory, reductions registry, and information system that—

(1) is complete, consistent, transparent, and accurate;

(2) will create reliable and accurate data that can be used by public and private entities to design efficient and effective greenhouse gas emission reduction strategies; and,

(3) will encourage and acknowledge greenhouse gas emissions reductions.

SEC. 1102. DEFINITIONS.

In this title—

(1) **DATABASE.**—The term “database” means the National Greenhouse Gas Database established under section 1104.

(2) **DESIGNATED AGENCY OR AGENCIES.**—The term “Designated Agency or Agencies” means the Department or Departments and/or Agency or Agencies given the responsibility for a function or program under the Memorandum of Agreement entered into pursuant to Section 1103.

(3) **DIRECT EMISSIONS.**—The term “direct emissions” means greenhouse gas emissions by an entity from a facility that is owned or controlled by that entity.—

(4) **ENTITY.**—The term “entity” means—

(A) a person located in the United States; or

(B) a public or private entity, to the extent that the entity operates in the United States.

(5) **FACILITY.**—The term “facility” means all buildings, structures, or installations located on any one or more of contiguous or adjacent property or properties, or a fleet of 20 or more transportation vehicles, under common control of the same entity.

(6) **GREENHOUSE GAS.**—The term “greenhouse gas” means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(7) **INDIRECT EMISSIONS.**—The term “indirect emissions” means greenhouse gas emissions that are a consequence of the activities of an entity but that are emitted from a facility owned or controlled by another entity and are not already reported as direct emissions by a covered entity.

(8) **SEQUESTRATION.**—The term “sequestration” means the capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere, including through a biological or geologic method such as reforestation or an underground reservoir.

SEC. 1103. ESTABLISHMENT OF MEMORANDUM OF AGREEMENT.

(a) Not later than one year after the date of enactment of this title, the President, acting through the Chairman of the Council on Environmental Quality, shall direct the Department of Energy, the Department of Commerce, the Department of Agriculture, the Department of Transportation and the Environmental Protection Agency, to enter into a Memorandum of Agreement that will—

(1) recognize and maintain existing statutory and regulatory authorities, functions and programs that collect data on greenhouse gas emissions and effects and that are necessary for the operation of the National Greenhouse Gas Database;

(2) distribute additional responsibilities and activities identified by this title to Federal departments or agencies according to their mission and expertise and to maximize the use of existing resources; and

(3) provide for the comprehensive collection and analysis of data on the emissions related to product use, including fossil fuel and energy consuming appliances and vehicles.

(b) The Memorandum of Agreement entered into under subsection (a) shall, at a minimum, retain the following functions for the respective Departments and agencies:

(1) The Department of Energy shall be primarily responsible for developing, maintaining, and verifying the emissions reduction registry, under both this title and its authority under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)).

(2) The Department of Commerce shall be primarily responsible for the development of measurement standards for emissions monitoring and verification technologies and methods to ensure that there is a consistent and technically accurate record of emissions, reductions and atmospheric concentrations of greenhouse gases for the database under this title.

(3) The Environmental Protection Agency shall be primarily responsible for emissions monitoring, measurement, verification and data collection, pursuant to this title and existing authority under Titles IV and VIII of the Clean Air Act, and including mobile source emissions information from implementation of the Corporate Average Fuel Economy program (49 U.S.C. Chapter 329), and the Agency’s role in completing the national inventory for compliance with the

United Nations Framework Convention on Climate Change.

(c) The Chairman shall publish a draft version of the Memorandum of Agreement in the Federal Register and solicit comments on it as soon as practicable and publish the final Memorandum of Agreement in the Federal Register not later than 15 months after the date of enactment of this title.

(d) The final Memorandum of Agreement shall not be subject to judicial review.

SEC. 1104. NATIONAL GREENHOUSE GAS DATABASE.

(a) **ESTABLISHMENT.**—The Designated Agency or Agencies, working in consultation with the private sector and nongovernmental organizations, shall establish, operate and maintain a database to be known as the National Greenhouse Gas Database to collect, verify, and analyze information on—

(1) greenhouse gas emissions by entities located in the United States; and

(2) greenhouse gas emission reductions by entities based in the United States.

(b) **NATIONAL GREENHOUSE GAS DATABASE COMPONENTS.**—The database shall consist of an inventory of greenhouse gas emissions and a registry of greenhouse gas emissions reductions.

(c) **DEADLINE.**—Not later than 2 years after the date of enactment of this title, the Designated Agency or Agencies shall promulgate a rule to implement a comprehensive system for greenhouse gas emissions reporting, inventorying and reductions registration. The Designated Agency or Agencies shall ensure that the system is designed to maximize completeness, transparency, and accuracy and to minimize measurement and reporting costs for covered entities.

(d) **REQUIRED ELEMENTS OF DATABASE REPORTING SYSTEM.—**

(1) **MANDATORY REPORTING.—**

(A) Beginning one year after promulgation of the final rule issued under subsection (c), each entity that exceeds the greenhouse gas emissions threshold in paragraph (2) shall report annually to the Designated Agency or Agencies, for inclusion in the National Greenhouse Gas Database, the entity-wide emissions of greenhouse gases in the previous calendar year. Such reports are due annually to the Designated Agency or Agencies, but must be submitted no later than April 30 of each calendar year in support of the previous years’ emission reporting requirements.

(B) Each report submitted shall include:

(i) direct emissions from stationary sources;

(ii) direct emissions from vehicles owned or controlled by a covered entity;

(iii) direct emissions from any land use activities that release significant quantities of greenhouse gases;

(iv) indirect emissions from all outsourced activities, contract manufacturing, wastes transferred from the control of an entity, and other relevant instances, as determined to be practicable under the rule;

(v) indirect emissions from electricity, heat, and steam imported from another entity, as determined to be practicable under the rule;

(vi) the production, distribution or import of greenhouse gases listed under section 1102 by an entity; and

(vii) such other categories, which the designated Agency or Agencies determine by rule, after public notice and comment, should be included to accomplish the purposes of this title.

(C) Each report shall include total mass quantities for each greenhouse gas emitted, and in terms of carbon dioxide equivalent.

(D) Each report shall include the greenhouse gas emissions per unit of output by an entity, such as tons of carbon dioxide per kilowatt-hour or a similar metric.

(E) The first report shall be required to be submitted not later than April 30 of the fourth year after the date of enactment of this title.

(2) **THRESHOLD FOR REPORTING.**—

(A) An entity shall not be required to make a report under paragraph (1) unless:

(i) the total greenhouse gas emissions of at least one facility owned by an entity in the calendar year for reporting exceeds 10,000 metric tons of carbon dioxide equivalent, or a greater level as determined by rule; or,

(ii) the total quantity of greenhouse gases produced, distributed or imported by the entity exceeds 10,000 metric tons of carbon dioxide equivalent, or a greater level as determined by rule.

(B) The final rule promulgated under section 1104(c) and subsequent revisions to that rule with respect to the threshold for reporting in subparagraph (A) shall capture information on no less than 75 percent of anthropogenic greenhouse gas emissions from entities.

(3) **METHOD OF REPORTING.**—Entity-wide emissions shall be reported at the facility level.

(4) **ADDITIONAL VOLUNTARY REPORTING.**—An entity may voluntarily report to the Designated Agency or Agencies, for inclusion in the registry portion of the national database—

(A) with respect to the preceding calendar year and any greenhouse gas emitted by the entity—

(i) project reductions from facilities owned or controlled by the reporting entity in the United States;

(ii) transfers of project reductions to and from any other entity;

(iii) project reductions and transfers of project reductions outside the United States;

(iv) other indirect emissions that are not required to be reported under subsection (d); and

(v) product use phase emissions; and

(B) with respect to greenhouse gas emissions reductions activities carried out since 1990 and verified according to rules implementing subparagraphs (6) and (8) of this subsection and submitted to the Designated Agency or Agencies before the date that is three years after the date of enactment of this title, those reductions that have been reported or submitted by an entity under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)) or under other Federal or State voluntary greenhouse gas reduction programs.

(5) **TYPES OF ACTIVITIES.**—Under paragraph (4), an entity may report projects that reduce greenhouse gas emissions or sequester a greenhouse gas, including—

(A) fuel switching;

(B) energy efficiency improvements;

(C) use of renewable energy;

(D) use of combined heat and power systems;

(E) management of cropland, grassland, and grazing land;

(F) forestry activities that increase forest carbon stocks or reduce forest carbon emissions;

(G) carbon capture and storage;

(H) methane recovery; and

(I) greenhouse gas offset investments.

(6) **PROVISION OF VERIFICATION INFORMATION BY REPORTING ENTITIES.**—Each reporting entity shall provide information sufficient for the Designated Agency or Agencies to verify, in accordance with measurement and verification criteria developed under Section 1106, that the greenhouse gas report of the reporting entity—

(A) has been accurately reported; and

(B) in the case of each additional voluntary report, represents—

(i) actual reductions in direct greenhouse gas emissions relative to historic emission levels and net of any increases in direct emissions and indirect emissions described in clauses (iv) and (v) of paragraph (1)(B), or

(ii) actual increases in net sequestration.

(7) **INDEPENDENT THIRD-PARTY VERIFICATION.**—A reporting entity may—

(A) obtain independent third-party verification; and

(B) present the results of the third-party verification to the Designated Agency or Agencies for consideration by the Designated Agency or Agencies in carrying out paragraph (1).

(8) **DATA QUALITY.**—The rule under subsection (c) shall establish procedures and protocols needed to—

(A) prevent the reporting of some or all of the same greenhouse gas emissions or emission reductions by more than one reporting entity;

(B) provide for corrections to errors in data submitted to the database;

(C) provide for adjustment to data by reporting entities that have had a significant organizational change (including mergers, acquisitions, and divestiture), in order to maintain comparability among data in the database over time;

(D) provide for adjustments to reflect new technologies or methods for measuring or calculating greenhouse gas emissions; and,

(E) account for changes in registration of ownership of emissions reductions resulting from a voluntary private transaction between reporting entities.

(9) **AVAILABILITY OF DATA.**—The Designated Agency or Agencies shall ensure that information in the database is published, accessible to the public, and made available in electronic format on the Internet, except in cases where the Designated Agency or Agencies determine that publishing or making available the information would disclose information vital to national security.

(10) **DATA INFRASTRUCTURE.**—The Designated Agency or Agencies shall ensure that the database established by this Act shall utilize and is integrated with existing Federal, regional, and state greenhouse gas data collection and reporting systems to the maximum extent possible and avoid duplication of such systems.

(11) **ADDITIONAL ISSUES TO BE CONSIDERED.**—In promulgating the rules for and implementing the Database, the Designated Agency or Agencies shall consider a broad range of issues involved in establishing an effective database, including the following:

(A) **UNITS FOR REPORTING.**—The appropriate units for reporting each greenhouse gas, and whether to require reporting of emission efficiency rates (including emissions per kilowatt-hour for electricity generators) in addition to mass emissions of greenhouse gases,

(B) **INTERNATIONAL CONSISTENCY.**—The greenhouse gas reduction and sequestration methods and standards applied in other countries, as applicable or relevant; and

(C) **DATA SUFFICIENCY.**—The extent to which available fossil fuels, greenhouse gas emissions, and greenhouse gas production and importation data are adequate to implement a comprehensive National Greenhouse Gas Database.

(e) **ENFORCEMENT.**—The Attorney General may, at the request of the Designated Agency or Agencies, bring a civil action in United States District Court against an entity that fails to comply with reporting requirements under this section, to impose a civil penalty of not more than \$25,000 for each day that the failure to comply continues.

(f) **ANNUAL REPORT.**—The Designated Agency or Agencies shall publish an annual report that—

(1) describes the total greenhouse gas emissions and emission reductions reported to the database;

(2) provides entity-by-entity and sector-by-sector analyses of the emissions and emission reductions reported, and

(3) describes the atmospheric concentrations of greenhouse gases and tracks such information over time.

SEC. 1105. REPORT ON STATUTORY CHANGES AND HARMONIZATION.

Not later than 3 years after the date of enactment of this title, the President shall submit to Congress a report identifying any changes needed to this title or to other provisions of law to improve the accuracy or operation of the Greenhouse Gas Database and related programs under this title.

SEC. 1106. MEASUREMENT AND VERIFICATION.

The Designated Agency or Agencies shall, not later than 1 year after the date of enactment of this title, design and develop comprehensive measurement and verification methods and standards to ensure a consistent and technically accurate record of greenhouse gas emissions, reductions, and atmospheric concentrations for use in the national greenhouse gas database. The Agency or Agencies shall periodically review and revise these methods and standards as necessary.

SEC. 1107. INDEPENDENT REVIEW.

(a) The General Accounting Office shall submit a report to Congress five years after the date of enactment of this title, and every three years thereafter, providing a review of the efficacy of the implementation and operation of the National Greenhouse Gas Database established in section 1104 and making recommendations for improvements to the programs created pursuant to this title and changes to the law that will achieve a consistent and technically accurate record of greenhouse gas emissions, reductions, and atmospheric concentrations and the other purposes of this title.

(b) The Designated Agency or Agencies shall enter into an agreement with the National Academy of Sciences to review the scientific methods, assumptions and standards used by the Agency or Agencies implementing this title, and to report to Congress not later than four years after the date of enactment of this title with recommendations for improving those methods and standards or related elements of the programs or structure of the reporting and registry system established by this title.

SEC. 1108. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out the activities and programs included in this title.

DIVISION E—ENHANCING RESEARCH, DEVELOPMENT, AND TRAINING

TITLE XII—ENERGY RESEARCH AND DEVELOPMENT PROGRAMS

SEC. 1201. SHORT TITLE.

This division may be cited as the “Energy Science and Technology Enhancement Act of 2002”.

SEC. 1202. FINDINGS.

The Congress finds the following:

(1) A coherent national energy strategy requires an energy research and development program that supports basic energy research and provides mechanisms to develop, demonstrate, and deploy new energy technologies in partnership with industry.

(2) An aggressive national energy research, development, demonstration, and technology deployment program is an integral part of a national climate change strategy, because it can reduce—

(A) United States energy intensity by 1.9 percent per year from 1999 to 2020;

(B) United States energy consumption in 2020 by 8 quadrillion Btu from otherwise expected levels; and

(C) United States carbon dioxide emissions from expected levels by 166 million metric tons in carbon equivalent in 2020.

(3) An aggressive national energy research, development, demonstration, and technology deployment program can help maintain domestic United States production of energy, increase United States hydrocarbon reserves by 14 percent, and lower natural gas prices by 20 percent, compared to estimates for 2020.

(4) An aggressive national energy research, development, demonstration, and technology deployment program is needed if United States suppliers and manufacturers are to compete in future markets for advanced energy technologies.

SEC. 1203. DEFINITIONS.

In this title:

(1) DEPARTMENT.—The term “Department” means the Department of Energy.

(2) DEPARTMENTAL MISSION.—The term “departmental mission” means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law.

(3) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given that term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) NATIONAL LABORATORY.—The term “National Laboratory” means any of the following multi-purpose laboratories owned by the Department of Energy—

- (A) Argonne National Laboratory;
- (B) Brookhaven National Laboratory;
- (C) Idaho National Engineering and Environmental Laboratory;
- (D) Lawrence Berkeley National Laboratory;
- (E) Lawrence Livermore National Laboratory;
- (F) Los Alamos National Laboratory;
- (G) National Energy Technology Laboratory;
- (H) National Renewable Energy Laboratory;
- (I) Oak Ridge National Laboratory;
- (J) Pacific Northwest National Laboratory;

or

(K) Sandia National Laboratory.

(5) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(6) TECHNOLOGY DEPLOYMENT.—The term “technology deployment” means activities to promote acceptance and utilization of technologies in commercial application, including activities undertaken pursuant to section 7 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5906) or section 6 of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12007).

SEC. 1204. CONSTRUCTION WITH OTHER LAWS.

Except as otherwise provided in this title and title XIV, the Secretary shall carry out the research, development, demonstration, and technology deployment programs authorized by this title in accordance with the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5901 et seq.), the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.), or any other Act under which the Secretary is authorized to carry out such activities.

Subtitle A—Energy Efficiency

SEC. 1211. ENHANCED ENERGY EFFICIENCY RESEARCH AND DEVELOPMENT.

(a) PROGRAM DIRECTION.—The Secretary shall conduct balanced energy research, development, demonstration, and technology deployment programs to enhance energy effi-

ciency in buildings, industry, power technologies, and transportation.

(b) PROGRAM GOALS.—

(1) ENERGY-EFFICIENT HOUSING.—The goal of the energy-efficient housing program shall be to develop, in partnership with industry, enabling technologies (including lighting technologies), designs, production methods, and supporting activities that will, by 2010—

(A) cut the energy use of new housing by 50 percent, and

(B) reduce energy use in existing homes by 30 percent.

(2) INDUSTRIAL ENERGY EFFICIENCY.—The goal of the industrial energy efficiency program shall be to develop, in partnership with industry, enabling technologies, designs, production methods, and supporting activities that will, by 2010, enable energy-intensive industries such as the following industries to reduce their energy intensity by at least 25 percent—

(A) the wood product manufacturing industry;

(B) the pulp and paper industry;

(C) the petroleum and coal products manufacturing industry;

(D) the mining industry;

(E) the chemical manufacturing industry;

(F) the glass and glass product manufacturing industry;

(G) the iron and steel mills and ferroalloy manufacturing industry;

(H) the primary aluminum production industry;

(I) the foundries industry; and

(J) U.S. agriculture.

(3) TRANSPORTATION ENERGY EFFICIENCY.—The goal of the transportation energy efficiency program shall be to develop, in partnership with industry, technologies that will enable the achievement—

(A) by 2010, passenger automobiles with a fuel economy of 80 miles per gallon;

(B) by 2010, light trucks (classes 1 and 2a) with a fuel economy of 60 miles per gallon;

(C) by 2010, medium trucks and buses (classes 2b through 6 and class 8 transit buses) with a fuel economy, in ton-miles per gallon, that is three times that of year 2000 equivalent vehicles;

(D) by 2010, heavy trucks (classes 7 and 8) with a fuel economy, in ton-miles per gallon, that is two times that of year 2000 equivalent vehicles; and

(E) by 2015, the production of fuel-cell powered passenger vehicles with a fuel economy of 110 miles per gallon.

(4) ENERGY EFFICIENT DISTRIBUTED GENERATION.—The goals of the energy efficient on-site generation program shall be to help remove environmental and regulatory barriers to on-site, or distributed, generation and combined heat and power by developing technologies by 2015 that achieve—

(A) electricity generating efficiencies greater than 40 percent for on-site generation technologies based upon natural gas, including fuel cells, microturbines, reciprocating engines and industrial gas turbines;

(B) combined heat and power total (electric and thermal) efficiencies of more than 85 percent;

(C) fuel flexibility to include hydrogen, biofuels and natural gas;

(D) near zero emissions of pollutants that form smog and acid rain;

(E) reduction of carbon dioxide emissions by at least 40 percent;

(F) packaged system integration at end user facilities providing complete services in heating, cooling, electricity and air quality; and

(G) increased reliability for the consumer and greater stability for the national electricity grid.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

the Secretary for carrying out research, development, demonstration, and technology deployment activities under this subtitle—

(1) \$700,000,000 for fiscal year 2003;

(2) \$784,000,000 for fiscal year 2004;

(3) \$878,000,000 for fiscal year 2005; and

(4) \$983,000,000 for fiscal year 2006.

(d) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (c) may be used for the following programs of the Department—

(1) Weatherization Assistance Program;

(2) State Energy Program; or

(3) Federal Energy Management Program.

SEC. 1212. ENERGY EFFICIENCY SCIENCE INITIATIVE.

(a) ESTABLISHMENT AND AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1211(c), there are authorized to be appropriated not more than \$50,000,000 in any fiscal year, for an Energy Efficiency Science Initiative to be managed by the Assistant Secretary in the Department with responsibility for energy conservation under section 203(a)(9) of the Department of Energy Organization Act (42 U.S.C. 7133(a)(9)), in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency.

(b) REPORT.—The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations of the United States House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, an annual report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

SEC. 1213. NEXT GENERATION LIGHTING INITIATIVE.

(a) ESTABLISHMENT.—There is established in the Department a Next Generation Lighting Initiative to research, develop, and conduct demonstration activities on advanced solid-state lighting technologies based on white light emitting diodes.

(b) OBJECTIVES.—

(1) IN GENERAL.—The objectives of the initiative shall be to develop, by 2011, advanced solid-state lighting technologies based on white light emitting diodes that, compared to incandescent and fluorescent lighting technologies, are—

(A) longer lasting;

(B) more energy-efficient; and

(C) cost-competitive.

(2) INORGANIC WHITE LIGHT EMITTING DIODE.—The objective of the initiative with respect to inorganic white light emitting diodes shall be to develop an inorganic white light emitting diode that has an efficiency of 160 lumens per watt and a 10-year lifetime.

(3) ORGANIC WHITE LIGHT EMITTING DIODE.—The objective of the initiative with respect to organic white light emitting diodes shall be to develop an organic white light emitting diode with an efficiency of 100 lumens per watt with a 5-year lifetime that—

(A) illuminates over a full color spectrum;

(B) covers large areas over flexible surfaces; and

(C) does not contain harmful pollutants typical of fluorescent lamps such as mercury.

(c) CONSORTIUM.—

(1) IN GENERAL.—The Secretary shall initiate and manage basic and manufacturing-related research on advanced solid-state lighting technologies based on white light emitting diodes for the initiative, in cooperation with the Next Generation Lighting Initiative Consortium.

(2) COMPOSITION.—The consortium shall be composed of firms, national laboratories,

and other entities so that the consortium is representative of the United States solid state lighting research, development, and manufacturing expertise as a whole.

(3) FUNDING.—The consortium shall be funded by—

(A) participation fees; and

(B) grants provided under subsection (e)(1).

(4) ELIGIBILITY.—To be eligible to receive a grant under subsection (e)(1), the consortium shall—

(A) enter into a consortium participation agreement that—

(i) is agreed to by all participants; and

(ii) describes the responsibilities of participants, participation fees, and the scope of research activities; and

(B) develop an annual program plan.

(5) INTELLECTUAL PROPERTY.—Participants in the consortium shall have royalty-free nonexclusive rights to use intellectual property derived from consortium research conducted under subsection (e)(1).

(d) PLANNING BOARD.—

(1) IN GENERAL.—Not later than 90 days after the establishment of the consortium, the Secretary shall establish and appoint the members of a planning board, to be known as the “Next Generation Lighting Initiative Planning Board”, to assist the Secretary in carrying out this section.

(2) COMPOSITION.—The planning board shall be composed of—

(A) 4 members from universities, national laboratories, and other individuals with expertise in advanced solid-state lighting and technologies based on white light emitting diodes; and

(B) 3 members from a list of not less than 6 nominees from industry submitted by the consortium.

(3) STUDY.—

(A) IN GENERAL.—Not later than 90 days after the date on which the Secretary appoints members to the planning board, the planning board shall complete a study on strategies for the development and implementation of advanced solid-state lighting technologies based on white light emitting diodes.

(B) REQUIREMENTS.—The study shall develop a comprehensive strategy to implement, through the initiative, the use of white light emitting diodes to increase energy efficiency and enhance United States competitiveness.

(C) IMPLEMENTATION.—As soon as practicable after the study is submitted to the Secretary, the Secretary shall implement the initiative in accordance with the recommendations of the planning board.

(4) TERMINATION.—The planning board shall terminate upon completion of the study under paragraph (3).

(e) GRANTS.—

(1) FUNDAMENTAL RESEARCH.—The Secretary, through the consortium, shall make grants to conduct basic and manufacturing-related research related to advanced solid-state lighting technologies based on white light emitting diode technologies.

(2) TECHNOLOGY DEVELOPMENT AND DEMONSTRATION.—The Secretary shall enter into grants, contracts, and cooperative agreements to conduct or promote technology research, development, or demonstration activities. In providing funding under this paragraph, the Secretary shall give preference to participants in the consortium.

(3) CONTINUING ASSESSMENT.—The consortium, in collaboration with the Secretary, shall formulate annual operating and performance objectives, develop technology roadmaps, and recommend research and development priorities for the initiative. The Secretary may also establish or utilize advisory committees, or enter into appropriate arrangements with the National Academy of

Sciences, to conduct periodic reviews of the initiative. The Secretary shall consider the results of such assessment and review activities in making funding decisions under paragraphs (1) and (2) of this subsection.

(4) TECHNICAL ASSISTANCE.—The National Laboratories shall cooperate with and provide technical assistance to persons carrying out projects under the initiative.

(5) AUDITS.—

(A) IN GENERAL.—The Secretary shall retain an independent, commercial auditor to determine the extent to which funds made available under this section have been expended in a manner that is consistent with the objectives under subsection (b) and, in the case of funds made available to the consortium, the annual program plan of the consortium under subsection (c)(4)(B).

(B) REPORTS.—The auditor shall submit to Congress, the Secretary, and the Comptroller General of the United States an annual report containing the results of the audit.

(6) APPLICABLE LAW.—Grants, contracts, and cooperative agreements under this section shall not be subject to the Federal Acquisition Regulation.

(f) PROTECTION OF INFORMATION.—Information obtained by the Federal Government on a confidential basis under this section shall be considered to constitute trade secrets and commercial or financial information obtained from a person and privileged or confidential under section 552(b)(4) of title 5, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized under section 1211(c), there are authorized to be appropriated for activities under this section \$50,000,000 for each of fiscal years 2003 through 2011.

(h) DEFINITIONS.—In this section:

(1) ADVANCED SOLID-STATE LIGHTING.—The term “advanced solid-state lighting” means a semiconducting device package and delivery system that produces white light using externally applied voltage.

(2) CONSORTIUM.—The term “consortium” means the Next Generation Lighting Initiative Consortium under subsection (c).

(3) INITIATIVE.—The term “initiative” means the Next Generation Lighting Initiative established under subsection (a).

(4) INORGANIC WHITE LIGHT EMITTING DIODE.—The term “inorganic white light emitting diode” means an inorganic semiconducting package that produces white light using externally applied voltage.

(5) ORGANIC WHITE LIGHT EMITTING DIODE.—The term “organic white light emitting diode” means an organic semiconducting compound that produces white light using externally applied voltage.

(6) WHITE LIGHT EMITTING DIODE.—The term “white light emitting diode” means—

(A) an inorganic white light emitting diode; or

(B) an organic white light emitting diode.

SEC. 1214. RAILROAD EFFICIENCY.

(a) ESTABLISHMENT.—The Secretary shall, in cooperation with the Secretaries of Transportation and Defense, and the Administrator of the Environmental Protection Agency, establish a public-private research partnership involving the federal government, railroad carriers, locomotive manufacturers, and the Association of American Railroads. The goal of the initiative shall include developing and demonstrating locomotive technologies that increase fuel economy, reduce emissions, improve safety, and lower costs.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the requirements of this section \$60,000,000 for fiscal year 2003 and \$70,000,000 for fiscal year 2004.

Subtitle B—Renewable Energy

SEC. 1221. ENHANCED RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

(a) PROGRAM DIRECTION.—The Secretary shall conduct balanced energy research, development, demonstration, and technology deployment programs to enhance the use of renewable energy.

(b) PROGRAM GOALS.—

(1) WIND POWER.—The goals of the wind power program shall be to develop, in partnership with industry, a variety of advanced wind turbine designs and manufacturing technologies that are cost-competitive with fossil-fuel generated electricity, with a focus on developing advanced low wind speed technologies that, by 2007, will enable the expanding utilization of widespread class 3 and 4 winds.

(2) PHOTOVOLTAICS.—The goal of the photovoltaic program shall be to develop, in partnership with industry, total photovoltaic systems with installed costs of \$4000 per peak kilowatt by 2005 and \$2000 per peak kilowatt by 2015.

(3) SOLAR THERMAL ELECTRIC SYSTEMS.—The goal of the solar thermal electric systems program shall be to develop, in partnership with industry, solar power technologies (including baseload solar power) that are competitive with fossil-fuel generated electricity by 2015, by combining high-efficiency and high-temperature receivers with advanced thermal storage and power cycles.

(4) BIOMASS-BASED POWER SYSTEMS.—The goal of the biomass program shall be to develop, in partnership with industry, integrated power-generating systems, advanced conversion, and feedstock technologies capable of producing electric power that is cost-competitive with fossil-fuel generated electricity by 2010, together with the production of fuels, chemicals, and other products under paragraph (6).

(5) GEOTHERMAL ENERGY.—The goal of the geothermal program shall be to develop, in partnership with industry, technologies and processes based on advanced hydrothermal systems and advanced heat and power systems, including geothermal heat pump technology, with a specific focus on—

(A) improving exploration and characterization technology to increase the probability of drilling successful wells from 20 percent to 40 percent by 2006;

(B) reducing the cost of drilling by 2008 to an average cost of \$150 per foot; and

(C) developing enhanced geothermal systems technology with the potential to double the useable geothermal resource base.

(6) BIOFUELS.—The goal of the biofuels program shall be to develop, in partnership with industry, advanced biochemical and thermochemical conversion technologies capable of making liquid and gaseous fuels from cellulosic feedstocks, that are price-competitive with gasoline or diesel, in either internal combustion engines or fuel cell vehicles, by 2010.

(7) HYDROGEN-BASED ENERGY SYSTEMS.—The goals of the hydrogen program shall be to support research and development on technologies for production, storage, and use of hydrogen, including fuel cells and, specifically, fuel-cell vehicle development activities under section 1211.

(8) HYDROPOWER.—The goal of the hydropower program shall be to develop, in partnership with industry, a new generation of turbine technologies that are less damaging to fish and aquatic ecosystems.

(9) ELECTRIC ENERGY SYSTEMS AND STORAGE.—The goals of the electric energy and storage program shall be to develop, in partnership with industry—

(A) generators and transmission, distribution, and storage systems that combine high capacity with high efficiency;

(B) technologies to interconnect distributed energy resources with electric power systems, comply with any national interconnection standards, have a minimum 10-year useful life;

(C) advanced technologies to increase the average efficiency of electric transmission facilities in rural and remote areas, giving priority for demonstrations to advanced transmission technologies that are being or have been field tested;

(D) the use of new transmission technologies, including composite conductor materials, advanced protection devices, controllers, and other cost-effective methods and technologies;

(E) the use of superconducting materials in power delivery equipment such as transmission and distribution cables, transformers, and generators;

(F) energy management technologies for enterprises with aggregated loads and distributed generation, such as power parks;

(G) economic and system models to measure the costs and benefits of improved system performance;

(H) hybrid distributed energy systems to optimize two or more distributed or on-site generation technologies; and

(I) real-time transmission and distribution system control technologies that provide for continual exchange of information between generation, transmission, distribution, and end-user facilities.

(c) SPECIAL PROJECTS.—In carrying out this section, the Secretary shall demonstrate—

(1) the use of advanced wind power technology, biomass, geothermal energy systems, and other renewable energy technologies to assist in delivering electricity to rural and remote locations; and

(2) the combined use of wind power and coal gasification technologies.

(d) FINANCIAL ASSISTANCE TO RURAL AREAS.—In carrying out special projects under subsection (c), the Secretary may provide financial assistance to rural electric cooperatives and other rural entities.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under this subtitle—

(1) \$500,000,000 for fiscal year 2003;

(2) \$595,000,000 for fiscal year 2004;

(3) \$683,000,000 for fiscal year 2005; and

(4) \$733,000,000 for fiscal year 2006.

SEC. 1222. BIOENERGY PROGRAMS.

(a) PROGRAM DIRECTION.—The Secretary shall carry out research, development, demonstration, and technology development activities related to bioenergy, including programs under paragraphs (4) and (6) of section 1221(b).

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) BIOPOWER ENERGY SYSTEMS.—From amounts authorized under section 1221(e), there are authorized to be appropriated to the Secretary for biopower energy systems—

(A) \$60,300,000 for fiscal year 2003;

(B) \$69,300,000 for fiscal year 2004;

(C) \$79,600,000 for fiscal year 2005; and

(D) \$86,250,000 for fiscal year 2006.

(2) BIOFUELS ENERGY SYSTEMS.—From amounts authorized under section 1221(e), there are authorized to be appropriated to the Secretary for biofuels energy systems—

(A) \$57,500,000 for fiscal year 2003;

(B) \$66,125,000 for fiscal year 2004;

(C) \$76,000,000 for fiscal year 2005; and

(D) \$81,400,000 for fiscal year 2006.

(3) INTEGRATED BIOENERGY RESEARCH AND DEVELOPMENT.—The Secretary may use funds authorized under paragraph (1) or (2) for programs, projects, or activities that integrate applications for both biopower and biofuels,

including cross-cutting research and development in feedstocks and economic analysis.

SEC. 1223. HYDROGEN RESEARCH AND DEVELOPMENT.

(a) SHORT TITLE.—This section may be cited as the “Hydrogen Future Act of 2002”.

(b) PURPOSES.—Section 102(b) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

“(2) to direct the Secretary to develop a program of technology assessment, information transfer, and education in which Federal agencies, members of the transportation, energy, and other industries, and other entities may participate;

“(3) to develop methods of hydrogen production that minimize production of greenhouse gases, including developing—

“(A) efficient production from non-renewable resources; and

“(B) cost-effective production from renewable resources such as biomass, geothermal, wind, and solar energy; and

“(4) to foster the use of hydrogen as a major energy source, including developing the use of hydrogen in—

“(A) isolated villages, islands, and communities in which other energy sources are not available or are very expensive; and

“(B) foreign economic development, to avoid environmental damage from increased fossil fuel use.”.

(c) REPORT TO CONGRESS.—Section 103 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12402) is amended—

(1) in subsection (a), by striking “January 1, 1999,” and inserting “1 year after the date of enactment of the Hydrogen Future Act of 2002, and biennially thereafter.”;

(2) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

“(1) an analysis of hydrogen-related activities throughout the United States Government to identify productive areas for increased intragovernmental collaboration;

“(2) recommendations of the Hydrogen Technical Advisory Panel established by section 108 for any improvements in the program that are needed, including recommendations for additional legislation; and

“(3) to the extent practicable, an analysis of State and local hydrogen-related activities.”; and

(3) by adding at the end the following:

“(c) COORDINATION PLAN.—The report under subsection (a) shall be based on a comprehensive coordination plan for hydrogen energy prepared by the Secretary in consultation with other Federal agencies.”.

(d) HYDROGEN RESEARCH AND DEVELOPMENT.—Section 104 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12403) is amended—

(1) in subsection (b)(1), by striking “marketplace;” and inserting “marketplace, including foreign markets, particularly where an energy infrastructure is not well developed;”;

(2) in subsection (e), by striking “this chapter” and inserting “this Act”;

(3) by striking subsection (g) and inserting the following:

“(g) COST SHARING.—

“(1) INABILITY TO FUND ENTIRE COST.—The Secretary shall not consider a proposal submitted by a person from industry unless the proposal contains a certification that—

“(A) reasonable efforts to obtain non-Federal funding in the amount necessary to pay 100 percent of the cost of the project have been made; and

“(B) non-Federal funding in that amount could not reasonably be obtained.

“(2) NON-FEDERAL SHARE.—

“(A) IN GENERAL.—The Secretary shall require a commitment from non-Federal sources of at least 25 percent of the cost of the project.

“(B) REDUCTION OR ELIMINATION.—The Secretary may reduce or eliminate the cost-sharing requirement under subparagraph (A) for the proposed research and development project, including for technical analyses, economic analyses, outreach activities, and educational programs, if the Secretary determines that reduction or elimination is necessary to achieve the objectives of this Act.

(4) in subsection (i), by striking “this chapter” and inserting “this Act”.

(e) DEMONSTRATIONS.—Section 105 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12404) is amended by striking subsection (c) and inserting the following:

“(c) NON-FEDERAL SHARE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the costs directly relating to a demonstration project under this section.

“(2) REDUCTION.—The Secretary may reduce the non-Federal requirement under paragraph (1) if the Secretary determines that the reduction is appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this Act.”.

(f) TECHNOLOGY TRANSFER.—Section 106 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12405) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking “The Secretary shall conduct a program designed to accelerate wider application” and inserting the following:

“(1) IN GENERAL.—The Secretary shall conduct a program designed to—

“(A) accelerate wider application”; and

(ii) by striking “private sector” and inserting “private sector; and

“(B) accelerate wider application of hydrogen technologies in foreign countries to increase the global market for the technologies and foster global economic development without harmful environmental effects.”; and

(B) in the second sentence, by striking “The Secretary” and inserting the following:

“(2) ADVICE AND ASSISTANCE.—The Secretary”; and

(2) in subsection (b)—

(A) in paragraph (2), by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(C) by striking “The Secretary, in” and inserting the following:

“(1) IN GENERAL.—The Secretary, in”;

(D) by striking “The information” and inserting the following:

“(2) ACTIVITIES.—The information”; and

(E) in paragraph (1) (as designated by subparagraph (C))—

(i) in subparagraph (A) (as redesignated by subparagraph (B)), by striking “an inventory” and inserting “an update of the inventory”; and

(ii) in subparagraph (B) (as redesignated by subparagraph (B)), by striking “develop” and all that follows through “to improve” and inserting “develop with the National Aeronautics and Space Administration, the Department of Energy, other Federal agencies as appropriate, and industry, an information exchange program to improve”.

(g) TECHNICAL PANEL REVIEW.—

(1) IN GENERAL.—Section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12407) is amended—

(A) in subsection (b)—

(i) by striking “(b) MEMBERSHIP.—The technical panel shall be appointed” and inserting the following:

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The technical panel shall be comprised of not fewer than 9 nor more than 15 members appointed”;

(ii) by striking the second sentence and inserting the following:

“(2) TERMS.—

“(A) IN GENERAL.—The term of a member of the technical panel shall be not more than 3 years.

“(B) STAGGERED TERMS.—The Secretary may appoint members of the technical panel in a manner that allows the terms of the members serving at any time to expire at spaced intervals so as to ensure continuity in the functioning of the technical panel.

“(C) REAPPOINTMENT.—A member of the technical panel whose term expires may be reappointed.”; and

(iii) by striking “The technical panel shall have a chairman,” and inserting the following:

“(3) CHAIRPERSON.—The technical panel shall have a chairperson.”; and

(B) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking “the following items”;

(ii) in paragraph (1), by striking “and” at the end;

(iii) in paragraph (2), by striking the period at the end and inserting “; and”;

(iv) by adding at the end the following:

“(3) the plan developed by the interagency task force under section 202(b) of the Hydrogen Future Act of 1996.”.

(2) NEW APPOINTMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary—

(A) shall review the membership composition of the Hydrogen Technical Advisory Panel; and

(B) may appoint new members consistent with the amendments made by subsection (a).

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 109 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12408) is amended—

(1) in paragraph (8), by striking “and”;

(2) in paragraph (9), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(10) \$65,000,000 for fiscal year 2003;

“(11) \$70,000,000 for fiscal year 2004;

“(12) \$75,000,000 for fiscal year 2005; and

“(13) \$80,000,000 for fiscal year 2006.”.

(i) FUEL CELLS.—

(1) INTEGRATION OF FUEL CELLS WITH HYDROGEN PRODUCTION SYSTEMS.—Section 201 of the Hydrogen Future Act of 1996 is amended—

(A) in subsection (a)—

(i) by striking “(a) Not later than 180 days after the date of enactment of this section, and subject” and inserting “(a) IN GENERAL.—Subject”; and

(B) by striking “with” and all that follows and inserting “into Federal, State, and local government facilities for stationary and transportation applications.”;

(2) in subsection (b), by striking “gas is” and inserting “basis”;

(3) in subsection (c)(2), by striking “systems described in subsections (a)(1) and (a)(2)” and inserting “projects proposed”; and

(4) by striking subsection (d) and inserting the following:

“(d) NON-FEDERAL SHARE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the costs directly relating to a demonstration project under this section.

“(2) REDUCTION.—The Secretary may reduce the non-Federal requirement under paragraph (1) if the Secretary determines that the reduction is appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this Act.”.

(2) COOPERATIVE AND COST-SHARING AGREEMENTS; INTEGRATION OF TECHNICAL INFORMATION.—Title II of the Hydrogen Future Act of 1996 (42 U.S.C. 12403 note; Public Law 104-271) is amended by striking section 202 and inserting the following:

“SEC. 202. INTERAGENCY TASK FORCE.

“(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this section, the Secretary shall establish an interagency task force led by a Deputy Assistant Secretary of the Department of Energy and comprised of representatives of—

“(1) the Office of Science and Technology Policy;

“(2) the Department of Transportation;

“(3) the Department of Defense;

“(4) the Department of Commerce (including the National Institute for Standards and Technology);

“(5) the Environmental Protection Agency;

“(6) the National Aeronautics and Space Administration; and

“(7) other agencies as appropriate.

“(b) DUTIES.—

“(1) IN GENERAL.—The task force shall develop a plan for carrying out this title.

“(2) FOCUS OF PLAN.—The plan shall focus on development and demonstration of integrated systems and components for—

“(A) hydrogen production, storage, and use in Federal, State, and local government buildings and vehicles;

“(B) hydrogen-based infrastructure for buses and other fleet transportation systems that include zero-emission vehicles; and

“(C) hydrogen-based distributed power generation, including the generation of combined heat, power, and hydrogen.

“SEC. 203. COOPERATIVE AND COST-SHARING AGREEMENTS.

“The Secretary shall enter into cooperative and cost-sharing agreements with Federal, State, and local agencies for participation by the agencies in demonstrations at facilities administered by the agencies, with the aim of integrating high efficiency hydrogen systems using fuel cells into the facilities to provide immediate benefits and promote a smooth transition to hydrogen as an energy source.

“SEC. 204. INTEGRATION AND DISSEMINATION OF TECHNICAL INFORMATION.

“The Secretary shall—

“(1) integrate all the technical information that becomes available as a result of development and demonstration projects under this title;

“(2) make the information available to all Federal and State agencies for dissemination to all interested persons; and

“(3) foster the exchange of generic, non-proprietary information and technology developed under this title among industry, academia, and Federal, State, and local governments, to help the United States economy attain the economic benefits of the information and technology.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated, for activities under this title—

“(1) \$25,000,000 for fiscal year 2003;

“(2) \$30,000,000 for fiscal year 2004;

“(3) \$35,000,000 for fiscal year 2005; and

“(4) \$40,000,000 for fiscal year 2006.”.

Subtitle C—Fossil Energy

SEC. 1231. ENHANCED FOSSIL ENERGY RESEARCH AND DEVELOPMENT.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a balanced energy research, development, demonstration, and technology deployment program to enhance fossil energy.

(b) PROGRAM GOALS.—

(1) CORE FOSSIL RESEARCH AND DEVELOPMENT.—The goals of the core fossil research and development program shall be to reduce emissions from fossil fuel use by developing technologies, including precombustion technologies, by 2015 with the capability of realizing—

(A) electricity generating efficiencies of 60 percent for coal and 75 percent for natural gas;

(B) combined heat and power thermal efficiencies of more than 85 percent;

(C) fuels utilization efficiency of 75 percent for the production of liquid transportation fuels from coal;

(D) near zero emissions of mercury and of emissions that form fine particles, smog, and acid rain;

(E) reduction of carbon dioxide emissions by at least 40 percent through efficiency improvements and 100 percent with sequestration; and

(F) improved reliability, efficiency, reductions of air pollutant emissions, or reductions in solid waste disposal requirements.

(2) OFFSHORE OIL AND NATURAL GAS RESOURCES.—The goal of the offshore oil and natural gas resources program shall be to develop technologies to—

(A) extract methane hydrates in coastal waters of the United States, and

(B) develop natural gas and oil reserves in the ultra-deepwater of the Central and Western Gulf of Mexico.

(3) ONSHORE OIL AND NATURAL GAS RESOURCES.—The goal of the onshore oil and natural gas resources program shall be to advance the science and technology available to domestic onshore petroleum producers, particularly independent operators, through—

(A) advances in technology for exploration and production of domestic petroleum resources, particularly those not accessible with current technology;

(B) improvement in the ability to extract hydrocarbons from known reservoirs and classes of reservoirs; and

(C) development of technologies and practices that reduce the threat to the environment from petroleum exploration and production and decrease the cost of effective environmental compliance.

(4) TRANSPORTATION FUELS.—The goals of the transportation fuels program shall be to increase the price elasticity of oil supply and demand by focusing research on—

(A) reducing the cost of producing transportation fuels from coal and natural gas; and

(B) indirect liquefaction of coal and biomass.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under this section—

(1) \$485,000,000 for fiscal year 2003;

(2) \$508,000,000 for fiscal year 2004;

(3) \$532,000,000 for fiscal year 2005; and

(4) \$558,000,000 for fiscal year 2006.

(2) LIMITS ON USE OF FUNDS.—

(A) None of the funds authorized in paragraph (1) may be used for—

(i) Fossil energy environmental restoration;

(ii) research, development, demonstration, and technology deployment activities under this section—

(1) \$485,000,000 for fiscal year 2003;

(2) \$508,000,000 for fiscal year 2004;

(3) \$532,000,000 for fiscal year 2005; and

(4) \$558,000,000 for fiscal year 2006.

(2) LIMITS ON USE OF FUNDS.—

(A) None of the funds authorized in paragraph (1) may be used for—

(i) Fossil energy environmental restoration;

(ii) research, development, demonstration, and technology deployment activities under this section—

- (ii) Import/export authorization;
- (iii) Program direction; or
- (iv) General plant projects.

(B) **COAL-BASED PROJECTS.**—The coal-based projects funded under this section shall be consistent with the goals in subsection (b). The program shall emphasize carbon capture and sequestration technologies and gasification technologies, including gasification combined cycle, gasification fuel cells, gasification co-production, hybrid gasification/combustion, or other technology with the potential to address the goals in subparagraphs (D) or (E) of subsection (b)(1).

SEC. 1232. POWER PLANT IMPROVEMENT INITIATIVE.

(a) **PROGRAM DIRECTION.**—The Secretary shall conduct a balanced energy research, development, demonstration, and technology deployment program to demonstrate commercial applications of advanced lignite and coal-based technologies applicable to new or existing power plants (including co-production plants) that advance the efficiency, environmental performance, and cost-competitiveness substantially beyond technologies that are in operation or have been demonstrated by the date of enactment of this subtitle.

(b) **TECHNICAL MILESTONES.**—

(1) **IN GENERAL.**—The Secretary shall set technical milestones specifying efficiency and emissions levels that projects shall be designed to achieve. The milestones shall become more restrictive over the life of the program.

(2) **2010 EFFICIENCY MILESTONES.**—The milestones shall be designed to achieve by 2010 interim thermal efficiency of—

(A) 45 percent for coal of more than 9,000 Btu;

(B) 44 percent for coal of 7,000 to 9,000 Btu; and

(C) 42 percent for coal of less than 7,000 Btu.

(3) **2020 EFFICIENCY MILESTONES.**—The milestones shall be designed to achieve by 2020 thermal efficiency of—

(A) 60 percent for coal of more than 9,000 Btu;

(B) 59 percent for coal of 7,000 to 9,000 Btu; and

(C) 57 percent for coal of less than 7,000 Btu.

(4) **EMISSIONS MILESTONES.**—The milestones shall include near zero emissions of mercury and greenhouse gases and of emissions that form fine particles, smog, and acid rain.

(4) **REGIONAL AND QUALITY DIFFERENCES.**—The Secretary may consider regional and quality differences in developing the efficiency milestones.

(c) **PROJECT CRITERIA.**—The demonstration activities proposed to be conducted at a new or existing coal-based electric generation unit having a nameplate rating of not less than 100 megawatts, excluding a co-production plant, shall include at least one of the following—

(1) a means of recycling or reusing a significant portion of coal combustion wastes produced by coal-based generating units, excluding practices that are commercially available by the date of enactment of this subtitle;

(2) a means of capture and sequestering emissions, including greenhouse gases, in a manner that is more effective and substantially below the cost of technologies that are in operation or that have been demonstrated by the date of enactment of this subtitle;

(3) a means of controlling sulfur dioxide and nitrogen oxide or mercury in a manner that improves environmental performance beyond technologies that are in operation or that have been demonstrated by the date of enactment of this subtitle, and

(A) in the case of an existing unit, achieve an overall thermal design efficiency improvement compared to the efficiency of the unit as operated, of not less than—

(i) 7 percent for coal of more than 9,000 Btu;

(ii) 6 percent for coal of 7,000 to 9,000 Btu; or

(iii) 4 percent for coal of less than 7,000 Btu; or

(B) in the case of a new unit, achieve the efficiency milestones set for in subsection (b) compared to the efficiency of a typical unit as operated on the date of enactment of this subtitle, before any retrofit, repowering, replacement, or installation.

(d) **STUDY.**—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Interior, and interested entities (including coal producers, industries using coal, organizations to promote coal or advanced coal technologies, environmental organizations, and organizations representing workers), shall conduct an assessment that identifies performance criteria that would be necessary for coal-based technologies to meet, to enable future reliance on coal in an environmentally sustainable manner for electricity generation, use as a chemical feedstock, and use as a transportation fuel.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary for carrying out activities under this section \$200,000,000 for each of fiscal years 2003 through 2011.

(2) **LIMITATION ON FUNDING OF PROJECTS.**—Eighty percent of the funding under this section shall be limited to—

(A) carbon capture and sequestration technologies; or

(B) gasification technologies, including gasification combined cycle, gasification fuel cells, gasification co-production, or hybrid gasification/combustion, or

(C) or other technology either by itself or in conjunction with other technologies has the potential to achieve near zero emissions.

SEC. 1233. RESEARCH AND DEVELOPMENT FOR ADVANCED SAFE AND EFFICIENT COAL MINING TECHNOLOGIES.

(a) **ESTABLISHMENT.**—The Secretary of Energy shall establish a cooperative research partnership involving appropriate Federal agencies, coal producers, including associations, equipment manufacturers, universities with mining engineering departments, and other relevant entities to—

(1) develop mining research priorities identified by the Mining Industry of the Future Program and in the recommendations from relevant reports of the National Academy of Sciences on mining technologies;

(2) establish a process for conducting joint industry-government research and development; and

(3) expand mining research capabilities at institutions of higher education.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to carry out activities under this section, \$12,000,000 in fiscal year 2003 and \$15,000,000 in fiscal year 2004.

(2) **LIMIT ON USE OF FUNDS.**—Not less than 20 percent of any funds appropriated in a given fiscal year under this subsection shall be dedicated to research carried out at institutions of higher education.

SEC. 1234. ULTRA-DEEPWATER AND UNCONVENTIONAL RESOURCE EXPLORATION AND PRODUCTION TECHNOLOGIES.

(a) **DEFINITIONS.**—In this section:

(1) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the Ultra-Deepwater and Unconventional Resource Technology Advisory Committee established under subsection (c).

(2) **AWARD.**—The term “award” means a cooperative agreement, contract, award or other types of agreement as appropriate.

(3) **DEEPWATER.**—The term “deepwater” means a water depth that is greater than 200 but less than 1,500 meters.

(4) **ELIGIBLE AWARD RECIPIENT.**—The term “eligible award recipient” includes—

(A) a research institution;

(B) an institution of higher education;

(C) a corporation; and

(D) a managing consortium formed among entities described in subparagraphs (A) through (C).

(5) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(6) **MANAGING CONSORTIUM.**—The term “managing consortium” means an entity that—

(A) exists as of the date of enactment of this section;

(B)(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(ii) is exempt from taxation under section 501(a) of that Code;

(C) is experienced in planning and managing programs in natural gas or other petroleum exploration and production research, development, and demonstration; and

(D) has demonstrated capabilities and experience in representing the views and priorities of industry, institutions of higher education and other research institutions in formulating comprehensive research and development plans and programs.

(7) **PROGRAM.**—The term “program” means the program of research, development, and demonstration established under subsection (b)(1)(A).

(8) **ULTRA-DEEPWATER.**—The term “ultra-deepwater” means a water depth that is equal to or greater than 1,500 meters.

(9) **ULTRA-DEEPWATER ARCHITECTURE.**—The term “ultra-deepwater architecture” means the integration of technologies to explore and produce natural gas or petroleum products located at ultra-deepwater depths.

(10) **ULTRA-DEEPWATER RESOURCE.**—The term “ultra-deepwater resource” means natural gas or any other petroleum resource (including methane hydrate) located in an ultra-deepwater area.

(11) **UNCONVENTIONAL RESOURCE.**—The term “unconventional resource” means natural gas or any other petroleum resource located in a formation on physically or economically inaccessible land currently available for lease for purposes of natural gas or other petroleum exploration or production.

(b) **ULTRA-DEEPWATER AND UNCONVENTIONAL EXPLORATION AND PRODUCTION PROGRAM.**—

(1) **ESTABLISHMENT.**—

(A) **IN GENERAL.**—The Secretary shall establish a program of research into, and development and demonstration of, ultra-deepwater resource and unconventional resource exploration and production technologies.

(B) **LOCATION; IMPLEMENTATION.**—The program under this subsection shall be carried out—

(i) in areas on the outer Continental Shelf that, as of the date of enactment of this section, are available for leasing; and

(ii) on unconventional resources.

(2) **COMPONENTS.**—The program shall include one or more programs for long-term research into—

(A) new deepwater ultra-deepwater resource and unconventional resource exploration and production technologies; or

(B) environmental mitigation technologies for production of ultra-deepwater resource and unconventional resource.

(c) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this section, the Secretary shall establish an advisory committee to be known as the “Ultra-Deepwater and Unconventional Resource Technology Advisory Committee”.

(2) MEMBERSHIP.—

(A) COMPOSITION.—Subject to subparagraph (B), the advisory committee shall be composed of 7 members appointed by the Secretary that—

(i) have extensive operational knowledge of and experience in the natural gas and other petroleum exploration and production industry; and

(ii) are not Federal employees or employees of contractors to a federal agency.

(B) EXPERTISE.—Of the members of the advisory committee appointed under subparagraph (A)—

(i) at least 4 members shall have extensive knowledge of ultra-deepwater resource exploration and production technologies;

(ii) at least 3 members shall have extensive knowledge of unconventional resource exploration and production technologies.

(3) DUTIES.—The advisory committee shall advise the Secretary in the implementation of this section.

(4) COMPENSATION.—A member 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) AWARDS.—

(1) TYPES OF AWARDS.—

(A) ULTRA-DEEPWATER RESOURCES.—

(i) IN GENERAL.—The Secretary shall make awards for research into, and development and demonstration of, ultra-deepwater resource exploration and production technologies—

(I) to maximize the value of the ultra-deepwater resources of the United States;

(II) to increase the supply of ultra-deepwater resources by lowering the cost and improving the efficiency of exploration and production of such resources; and

(III) to improve safety and minimize negative environmental impacts of that exploration and production.

(ii) ULTRA-DEEPWATER ARCHITECTURE.—In furtherance of the purposes described in clause (i), the Secretary shall, where appropriate, solicit proposals from a managing consortium to develop and demonstrate next-generation architecture for ultra-deepwater resource production.

(B) UNCONVENTIONAL RESOURCES.—The Secretary shall make awards—

(i) to carry out research into, and development and demonstration of, technologies to maximize the value of unconventional resources; and

(ii) to develop technologies to simultaneously—

(I) increase the supply of unconventional resources by lowering the cost and improving the efficiency of exploration and production of unconventional resources; and

(II) improve safety and minimize negative environmental impacts of that exploration and production.

(2) CONDITIONS.—An award made under this subsection shall be subject to the following conditions:

(A) MULTIPLE ENTITIES.—If an award recipient is composed of more than one eligible organization, the recipient shall provide a signed contract, agreed to by all eligible organizations comprising the award recipient, that defines, in a manner that is consistent with all applicable law in effect as of the date of the contract, all rights to intellectual property for—

(i) technology in existence as of that date; and

(ii) future inventions conceived and developed using funds provided under the award.

(B) COMPONENTS OF APPLICATION.—An application for an award for a demonstration project shall describe with specificity any intended commercial applications of the technology to be demonstrated.

(C) COST SHARING.—Non-federal cost sharing shall be in accordance with section 1403.

(e) PLAN AND FUNDING.—

(1) IN GENERAL.—The Secretary, and where appropriate, a managing consortium under subsection (d)(1)(A)(ii), shall formulate annual operating and performance objectives, develop multi-year technology roadmaps, and establish research and development priorities for the funding of activities under this section which will serve as guidelines for making awards including cost-matching objectives.

(2) INDUSTRY INPUT.—In carrying out this program, the Secretary shall promote maximum industry input through the use of managing consortia or other organizations in planning and executing the research areas and conducting workshops or reviews to ensure that this program focuses on industry problems and needs.

(f) AUDITING.—

(1) IN GENERAL.—The Secretary shall retain an independent, commercial auditor to determine the extent to which funds authorized by this section, provided through a managing consortium, are expended in a manner consistent with the purposes of this section.

(2) REPORTS.—The auditor retained under paragraph (1) shall submit to the Secretary, and the Secretary shall transmit to the appropriate congressional committees, an annual report that describes—

(A) the findings of the auditor under paragraph (1); and

(B) a plan under which the Secretary may remedy any deficiencies identified by the auditor.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

(h) TERMINATION OF AUTHORITY.—The authority provided by this section shall terminate on September 30, 2009.

(i) SAVINGS PROVISION.—Nothing in this section is intended to displace, duplicate or diminish any previously authorized research activities of the Department of Energy.

SEC. 1235. RESEARCH AND DEVELOPMENT FOR NEW NATURAL GAS TRANSPORTATION TECHNOLOGIES.

The Secretary of Energy shall conduct a comprehensive five-year program for research, development and demonstration to improve the reliability, efficiency, safety and integrity of the natural gas transportation and distribution infrastructure and for distributed energy resources (including microturbines, fuel cells, advanced engine-generators, gas turbines, reciprocating engines, hybrid power generation systems, and all ancillary equipment for dispatch, control and maintenance).

SEC. 1236. AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF ARCTIC ENERGY.

There are authorized to be appropriated to the Secretary for the Office of Arctic Energy under section 3197 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398) such sums as may be necessary, but not to exceed \$25,000,000 for each of fiscal years 2003 through 2011.

Subtitle D—Nuclear Energy**SEC. 1241. ENHANCED NUCLEAR ENERGY RESEARCH AND DEVELOPMENT.**

(a) PROGRAM DIRECTION.—The Secretary shall conduct an energy research, develop-

ment, demonstration, and technology deployment program to enhance nuclear energy.

(b) PROGRAM GOALS.—The program shall—

(1) support research related to existing United States nuclear power reactors to extend their lifetimes and increase their reliability while optimizing their current operations for greater efficiencies;

(2) examine advanced proliferation-resistant and passively safe reactor designs, new reactor designs with higher efficiency, lower cost, and improved safety, proliferation-resistant and high burn-up nuclear fuels, minimization of generation of radioactive materials, improved nuclear waste management technologies, and improved instrumentation science;

(3) attract new students and faculty to the nuclear sciences and nuclear engineering and related fields (including health physics and nuclear and radiochemistry) through—

(A) university-based fundamental research for existing faculty and new junior faculty;

(B) support for the re-licensing of existing training reactors at universities in conjunction with industry; and

(C) completing the conversion of existing training reactors with proliferation resistant fuels that are low enriched and to adapt those reactors to new investigative uses;

(4) maintain a national capability and infrastructure to produce medical isotopes and ensure a well trained cadre of nuclear medicine specialists in partnership with industry;

(5) ensure that our nation has adequate capability to power future satellite and space missions; and

(6) maintain, where appropriate through a prioritization process, a balanced research infrastructure so that future research programs can use these facilities.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) CORE NUCLEAR RESEARCH PROGRAMS.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under subsection (b)(1) through (3)—

(A) \$100,000,000 for fiscal year 2003;

(B) \$110,000,000 for fiscal year 2004;

(C) \$120,000,000 for fiscal year 2005; and

(D) \$130,000,000 for fiscal year 2006.

(2) SUPPORTING NUCLEAR ACTIVITIES.—There are authorized to be appropriated to the Secretary for carrying out activities under subsection (b)(4) through (6), as well as nuclear facilities management and program direction—

(A) \$200,000,000 for fiscal year 2003;

(B) \$202,000,000 for fiscal year 2004;

(C) \$207,000,000 for fiscal year 2005; and

(D) \$212,000,000 for fiscal year 2006.

SEC. 1242. UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING SUPPORT.

(a) ESTABLISHMENT.—The Secretary shall support a program to maintain the nation's human resource investment and infrastructure in the nuclear sciences and engineering and related fields (including health physics and nuclear and radiochemistry), consistent with departmental missions related to civilian nuclear research and development.

(b) DUTIES.—In carrying out the program under this section, the Secretary shall—

(1) develop a 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) support fundamental nuclear sciences and engineering research through the Nuclear Engineering Education Research Program;

(4) encourage collaborative nuclear research between industry, national laboratories and universities through the Nuclear Energy Research Initiative; and

(5) support communication and outreach related to nuclear science and engineering.

(C) MAINTAINING UNIVERSITY RESEARCH AND TRAINING REACTORS AND ASSOCIATED INFRASTRUCTURE.—Activities under this section may include:

(1) converting research reactors to low-enrichment fuels, upgrading operational instrumentation, and sharing of reactors among universities;

(2) providing technical assistance, in collaboration with the U.S. nuclear industry, in re-licensing and upgrading training reactors as part of a student training program;

(3) providing funding for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) UNIVERSITY-NATIONAL LABORATORY INTERACTIONS.—The Secretary shall develop—

(1) a sabbatical fellowship program for university professors to spend extended periods of time at National Laboratories in the areas of nuclear science and technology; and

(2) a visiting scientist program in which National Laboratory staff can spend time in academic nuclear science and engineering departments. The Secretary may provide for fellowships for students to spend time at National Laboratories in the area of nuclear science with a member of the Laboratory staff acting as a mentor.

(e) OPERATING AND MAINTENANCE COSTS.—Funding for a research project provided under this section may be used to offset a portion of the operating and maintenance costs of a university research reactor used in the research project, on a cost-shared basis with the university.

(f) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1241(c)(1), the following amounts are authorized for activities under this section—

- (1) \$33,000,000 for fiscal year 2003;
- (2) \$37,900,000 for fiscal year 2004;
- (3) \$43,600,000 for fiscal year 2005; and
- (4) \$50,100,000 for fiscal year 2006.

SEC. 1243. NUCLEAR ENERGY RESEARCH INITIATIVE.

(a) ESTABLISHMENT.—The Secretary shall support a Nuclear Energy Research Initiative for grants for research relating to nuclear energy.

(b) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as are necessary for each fiscal year.

SEC. 1244. NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall support a Nuclear Energy Plant Optimization Program for grants to improve nuclear energy plant reliability, availability, and productivity. Notwithstanding section 1403, the program shall require industry cost-sharing of at least 50 percent and be subject to annual review by the Nuclear Energy Research Advisory Committee of the Department.

(b) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as are necessary for each fiscal year.

SEC. 1245. NUCLEAR ENERGY TECHNOLOGY DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall support a Nuclear Energy Technology Development Program to develop a technology roadmap to design and develop new nuclear energy powerplants in the United States.

(b) GENERATION IV REACTOR STUDY.—The Secretary shall, as part of the program under subsection (a), also 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 deployment. The study shall examine advanced proliferation-resistant and passively safe reactor designs, new reactor designs with higher efficiency, lower cost and improved safety, proliferation-resistant and high burn-up fuels, minimization of generation of radioactive materials, improved nuclear waste management technologies, and improved instrumentation science. Not later than December 31, 2002, the Secretary shall submit to Congress a report describing the results of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized to be appropriated under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as are necessary for each fiscal year.

Subtitle E—Fundamental Energy Science

SEC. 1251. ENHANCED PROGRAMS IN FUNDAMENTAL ENERGY SCIENCE.

(a) PROGRAM DIRECTION.—The Secretary, acting through the Office of Science, shall—

(1) conduct a comprehensive program of fundamental research, including research on chemical sciences, physics, materials sciences, biological and environmental sciences, geosciences, engineering sciences, plasma sciences, mathematics, and advanced scientific computing;

(2) maintain, upgrade and expand the scientific user facilities maintained by the Office of Science and ensure that they are an integral part of the departmental mission for exploring the frontiers of fundamental science;

(3) maintain a leading-edge research capability in the energy-related aspects of nanoscience and nanotechnology, advanced scientific computing and genome research; and

(4) ensure that its fundamental science programs, where appropriate, help inform the applied research and development programs of the Department.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under this subtitle—

- (1) \$3,785,000,000 for fiscal year 2003;
- (2) \$4,153,000,000 for fiscal year 2004;
- (3) \$4,586,000,000 for fiscal year 2005; and
- (4) \$5,000,000,000 for fiscal year 2006.

SEC. 1252. NANOSCALE SCIENCE AND ENGINEERING RESEARCH.

(a) ESTABLISHMENT.—The Secretary, acting through the Office of Science, shall support a program of research and development in nanoscience and nanoengineering consistent with the Department's statutory authorities related to research and development. The program shall include efforts to further the understanding of the chemistry, physics, materials science and engineering of phenomena on the scale of 1 to 100 nanometers.

(b) DUTIES OF THE OFFICE OF SCIENCE.—In carrying out the program under this section, the Office of Science shall—

(1) support both individual investigators and multidisciplinary teams of investigators;

(2) pursuant to subsection (c), develop, plan, construct, acquire, or operate special equipment or facilities for the use of investigators conducting research and development in nanoscience and nanoengineering;

(3) support technology transfer activities to benefit industry and other users of nanoscience and nanoengineering; and

(4) coordinate research and development activities with industry and other federal agencies.

(c) NANOSCIENCE AND NANOENGINEERING RESEARCH CENTERS AND MAJOR INSTRUMENTATION.—

(1) AUTHORIZATION.—From amounts authorized to be appropriated under section 1251(b), the amounts specified under subsection (d)(2) shall, subject to appropriations, be available for projects to develop, plan, construct, acquire, or operate special equipment, instrumentation, or facilities for investigators conducting research and development in nanoscience and nanoengineering.

(2) PROJECTS.—Projects under paragraph (1) may include the measurement of properties at the scale of 1 to 100 nanometers, manipulation at such scales, and the integration of technologies based on nanoscience or nanoengineering into bulk materials or other technologies.

(3) FACILITIES.—Facilities under paragraph (1) may include electron microcharacterization facilities, microlithography facilities, scanning probe facilities and related instrumentation science.

(4) COLLABORATION.—The Secretary shall encourage collaborations among universities, laboratories and industry at facilities under this subsection. At least one facility under this subsection shall have a specific mission of technology transfer to other institutions and to industry.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) TOTAL AUTHORIZATION.—From amounts authorized to be appropriated under section 1251(b), the following amounts are authorized for activities under this section—

- (A) \$270,000,000 for fiscal year 2003;
- (B) \$290,000,000 for fiscal year 2004;
- (C) \$310,000,000 for fiscal year 2005; and
- (D) \$330,000,000 for fiscal year 2006.

(2) NANOSCIENCE AND NANOENGINEERING RESEARCH CENTERS AND MAJOR INSTRUMENTATION.—Of the amounts under paragraph (1), the following amounts are authorized to carry out subsection (c)—

- (A) \$135,000,000 for fiscal year 2003;
- (B) \$150,000,000 for fiscal year 2004;
- (C) \$120,000,000 for fiscal year 2005; and
- (D) \$100,000,000 for fiscal year 2006.

SEC. 1253. ADVANCED SCIENTIFIC COMPUTING FOR ENERGY MISSIONS.

(a) ESTABLISHMENT.—The Secretary, acting through the Office of Science, shall support a program to advance the Nation's computing capability across a diverse set of grand challenge computationally based science problems related to departmental missions.

(b) DUTIES OF THE OFFICE OF SCIENCE.—In carrying out the program under this section, the Office of Science shall—

(1) advance basic science through computation by developing software to solve grand challenge science problems on new generations of computing platforms,

(2) enhance the foundations for scientific computing by developing the basic mathematical and computing systems software needed to take full advantage of the computing capabilities of computers with peak speeds of 100 teraflops or more, some of which may be unique to the scientific problem of interest,

(3) enhance national collaborative and networking capabilities by developing software to integrate geographically separated researchers into effective research teams and to facilitate access to and movement and analysis of large (petabyte) data sets, and

(4) maintain a robust scientific computing hardware infrastructure to ensure that the computing resources needed to address DOE missions are available; explore new computing approaches and technologies that promise to advance scientific computing.

(c) HIGH-PERFORMANCE COMPUTING ACT PROGRAM.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (3), by striking “and”;

(2) in paragraph (4), by striking the period and inserting “; and”;

(3) by adding after paragraph (4) the following: “(5) conduct an integrated program of research, development, and provision of facilities to develop and deploy to scientific and technical users the high-performance computing and collaboration tools needed to fulfill the statutory missions of the Department of Energy in conducting basic and applied energy research.”.

(d) COORDINATION WITH THE DOE NATIONAL NUCLEAR SECURITY AGENCY ACCELERATED STRATEGIC COMPUTING INITIATIVE AND OTHER NATIONAL COMPUTING PROGRAMS.—The Secretary shall ensure that this program, to the extent feasible, is integrated and consistent with—

(1) the Accelerated Strategic Computing Initiative of the National Nuclear Security Agency; and

(2) other national efforts related to advanced scientific computing for science and engineering.

(e) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1251(b), the following amounts are authorized for activities under this section—

- (1) \$285,000,000 for fiscal year 2003;
- (2) \$300,000,000 for fiscal year 2004;
- (3) \$310,000,000 for fiscal year 2005; and
- (4) \$320,000,000 for fiscal year 2006.

SEC. 1254. FUSION ENERGY SCIENCES PROGRAM AND PLANNING.

(a) OVERALL PLAN FOR FUSION ENERGY SCIENCES PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this subtitle, the Secretary, after consultation with the Fusion Energy Sciences Advisory Committee, shall develop and transmit to the Congress a plan to ensure a strong scientific base for the Fusion Energy Sciences Program within the Office of Science and to enable the experiments described in subsections (b) and (c).

(2) OBJECTIVES OF PLAN.—The plan under this subsection shall include as its objectives—

(A) to ensure that existing fusion research facilities and equipment are more fully utilized with appropriate measurements and control tools;

(B) to ensure a strengthened fusion science theory and computational base;

(C) to encourage and ensure that the selection of and funding for new magnetic and inertial fusion research facilities is based on scientific innovation and cost effectiveness;

(D) to improve the communication of scientific results and methods between the fusion science community and the wider scientific community;

(E) to ensure that adequate support is provided to optimize the design of the magnetic fusion burning plasma experiments referred to in subsections (b) and (c); and

(F) to ensure that inertial confinement fusion facilities are utilized to the extent practicable for the purpose of inertial fusion energy research and development.

(b) PLAN FOR UNITED STATES FUSION EXPERIMENT.—

(1) IN GENERAL.—The Secretary, after consultation with the Fusion Energy Sciences Advisory Committee, shall 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 and shall transmit the plan and the review to the Congress by July 1, 2004.

(2) REQUIREMENTS OF PLAN.—The plan described in paragraph (1) shall—

(A) address key burning plasma physics issues; and

(B) 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) PLAN FOR PARTICIPATION IN AN INTERNATIONAL EXPERIMENT.—In addition to the plan described in subsection (b), the Secretary, after consultation with the Fusion Energy Sciences Advisory Committee, 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 (b). If the Secretary elects to develop a plan under this subsection, he shall include the information described in subsection (b)(2), and an estimate of the cost of United States participation in such an international experiment. The Secretary shall request a review by the National Academy of Sciences of a plan developed under this subsection, and shall transmit the plan and the review to the Congress no later than July 1, 2004.

(d) AUTHORIZATION FOR RESEARCH AND DEVELOPMENT.—The Secretary, through the Office of Science, may conduct any research and development necessary to fully develop the plans described in this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1251(b) for fiscal year 2003, \$335,000,000 are authorized for fiscal year 2003 for activities under this section and for activities of the Fusion Energy Sciences Program.

Subtitle F—Energy, Safety, and Environmental Protection

SEC. 1261. CRITICAL ENERGY INFRASTRUCTURE PROTECTION RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall carry out a research, development, demonstration and technology deployment program, in partnership with industry, on critical energy infrastructure protection, consistent with the roles and missions outlined for the Secretary in Presidential Decision Directive 63, entitled “Critical Infrastructure Protection”. The program shall have the following goals:

(1) Increase the understanding of physical and information system disruptions to the energy infrastructure that could result in cascading or widespread regional outages.

(2) Develop energy infrastructure assurance “best practices” through vulnerability and risk assessments.

(3) Protect against, mitigate the effect of, and improve the ability to recover from disruptive incidents within the energy infrastructure.

(b) PROGRAM SCOPE.—The program under subsection (a) shall include research, development, deployment, technology demonstration for—

(1) analysis of energy infrastructure interdependencies to quantify the impacts of system vulnerabilities in relation to each other;

(2) probabilistic risk assessment of the energy infrastructure to account for unconventional and terrorist threats;

(3) incident tracking and trend analysis tools to assess the severity of threats and reported incidents to the energy infrastructure; and

(4) integrated multi-sensor, warning and mitigation technologies to detect, integrate,

and localize events affecting the energy infrastructure including real time control to permit the reconfiguration of energy delivery systems.

(c) REGIONAL COORDINATION.—The program under this section shall cooperate with Departmental activities to promote regional coordination under section 102 of this Act, to ensure that the technologies and assessments developed by the program are transferred in a timely manner to State and local authorities, and to the energy industries.

(d) COORDINATION WITH INDUSTRY RESEARCH ORGANIZATIONS.—The Secretary may enter into grants, contracts, and cooperative agreements with industry research organizations to facilitate industry participation in research under this section and to fulfill applicable cost-sharing requirements.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section—

- (1) \$25,000,000 for fiscal year 2003;
- (2) \$26,000,000 for fiscal year 2004;
- (3) \$27,000,000 for fiscal year 2005; and
- (4) \$28,000,000 for fiscal year 2006.

(f) CRITICAL ENERGY INFRASTRUCTURE FACILITY DEFINED.—For purposes of this section, the term “critical energy infrastructure facility” means a physical or cyber-based system or service for the generation, transmission or distribution of electrical energy, or the production, refining, transportation, or storage of petroleum, natural gas, or petroleum product, the incapacity or destruction of which would have a debilitating impact on the defense or economic security of the United States. The term shall not include a facility that is licensed by the Nuclear Regulatory Commission under section 103 or 104b of the Atomic Energy Act of 1954 (42 U.S.C. 2133 and 2134(b)).

SEC. 1262. PIPELINE INTEGRITY, SAFETY, AND RELIABILITY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program shall include materials inspection techniques, risk assessment methodology, and information systems surety.

(b) PURPOSE.—The purpose of the cooperative research program shall be to promote research and development to—

(1) ensure long-term safety, reliability and service life for existing pipelines;

(2) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(3) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(4) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(5) develop improved materials and coatings for use in pipelines;

(6) improve the capability, reliability, and practicality of external leak detection devices;

(7) identify underground environments that might lead to shortened service life;

(8) enhance safety in pipeline siting and land use;

(9) minimize the environmental impact of pipelines;

(10) demonstrate technologies that improve pipeline safety, reliability, and integrity;

(11) provide risk assessment tools for optimizing risk mitigation strategies; and

(12) provide highly secure information systems for controlling the operation of pipelines.

(c) AREAS.—In carrying out this section, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil, and petroleum product pipelines for—

(1) early crack, defect, and damage detection, including real-time damage monitoring;

(2) automated internal pipeline inspection sensor systems;

(3) land use guidance and set back management along pipeline rights-of-way for communities;

(4) internal corrosion control;

(5) corrosion-resistant coatings;

(6) improved cathodic protection;

(7) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(8) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

(9) longer life, high strength, non-corrosive pipeline materials;

(10) assessing the remaining strength of existing pipes;

(11) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;

(12) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(13) any other areas necessary to ensuring the public safety and protecting the environment.

(d) RESEARCH AND DEVELOPMENT PROGRAM PLAN.—Within 240 days after the date of enactment of this section, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a five-year program plan to guide activities under this section. In preparing the program plan, the Secretary shall consult with appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, Federal agencies, the pipeline research institutions, national laboratories, State pipeline safety officials, environmental organizations, pipeline safety advocates, and professional and technical societies.

(e) IMPLEMENTATION.—The Secretary of Transportation shall have primary responsibility for ensuring the five-year plan provided for in subsection (d) is implemented as intended by this section. In carrying out the research, development, and demonstration activities under this section, the Secretary of Transportation and the Secretary of Energy may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(f) REPORTS TO CONGRESS.—The Secretary of Transportation shall report to the Congress annually as to the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Departments of Transportation and Energy, the natural laboratories, universities, and any other research organizations, including industry research organizations.

(g) PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the research and development program plan under subsection (d). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under this section.

(2) MEMBERSHIP.—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated to the Secretary of Transportation for carrying out this section \$3,000,000, to be derived from user fees under section 60301 of title 49, United States Code, for each of the fiscal years 2003 through 2006.

(2) Of the amounts available in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), \$3,000,000 shall be transferred to the Secretary of Transportation, as provided in appropriation Acts, to carry out programs for detection, prevention and mitigation of oil spills under this section for each of the fiscal years 2003 through 2006.

(3) There are authorized to be appropriated to the Secretary of Energy for carrying out this section such sums as may be necessary for each of the fiscal years 2003 through 2006.

SEC. 1263. RESEARCH AND DEMONSTRATION FOR REMEDIATION OF GROUNDWATER FROM ENERGY ACTIVITIES.

(a) IN GENERAL.—The Secretary shall carry out a research, development, demonstration, and technology deployment program to improve methods for environmental restoration of groundwater contaminated by energy activities, including oil and gas production, surface and underground mining of coal, and in-situ extraction of energy resources.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section \$10,000,000 for each of fiscal years 2003 through 2006.

TITLE XIII—CLIMATE CHANGE-RELATED RESEARCH AND DEVELOPMENT

Subtitle A—Department of Energy Programs

SEC. 1301. PROGRAM GOALS.

The goals of the research, development, demonstration, and technology deployment programs under this subtitle shall be to—

(1) provide a sound scientific understanding of the human and natural forces that influence the Earth's climate system, particularly those forces related to energy production and use;

(2) help mitigate climate change from human activities related to energy production and use; and

(3) reduce, avoid, or sequester emissions of greenhouse gases in furtherance of the goals of the United National Framework Convention on Climate Change, done at New York on May 9, 1992, in a manner that does not result in serious harm to the U.S. economy.

SEC. 1302. DEPARTMENT OF ENERGY GLOBAL CHANGE SCIENCE RESEARCH.

(a) PROGRAM DIRECTION.—The Secretary, acting through the Office of Science, shall conduct a comprehensive research program

to understand and address the effects of energy production and use on the global climate system.

(b) PROGRAM ELEMENTS.—

(1) CLIMATE MODELING.—The Secretary shall—

(A) conduct observational and analytical research to acquire and interpret the data needed to describe the radiation balance from the surface of the Earth to the top of the atmosphere;

(B) determine the factors responsible for the Earth's radiation balance and incorporate improved understanding of such factors in climate models;

(C) improve the treatment of aerosols and clouds in climate models;

(D) reduce the uncertainty in decade-to-century model-based projections of climate change; and

(E) increase the availability and utility of climate change simulations to researchers and policy makers interested in assessing the relationship between energy and climate change.

(2) CARBON CYCLE.—The Secretary shall—

(A) carry out field research and modeling activities—

(i) to understand and document the net exchange of carbon dioxide between major terrestrial ecosystems and the atmosphere; or

(ii) to evaluate the potential of proposed methods of carbon sequestration;

(B) develop and test carbon cycle models; and

(C) acquire data and develop and test models to simulate and predict the transport, transformation, and fate of energy-related emissions in the atmosphere.

(3) ECOLOGICAL PROCESSES.—The Secretary shall carry out long-term experiments of the response of intact terrestrial ecosystems to—

(A) alterations in climate and atmospheric composition; or

(B) land-use changes that affect ecosystem extent and function.

(4) INTEGRATED ASSESSMENT.—The Secretary shall develop and improve methods and tools for integrated analyses of the climate change system from emissions of aerosols and greenhouse gases to the consequences of these emissions on climate and the resulting effects of human-induced climate change on economic and social systems, with emphasis on critical gaps in integrated assessment modeling, including modeling of technology innovation and diffusion and the development of metrics of economic costs of climate change and policies for mitigating or adapting to climate change.

(c) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1440(c), there are authorized to be appropriated to the Secretary for carrying out activities under this section—

(1) \$150,000,000 for fiscal year 2003;

(2) \$175,000,000 for fiscal year 2004;

(3) \$200,000,000 for fiscal year 2005; and

(4) \$230,000,000 for fiscal year 2006.—

(d) LIMITATION ON FUNDS.—Funds authorized to be appropriated under this section shall not be used for the development, demonstration, or deployment of technology to reduce, avoid, or sequester greenhouse gas emissions.

SEC. 1303. AMENDMENTS TO THE FEDERAL NON-NUCLEAR RESEARCH AND DEVELOPMENT ACT OF 1974.

Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3) by striking the period at the end and inserting “, and”; and

(C) by adding at the end the following:

“(4) solutions to the effective management of greenhouse gas emissions in the long term by the development of technologies and practices designed to—

“(A) reduce or avoid anthropogenic emissions of greenhouse gases;

“(B) remove and sequester greenhouse gases from emissions streams; and

“(C) remove and sequester greenhouse gases from the atmosphere.”; and

(2) in subsection (b)—

(A) in paragraph (2), by striking “subsection (a)(1) through (3)” and inserting “paragraphs (1) through (4) of subsection (a)”;

(B) in paragraph (3)—

(i) in subparagraph (R), by striking “and” at the end;

(ii) in subparagraph (S), by striking the period at the end and inserting “; and”;

(iii) by adding at the end the following:

“(T) to pursue a long-term climate technology strategy designed to demonstrate a variety of technologies by which stabilization of greenhouse gases might be best achieved, including accelerated research, development, demonstration and deployment of—

“(i) renewable energy systems;

“(ii) advanced fossil energy technology;

“(iii) advanced nuclear power plant design;

“(iv) fuel cell technology for residential, industrial and transportation applications;

“(v) carbon sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon;

“(vi) efficient electrical generation, transmission and distribution technologies; and

“(vii) efficient end use energy technologies.”.

Subtitle B—Department of Agriculture Programs

SEC. 1311. CARBON SEQUESTRATION BASIC AND APPLIED RESEARCH.

(a) BASIC RESEARCH.—

(1) IN GENERAL.—The Secretary of Agriculture shall carry out research in the areas of soil science that promote understanding of—

(A) the net sequestration of organic carbon in soil; and

(B) net emissions of other greenhouse gases from agriculture.

(2) AGRICULTURAL RESEARCH SERVICE.—The Secretary of Agriculture, acting through the Agricultural Research Service, shall collaborate with other Federal agencies in developing data and carrying out research addressing soil carbon fluxes (losses and gains) and net emissions of methane and nitrous oxide from cultivation and animal management activities.

(3) COOPERATIVE STATE RESEARCH EXTENSION AND EDUCATION SERVICE.—

(A) IN GENERAL.—The Secretary of Agriculture, acting through the Cooperative State Research Extension and Education Service, shall establish a competitive grant program to carry out research on the matters described in paragraph (1) in land grant universities and other research institutions.

(B) CONSULTATION ON RESEARCH TOPICS.—Before issuing a request for proposals for basic research under paragraph (1), the Cooperative State Research, Education, and Extension Service shall consult with the Agricultural Research Service to ensure that proposed research areas are complementary with and do not duplicate research projects underway at the Agricultural Research Service or other Federal agencies.

(b) APPLIED RESEARCH.—

(1) IN GENERAL.—The Secretary of Agriculture shall carry out applied research in the areas of soil science, agronomy, agricultural economics and other agricultural sciences to—

(A) promote understanding of—

(i) how agricultural and forestry practices affect the sequestration of organic and inorganic carbon in soil and net emissions of other greenhouse gases;

(ii) how changes in soil carbon pools are cost-effectively measured, monitored, and verified; and

(iii) how public programs and private market approaches can be devised to incorporate carbon sequestration in a broader societal greenhouse gas emission reduction effort;

(B) develop methods for establishing baselines for measuring the quantities of carbon and other greenhouse gases sequestered; and

(C) evaluate leakage and performance issues.

(2) REQUIREMENTS.—To the maximum extent practicable, applied research under paragraph (1) shall—

(A) draw on existing technologies and methods; and

(B) strive to provide methodologies that are accessible to a nontechnical audience.

(3) MINIMIZATION OF ADVERSE ENVIRONMENTAL IMPACTS.—All applied research under paragraph (1) shall be conducted with an emphasis on minimizing adverse environmental impacts.

(4) NATURAL RESOURCES CONSERVATION SERVICE.—The Secretary of Agriculture, acting through the Natural Resources Conservation Service, shall collaborate with other Federal agencies, including the National Institute of Standards and Technology, in developing new measuring techniques and equipment or adapting existing techniques and equipment to enable cost-effective and accurate monitoring and verification, for a wide range of agricultural and forestry practices, of—

(A) changes in soil carbon content in agricultural soils, plants, and trees; and

(B) net emissions of other greenhouse gases.

(5) COOPERATIVE STATE RESEARCH EXTENSION AND EDUCATION SERVICE.—

(A) IN GENERAL.—The Secretary of Agriculture, acting through the Cooperative State Research Extension and Education Service, shall establish a competitive grant program to encourage research on the matters described in paragraph (1) by land grant universities and other research institutions.

(B) CONSULTATION ON RESEARCH TOPICS.—Before issuing a request for proposals for applied research under paragraph (1), the Cooperative State Research, Education, and Extension Service shall consult with the National Resources Conservation Service and the Agricultural Research Service to ensure that proposed research areas are complementary with and do not duplicate research projects underway at the Agricultural Research Service or other Federal agencies.

(c) RESEARCH CONSORTIA.—

(1) IN GENERAL.—The Secretary of Agriculture may designate not more than 2 research consortia to carry out research projects under this section, with the requirement that the consortia propose to conduct basic, research under subsection (a) and applied research under subsection (b).

(2) SELECTION.—The consortia shall be selected in a competitive manner by the Cooperative State Research, Education, and Extension Service.

(3) ELIGIBLE CONSORTIUM PARTICIPANTS.—Entities eligible to participate in a consortium include—

(A) land grant colleges and universities;

(B) private research institutions;

(C) State geological surveys;

(D) agencies of the Department of Agriculture;

(E) research centers of the National Aeronautics and Space Administration and the Department of Energy;

(F) other Federal agencies;

(G) representatives of agricultural businesses and organizations with demonstrated expertise in these areas; and

(H) representatives of the private sector with demonstrated expertise in these areas.

(4) RESERVATION OF FUNDING.—If the Secretary of Agriculture designates 1 or 2 consortia, the Secretary of Agriculture shall reserve for research projects carried out by the consortium or consortia not more than 25 percent of the amounts made available to carry out this section for a fiscal year.

(d) STANDARDS OF PRECISION.—

(1) CONFERENCE.—Not later than 3 years after the date of enactment of this subtitle, the Secretary of Agriculture, acting through the Agricultural Research Service and in consultation with the Natural Resources Conservation Service, shall convene a conference of key scientific experts on carbon sequestration and measurement techniques from various sectors (including the government, academic, and private sectors) to—

(A) discuss benchmark standards of precision for measuring soil carbon content and net emissions of other greenhouse gases;

(B) designate packages of measurement techniques and modeling approaches to achieve a level of precision agreed on by the participants in the conference; and

(C) evaluate results of analyses on baseline, permanence, and leakage issues.

(2) DEVELOPMENT OF BENCHMARK STANDARDS.—

(A) IN GENERAL.—The Secretary shall develop benchmark standards for measuring the carbon content of soils and plants (including trees) based on—

(i) information from the conference under paragraph (1);

(ii) research conducted under this section; and

(iii) other information available to the Secretary.

(B) OPPORTUNITY FOR PUBLIC COMMENT.—The Secretary shall provide an opportunity for the public to comment on benchmark standards developed under subparagraph (A).

(3) REPORT.—Not later than 180 days after the conclusion of the conference under paragraph (1), the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the conference.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2003 through 2006.

(2) ALLOCATION.—Of the amounts made available to carry out this section for a fiscal year, at least 50 percent shall be allocated for competitive grants by the Cooperative State Research, Education, and Extension Service.

SEC. 1312. CARBON SEQUESTRATION DEMONSTRATION PROJECTS AND OUTREACH.

(a) DEMONSTRATION PROJECTS.—

(1) DEVELOPMENT OF MONITORING PROGRAMS.—

(A) IN GENERAL.—The Secretary of Agriculture, acting through the Natural Resources Conservation Service and in cooperation with local extension agents, experts from land grant universities, and other local agricultural or conservation organizations, shall develop user-friendly, programs that combine measurement tools and modeling techniques into integrated packages to monitor the carbon sequestering benefits of conservation practices and net changes in greenhouse gas emissions.

(B) BENCHMARK LEVELS OF PRECISION.—The programs developed under subparagraph (A)

shall strive to achieve benchmark levels of precision in measurement in a cost-effective manner.

(2) PROJECTS.—

(A) IN GENERAL.—The Secretary of Agriculture, acting through the Farm Service Agency, shall establish a program under which projects use the monitoring programs developed under paragraph (1) to demonstrate the feasibility of methods of measuring, verifying, and monitoring—

(i) changes in organic carbon content and other carbon pools in agricultural soils, plants, and trees; and

(ii) net changes in emissions of other greenhouse gases.

(B) EVALUATION OF IMPLICATIONS.—The projects under subparagraph (A) shall include evaluation of the implications for reassessed baselines, carbon or other greenhouse gas leakage, and permanence of sequestration.

(C) SUBMISSION OF PROPOSALS.—Proposals for projects under subparagraph (A) shall be submitted by the appropriate agency of each State, in cooperation with interested local jurisdictions and State agricultural and conservation organizations.

(D) LIMITATION.—Not more than 10 projects under subparagraph (A) may be approved in conjunction with applied research projects under section 1331(b) until benchmark measurement and assessment standards are established under section 1331(d).

(b) OUTREACH.—

(1) IN GENERAL.—The Cooperative State Research Extension and Education Service shall widely disseminate information about the economic and environmental benefits that can be generated by adoption of conservation practices (including benefits from increased sequestration of carbon and reduced emission of other greenhouse gases).

(2) PROJECT RESULTS.—The Cooperative State Research Extension and Education Service shall inform farmers, ranchers, and State agricultural and energy offices in each State of—

(A) the results of demonstration projects under subsection (a)(2) in the State; and

(B) the ways in which the methods demonstrated in the projects might be applicable to the operations of those farmers and ranchers.

(3) POLICY OUTREACH.—On a periodic basis, the Cooperative State Research Extension and Education Service shall disseminate information on the policy nexus between global climate change mitigation strategies and agriculture, so that farmers and ranchers may better understand the global implications of the activities of farmers and ranchers.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2003 through 2006.

(2) ALLOCATION.—Of the amounts made available to carry out this section for a fiscal year, at least 50 percent shall be allocated for demonstration projects under subsection (a)(2).

Subtitle C—Clean Energy Technology Exports Program

SEC. 1321. CLEAN ENERGY TECHNOLOGY EXPORTS PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CLEAN ENERGY TECHNOLOGY.—The term “clean energy technology” means an energy supply or end-use technology that, over its lifecycle and compared to a similar technology already in commercial use in developing countries, countries in transition, and other partner countries—

(A) emits substantially lower levels of pollutants or greenhouse gases; and

(B) may generate substantially smaller or less toxic volumes of solid or liquid waste.

(2) INTERAGENCY WORKING GROUP.—The term “interagency working group” means the Interagency Working Group on Clean Energy Technology Exports established under subsection (b).

(b) INTERAGENCY WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the Secretary of Energy, the Secretary of Commerce, and the Administrator of the U.S. Agency for International Development shall jointly establish an Interagency Working Group on Clean Energy Technology Exports. The interagency working group will focus on opening and expanding energy markets and transferring clean energy technology to the developing countries, countries in transition, and other partner countries that are expected to experience, over the next 20 years, the most significant growth in energy production and associated greenhouse gas emissions, including through technology transfer programs under the Framework Convention on Climate Change, other international agreements, and relevant Federal efforts.

(2) MEMBERSHIP.—The interagency working group shall be jointly chaired by representatives appointed by the agency heads under paragraph (1) and shall also include representatives from the Department of State, the Department of Treasury, the Environmental Protection Agency, the Export-Import Bank, the Overseas Private Investment Corporation, the Trade and Development Agency, and other federal agencies as deemed appropriate by all three agency heads under paragraph (1).

(3) DUTIES.—The interagency working group shall—

(A) analyze technology, policy, and market opportunities for international development, demonstration, and deployment of clean energy technology;

(B) investigate issues associated with building capacity to deploy clean energy technology in developing countries, countries in transition, and other partner countries, including—

(i) energy-sector reform;

(ii) creation of open, transparent, and competitive markets for energy technologies;

(iii) availability of trained personnel to deploy and maintain the technology; and

(iv) demonstration and cost-buydown mechanisms to promote first adoption of the technology;

(C) examine relevant trade, tax, international, and other policy issues to assess what policies would help open markets and improve U.S. clean energy technology exports in support of the following areas:

(i) enhancing energy innovation and cooperation, including energy sector and market reform, capacity building, and financing measures;

(ii) improving energy end-use efficiency technologies, including buildings and facilities, vehicle, industrial, and co-generation technology initiatives; and

(iii) promoting energy supply technologies, including fossil, nuclear, and renewable technology initiatives;

(D) establish an advisory committee involving the private sector and other interested groups on the export and deployment of clean energy technology;

(E) monitor each agency’s progress towards meeting goals in the 5-year strategic plan submitted to Congress pursuant to the Energy and Water Development Appropriations Act, 2001, and the Energy and Water Development Appropriations Act, 2002;

(F) make recommendations to heads of appropriate Federal agencies on ways to streamline federal programs and policies to

improve each agency’s role in the international development, demonstration, and deployment of clean energy technology;

(G) make assessments and recommendations regarding the distinct technological, market, regional, and stakeholder challenges necessary to carry out the program; and

(H) recommend conditions and criteria that will help ensure that United States funds promote sound energy policies in participating countries while simultaneously opening their markets and exporting United States energy technology.

(c) FEDERAL SUPPORT FOR CLEAN ENERGY TECHNOLOGY TRANSFER.—Notwithstanding any other provision of law, each federal agency or government corporation carrying out an assistance program in support of the activities of United States persons in the environment or energy sector of a developing country, country in transition, or other partner country shall support, to the maximum extent practicable, the transfer of United States clean energy technology as part of that program.

(d) ANNUAL REPORT.—Not later than April 1, 2002, and each year thereafter, the Interagency Working Group shall submit a report to Congress on its activities during the preceding calendar year. The report shall include a description of the technology, policy, and market opportunities for international development, demonstration, and deployment of clean energy technology investigated by the Interagency Working Group in that year, as well as any policy recommendations to improve the expansion of clean energy markets and U.S. clean energy technology exports.

(e) REPORT ON USE OF FUNDS.—Not later than October 1, 2002, and each year thereafter, the Secretary of State, in consultation with other federal agencies, shall submit a report to Congress indicating how United States funds appropriated for clean energy technology exports and other relevant federal programs are being directed in a manner that promotes sound energy policy commitments in developing countries, countries in transition, and other partner countries, including efforts pursuant to multi-lateral environmental agreements.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the departments, agencies, and entities of the United States described in subsection (b) such sums as may be necessary to support the transfer of clean energy technology, consistent with the subsidy codes of the World Trade Organization, as part of assistance programs carried out by those departments, agencies, and entities in support of activities of United States persons in the energy sector of a developing country, country in transition, or other partner country.

SEC. 1322. INTERNATIONAL ENERGY TECHNOLOGY DEPLOYMENT PROGRAM.

(a) IN GENERAL.—Section 1608 of the Energy Policy Act of 1992 (42 U.S.C. 13387) is amended by striking subsection (1) and inserting the following:

“(1) INTERNATIONAL ENERGY TECHNOLOGY DEPLOYMENT PROGRAM—

“(1) DEFINITIONS.—In this subsection:

“(A) INTERNATIONAL ENERGY DEPLOYMENT PROJECT.—The term ‘international energy deployment project’ means a project to construct an energy production facility outside the United States—

“(i) the output of which will be consumed outside the United States; and

“(ii) the deployment of which will result in a greenhouse gas reduction per unit of energy produced when compared to the technology that would otherwise be implemented—

“(I) 10 percentage points or more, in the case of a unit placed in service before January 1, 2010;

“(II) 20 percentage points or more, in the case of a unit placed in service after December 31, 2009, and before January 1, 2020; or

“(III) 30 percentage points or more, in the case of a unit placed in service after December 31, 2019, and before January 1, 2030.

“(B) QUALIFYING INTERNATIONAL ENERGY DEPLOYMENT PROJECT.—The term ‘qualifying international energy deployment project’ means an international energy deployment project that—

“(i) is submitted by a United States firm to the Secretary in accordance with procedures established by the Secretary by regulation;

“(ii) uses technology that has been successfully developed or deployed in the United States;

“(iii) meets the criteria of subsection (k);

“(iv) is approved by the Secretary, with notice of the approval being published in the Federal Register; and

“(v) complies with such terms and conditions as the Secretary establishes by regulation.

“(C) UNITED STATES.—For purposes of this paragraph, the term ‘United States’, when used in a geographical sense, means the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(2) PILOT PROGRAM FOR FINANCIAL ASSISTANCE.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall, by regulation, provide for a pilot program for financial assistance for qualifying international energy deployment projects.

“(B) SELECTION CRITERIA.—After consultation with the Secretary of State, the Secretary of Commerce, and the United States Trade Representative, the Secretary shall select projects for participation in the program based solely on the criteria under this title and without regard to the country in which the project is located.

“(C) FINANCIAL ASSISTANCE.—

“(i) IN GENERAL.—A United States firm that undertakes a qualifying international energy deployment project that is selected to participate in the pilot program shall be eligible to receive a loan or a loan guarantee from the Secretary.

“(ii) RATE OF INTEREST.—The rate of interest of any loan made under clause (i) shall be equal to the rate for Treasury obligations then issued for periods of comparable maturities.

“(iii) AMOUNT.—The amount of a loan or loan guarantee under clause (i) shall not exceed 50 percent of the total cost of the qualified international energy deployment project.

“(iv) DEVELOPED COUNTRIES.—Loans or loan guarantees made for projects to be located in a developed country, as listed in Annex I of the United Nations Framework Convention on Climate Change, shall require at least a 50 percent contribution towards the total cost of the loan or loan guarantee by the host country.

“(v) DEVELOPING COUNTRIES.—Loans or loan guarantees made for projects to be located in a developing country (those countries not listed in Annex I of the United Nations Framework Convention on Climate Change) shall require at least a 10 percent contribution towards the total cost of the loan or loan guarantee by the host country.

“(vi) CAPACITY BUILDING RESEARCH.—Proposals made for projects to be located in a developing country may include a research component intended to build technological capacity within the host country. Such research must be related to the technologies being deployed and must involve both an in-

stitution in the host country and an industry, university or national laboratory participant from the United States. The host institution shall contribute at least 50 percent of funds provided for the capacity building research.

“(D) COORDINATION WITH OTHER PROGRAMS.—A qualifying international energy deployment project funded under this section shall not be eligible as a qualifying clean coal technology under section 415 of the Clean Air Act (42 U.S.C. 7651n).

“(E) REPORT.—Not later than 5 years after the date of enactment of this subsection, the Secretary shall submit to the President a report on the results of the pilot projects.

“(F) RECOMMENDATION.—Not later than 60 days after receiving the report under subparagraph (E), the President shall submit to Congress a recommendation, based on the results of the pilot projects as reported by the Secretary of Energy, concerning whether the financial assistance program under this section should be continued, expanded, reduced, or eliminated.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary carry out this section \$100,000,000 for each of fiscal years 2003 through 2011, to remain available until expended.”

Subtitle D—Climate Change Science and Information

PART I—AMENDMENTS TO THE GLOBAL CHANGE RESEARCH ACT OF 1990

SEC. 1331. AMENDMENT OF GLOBAL CHANGE RESEARCH ACT OF 1990.

Except as otherwise expressly provided, whenever in this subtitle 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 Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.).

SEC. 1332. CHANGES IN DEFINITIONS.

Paragraph (1) of section 2 (15 U.S.C. 2921) is amended by striking “Earth and” inserting “Climate and”.

SEC. 1333. CHANGE IN COMMITTEE NAME.

Section 102 (15 U.S.C. 2932) is amended—

(1) by striking “EARTH AND” in the section heading and inserting “CLIMATE AND”; and

(2) by striking “Earth and” in subsection (a) and inserting “Climate and”.

SEC. 1334. CHANGE IN NATIONAL GLOBAL CHANGE RESEARCH PLAN.

Section 104 (15 U.S.C. 2934) is amended—

(1) by adding at the end of subsection (c) the following:

“(6) Methods for integrating information to provide predictive tools for planning and decision making by governments, communities and the private sector.”;

(2) by inserting “local, State, and Federal” before “policy makers” in subsection (d)(3);

(3) by striking “and” in subsection (d)(2);

(4) by striking “change,” in subsection (d)(3) and inserting “change; and”;

(5) by adding at the end of subsection (d) the following:

“(4) establish a common assessment and modeling framework that may be used in both research and operations to predict and assess the vulnerability of natural and managed ecosystems and of human society in the context of other environmental and social changes.”; and

(6) by adding at the end the following:

“(g) STRATEGIC PLAN; REVISED IMPLEMENTATION PLAN.—The Chairman of the Council, through the Committee, shall develop a strategic plan for the United States Global Climate Change Research Program for the 10-year period beginning in 2002 and submit the

plan to the Congress within 180 days after the date of enactment of the Global Climate Change Act of 2002. The Chairman, through the Committee, shall also submit a revised implementation plan under subsection (a).”

SEC. 1335. INTEGRATED PROGRAM OFFICE.

Section 105 (15 U.S.C. 2935) is amended—

(1) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively; and

(2) inserting before subsection (b), as redesignated, the following:

“(a) INTEGRATED PROGRAM OFFICE.—

“(1) ESTABLISHMENT.—There is established in the Office of Science and Technology Policy an integrated program office for the global change research program.

“(2) ORGANIZATION.—The integrated program office established under paragraph (1) shall be headed by the associate director with responsibility for climate change science and technology and shall include a representative from each Federal agency participating in the global change research program.

“(3) FUNCTION.—The integrated program office shall—

“(A) manage, working in conjunction with the Committee, interagency coordination and program integration of global change research activities and budget requests;

“(B) ensure that the activities and programs of each Federal agency or department participating in the program address the goals and objectives identified in the strategic research plan and interagency implementation plans;

“(C) ensure program and budget recommendations of the Committee are communicated to the President and are integrated into the climate change action strategy;

“(D) review, solicit, and identify, and allocate funds for, partnership projects that address critical research objectives or operational goals of the program, including projects that would fill research gaps identified by the program, and for which project resources are shared among at least 2 agencies participating in the program; and

“(E) review and provide recommendations on, in conjunction with the Committee, all annual appropriations requests from Federal agencies or departments participating in the program.

“(4) GRANT AUTHORITY.—The Integrated Program Office may authorize 1 or more of the departments or agencies participating in the program to enter into contracts and make grants, using funds appropriated for use by the Office of Science and Technology Policy for the purpose of carrying out the responsibilities of that Office.

“(5) FUNDING.—For fiscal year 2003, and each fiscal year thereafter, not less than \$13,000,000 shall be made available to the Integrated Program Office from amounts appropriated to or for the use of the Office of Science and Technology Policy.”;

(3) by striking “Committee.” in paragraph (2) of subsection (c), as redesignated, and inserting “Committee and the Integrated Program Office.”; and

(4) by inserting “and the Integrated Program Office” after “Committee” in paragraph (1) of subsection (d), as redesignated.

PART II—NATIONAL CLIMATE SERVICES AND MONITORING

SEC. 1341. AMENDMENT OF NATIONAL CLIMATE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this subtitle 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 National Climate Program Act (15 U.S.C. 2901 et seq.).

SEC. 1342. CHANGES IN FINDINGS.

Section 2 (15 U.S.C. 2901) is amended—

(1) by striking “Weather and climate change affect” in paragraph (1) and inserting “Weather, climate change, and climate variability affect public safety, environmental security, human health.”;

(2) by striking “climate” in paragraph (2) and inserting “climate, including seasonal and decadal fluctuations.”;

(3) by striking “changes.” in paragraph (5) and inserting “changes and providing free exchange of meteorological data.”; and

(4) by adding at the end the following:

“(7) The present rate of advance in research and development is inadequate and new developments must be incorporated rapidly into services for the benefit of the public.

“(8) The United States lacks adequate infrastructure and research to meet national climate monitoring and prediction needs.”.

SEC. 1343. TOOLS FOR REGIONAL PLANNING.

Section 5(d) (15 U.S.C. 2904(d)) is amended—

(1) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

(2) by inserting after paragraph (3) the following:

“(4) methods for improving modeling and predictive capabilities and developing assessment methods to guide national, regional, and local planning and decision-making on land use, water hazards, and related issues;

(3) by inserting “sharing,” after “collection,” in paragraph (5), as redesignated;

(4) by striking “experimental” each place it appears in paragraph (9), as redesignated;

(5) by striking “preliminary” in paragraph (10), as redesignated;

(6) by striking “this Act,” the first place it appears in paragraph (10), as redesignated, and inserting “the Global Climate Change Act of 2002.”; and

(7) by striking “this Act,” the second place it appears in paragraph (10), as redesignated, and inserting “that Act.”.

SEC. 1344. AUTHORIZATION OF APPROPRIATIONS.

Section 9 (15 U.S.C. 2908) is amended—

(1) by striking “1979,” and inserting “2002.”;

(2) by striking “1980,” and inserting “2003.”;

(3) by striking “1981,” and inserting “2004.”; and

(4) by striking “\$25,500,000” and inserting “\$75,500,000”.

SEC. 1345. NATIONAL CLIMATE SERVICE PLAN.

The Act (15 U.S.C. 2901 et seq.) is amended by inserting after section 5 the following:

“SEC. 6. NATIONAL CLIMATE SERVICE PLAN.

“Within one year after the date of enactment of the Global Climate Change Act of 2002, the Secretary of Commerce shall submit to the Senate Committee on Commerce, Science, and Transportation and the House Science Committee a plan of action for a National Climate Service under the National Climate Program. The plan shall set forth recommendations and funding estimates for—

“(1) a national center for operational climate monitoring and predicting with the functional capacity to monitor and adjust observing systems as necessary to reduce bias;

“(2) the design, deployment, and operation of an adequate national climate observing system that builds upon existing environmental monitoring systems and closes gaps in coverage by existing systems;

“(3) the establishment of a national coordinated modeling strategy, including a national climate modeling center to provide a dedicated capability for climate modeling and a regular schedule of projections on a long and short term time schedule and at a range of spatial scales;

“(4) improvements in modeling and assessment capabilities needed to integrate information to predict regional and local climate changes and impacts;

“(5) in coordination with the private sector, improving the capacity to assess the impacts of predicted and projected climate changes and variations;

“(6) a program for long term stewardship, quality control, development of relevant climate products, and efficient access to all relevant climate data, products, and critical model simulations; and

“(7) mechanisms to coordinate among Federal agencies, State, and local government entities and the academic community to ensure timely and full sharing and dissemination of climate information and services, both domestically and internationally.”.

SEC. 1346. INTERNATIONAL PACIFIC RESEARCH AND COOPERATION.

The Secretary of Commerce, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall conduct international research in the Pacific region that will increase understanding of the nature and predictability of climate variability in the Asia-Pacific sector, including regional aspects of global environmental change. Such research activities shall be conducted in cooperation with other nations of the region. There are authorized to be appropriated for purposes of this section \$1,500,000 to the National Oceanic and Atmospheric Administration, \$1,500,000 to the National Aeronautics and Space Administration, and \$500,000 for the Pacific ENSO Applications Center.

SEC. 1347. REPORTING ON TRENDS.

(a) **ATMOSPHERIC MONITORING AND VERIFICATION PROGRAM.**—The Secretary of Commerce, in coordination with relevant Federal agencies, shall, as part of the National Climate Service, establish an atmospheric monitoring and verification program utilizing aircraft, satellite, ground sensors, and modeling capabilities to monitor, measure, and verify atmospheric greenhouse gas levels, dates, and emissions. Where feasible, the program shall measure emissions from identified sources participating in the reporting system for verification purposes. The program shall use measurements and standards that are consistent with those utilized in the greenhouse gas measurement and reporting system established under subsection (a) and the registry established under section 1102.

(b) **ANNUAL REPORTING.**—The Secretary of Commerce shall issue an annual report that identifies greenhouse emissions and trends on a local, regional, and national level. The report shall also identify emissions or reductions attributable to individual or multiple sources covered by the greenhouse gas measurement and reporting system established under section 1102.

PART III—OCEAN AND COASTAL OBSERVING SYSTEM**SEC. 1351. OCEAN AND COASTAL OBSERVING SYSTEM.**

(a) **ESTABLISHMENT.**—The President, through the National Ocean Research Leadership Council, established by section 7902(a) of title 10, United States Code, shall establish and maintain an integrated ocean and coastal observing system that provides for long-term, continuous, and real-time observations of the oceans and coasts for the purposes of—

(1) understanding, assessing and responding to human-induced and natural processes of global change;

(2) improving weather forecasts and public warnings;

(3) strengthening national security and military preparedness;

(4) enhancing the safety and efficiency of marine operations;

(5) supporting efforts to restore the health of and manage coastal and marine ecosystems and living resources;

(6) monitoring and evaluating the effectiveness of ocean and coastal environmental policies;

(7) reducing and mitigating ocean and coastal pollution; and

(8) providing information that contributes to public awareness of the state and importance of the oceans.

(b) **COUNCIL FUNCTIONS.**—In addition to its responsibilities under section 7902(a) of such title, the Council shall be responsible for planning and coordinating the observing system and in carrying out this responsibility shall—

(1) develop and submit to the Congress, within 6 months after the date of enactment of this Act, a plan for implementing a national ocean and coastal observing system that—

(A) uses an end-to-end engineering and development approach to develop a system design and schedule for operational implementation;

(B) determines how current and planned observing activities can be integrated in a cost-effective manner;

(C) provides for regional and concept demonstration projects;

(D) describes the role and estimated budget of each Federal agency in implementing the plan;

(E) contributes, to the extent practicable, to the National Global Change Research Plan under section 104 of the Global Change Research Act of 1990 (15 U.S.C. 2934); and

(F) makes recommendations for coordination of ocean observing activities of the United States with those of other nations and international organizations;

(2) serve as the mechanism for coordinating Federal ocean observing requirements and activities;

(3) work with academic, State, industry and other actual and potential users of the observing system to make effective use of existing capabilities and incorporate new technologies;

(4) approve standards and protocols for the administration of the system, including—

(A) a common set of measurements to be collected and distributed routinely and by uniform methods;

(B) standards for quality control and assessment of data;

(C) design, testing and employment of forecast models for ocean conditions;

(D) data management, including data transfer protocols and archiving; and

(E) designation of coastal ocean observing regions; and

(5) in consultation with the Secretary of State, provide representation at international meetings on ocean observing programs and coordinate relevant Federal activities with those of other nations.

(c) **SYSTEM ELEMENTS.**—The integrated ocean and coastal observing system shall include the following elements:

(1) A nationally coordinated network of regional coastal ocean observing systems that measure and disseminate a common set of ocean observations and related products in a uniform manner and according to sound scientific practice, but that are adapted to local and regional needs.

(2) Ocean sensors for climate observations, including the Arctic Ocean and sub-polar seas.

(3) Coastal, relocatable, and cabled sea floor observatories.

(4) Broad bandwidth communications that are capable of transmitting high volumes of

data from open ocean locations at low cost and in real time.

(5) Ocean data management and assimilation systems that ensure full use of new sources of data from space-borne and in situ sensors.

(6) Focused research programs.

(7) Technology development program to develop new observing technologies and techniques, including data management and dissemination.

(8) Public outreach and education.

SEC. 1352. AUTHORIZATION OF APPROPRIATIONS.

For development and implementation of an integrated ocean and coastal observation system under this title, including financial assistance to regional coastal ocean observing systems, there are authorized to be appropriated \$235,000,000 in fiscal year 2003, \$315,000,000 in fiscal year 2004, \$390,000,000 in fiscal year 2005, and \$445,000,000 in fiscal year 2006.

Subtitle E—Climate Change Technology

SEC. 1361. NIST GREENHOUSE GAS FUNCTIONS.

Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(1) striking “and” after the semicolon in paragraph (21);

(2) by redesignating paragraph (22) as paragraph (23); and

(3) by inserting after paragraph (21) the following:

“(22) perform research to develop enhanced measurements, calibrations, standards, and technologies which will enable the reduced production in the United States of greenhouse gases associated with global warming, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulphur hexafluoride; and”.

SEC. 1362. DEVELOPMENT OF NEW MEASUREMENT TECHNOLOGIES.

(a) IN GENERAL.—The Secretary of Commerce shall initiate a program to develop, with technical assistance from appropriate Federal agencies, innovative standards and measurement technologies (including technologies to measure carbon changes due to changes in land use cover) to calculate—

(1) greenhouse gas emissions and reductions from agriculture, forestry, and other land use practices;

(2) non-carbon dioxide greenhouse gas emissions from transportation;

(3) greenhouse gas emissions from facilities or sources using remote sensing technology; and

(4) any other greenhouse gas emission or reductions for which no accurate or reliable measurement technology exists.

SEC. 1363. ENHANCED ENVIRONMENTAL MEASUREMENTS AND STANDARDS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by redesignating sections 17 through 32 as sections 18 through 33, respectively; and

(2) by inserting after section 16 the following:

“SEC. 17. CLIMATE CHANGE STANDARDS AND PROCESSES.

“(a) IN GENERAL.—The Director shall establish within the Institute a program to perform and support research on global climate change standards and processes, with the goal of providing scientific and technical knowledge applicable to the reduction of greenhouse gases (as defined in section 4 of the Global Climate Change Act of 2002).

“(b) RESEARCH PROGRAM.—

“(1) IN GENERAL.—The Director is authorized to conduct, directly or through contracts or grants, a global climate change standards and processes research program.

“(2) RESEARCH PROJECTS.—The specific contents and priorities of the research program

shall be determined in consultation with appropriate Federal agencies, including the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. The program generally shall include basic and applied research—

“(A) to develop and provide the enhanced measurements, calibrations, data, models, and reference material standards which will enable the monitoring of greenhouse gases;

“(B) to assist in establishing of a baseline reference point for future trading in greenhouse gases and the measurement of progress in emissions reduction;

“(C) that will be exchanged internationally as scientific or technical information which has the stated purpose of developing mutually recognized measurements, standards, and procedures for reducing greenhouse gases; and

“(D) to assist in developing improved industrial processes designed to reduce or eliminate greenhouse gases.

“(c) NATIONAL MEASUREMENT LABORATORIES.—

“(1) IN GENERAL.—In carrying out this section, the Director shall utilize the collective skills of the National Measurement Laboratories of the National Institute of Standards and Technology to improve the accuracy of measurements that will permit better understanding and control of these industrial chemical processes and result in the reduction or elimination of greenhouse gases.

“(2) MATERIAL, PROCESS, AND BUILDING RESEARCH.—The National Measurement Laboratories shall conduct research under this subsection that includes—

“(A) developing material and manufacturing processes which are designed for energy efficiency and reduced greenhouse gas emissions into the environment;

“(B) developing environmentally-friendly, ‘green’ chemical processes to be used by industry; and

“(C) enhancing building performance with a focus in developing standards or tools which will help incorporate low or no-emission technologies into building designs.

“(3) STANDARDS AND TOOLS.—The National Measurement Laboratories shall develop standards and tools under this subsection that include software to assist designers in selecting alternate building materials, performance data on materials, artificial intelligence-aided design procedures for building subsystems and ‘smart buildings’, and improved test methods and rating procedures for evaluating the energy performance of residential and commercial appliances and products.

“(d) NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM.—The Director shall utilize the National Voluntary Laboratory Accreditation Program under this section to establish a program to include specific calibration or test standards and related methods and protocols assembled to satisfy the unique needs for accreditation in measuring the production of greenhouse gases. In carrying out this subsection the Director may cooperate with other departments and agencies of the Federal Government, State and local governments, and private organizations.”.

SEC. 1364. TECHNOLOGY DEVELOPMENT AND DIFFUSION.

(a) ADVANCED TECHNOLOGY PROGRAM COMPETITIONS.—The Director of the National Institute of Standards and Technology, through the Advanced Technology Program, may hold a portion of the Institute’s competitions in thematic areas, selected after consultation with industry, academics, and other Federal Agencies, designed to develop and commercialize enabling technologies to

address global climate change by significantly reducing greenhouse gas emissions and concentrations in the atmosphere.

(b) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM FOR “GREEN” MANUFACTURING.—The Director of the National Institute of Standards and Technology, through the Manufacturing Extension Partnership Program, may develop a program to support the implementation of new “green” manufacturing technologies and techniques by the more than 380,000 small manufacturers.

SEC. 1365. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director to carry out functions pursuant to sections 1345, 1351, and 1361 through 1363, \$10,000,000 for fiscal years 2002 through 2006.

Subtitle F—Climate Adaptation and Hazards Prevention

PART I—ASSESSMENT AND ADAPTATION

SEC. 1371. REGIONAL CLIMATE ASSESSMENT AND ADAPTATION PROGRAM.

(a) IN GENERAL.—The President shall establish within the Department of Commerce a National Climate Change Vulnerability and Adaptation Program for regional impacts related to increasing concentrations of greenhouse gases in the atmosphere and climate variability.

(b) COORDINATION.—In designing such program the Secretary shall consult with the Federal Emergency Management Agency, the Environmental Protection Agency, the Army Corps of Engineers, the Department of Transportation, and other appropriate Federal, State, and local government entities.

(c) VULNERABILITY ASSESSMENTS.—The program shall—

(1) evaluate, based on predictions developed under this Act and the National Climate Program Act (15 U.S.C. 2901 et seq.), regional vulnerability to phenomena associated with climate change and climate variability, including—

(A) increases in severe weather events;

(B) sea level rise and shifts in the hydrological cycle;

(C) natural hazards, including tsunamis, drought, flood and fire; and

(D) alteration of ecological communities, including at the ecosystem or watershed levels; and

(2) build upon predictions and other information developed in the National Assessments prepared under the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.).

(d) PREPAREDNESS RECOMMENDATIONS.—The program shall submit a report to Congress within 2 years after the date of enactment of this Act that identifies and recommends implementation and funding strategies for short and long-term actions that may be taken at the national, regional, State, and local level—

(1) to minimize threats to human life and property,

(2) to improve resilience to hazards,

(3) to minimize economic impacts; and

(4) to reduce threats to critical biological and ecological processes.

(e) INFORMATION AND TECHNOLOGY.—The Secretary shall make available appropriate information and other technologies and products that will assist national, regional, State, and local efforts to reduce loss of life and property, and coordinate dissemination of such technologies and products.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce \$4,500,000 to implement the requirements of this section.

SEC. 1372. COASTAL VULNERABILITY AND ADAPTATION.

(a) COASTAL VULNERABILITY.—Within 2 years after the date of enactment of this Act, the Secretary shall, in consultation with the appropriate Federal, State, and

local governmental entities, conduct regional assessments of the vulnerability of coastal areas to hazards associated with climate change, climate variability, sea level rise, and fluctuation of Great Lakes water levels. The Secretary may also establish, as warranted, longer term regional assessment programs. The Secretary may also consult with the governments of Canada and Mexico as appropriate in developing such regional assessments. In preparing the regional assessments, the Secretary shall collect and compile current information on climate change, sea level rise, natural hazards, and coastal erosion and mapping, and specifically address impacts on Arctic regions and the Central, Western, and South Pacific regions. The regional assessments shall include an evaluation of—

(1) social impacts associated with threats to and potential losses of housing, communities, and infrastructure;

(2) physical impacts such as coastal erosion, flooding and loss of estuarine habitat, saltwater intrusion of aquifers and saltwater encroachment, and species migration; and

(3) economic impact on local, State, and regional economies, including the impact on abundance or distribution of economically important living marine resources.

(b) **COASTAL ADAPTATION PLAN.**—The Secretary shall, within 3 years after the date of enactment of this Act, submit to the Congress a national coastal adaptation plan, composed of individual regional adaptation plans that recommend targets and strategies to address coastal impacts associated with climate change, sea level rise, or climate variability. The plan shall be developed with the participation of other Federal, State, and local government agencies that will be critical in the implementation of the plan at the State and local levels. The regional plans that will make up the national coastal adaptation plan shall be based on the information contained in the regional assessments and shall identify special needs associated with Arctic areas and the Central, Western, and South Pacific regions. The Plan shall recommend both short and long-term adaptation strategies and shall include recommendations regarding—

(1) Federal flood insurance program modifications;

(2) areas that have been identified as high risk through mapping and assessment;

(3) mitigation incentives such as rolling easements, strategic retreat, State or Federal acquisition in fee simple or other interest in land, construction standards, and zoning;

(4) land and property owner education;

(5) economic planning for small communities dependent upon affected coastal resources, including fisheries; and

(6) funding requirements and mechanisms.

(c) **TECHNICAL PLANNING ASSISTANCE.**—The Secretary, through the National Ocean Service, shall establish a coordinated program to provide technical planning assistance and products to coastal States and local governments as they develop and implement adaptation or mitigation strategies and plans. Products, information, tools and technical expertise generated from the development of the regional assessments and the regional adaptation plans will be made available to coastal States for the purposes of developing their own State and local plans.

(d) **COASTAL ADAPTATION GRANTS.**—The Secretary shall provide grants of financial assistance to coastal States with Federally approved coastal zone management programs to develop and begin implementing coastal adaptation programs if the State provides a Federal-to-State match of 4 to 1 in the first fiscal year, 2.3 to 1 in the second fiscal year, 2 to 1 in the third fiscal year, and

1 to 1 thereafter. Distribution of these funds to coastal states shall be based upon the formula established under section 306(c) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455(c)), adjusted in consultation with the States as necessary to provide assistance to particularly vulnerable coastlines.

(e) **COASTAL RESPONSE PILOT PROGRAM.**—

(1) **IN GENERAL.**—The Secretary shall establish a 4-year pilot program to provide financial assistance to coastal communities most adversely affected by the impact of climate change or climate variability that are located in States with Federally approved coastal zone management programs.

(2) **ELIGIBLE PROJECTS.**—A project is eligible for financial assistance under the pilot program if it—

(A) will restore or strengthen coastal resources, facilities, or infrastructure that have been damaged by such an impact, as determined by the Secretary;

(B) meets the requirements of the Coastal Zone Management Act (16 U.S.C. 1451 et seq.) and is consistent with the coastal zone management plan of the State in which it is located; and

(C) will not cost more than \$100,000.

(3) **FUNDING SHARE.**—The Federal funding share of any project under this subsection may not exceed 75 percent of the total cost of the project. In the administration of this paragraph—

(A) the Secretary may take into account in-kind contributions and other non-cash support of any project to determine the Federal funding share for that project; and

(B) the Secretary may waive the requirements of this paragraph for a project in a community if—

(i) the Secretary determines that the project is important; and

(ii) the economy and available resources of the community in which the project is to be conducted are insufficient to meet the non-Federal share of the project's costs.

(f) **DEFINITIONS.**—Any term used in this section that is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453) has the meaning given it by that section.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$3,000,000 annually for regional assessments under subsection (a), and \$3,000,000 annually for coastal adaptation grants under subsection (d).

PART II—FORECASTING AND PLANNING PILOT PROGRAMS

SEC. 1381. REMOTE SENSING PILOT PROJECTS.

(a) **IN GENERAL.**—The Administrator of the National Aeronautics and Space Administration shall establish, through the National Oceanic and Atmospheric Administration's Coastal Services Center, a program of grants for competitively awarded pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs to forecast a plan for adaptation to coastal zone and land use changes that may result as a consequence of global climate change or climate variability.

(b) **PREFERRED PROJECTS.**—In awarding grants under this section, the Center shall give preference to projects that—

(1) focus on areas that are most sensitive to the consequences of global climate change or climate variability;

(2) make use of existing public or commercial data sets;

(3) integrate multiple sources of geospatial information, such as geographic information system data, satellite-provided positioning data, and remotely sensed data, in innovative ways;

(4) offer diverse, innovative approaches that may serve as models for establishing a

future coordinated framework for planning strategies for adaptation to coastal zone and land use changes related to global climate change or climate variability;

(5) include funds or in-kind contributions from non-Federal sources;

(6) involve the participation of commercial entities that process raw or lightly processed data, often merging that data with other geospatial information, to create data products that have significant value added to the original data; and

(7) taken together demonstrate as diverse a set of public sector applications as possible.

(c) **OPPORTUNITIES.**—In carrying out this section, the Center shall seek opportunities to assist—

(1) in the development of commercial applications potentially available from the remote sensing industry; and

(2) State, local, regional, and tribal agencies in applying remote sensing and other geospatial information technologies for management and adaptation to coastal and land use consequences of global climate change or climate variability.

(d) **DURATION.**—Assistance for a pilot project under subsection (a) shall be provided for a period of not more than 3 years.

(e) **RESPONSIBILITIES OF GRANTEEES.**—Within 180 days after completion of a grant project, each recipient of a grant under subsection (a) shall transmit a report to the Center on the results of the pilot project and conduct at least one workshop for potential users to disseminate the lessons learned from the pilot project as widely as feasible.

(f) **REGULATIONS.**—The Center shall issue regulations establishing application, selection, and implementation procedures for pilot projects, and guidelines for reports and workshops required by this section.

SEC. 1382. DATABASE ESTABLISHMENT.

The Center shall establish and maintain an electronic, Internet-accessible database of the results of each pilot project completed under section 1381.

SEC. 1383. DEFINITIONS.

In this subtitle:

(1) **CENTER.**—The term "Center" means the Coastal Services Center of the National Oceanic and Atmospheric Administration.

(2) **GEOSPATIAL INFORMATION.**—The term "geospatial information" means knowledge of the nature and distribution of physical and cultural features on the landscape based on analysis of data from airborne or spaceborne platforms or other types and sources of data.

(3) **INSTITUTION OF HIGHER EDUCATION.**—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 1384. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator to carry out the provisions of this subtitle—

(1) \$17,500,000 for fiscal year 2003;

(2) \$20,000,000 for fiscal year 2004;

(3) \$22,500,000 for fiscal year 2005; and

(4) \$25,000,000 for fiscal year 2006.

TITLE XIV—MANAGEMENT OF DOE SCIENCE AND TECHNOLOGY PROGRAMS

SEC. 1401. DEFINITIONS.

In this title:

(1) **APPLICABILITY OF DEFINITIONS.**—The definitions in section 1203 shall apply.

(2) **SINGLE-PURPOSE RESEARCH FACILITY.**—The term "single-purpose research facility" means any of the following primarily single purpose entities owned by the Department of Energy—

(A) Ames Laboratory;

(B) East Tennessee Technology Park;

(C) Environmental Measurement Laboratory;

(D) Fernald Environmental Management Project;

(E) Fermi National Accelerator Laboratory;

(F) Kansas City Plant;

(G) Nevada Test Site;

(H) New Brunswick Laboratory;

(I) Pantex Weapons Facility;

(J) Princeton Plasma Physics Laboratory;

(K) Savannah River Technology Center;

(L) Stanford Linear Accelerator Center;

(M) Thomas Jefferson National Accelerator Facility;

(N) Y-12 facility at Oak Ridge National Laboratory;

(O) Waste Isolation Pilot Plant; or

(P) other similar organization of the Department designated by the Secretary that engages in technology transfer, partnering, or licensing activities.

SEC. 1402. AVAILABILITY OF FUNDS.

Funds authorized to be appropriated to the Department of Energy under title XII, title XIII, and title XV shall remain available until expended.

SEC. 1403. COST SHARING.

(a) RESEARCH AND DEVELOPMENT.—For research and development projects funded from appropriations authorized under subtitles A through D of title XII, the Secretary shall require a commitment from non-federal sources of at least 20 percent of the cost of the project. 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 DEPLOYMENT.—For demonstration and technology deployment activities funded from appropriations authorized under subtitles A through D of title XII, the Secretary shall require a commitment from non-federal sources of at least 50 percent of the costs of the project directly and specifically related to any demonstration or technology deployment activity. The Secretary may reduce or eliminate the non-federal requirement under this subsection if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet one or more goals of this title.

(c) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Secretary shall include cash, personnel, services, equipment, and other resources.

SEC. 1404. MERIT REVIEW OF PROPOSALS.

Awards of funds authorized under title XII, subtitle A of title XIII, and title XV shall be made only after an independent review of the scientific and technical merit of the proposals for such awards has been made by the Department of Energy.

SEC. 1405. EXTERNAL TECHNICAL REVIEW OF DEPARTMENTAL PROGRAMS.

(a) NATIONAL ENERGY RESEARCH AND DEVELOPMENT ADVISORY BOARDS.—(1) The Secretary shall establish an advisory board to oversee Department research and development programs in each of the following areas—

(A) energy efficiency;

(B) renewable energy;

(C) fossil energy;

(D) nuclear energy; and

(E) climate change technology, with emphasis on integration, collaboration, and other special features of the cross-cutting technologies supported by the Office of Climate Change Technology.

(2) The Secretary may designate an existing advisory board within the Department to fulfill the responsibilities of an advisory board under this subsection, or may enter into appropriate arrangements with the Na-

tional Academy of Sciences to establish such an advisory board.

(b) UTILIZATION OF EXISTING COMMITTEES.—The Secretary of Energy shall continue to use the scientific program advisory committees chartered under the Federal Advisory Committee Act by the Office of Science to oversee research and development programs under that Office.

(c) MEMBERSHIP.—Each advisory board under this section shall consist of experts drawn from industry, academia, federal laboratories, research institutions, or state, local, or tribal governments, as appropriate.

(d) MEETINGS AND PURPOSES.—Each advisory board under this section shall meet at least semi-annually to review and advise on the progress made by the respective research, development, demonstration, and technology deployment program. The advisory board shall also review the adequacy and relevance of the goals established for each program by Congress and the President, and may otherwise advise on promising future directions in research and development that should be considered by each program.

SEC. 1406. IMPROVED COORDINATION AND MANAGEMENT OF CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS.

(a) EFFECTIVE TOP-LEVEL COORDINATION OF RESEARCH AND DEVELOPMENT PROGRAMS.—Section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)) is amended to read as follows:

“(b)(1) There shall be in the Department an Under Secretary for Energy and Science, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall be compensated at the rate provided for at level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(2) The Under Secretary for Energy and Science shall be appointed from among persons who—

“(A) have extensive background in scientific or engineering fields; and

“(B) are well qualified to manage the civilian research and development programs of the Department of Energy.

“(3) The Under Secretary for Energy and Science shall—

“(A) serve as the Science and Technology Advisor to the Secretary;

“(B) monitor the Department’s research and development programs in order to advise the Secretary with respect to any undesirable duplication or gaps in such programs;

“(C) advise the Secretary with respect to the well-being and management of the multipurpose laboratories under the jurisdiction of the Department;

“(D) advise the Secretary with respect to education and training activities required for effective short- and long-term basic and applied research activities of the Department;

“(E) advise the Secretary with respect to grants and other forms of financial assistance required for effective short- and long-term basic and applied research activities of the Department; and

“(F) exercise authority and responsibility over Assistant Secretaries carrying out energy research and development and energy technology functions under sections 203 and 209, as well as other elements of the Department assigned by the Secretary.

(b) RECONFIGURATION OF POSITION OF DIRECTOR OF THE OFFICE OF SCIENCE.—Section 209 of the Department of Energy Organization Act (41 U.S.C. 7139) is amended to read as follows—

“(a) There shall be within the Department an Office of Science, to be headed by an Assistant Secretary of Science, who shall be appointed by the President, by and with the advice and consent of the Senate, and who

shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(b) The Assistant Secretary of Science shall be in addition to the Assistant Secretaries provided for under section 203 of this Act.

“(c) It shall be the duty and responsibility of the Assistant Secretary of Science to carry out the fundamental science and engineering research functions of the Department, including the responsibility for policy and management of such research, as well as other functions vested in the Secretary which he may assign to the Assistant Secretary.”

(c) ADDITIONAL ASSISTANT SECRETARY POSITION TO ENABLE IMPROVED MANAGEMENT OF NUCLEAR ENERGY ISSUES.—

(1) Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended by striking “There shall be in the Department six Assistant Secretaries” and inserting “Except as provided in section 209, there shall be in the Department seven Assistant Secretaries”.

(2) It is the Sense of the Senate that the leadership for departmental missions in nuclear energy should be at the Assistant Secretary level.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 202 of the Department of Energy Organization Act (42 U.S.C. 7132) is further amended by adding the following at the end:

“(d) There shall be in the Department an Under Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions and duties as the Secretary shall prescribe, consistent with this section. The Under Secretary shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(e) There shall be in the Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.”

(2) Section 5314 of title 5, United States Code, is amended by striking “Under Secretaries of Energy (2)” and inserting “Under Secretaries of Energy (3)”.

(3) Section 5315 of title 5, United States Code, is amended by—

(A) striking “Director, Office of Science, Department of Energy.”; and

(B) striking “Assistant Secretaries of Energy (6)” and inserting “Assistant Secretaries of Energy (8)”.

(4) The table of contents for the Department of Energy Organization Act (42 U.S.C. 7101 note) is amended—

(A) by striking “Section 209” and inserting “Sec. 209”;

(B) by striking “213.” and inserting “Sec. 213.”;

(C) by striking “214.” and inserting “Sec. 214.”;

(D) by striking “215.” and inserting “Sec. 215.”; and

(E) by striking “216.” and inserting “Sec. 216.”.

SEC. 1407. IMPROVED COORDINATION OF TECHNOLOGY TRANSFER ACTIVITIES.

(a) TECHNOLOGY TRANSFER COORDINATOR.—The Secretary shall appoint a Technology Transfer Coordinator to perform oversight of and policy development for technology transfer activities at the Department. The Technology Transfer Coordinator shall coordinate the activities of the Technology Partnerships Working Group, and shall oversee the expenditure of funds allocated to the Technology Partnership Working Group.

(b) **TECHNOLOGY PARTNERSHIP WORKING GROUP.**—The Secretary shall establish a Technology Partnership Working Group, which shall consist of representatives of the National Laboratories and single-purpose research facilities, to—

(1) coordinate technology transfer activities occurring at National Laboratories and single-purpose research facilities;

(2) exchange information about technology transfer practices; and

(3) develop and disseminate to the public and prospective technology partners information about opportunities and procedures for technology transfer with the Department.

SEC 1408. TECHNOLOGY INFRASTRUCTURE PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary shall establish a Technology Infrastructure Program in accordance with this section.

(b) **PURPOSE.**—The purpose of the Technology Infrastructure Program shall be to improve the ability of National Laboratories or single-purpose research facilities to support departmental missions by—

(1) stimulating the development of technology clusters that can support departmental missions at the National Laboratories or single-purpose research facilities;

(2) improving the ability of National Laboratories or single-purpose research facilities to leverage and benefit from commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or single-purpose research facilities and—

(A) institutions of higher education,

(B) technology-related business concerns,

(C) nonprofit institutions, and

(D) agencies of State, tribal, or local governments, that can support departmental missions at the National Laboratories and single-purpose research facilities.

(c) **PROJECTS.**—The Secretary shall authorize the Director of each National Laboratory or facility to implement the Technology Infrastructure Program at such National Laboratory or single-purpose research facility through projects that meet the requirements of subsections (d) and (e).

(d) **PROGRAM REQUIREMENTS.**—Each project funded under this section shall meet the following requirements:

(1) **MINIMUM PARTICIPANTS.**—Each project shall at a minimum include—

(A) a National Laboratory or single-purpose research facility; and

(B) one of the following entities—

(i) a business,

(ii) an institution of higher education,

(iii) a nonprofit institution, or

(iv) an agency of a State, local, or tribal government.

(2) **COST SHARING.**—

(A) **MINIMUM AMOUNT.**—Not less than 50 percent of the costs of each project funded under this section shall be provided from non-Federal sources.

(B) **QUALIFIED FUNDING AND RESOURCES.**—

(i) The calculation of costs paid by the non-Federal sources to a project shall include cash, personnel, services, equipment, and other resources expended on the project.

(ii) Independent research and development expenses of government contractors that qualify for reimbursement under section 31–205–18(e) of the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) may be credited towards costs paid by non-Federal sources to a project, if the expenses meet the other requirements of this section.

(iii) No funds or other resources expended either before the start of a project under this

section or outside the project's scope of work shall be credited toward the costs paid by the non-Federal sources to the project.

(3) **COMPETITIVE SELECTION.**—All projects in which a party other than the Department, a National Laboratory, or a single-purpose research facility receives funding under this section shall, to the extent practicable, be competitively selected by the National Laboratory or facility using procedures determined to be appropriate by the Secretary.

(4) **ACCOUNTING STANDARDS.**—Any participant that receives funds under this section, other than a National Laboratory or single-purpose research facility, may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(5) **LIMITATIONS.**—No Federal funds shall be made available under this section for—

(A) construction; or

(B) any project for more than five years.

(e) **SELECTION CRITERIA.**—

(1) **THRESHOLD FUNDING CRITERIA.**—The Secretary shall allocate funds under this section only if the Director of the National Laboratory or single-purpose research facility managing the project determines that the project is likely to improve the ability of the National Laboratory or single-purpose research facility to achieve technical success in meeting departmental missions.

(2) **ADDITIONAL CRITERIA.**—The Secretary shall require the Director of the National Laboratory or single-purpose research facility managing a project under this section to consider the following criteria in selecting a project to receive Federal funds—

(A) the potential of the project to succeed, based on its technical merit, team members, management approach, resources, and project plan;

(B) the potential of the project to promote the development of a commercially sustainable technology cluster, which will derive most of the demand for its products or services from the private sector, and which will support departmental missions at the participating National Laboratory or single-purpose research facility;

(C) the potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating National Laboratory or single-purpose research facility to achieve its departmental mission or the commercial development of technological innovations made at the participating National Laboratory or single-purpose research facility;

(D) the commitment shown by non-Federal organizations to the project, based primarily on the nature and amount of the financial and other resources they will risk on the project;

(E) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the missions of the participating National Laboratory or single-purpose research facility and that will make substantive contributions to achieving the goals of the project;

(F) the extent of participation in the project by agencies of State, tribal, or local governments that will make substantive contributions to achieving the goals of the project;

(G) the extent to which the project focuses on promoting the development of technology-related business concerns that are small business concerns or involves such small business concerns substantively in the project; and

(H) such other criteria as the Secretary determines to be appropriate.

(f) **REPORT TO CONGRESS.**—Not later than January 1, 2004, the Secretary shall report to

Congress on whether the Technology Infrastructure Program should be continued and, if so, how the program should be managed.

(g) **DEFINITIONS.**—In this section:

(1) **TECHNOLOGY CLUSTER.**—The term “technology cluster” means a concentration of—

(A) technology-related business concerns;

(B) institutions of higher education; or

(C) other nonprofit institutions,

that reinforce each other's performance in the areas of technology development through formal or informal relationships.

(2) **TECHNOLOGY-RELATED BUSINESS CONCERN.**—The term “technology-related business concern” means a for-profit corporation, company, association, firm, partnership, or small business concern that—

(A) conducts scientific or engineering research,

(B) develops new technologies,

(C) manufactures products based on new technologies, or

(D) performs technological services.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary for activities under this section \$10,000,000 for each of fiscal years 2003 and 2004.

SEC. 1409. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) **SMALL BUSINESS ADVOCATE.**—The Secretary shall require the Director of each National Laboratory, and may require the Director of a single-purpose research facility, to appoint a small business advocate to—

(1) increase the participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurement, collaborative research, technology licensing, and technology transfer activities conducted by the National Laboratory or single-purpose research facility;

(2) report to the Director of the National Laboratory or single-purpose research facility on the actual participation of small business concerns in procurement and collaborative research along with recommendations, if appropriate, on how to improve participation;

(3) make available to small business concerns training, mentoring, and clear, up-to-date information on how to participate in the procurement and collaborative research, including how to submit effective proposals;

(4) increase the awareness inside the National Laboratory or single-purpose research facility of the capabilities and opportunities presented by small business concerns; and

(5) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or single-purpose research facility.

(b) **ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.**—The Secretary shall require the Director of each National Laboratory, and may require the director of a single-purpose research facility, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or single-purpose research facility; or

(2) general technical assistance, the cost of which shall not exceed \$10,000 per instance of assistance, to improve the small business concern's products or services.

(c) **USE OF FUNDS.**—None of the funds expended under subsection (b) may be used for direct grants to the small business concerns.

(d) **DEFINITIONS.**—In this section:

(1) **SMALL BUSINESS CONCERN.**—The term “small business concern” has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632).

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS.—The term “socially and economically disadvantaged small business concerns” has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)).

SEC. 1410. OTHER TRANSACTIONS.

(a) IN GENERAL.—Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following:

“(g) OTHER TRANSACTIONS AUTHORITY.—(1) In addition to other authorities granted to the Secretary to enter into procurement contracts, leases, cooperative agreements, grants, and other similar arrangements, the Secretary may enter into other transactions with public agencies, private organizations, or persons on such terms as the Secretary may deem appropriate in furtherance of basic, applied, and advanced research functions now or hereafter vested in the Secretary. Such other transactions shall not be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908).

“(2)(A) The Secretary of Energy shall ensure that—

“(i) to the maximum extent practicable, no transaction entered into under paragraph (1) provides for research that duplicates research being conducted under existing programs carried out by the Department of Energy; and

“(ii) to the extent that the Secretary determines practicable, the funds provided by the Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction.

“(B) A transaction authorized by paragraph (1) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

“(3)(A) The Secretary shall not disclose any trade secret or commercial or financial information submitted by a non-Federal entity under paragraph (1) that is privileged and confidential.

“(B) The Secretary shall not disclose, for five years after the date the information is received, any other information submitted by a non-Federal entity under paragraph (1), including any proposal, proposal abstract, document supporting a proposal, business plan, or technical information that is privileged and confidential.

“(C) The Secretary may protect from disclosure, for up to five years, any information developed pursuant to a transaction under paragraph (1) that would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a Federal agency.”

(b) IMPLEMENTATION.—Not later than six months after the date of enactment of this section, the Department shall establish guidelines for the use of other transactions.

SEC. 1411. MOBILITY OF SCIENTIFIC AND TECHNICAL PERSONNEL.

Not later than two years after the enactment of this section, the Secretary, acting through the Technology Transfer Coordinator under section 1407, shall determine whether each contractor operating a National Laboratory or single-purpose research facility has policies and procedures that do not create disincentives to the transfer of scientific and technical personnel among the contractor-operated National Laboratories or contractor-operated single-purpose research facilities.

SEC. 1412. NATIONAL ACADEMY OF SCIENCES REPORT.

Within 90 days after the date of enactment of this Act, the Secretary shall contract with the National Academy of Sciences to—

(1) conduct a study on the obstacles to accelerating the innovation cycle for energy technology, and

(2) report to the Congress recommendations for shortening the cycle of research, development, and deployment.

SEC. 1413. REPORT ON TECHNOLOGY READINESS AND BARRIERS TO TECHNOLOGY TRANSFER.

(a) IN GENERAL.—The Secretary, acting through the Technology Partnership Working Group and in consultation with representatives of affected industries, universities, and small business concerns, shall—

(1) assess the readiness for technology transfer of energy technologies developed through projects funded from appropriations authorized under subtitles A through D of title XIV, and

(2) identify barriers to technology transfer and cooperative research and development agreements between the Department or a National Laboratory and a non-federal person; and

(3) make recommendations for administrative or legislative actions needed to reduce or eliminate such barriers.

(b) REPORT.—The Secretary provide a report to Congress and the President on activities carried out under this section not later than one year after the date of enactment of this section, and shall update such report on a biennial basis, taking into account progress toward eliminating barriers to technology transfer identified in previous reports under this section.

TITLE XV—PERSONNEL AND TRAINING

SEC. 1501. WORKFORCE TRENDS AND TRAINEESHIP GRANTS.

(a) WORKFORCE TRENDS.—

(1) MONITORING.—The Secretary of Energy (in this title referred to as the “Secretary”), acting through the Administrator of the Energy Information Administration, in consultation with the Secretary of Labor, shall monitor trends in the workforce of skilled technical personnel supporting energy technology industries, including renewable energy industries, companies developing and commercializing devices to increase energy efficiency, the oil and gas industry, nuclear power industry, the coal industry, and other industrial sectors as the Secretary may deem appropriate.

(2) ANNUAL REPORTS.—The Administrator of the Energy Information Administration shall include statistics on energy industry workforce trends in the annual reports of the Energy Information Administration.

(3) SPECIAL REPORTS.—The Secretary shall report to the appropriate committees of Congress whenever the Secretary determines that significant shortfalls of technical personnel in one or more energy industry segments are forecast or have occurred.

(b) TRAINEESHIP GRANTS FOR TECHNICALLY SKILLED PERSONNEL.—

(1) GRANT PROGRAMS.—The Secretary shall establish grant programs in the appropriate offices of the Department to enhance training of technically skilled personnel for which a shortfall is determined under subsection (a).

(2) ELIGIBLE INSTITUTIONS.—As determined by the Secretary to be appropriate to the particular workforce shortfall, the Secretary shall make grants under paragraph (1) to—

(A) an institution of higher education;

(B) a postsecondary educational institution providing vocational and technical education (within the meaning given those terms in section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2302));

(C) appropriate agencies of State, local, or tribal governments; or

(D) joint labor and management training organizations with state or federally recog-

nized apprenticeship programs and other employee-based training organizations as the Secretary considers appropriate.

(c) DEFINITION.—For purposes of this section, the term “skilled technical personnel” means journey and apprentice level workers who are enrolled in or have completed a state or federally recognized apprenticeship program and other skilled workers in energy technology industries.

(d) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as may be necessary for each fiscal year.

SEC. 1502. POSTDOCTORAL AND SENIOR RESEARCH FELLOWSHIPS IN ENERGY RESEARCH.

(a) POSTDOCTORAL FELLOWSHIPS.—The Secretary shall establish a program of fellowships to encourage outstanding young scientists and engineers to pursue postdoctoral research appointments in energy research and development at institutions of higher education of their choice. In establishing a program under this subsection, the Secretary may enter into appropriate arrangements with the National Academy of Sciences to help administer the program.

(b) DISTINGUISHED SENIOR RESEARCH FELLOWSHIPS.—The Secretary shall establish a program of fellowships to allow outstanding senior researchers in energy research and development and their research groups to explore research and development topics of their choosing for a fixed period of time. Awards under this program shall be made on the basis of past scientific or technical accomplishment and promise for continued accomplishment during the period of support, which shall not be less than 3 years.

(c) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as may be necessary for each fiscal year.

SEC. 1503. TRAINING GUIDELINES FOR ELECTRIC ENERGY INDUSTRY PERSONNEL.

(a) MODEL GUIDELINES.—The Secretary shall, in cooperation with electric generation, transmission, and distribution companies and recognized representatives of employees of those entities, develop model employee training guidelines to support electric supply system reliability and safety.

(b) CONTENT OF GUIDELINES.—The guidelines under this section shall include—

(1) requirements for worker training, competency, and certification, developed using criteria set forth by the Utility Industry Group recognized by the National Skill Standards Board; and

(2) consolidation of existing guidelines on the construction, operation, maintenance, and inspection of electric supply generation, transmission and distribution facilities such as those established by the National Electric Safety Code and other industry consensus standards.

SEC. 1504. NATIONAL CENTER ON ENERGY MANAGEMENT AND BUILDING TECHNOLOGIES.

The Secretary shall establish a National Center on Energy Management and Building Technologies, to carry out research, education, and training activities to facilitate the improvement of energy efficiency and indoor air quality in industrial, commercial and residential buildings. The National Center shall be established in cooperation with—

(1) recognized representatives of employees in the heating, ventilation, and air conditioning industry;

(2) contractors that install and maintain heating, ventilation and air conditioning systems and equipment;

(3) manufacturers of heating, ventilation and air-conditioning systems and equipment;

(4) representatives of the advanced building envelope industry, including design, windows, lighting, and insulation industries; and

(5) other entities as appropriate.

SEC. 1505. IMPROVED ACCESS TO ENERGY-RELATED SCIENTIFIC AND TECHNICAL CAREERS.

(a) DEPARTMENT OF ENERGY SCIENCE EDUCATION PROGRAMS.—

Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended by adding at the end the following:

“(c) PROGRAMS FOR WOMEN AND MINORITY STUDENTS.—In carrying out a program under subsection (a), the Secretary shall give priority to activities that are designed to encourage women and minority students to pursue scientific and technical careers.”.

(b) PARTNERSHIPS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, HISPANIC-SERVING INSTITUTIONS, AND TRIBAL COLLEGES.—The Department of Energy Science Education Enhancement Act (42 U.S.C. 7381 et seq.) is amended—

(1) by redesignating sections 3167 and 3168 as sections 3168 and 3169, respectively; and

(2) by inserting after section 3166 the following:

“SEC. 3167. PARTNERSHIPS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, HISPANIC-SERVING INSTITUTIONS, AND TRIBAL COLLEGES.

“(a) DEFINITIONS.—In this section:

“(1) HISPANIC-SERVING INSTITUTION.—The term ‘Hispanic-serving institution’ has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

“(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ‘historically Black college or university’ has the meaning given the term ‘part B institution’ in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

“(3) NATIONAL LABORATORY.—The term ‘National Laboratory’ has the meaning given the term in section 1203 of the Energy Science and Technology Enhancement Act of 2002.

“(4) SCIENCE FACILITY.—The term ‘science facility’ has the meaning given the term ‘single-purpose research facility’ in section 1401 of the Energy Science and Technology Enhancement Act of 2002.

“(5) TRIBAL COLLEGE.—The term ‘tribal college’ has the meaning given the term ‘tribally controlled college or university’ in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)).

“(b) EDUCATION PARTNERSHIP.—

“(1) IN GENERAL.—The Secretary shall direct the Director of each National Laboratory, and may direct the head of any science facility, to increase the participation of historically Black colleges or universities, Hispanic-serving institutions, or tribal colleges in activities that increase the capacity of the historically Black colleges or universities, Hispanic-serving institutions, or tribal colleges to train personnel in science or engineering.

“(2) ACTIVITIES.—An activity under paragraph (1) may include—

“(A) collaborative research;

“(B) a transfer of equipment;

“(C) training of personnel at a National Laboratory or science facility; and

“(D) a mentoring activity by personnel at a National Laboratory or science facility.

“(c) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the activities carried out under this section.”.

DIVISION F—TECHNOLOGY ASSESSMENT AND STUDIES

TITLE XVI—TECHNOLOGY ASSESSMENT

SEC. 1601. NATIONAL SCIENCE AND TECHNOLOGY ASSESSMENT SERVICE.

The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following:

“TITLE VII—NATIONAL SCIENCE AND TECHNOLOGY ASSESSMENT SERVICE

“SEC. 701. ESTABLISHMENT.

“There is hereby created a Science and Technology Assessment Service (hereinafter referred to as the ‘Service’), which shall be within and responsible to the legislative branch of the Government.

“SEC. 702. COMPOSITION.

“The Service shall consist of a Science and Technology Board (hereinafter referred to as the ‘Board’) which shall formulate and promulgate the policies of the Service, and a Director who shall carry out such policies and administer the operations of the Service.

“SEC. 703. FUNCTIONS AND DUTIES.

“The Service shall coordinate and develop information for Congress relating to the uses and application of technology to address current national science and technology policy issues. In developing such technical assessments for Congress, the Service shall utilize, to the extent practicable, experts selected in coordination with the National Research Council.

“SEC. 704. INITIATION OF ACTIVITIES.

“Science and technology assessment activities undertaken by the Service may be initiated upon the request of—

“(1) the Chairman of any standing, special, or select committee of either House of the Congress, or of any joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members;

“(2) the Board; or

“(3) the Director.

“SEC. 705. ADMINISTRATION AND SUPPORT.

“The Director of the Science and Technology Assessment Service shall be appointed by the Board and shall serve for a term of 6 years unless sooner removed by the Board. The Director shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. The Director shall contract for administrative support from the Library of Congress.

“SEC. 706. AUTHORITY.

“The Service shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this section, including, but without being limited to, the authority to—

“(1) make full use of competent personnel and organizations outside the Office, public or private, and form special ad hoc task forces or make other arrangements when appropriate;

“(2) enter into contracts or other arrangements as may be necessary for the conduct of the work of the Office with any agency or instrumentality of the United States, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 51);

“(3) accept and utilize the services of voluntary and uncompensated personnel necessary for the conduct of the work of the Service and provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation; and

“(4) prescribe such rules and regulations as it deems necessary governing the operation and organization of the Service.

“SEC. 707. BOARD.

“The Board shall consist of 13 members as follows—

“(1) 6 Members of the Senate, appointed by the President pro tempore of the Senate, 3 from the majority party and 3 from the minority party;

“(2) 6 Members of the House of Representatives appointed by the Speaker of the House of Representatives, 3 from the majority party and 3 from the minority party; and

“(3) the Director, who shall not be a voting member.

“SEC. 708. REPORT TO CONGRESS.

“The Service shall submit to the Congress an annual report which shall include, but not be limited to, an evaluation of technology assessment techniques and identification, insofar as may be feasible, of technological areas and programs requiring future analysis. The annual report shall be submitted not later than March 15 of each year.

“SEC. 709. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Service such sums as are necessary to fulfill the requirements of this title.”.

TITLE XVII—STUDIES

SEC. 1701. REGULATORY REVIEWS.

(a) REGULATORY REVIEWS.—Not later than one year after the date of enactment of this section and every five years thereafter, each Federal agency shall review relevant regulations and standards to identify—

(1) existing regulations and standards that act as barriers to—

(A) market entry for emerging energy technologies (including fuel cells, combined heat and power, distributed power generation, and small-scale renewable energy), and

(B) market development and expansion for existing energy technologies (including combined heat and power, small-scale renewable energy, and energy recovery in industrial processes), and

(2) actions the agency is taking or could take to—

(A) remove barriers to market entry for emerging energy technologies and to market expansion for existing technologies,

(B) increase energy efficiency and conservation, or

(C) encourage the use of new and existing processes to meet energy and environmental goals.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this section, and every five years thereafter, the Director of the Office of Science and Technology Policy shall report to the Congress on the results of the agency reviews conducted under subsection (a).

(c) CONTENTS OF THE REPORT.—The report shall—

(1) identify all regulatory barriers to—

(A) the development and commercialization of emerging energy technologies and processes, and

(B) the further development and expansion of existing energy conservation technologies and processes,

(2) actions taken, or proposed to be taken, to remove such barriers, and

(3) recommendations for changes in laws or regulations that may be needed to—

(A) expedite the siting and development of energy production and distribution facilities,

(B) encourage the adoption of energy efficiency and process improvements,

(C) facilitate the expanded use of existing energy conservation technologies, and

(D) reduce the environmental impacts of energy facilities and processes through transparent and flexible compliance methods.

SEC. 1702. ASSESSMENT OF DEPENDENCE OF HAWAII ON OIL.

(a) **STUDY.**—Not later than 60 days after the enactment of this Act, the Secretary of Energy shall initiate a study that assesses the economic risk posed by the dependence of Hawaii on oil as the principal source of energy.

(b) **SCOPE OF THE STUDY.**—The Secretary shall assess—

(1) the short- and long-term threats to the economy of Hawaii posed by insecure supply and volatile prices;

(2) the impact on availability and cost of refined petroleum products if oil-fired electric generation is displaced by other sources;

(3) the feasibility of increasing the contribution of renewable sources to the overall energy requirements of Hawaii; and

(4) the feasibility of using liquid natural gas as a source of energy to supplement oil.

(c) **REPORT.**—Not later than 300 days after the date of enactment of this section, the Secretary shall prepare, in consultation with appropriate agencies of the State of Hawaii, industry representatives, and citizen groups, and shall submit to Congress a report detailing the Secretary's findings, conclusions, and recommendations. The report shall include—

(1) a detailed analysis of the availability, economics, infrastructure needs, and recommendations to increase the contribution of renewable energy sources to the overall energy requirements of Hawaii; and

(2) a detailed analysis of the use of liquid natural gas, including—

(A) the availability of supply,

(B) economics,

(C) environmental and safety considerations,

(D) technical limitations,

(E) infrastructure and transportation requirements,

(F) siting and facility configurations, including—

(i) onshore and offshore alternatives, and

(ii) environmental and safety considerations of both onshore and offshore alternatives.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Energy such sums as may be necessary to carry out the purposes of this section.

SEC. 1703. STUDY OF SITING AN ELECTRIC TRANSMISSION SYSTEM ON AMTRAK RIGHT-OF-WAY.

(a) **STUDY.**—The Secretary of Energy shall contract with Amtrak to conduct a study of the feasibility of building and operating a new electric transmission system on the Amtrak right-of-way in the Northeast Corridor.

(b) **SCOPE OF THE STUDY.**—The study shall focus on siting the new system on the Amtrak right-of-way within the Northeastern Corridor between Washington, D.C., and New Rochelle, New York, including the Amtrak right-of-way between Philadelphia, Pennsylvania and Harrisburg, Pennsylvania.

(c) **CONTENTS OF THE STUDY.**—The study shall consider—

(1) alternative geographic configuration of a new electronic transmission system on the Amtrak right-of-way;

(2) alternative technologies for the system;

(3) the estimated costs of building and operating each alternative;

(4) alternative means of financing the system;

(5) the environmental risks and benefits of building and operating each alternative as well as environmental risks and benefits of building and operating the system on the Northeast Corridor rather than at other locations;

(6) engineering and technological obstacles to building and operating each alternative; and

(7) the extent to which each alternative would enhance the reliability of the electric transmission grid and enhance competition in the sale of electric energy at wholesale within the Northeast Corridor.

(d) **RECOMMENDATIONS.**—The study shall recommend the optimal geographic configuration, the optimal technology, the optimal engineering design, and the optimal means of financing for the new system from among the alternatives considered.

(e) **REPORT.**—The Secretary of Energy shall submit the completed study to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Energy and Commerce of the House of Representatives not later than 270 days after the date of enactment of this section.

(f) **DEFINITIONS.**—For purposes of this section—

(1) the term “Amtrak” means the National Railroad Passenger Corporation established under chapter 243 of title 49, United States Code; and

(2) the term “Northeast Corridor” shall have the meaning given such term under section 24102(7) of title 49, United States Code.

DIVISION G—ENERGY INFRASTRUCTURE SECURITY**TITLE XVIII—CRITICAL ENERGY INFRASTRUCTURE****Subtitle A—Department of Energy Programs****SEC. 1801. DEFINITIONS.**

In this title:

(1) **CRITICAL ENERGY INFRASTRUCTURE.**—

(A) **IN GENERAL.**—The term “critical energy infrastructure” means a physical or cyber-based system or service for—

(i) the generation, transmission or distribution of electric energy; or

(ii) the production, refining, or storage of petroleum, natural gas, or petroleum product—

the incapacity or destruction of which would have a debilitating impact on the defense or economic security of the United States.

(B) **EXCLUSION.**—The term shall not include a facility that is licensed by the Nuclear Regulatory Commission under section 103 or 104 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133 and 2134(b)).

(2) **DEPARTMENT; NATIONAL LABORATORY; SECRETARY.**—The terms “Department”, “National Laboratory”, and “Secretary” have the meaning given such terms in section 1203.

SEC. 1802. ROLE OF THE DEPARTMENT OF ENERGY.

Section 102 of the Department of Energy Organization Act (42 U.S.C. 7112) is amended by adding at the end the following:

“(20) To ensure the safety, reliability, and security of the nation's energy infrastructure, and to respond to any threat to or disruption of such infrastructure, through activities including—

“(A) research and development;

“(B) financial assistance, technical assistance, and cooperative activities with States, industry, and other interested parties; and

“(C) education and public outreach activities.”.

SEC. 1803. CRITICAL ENERGY INFRASTRUCTURE PROGRAMS.

(a) **PROGRAMS.**—In addition to the authorities otherwise provided by law (including section 1261), the Secretary is authorized to establish programs of financial, technical, or administrative assistance to—

(1) enhance the security of critical energy infrastructure in the United States;

(2) develop and disseminate, in cooperation with industry, best practices for critical energy infrastructure assurance; and

(3) protect against, mitigate the effect of, and improve the ability to recover from dis-

ruptive incidents affecting critical energy infrastructure.

(b) **REQUIREMENTS.**—A program established under this section shall—

(1) be undertaken in consultation with the advisory committee established under section 1804;

(2) have available to it the scientific and technical resources of the Department, including resources at a National Laboratory; and

(3) be consistent with any overall Federal plan for national infrastructure security developed by the President or his designee.

SEC. 1804. ADVISORY COMMITTEE ON ENERGY INFRASTRUCTURE SECURITY.

(a) **ESTABLISHMENT.**—The Secretary shall establish an advisory committee, or utilize an existing advisory committee within the Department, to advise the Secretary on policies and programs related to the security of U.S. energy infrastructure.

(b) **BALANCED MEMBERSHIP.**—The Secretary shall ensure that the advisory committee established or utilized under subsection (a) has a membership with an appropriate balance among the various interests related to energy infrastructure security, including—

(1) scientific and technical experts;

(2) industrial managers;

(3) worker representatives;

(4) insurance companies or organizations;

(5) environmental organizations;

(6) representatives of State, local, and tribal governments; and

(7) such other interests as the Secretary may deem appropriate.

(c) **EXPENSES.**—Members of the advisory committee established or utilized under subsection (a) shall serve without compensation, and shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the committee.

SEC. 1805. BEST PRACTICES AND STANDARDS FOR ENERGY INFRASTRUCTURE SECURITY.

The Secretary, in consultation with the advisory committee under section 1804, shall enter into appropriate arrangements with one or more standard-setting organizations, or similar organizations, to assist the development of industry best practices and standards for security related to protecting critical energy infrastructure.

Subtitle B—Department of the Interior Programs**SEC. 1811. OUTER CONTINENTAL SHELF ENERGY INFRASTRUCTURE SECURITY.**

(a) **DEFINITIONS.**—In this section:

(1) **APPROVED STATE PLAN.**—The term “approved State plan” means a State plan approved by the Secretary under subsection (c)(3).

(2) **COASTLINE.**—The term “coastline” has the same meaning as the term “coast line” as defined in subsection 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

(3) **CRITICAL OCS ENERGY INFRASTRUCTURE FACILITY.**—The term “OCS critical energy infrastructure facility” means—

(A) a facility located in an OCS Production State or in the waters of such state related to the production of oil or gas on the Outer Continental Shelf; or

(B) a related facility located in an OCS Production State or in the waters of such state that carries out a public service, transportation, or infrastructure activity critical to the operation of an Outer Continental Shelf energy infrastructure facility, as determined by the Secretary.

(4) DISTANCE.—The term “distance” means the minimum great circle distance, measured in statute miles.

(5) LEASED TRACT.—

(A) IN GENERAL.—The term “leased tract” means a tract that—

(i) is subject to a lease under section 6 or 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335, 1337) for the purpose of drilling for, developing, and producing oil or natural gas resources; and

(ii) consists of a block, a portion of a block, a combination of blocks or portions of blocks, or a combination of portions of blocks, as—

(I) specified in the lease; and

(II) depicted on an outer Continental Shelf official protraction diagram.

(B) EXCLUSION.—The term “leased tract” does not include a tract described in subparagraph (A) that is located in a geographic area subject to a leasing moratorium on January 1, 2001, unless the lease was in production on that date.

(6) OCS POLITICAL SUBDIVISION.—The term “OCS political subdivision” means a county, parish, borough or any equivalent subdivision of an OCS Production State all or part of which subdivision lies within the coastal zone (as defined in section 304(1) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(1)).

(7) OCS PRODUCTION STATE.—The term “OCS Production State” means the State of—

- (A) Alaska;
- (B) Alabama;
- (C) California;
- (D) Florida;
- (F) Louisiana;
- (G) Mississippi; or
- (H) Texas.

(8) PRODUCTION.—The term “production” has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(9) PROGRAM.—The term “program” means the Outer Continental Shelf Energy Infrastructure Security Program established under subsection (b).

(10) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—The term “qualified Outer Continental Shelf revenues” means all amounts received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any State, including bonus bids, rents, royalties (including payments for royalties taken in kind and sold), net profit share payments, and related late payment interest. Such term does not include any revenues from a leased tract or portion of a leased tract that is included within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2001, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2001.

(11) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(12) STATE PLAN.—The term “State plan” means a State plan described in subsection (b).

(b) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the “Outer Continental Shelf Energy Infrastructure Security Program,” under which the Secretary shall provide funds to OCS Production States to implement approved State plans to provide security against hostile and natural threats to critical OCS energy infrastructure facilities and support of any nec-

essary public service or transportation activities that are needed to maintain the safety and operation of critical energy infrastructure activities. For purposes of this program, restoration of any coastal wetland shall be considered to be an activity that secures critical OCS energy infrastructure facilities from a natural threat.

(c) STATE PLANS.—

(1) INITIAL PLAN.—Not later than 180 days after the date of enactment of this Act, to be eligible to receive funds under the program, the Governor of an OCS Production State shall submit to the Secretary a plan to provide security against hostile and natural threats to critical energy infrastructure facilities in the OCS Production State and to support any of the necessary public service or transportation activities that are needed to maintain the safety and operation of critical energy infrastructure facilities. Such plan shall include—

(A) the name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this section;

(B) a program for the implementation of the plan which describes how the amounts provided under this section will be used;

(C) a contact for each OCS political subdivision and description of how such political subdivisions will use amounts provided under this section, including a certification by the Governor that such uses are consistent with the requirements of this section; and

(D) Measures for taking into account other relevant Federal resources and programs.

(2) ANNUAL REVIEWS.—Not later than 1 year after the date of submission of the plan and annually thereafter, the Governor of an OCS Production State shall—

(A) review the approved State plan; and

(B) submit to the Secretary any revised State plan resulting from the review.

(3) APPROVAL OF PLANS.—

(A) IN GENERAL.—In consultation with appropriate Federal security officials and the Secretaries of Commerce and Energy, the Secretary shall—

(i) approve each State plan; or

(ii) recommend changes to the State plan.

(B) RESUBMISSION OF STATE PLANS.—If the Secretary recommends changes to a State plan under subparagraph (A)(ii), the Governor of the OCS Production State may re-submit a revised State plan to the Secretary for approval.

(4) AVAILABILITY OF PLANS.—The Secretary shall provide to Congress a copy of each approved State plan.

(5) CONSULTATION AND PUBLIC COMMENT.—

(A) CONSULTATION.—The Governor of an OCS Production State shall develop the State plan in consultation with Federal, State, and local law enforcement and public safety officials, industry, Indian tribes, the scientific community, and other persons as appropriate.

(B) PUBLIC COMMENT.—The Governor of an OCS Production State may solicit public comments on the State plan to the extent that the Governor determines to be appropriate.

(d) ALLOCATION OF AMOUNTS BY THE SECRETARY.—The Secretary shall allocate the amounts made available for the purposes of carrying out the program provided for by this section among OCS Production States as follows—

(1) 25 percent of the amounts shall be divided equally among OCS Production States; and

(2) 75 percent of the amounts shall be divided among OCS Production States on the basis of the proximity of each OCS Production State to offshore locations at which oil and gas are being produced.

(e) CALCULATION.—The amount for each OCS Production State under paragraph (d)(2) shall be calculated based on the ratio of qualified OCS revenues generated off the coastline of the OCS Production State to the qualified OCS revenues generated off the coastlines of all OCS Production States for the prior five-year period. Where there is more than one OCS Production State within 200 miles of a leased tract, the amount of each OCS Production State’s payment under paragraph (d)(2) for such leased tract shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as determined by the Secretary. A leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2001, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2001.

(f) PAYMENTS TO OCS POLITICAL SUBDIVISIONS.—Thirty-five percent of each OCS Production State’s allocable share as determined under subsection (e) shall be paid directly to the OCS political subdivisions by the Secretary based on the following formula:

(1) 25 percent shall be allocated based on the ratio of such OCS political subdivision’s population to the population of all OCS political subdivisions in the OCS Production State.

(2) 25 percent shall be allocated based on the ratio of such OCS political subdivision’s coastline miles to the coastline miles of all OCS political subdivisions in the OCS Production State. For purposes of this subsection, those OCS political subdivisions without coastlines shall be considered to have a coastline that is the average length of the coastlines of all political subdivisions in the state.

(3) 50 percent shall be allocated based on the relative distance of such OCS political subdivision from any leased tract used to calculate that OCS Production State’s allocation using ratios that are inversely proportional to the distance between the point in the coastal political subdivision closest to the geographic center of each leased tract or portion, as determined by the Secretary. For purposes of the calculations under this subparagraph, a leased tract or portion of a leased tract shall be excluded if the leased tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2001, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2001.

(g) FAILURE TO HAVE PLAN APPROVED.—Any amount allocated to an OCS Production State or OCS political subdivision but not disbursed because of a failure to have an approved Plan under this section shall be allocated equally by the Secretary among all other OCS Production States in a manner consistent with this subsection except that the Secretary shall hold in escrow such amount until the final resolution of any appeal regarding the disapproval of a plan submitted under this section. The Secretary may waive the provisions of this paragraph and hold an OCS Production State’s allocable share in escrow if the Secretary determines that such State is making a good faith effort to develop and submit, or update, a Plan.

(h) USE OF AMOUNTS ALLOCATED BY THE SECRETARY.—

(1) IN GENERAL.—Amounts allocated by the Secretary under subsection (d) may be used

only in accordance with a plan approved pursuant to subsection (c) for—

(A) activities to secure critical OCS energy infrastructure facilities from human or natural threats; and

(B) support of any necessary public service or transportation activities that are needed to maintain the safety and operation of critical OCS energy infrastructure facilities.

(2) RESTORATION OF COASTAL WETLAND.—For the purpose of subparagraph (1)(A), restoration of any coastal wetland shall be considered to be an activity that secures critical OCS energy infrastructure facilities from a natural threat.

(i) FAILURE TO HAVE USE.—Any amount allocated to an OCS political subdivision but not disbursed because of a failure to have a qualifying use as described in subsection (h) shall be allocated by the Secretary to the OCS Production State in which the OCS political subdivision is located except that the Secretary shall hold in escrow such amount until the final resolution of any appeal regarding the use of the funds.

(j) COMPLIANCE WITH AUTHORIZED USES.—If the Secretary determines that any expenditure made by an OCS Production State or an OCS political subdivision is not consistent with the uses authorized in subsection (h), the Secretary shall not disburse any further amounts under this section to that OCS Production State or OCS political subdivision until the amounts used for the inconsistent expenditure have been repaid or obligated for authorized uses.

(k) RULEMAKING.—The Secretary may promulgate such rules and regulations as may be necessary to carry out the purposes of this section, including rules and regulations setting forth an appropriate process for appeals.

(1) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated \$450,000,000 for each of the fiscal years 2003 through 2008 to carry out the purposes of this section.

ORDERS FOR THURSDAY, FEBRUARY 28, 2002

Mr. REID, Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m., Thursday, February 28; that 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 there be a period of morning business until 11 a.m. with Senators permitted to speak for up to 10 minutes each; further, at 11 a.m., the Senate resume consideration of the election reform bill.

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

ADJOURNMENT UNTIL TOMORROW

Mr. REID, Mr. President, I believe there is no further business to come before the Senate this evening. Therefore, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:15 p.m., adjourned until Thursday, February 28, 2002, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 27, 2002:

NATIONAL CREDIT UNION ADMINISTRATION

DEBORAH MATZ, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING AUGUST 2, 2005, VICE GEOFF BACINO, TO WHICH POSITION SHE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM DECEMBER 20, 2001, TO JANUARY 23, 2002.

DEPARTMENT OF STATE

LAWRENCE E. BUTLER, OF MAINE, 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 FORMER YUGOSLAV REPUBLIC OF MACEDONIA.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

J. RUSSELL GEORGE, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE LUISE S. JORDAN, RESIGNED.

DEPARTMENT OF LABOR

VICTORIA A. LIPNIC, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE BERNARD E. ANDERSON.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NAOMI SHIHAB NYE, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006. (REAPPOINTMENT)

CENTRAL INTELLIGENCE

JOHN LEONARD HELGERSON, OF VIRGINIA, TO BE INSPECTOR GENERAL, CENTRAL INTELLIGENCE AGENCY, VICE L. BRITT SNIDER, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID H. CONROY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

EDWARD A. LAFERTY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

JOHN W. BAKER, 0000

LONNIE B. BARKER, 0000

ALFRED W. BRIDGEMAN, 0000

MICHAEL C. COGGINS, 0000

RICHARD M. * ERIKSON, 0000

GERALD S. HENRY, 0000

JOSEPH D. LIM, 0000

HARRY P. MATHIS III, 0000

TIMOTHY M. STURGILL, 0000

MICHAEL S. TINNON, 0000

JOSEPH P. M. VU, 0000

MICHAEL J. WEBER, 0000

DAVID E. WILSHEK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

AMY J. ALTEMUS, 0000

MICHAEL J. ANDERSEN, 0000

SARITHA R. ANJILVEL, 0000

KENNETH A. ARNOLD, 0000

RENEE T. BENNETT, 0000

DONNIE W. BETHEL, 0000

JAMES C. BUCKELS, 0000

JAMES R. CANTRALL, 0000

GUILLERMO R. CARRANZA, 0000

DAVID S. CASTRO, 0000

LOUIS J. CHERRY, 0000

KERIC B.O. CHIN, 0000

DOUGLAS P. CORDOVA, 0000

THOMAS J. COUTURE, 0000

DAVID S. DALES, 0000

EDWIN H. DANIEL JR., 0000

RICHARD D. DESSON, 0000

DAVID J. DUSSEAU, 0000

STEVEN J. EHLENBECK, 0000

RUPINDER S. GILL, 0000

THOMAS J. HELGET, 0000

TERESA K. HOLLING SWORTH, 0000

GARY M. JACKSON, 0000

JOSEPH D. JACOBSON, 0000

CHARLIE M. JOHNSONWRIGHT, 0000

PHILLIP J. KAUFFMAN, 0000

DAVID A.G. KENDRICK, 0000

PETER R. MARKSTEINER, 0000

CHRISTOPHER A. * MATHEWS, 0000

MICHAEL L. MCINTYRE, 0000

CRAIG G. MILLER, 0000

JAY W. MOUNKES, 0000

JEFFREY S. PALMER, 0000

PERRY J. PELOQUIN, 0000

JENNIFER R. RIDER, 0000
JORGE H. ROMERO, 0000
JEFFREY P. RUDE, 0000
VERNOLA A. SCHLEGEL, 0000
STEPHEN M. SHREWSBURY, 0000
JEFFREY J. SLAGLE, 0000
MARGO A. STONE, 0000
MARK S. TESKEY, 0000
KENNETH M. THEURER, 0000
LISA L. TURNER, 0000
DONNA M. VERCHIO, 0000
THOMAS R. WILLIAMS II, 0000
THOMAS F. ZIMMERMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOSEPH J. BALAS, 0000
KATHI O. BECKMAN, 0000
JOHN M. BEERY, 0000

CHARLES H. BLAKESLEE JR., 0000

DAVID W. BOBB, 0000

CYNTHIA E. BROWN, 0000

JOSEPH D. CALLISTER, 0000

DAVID T. CAREY, 0000

CHARLES R. CARLTON JR., 0000

BRIDGET K. CARR, 0000

CRAIG J. CHRISTENSON, 0000

MICHAEL E. CHULICK, 0000

JEFFREY A. CIGRANG, 0000

DAVID COHEN, 0000

RANDALL S. COLLINS, 0000

JOHN M. DATENA, 0000

CHARLOTTE Y. DAVIS, 0000

THOMAS P. DEVENOGE, 0000

RICHARD G. EDDINGTON, 0000

ELLEN C. ENGLAND, 0000

NANCY K. FAGAN, 0000

STEPHEN D. FAIRCCHILD, 0000

DAVID M. FARRELL, 0000

DENNIS W. FAY, 0000

RICARDO GARCIA III, 0000

DENISE T. GREEN, 0000

STEPHEN T. GREGOIRE, 0000

KEITH M. GROTH, 0000

SAMUEL D. HALL III, 0000

ALVIS W. HEADEN III, 0000

ANNE P. HEINLY, 0000

SANDRA J. HESTER, 0000

STEVEN R. HINTEN, 0000

WILLIAM V. HOAK, 0000

DOUGLAS C. HODGE, 0000

MARIA D. IONESCU, 0000

KRISTINE M. KRUMINSLINEHAN, 0000

PETER T. LAPUMA, 0000

CYNTHIA L. LEE, 0000

TAMMY J. LINDBERG, 0000

BAILEY H. MAPP, 0000

VALERIE E. MARTINDALE, 0000

EUGENE S. MONTANO, 0000

ALLEN R. NAUGLE, 0000

GHITIANA M. OATIS, 0000

KEVIN S. PURVIS, 0000

SARA M. RAMIREZ, 0000

DANIEL E. REISER, 0000

LONDON S. RICHARD, 0000

MELANIE F. RICHARDSON, 0000

RONALD T. RIPPETOE, 0000

KIMBERLY J. ROBINSON, 0000

LAURA J. ROSAMOND, 0000

KENNETH R. RUSSELL JR., 0000

CHERYL S. SCAGLIONE, 0000

ERIC A. SHALITA, 0000

MARK E. SMALLWOOD, 0000

JEANNE K. SMITH, 0000

LISA SMITH, 0000

LAURA R.P. STAHL, 0000

BRIAN K. STANTON, 0000

FRED P. STONE, 0000

JAY M. STONE, 0000

WADE H. WEISMAN JR., 0000

ANDREW P. WIDGER, 0000

ROBERT W. WISHTSCHIN, 0000

MARK C. WROBEL, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHELLE D. ADAMS, 0000

BRIAN D. ANDERSON, 0000

MICHAEL E. BAGWELL, 0000

LISA M. BENSON, 0000

THOMAS M. BERGMANN, 0000

JEFFREY P. BLISE, 0000

JOYCE K. BORGFELD, 0000

ALLISON W. BOWDEN, 0000

GLORIA S. BOWDEN, 0000

CYNTHIA H. BRADLEY, 0000

PATRICIA A. BROWN, 0000

DARLENE R. BRUNNEN, 0000

MARLA D. BUCKLES, 0000

RALPH T. BUDEMMEYER JR., 0000

ELAINA L. CAMPBELL, 0000

JEANNE L. CAMPBELL, 0000

LILLY B. CHRISMAN, 0000

LESLIE M. CLARAVALL, 0000

DEBORAH A. CLEARY, 0000

STEPHANIE A. CONDROUN, 0000

GRETCHEN A. CUSACK, 0000

JUDITH M. DALY, 0000

TAMMY D. DE LEON, 0000

LORENE R.A. DEHAARTE, 0000

DIANE L. DEYAK, 0000

DOROTHY E. DIZMANG, 0000
 LESLIE K. DROEGE, 0000
 RICHARD H. EAVES, 0000
 MARILEE L. EDWARDS, 0000
 JOYCELYN ELAIIHO, 0000
 HARRIET ERICKSON, 0000
 GLENN R. ERMER, 0000
 JOSE A. ESTELA JR., 0000
 THOMAS J. EVANS, 0000
 BETH A. EWING, 0000
 JOHN R. EWING, 0000
 MATTHEW A. FAGERT, 0000
 TOMMI L. GILL, 0000
 KATRINA A. GLAVAN, 0000
 JORGE L. GOMEZDIAZ, 0000
 CARLA K. GRAVES, 0000
 ANN K. HAKENSON, 0000
 LAURIE A. HALL, 0000
 VIVIAN C. HARRIS, 0000
 SUSAN L. HEGLAR, 0000
 DONNA M. HEITER, 0000
 JANE C. HENDRICKS, 0000
 MARY M. HIGGINS, 0000
 MARK S. HOLLAND, 0000
 PATRICIA HUGHES, 0000
 ELLIS R. JACKSON, 0000
 ANDREW J. JORGENSEN, 0000
 JUDITH A. KINCAID, 0000
 KAREN M. KINNE, 0000
 MAUREEN A. KOCH, 0000
 BARBARA L. KUHN, 0000
 MOLLY J. KUSIK, 0000
 BRIDGET L. LAREW, 0000
 MARYBETH S. LENZ, 0000
 BARBARA J. LIPPARD, 0000
 ROBERT J. MARKS, 0000
 BARBARA M. MASON, 0000
 TAMARA S. MATTER, 0000
 CATHERINE F. MATTIE, 0000
 EUGENE A. MCADOO, 0000
 SHAE MCCOMAS, 0000
 IVONNE Q. MUEHLENWEG, 0000
 CORINNE O'MEARA NAUGHTON, 0000
 WILLIAM R. OSBORNE, 0000
 KELLY R. PRESTON, 0000
 CHERYL A. REILLY, 0000
 CATHERINE A. RICE, 0000
 MARY E. ROBINSON, 0000
 SHERRY J. SASSER, 0000
 REBECCA SCHLICK, 0000
 DENISE R. SCHRADER, 0000
 CHRISTINE R. SINKULA, 0000
 PATRICIA A. SKELTON, 0000
 BEVERLY J. SMITH, 0000
 DELAINE R. SMITH, 0000
 ROBERT R. SMITH, 0000
 STEPHANIE D. SMITH, 0000
 ANNE C. SPROUL, 0000
 ROBIN E. SQUELLATI, 0000
 BRENDA J. STRAND, 0000
 CECELIA W. SUTTON, 0000
 KELLI J. B. THOMAS, 0000
 SANDRA C. TYNES, 0000
 RICK L. WADE, 0000
 ROSEANNE C. WARNER, 0000
 WENDY J. WARNER, 0000
 KAREN L. WEIS, 0000
 CAROL L. WESTFALL, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

ROBERT K. ABERNATHY, 0000
 EMIL E. ABRAHAM, 0000
 WILLIAM P. ACKER JR., 0000
 CHRISTOPHER F. ACKERSON, 0000
 JOHN P. ADAMO, 0000
 BRENT ADAMS, 0000
 DONALD R. ADAMS JR., 0000
 BONNIE N. ADKINS, 0000
 DAVID S. ADEER, 0000
 DAVID J. AIROLI, 0000
 KEITH A. ALBRECHT, 0000
 DAVID J. ALCORN, 0000
 GARY E. ALDRICH, 0000
 TY G. ALEXANDER, 0000
 THOMAS J. ALICATA III, 0000
 CARL D. ALLEN, 0000
 JARA N. ALLEN, 0000
 PATRICK R. ALLEN, 0000
 RANDY S. ALLEN, 0000
 RUFUS D. ALLEN JR., 0000
 KENNETH ALLISON, 0000
 RICHARD J. ALLISON, 0000
 ELIZABETH O. ALMEIDA, 0000
 ROBERT W. ALTON, 0000
 ANTHONY L. AMADEO, 0000
 WILLIAM J. AMES, 0000
 JAMES L. ANDERSEN, 0000
 DAVID M. ANDERSON, 0000
 DEAN J. ANDERSON, 0000
 GEORGE J. ANDERSON, 0000
 KEVIN J. ANDERSON, 0000
 REID R. ANDERSON, 0000
 STEVEN N. ANDRASZ, 0000
 KAREN D. ANGERL, 0000
 SALVADOR ARANGO II, 0000
 MARK A. ARBOGAST, 0000
 TIMOTHY J. ARCH, 0000
 NINA M. ARMAGNO, 0000
 JOHN L. ARMANTROUT, 0000
 ERIC R. ARMSTRONG, 0000
 MERRILL F. ARMSTRONG, 0000

EDWARD A. ARRINGTON, 0000
 WILLIAM H. ARRINGTON III, 0000
 MITCHELL B. ASHMORE, 0000
 ROBERT T. ATKINS, 0000
 DONALD L. ATKINSON, 0000
 KORVIN D. AUCH, 0000
 JAMES R. AUCLAIR, 0000
 CHRISTOPHER S. AUSTIN, 0000
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 DAVID P. AVERY, 0000
 JOHN F. AX, 0000
 JAY C. BACHHUBER, 0000
 FREDERICK C. BACON, 0000
 PETER C. BAHM, 0000
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 CALVIN D. BALL, 0000
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 CHRIS BARGER, 0000
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 SAM C. BARRETT, 0000
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 ALISON M. BASINGER, 0000
 LORI M. BASS, 0000
 TERENCE P. BAUGH, 0000
 CATHERINE A. BAUM, 0000
 T. W. BEAGLE JR., 0000
 JOSEPH V. BEALKOWSKI JR., 0000
 CHARLES L. BEAMES, 0000
 SETH BEAUBIEN, 0000
 ARTHUR F. BEAUCHAMP, 0000
 NICKY L. BECKWITH, 0000
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 JOSEPH J. BESSLEMAN III, 0000
 MARY E. BIGGS, 0000
 JOHN D. BIRD II, 0000
 GEORGE W. BIRSC IV, 0000
 JEB S. BISHOP, 0000
 SCOTT C. BISHOP, 0000
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 JAMES T. BOLLES, 0000
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 GARY J. BONTLY, 0000
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 GARY W. BRANDSTROM, 0000
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 HERALDO B. BRUAL, 0000
 ROBERT B. BRUMLEY II, 0000
 ALFRED E. BRUNER, 0000
 JOHN P. BRYANT IV, 0000
 RONALD M. BRYANT JR., 0000
 KENRYU M. BRYSON, 0000
 DAVID T. BUCKMAN, 0000
 MARK C. BUERKLE, 0000
 CARL A. BUHER, 0000
 GEORGE R. BUMILLER, 0000
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 EDWIN I. BURKHART, 0000
 WILLIAM E. BURTON JR., 0000
 TIMOTHY E. BUSH, 0000
 JEFFREY T. BUTLER, 0000
 RICHARD J. BUTLER, 0000
 JOHN B. BYRD, 0000
 CRAIG D. CADY, 0000
 GREGORY B. CAICEDO, 0000
 TIMOTHY TY CALDERWOOD, 0000
 SCOTT R. CALISTI, 0000
 DANIEL L. CALKINS, 0000
 JAMES E. CALNAN, 0000
 MARK D. CAMERER, 0000
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 ROBERT C. CAMPBELL JR., 0000
 CHRISTOPHER L. CANADA, 0000
 WAYNE A. CANIPE, 0000
 FELIX A. CAPALUNGAN, 0000
 JOHN T. CAPPELLO, 0000
 JAMES C. CARDINAL, 0000
 JAMES L. CARDOSO, 0000
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 TED B. CLEMENTS JR., 0000
 SARAH B. CLIAITT, 0000
 MARK E. CLINE, 0000
 JONATHAN C. CLOUGH, 0000
 JERRY R. COATE, 0000
 ALFORD C. COCCHIETEL, 0000
 LAVANSON C. COFFEY III, 0000
 JOHN T. COFFINDAFFER, 0000
 DAVID M. COHEN, 0000
 ROBERT H. COLE, 0000
 CYNTHIA B. COLIN, 0000
 JOHN E. COLLETTA, 0000
 PETER J. COLLINS, 0000
 JOHN M. COLOMBI, 0000
 JOSE E. COLON, 0000
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 CHRISTOPHER CONAWAY, 0000
 DAVID H. CONN, 0000
 LYNN F. CONNETT, 0000
 KEVIN D. CONRAD, 0000
 STANLEY K. CONTRADES, 0000
 SEBASTIAN M. CONVERTINO, 0000
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 DAVID LYNN COOPER, 0000
 DEANNA COOPER, 0000
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 WILLIAM P. CORCORAN, 0000
 ALLEN B. CORNELIUS II, 0000
 STAN CORNELIUS, 0000
 DAVID L. COSS, 0000
 DAVID A. COURCHENE, 0000
 ANDREW R. COX, 0000
 CHRIS D. CRAWFORD, 0000
 CLAY P. CRAWFORD, 0000
 DUANE T. CREAMER, 0000
 BRIAN J. CREELMAN, 0000
 TY R. CRESAP, 0000
 MICHAEL T. CROCKER, 0000
 DAVID J. CROW, 0000
 WILLIAM H. CUMLER, 0000
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 DONALD P. CURRAN, 0000
 CHESTER R. CURTIS JR., 0000
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 RODNEY B. DAVIDSON, 0000
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 CHARLES E. DAVIS III, 0000
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 JOHN H. DAVIS, 0000
 RANDY J. DAVIS, 0000
 JOHANN H. DAVISSON, 0000
 ENRIQUE T. DE LA GARZA, 0000
 PATRICK K. DEAN, 0000

DAVID S. DEARY, 0000
 GARY L. DEATON, 0000
 TIMOTHY L. DEEVER, 0000
 JON CHASE DECLERCK, 0000
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 MARK P. DEGROODT, 0000
 MONTGOMERY C. DEIHL, 0000
 CARL T. DEKEMPER, 0000
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 DAVID F. DEMARTINO, 0000
 EDWARD B. DENHOLM, 0000
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 STERLING P. DEPEW, 0000
 MARK R. DETCHEVERRY, 0000
 DEBORAH A. DETERMAN, 0000
 PHILIP R. DEVOE, 0000
 JOHN P. DEWINE, 0000
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 KEVEN B. DIAMOND, 0000
 VICTOR J. DIAZ JR., 0000
 DONALD A. DICKERSON, 0000
 STEVEN C. DIETZUS, 0000
 MARK W. DILLON, 0000
 ROBERT A. DISTAOLLO, 0000
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 JOHN L. DOLAN, 0000
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 KEVIN H. DOYLE, 0000
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 DARRELL A. DUBOSE, 0000
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 PATRICK D. DUGAS, 0000
 TODD M. DUGO, 0000
 DAWN M. DUNLOP, 0000
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 LARRY J. DUVAL, 0000
 KARL E. EAGER, 0000
 KENNETH L. ECHTERNACHT JR., 0000
 NORMAN L. ECKERT, 0000
 RICHARD J. EDGE JR., 0000
 RONNIE E. EDGE, 0000
 STEPHEN G. EDWARDS, 0000
 FRANK EFFRECE JR., 0000
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 ELDRÉD J. FOLSE, 0000
 SCOTT A. FOREST, 0000
 TIMOTHY A. FORSYTHE, 0000
 LAWRENCE O. FOUNTAIN, 0000
 JEROME M. FOWLER, 0000
 PRENTICE N. FOX, 0000
 MICHAEL R. FRANKEL, 0000
 JEFFREY E. FRANKHOUSER, 0000
 ROBERT E. FRANKLIN, 0000
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 BRIAN E. FREDRIKSSON, 0000
 TODD M. FEECE, 0000
 THOMAS FRENCH, 0000
 MARJORIE A. FULLER, 0000
 ROY J. FULLERTON JR., 0000
 BARBARA E. FURYKOLSON, 0000
 JOSEPH R. FUTCH, 0000
 GLENN C. FYFE, 0000
 GARY GAGLIARDI, 0000
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 JOSEPH M. GAINES, 0000
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 VON A. GARDINER, 0000
 JOHN D. GAREY, 0000
 STEVEN D. GARLAND, 0000
 LAWRENCE M. GATTI, 0000
 FRED W. GAUDLIP, 0000
 JOSEPH L. GAUTHIER JR., 0000
 AMANDO E. GAVINO, 0000
 MARTIN R. GEARHART, 0000
 THOMAS W. GEARY, 0000
 GREGORY A. S. GECOWETS, 0000
 FRANCIS J. GEISER III, 0000
 MICHAEL D. GENDRON, 0000
 DAVID E. GENEVISH, 0000
 CHRISTOPHER R. GENTRY, 0000
 KERRY M. GENTRY, 0000
 MARK J. GERKEN, 0000
 CHARLES S. GERSTENECKER, 0000
 PETER L. GETTS, 0000
 DAVID M. GIACHETTI, 0000
 ANDREW S. GIACONIA, 0000
 REX O. GIBSON, 0000
 THOMAS L. GIBSON, 0000
 JON F. GIESE, 0000
 SAMPSON GILBERT, 0000
 ROBERT N. GILCHRIST, 0000
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 DAVID L. GILLESPIE, 0000
 TERENCE J. GIVEN, 0000
 KEITH M. GIVENS, 0000
 ALAN R. GLADFELTER, 0000
 THOMAS F. GLARDEN, 0000
 JOHN A. GLAZE, 0000
 ALAN C. GLAZO, 0000
 LEAH F. GOERKE, 0000
 ROBERT V. GOERKE, 0000
 JAMES R. GOFF, 0000
 BRUCE A. GOLDSTEIN, 0000
 PAULA A. GOODE, 0000
 MARK R. GODELL, 0000
 PATRICK A. GOODMAN, 0000
 DAVID J. GOOL, 0000
 MICHAEL L. GOOLSBY, 0000
 DANIEL B. GORDON, 0000
 MICHAEL F. GOSNELL, 0000
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 DAVID C. GOULD II, 0000
 KEVIN A. GRADT, 0000
 WILLIAM E. GRAHAM, 0000
 BRADLEY K. GRAMBO, 0000
 STEVEN G. GRAY, 0000
 CURTIS L. GREEN, 0000
 CRAIG R. GREENWOOD, 0000
 THOMAS M. GRETTAN, 0000
 DOUGLAS E. GREGORY JR., 0000
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 KENNETH C. GRIER, 0000
 THOMAS C. GRIESSBAUM, 0000
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 JAMES L. GRIFFITH, 0000
 KEVIN H. GRILL, 0000
 DARRYL J. GRIMES, 0000
 LUKE G. GROSSMAN, 0000
 BERNARD J. GRUBER, 0000
 STEVEN M. GRUPENHAGEN, 0000
 JOSEPH T. GUASTELLA JR., 0000
 ROBERTO I. GUERRERO, 0000
 ROBERT B. GURNER, 0000
 TODD C. HACKETT, 0000
 DAVID E. HAFER JR., 0000
 GEORGE D. HAGY, 0000
 SCOTT A. HAINES, 0000
 CHARLES H. HAINLINE, 0000
 MICHAEL T. HALBIG, 0000
 PATRICK J. HALLORAN, 0000
 DOUGLAS M. HALSELL, 0000
 BRADLEY K. HAMMER, 0000
 AMY A. HAMMOND, 0000
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 DAVID T. HANAWAY, 0000
 THOMAS O. HANFORD, 0000
 ELIGAH HANKS, 0000
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 ANDREW E. HART, 0000
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 TIM D. HARTJE, 0000
 JAMES P. HARVEY, 0000
 WINIFORD L. HARVEY, 0000
 DAVID C. HATHAWAY, 0000
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 WALTER E. HAUSSNER, 0000
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 KIM D. HAWTHORNE, 0000
 JEFFREY E. HAYMOND, 0000
 MICHAEL D. HAYS, 0000
 RICHARD J. HAZDRA, 0000
 DEIRDRE HEALEY, 0000
 GLENN H. HECHT, 0000
 SCOT T. HECKMAN, 0000
 MICHAEL L. HEIDT, 0000
 TODD E. HEINLE, 0000
 SHARON A. HEISE, 0000
 BRUCE T. HELLEN, 0000
 PAUL J. HELT, 0000
 CHARLES HELWIG III, 0000
 GARY W. HENDERSON, 0000
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 MASAO HENDRIX, 0000
 ROBERT J. HENNING, 0000
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 LISA L. HENRYHAMILTON, 0000
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 THOMAS A. HENWOOD, 0000
 JEFFREY A. HERD, 0000
 MARK A. HERING, 0000
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 NORMAN B. HETZEL, 0000
 PHILIP L. HEZELTINE, 0000
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 ANTHONY C. * HIGUERA, 0000
 THOMAS H. HILDEBRANDT, 0000
 NATHAN E. HILL, 0000
 PETER J. HILL, 0000
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 FRANKLIN J. HINSON JR., 0000
 STEVEN T. HISS, 0000
 BENJAMIN P. HOBDAY, 0000
 ROBERT J. HOCK, 0000
 PETER D. HOFELICH, 0000
 JAMES J. HOGAN, 0000
 ROBERT S. HOLBA, 0000
 BENNY D. HOLBROOK, 0000
 WILLIAM P. HOLCOMB, 0000
 ERIC J. HOLDAWAY, 0000
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 EDGAR M. HOLLANDSWORTH, 0000
 PATRICK R. HOLLIBRAH, 0000
 DENISE M. HOLLYWOOD, 0000
 ELIZABETH J. HOLMES, 0000
 NANCY G. HOLT, 0000
 PHILLIP W. HOOVER, 0000
 STEVEN L. HOPKINS, 0000
 ANDREW M. HORTON, 0000
 MARK F. HOSTETTER, 0000
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 JOEL R. HUMNICUTT, 0000
 JOSEPH HUNT, 0000
 MARK W. HUNTER, 0000
 JOSEPH A. HUNTINGTON, 0000
 ROBERT E. HUTCHENS, 0000
 SHERYL L. HUTCHISON, 0000
 KENNETH J. HYATT, 0000
 WILLIAM M. IBENSON, 0000
 PETER W. INGRAM, 0000
 ANDREW D. INGRAM, 0000
 BILLY J. C. IRWIN, 0000
 ANN L. ISAACS, 0000
 WALTER L. ISENHOUR, 0000
 GORDON D. ISSLER, 0000
 LLOYD W. JACK, 0000
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 NICHOLAS G. JOHNSTON, 0000
 WESLEY R. JOLLY, 0000

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 SOREN K. JONES, 0000
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 WILLIAM G. JORDAN JR., 0000
 BARBARA J. JORGENSEN, 0000
 DAVID A. * JORGENSEN, 0000
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 CHRISTOPHER A. JOSEPH JR., 0000
 EDWARD L. JOSLIN, 0000
 THOMAS C. JOYCE, 0000
 DIMASALANG F. JUNIO, 0000
 CHRIS J. KAMPSEN, 0000
 PATRICK KANE, 0000
 ALEXANDER P. KARIBIAN, 0000
 DAVID A. KASBERG, 0000
 STEVEN M. KAUFFMANN, 0000
 CHRISTOPHER J. KAUFMAN, 0000
 DEREK B. KAUFMAN, 0000
 PAMELA J. KAUFMAN, 0000
 ROBERT H. S., KAUFMAN III, 0000
 DUANE J. KAUTZMANN, 0000
 RONALD G. KEARNS, 0000
 JOHN W. KEFFER, 0000
 WARREN L. KEITHLEY JR., 0000
 MATTHEW L. KELL, 0000
 CHARLES K. KELLEY, 0000
 BRIAN T. KELLY, 0000
 MARK D. KELLY, 0000
 MARTIN T. KENDRICK, 0000
 DAVID M. KENNEDY, 0000
 STEPHEN H. KENNEDY, 0000
 BRADFORD P. KENNEY, 0000
 JAMES E. KENT, 0000
 STEVEN D. KEPHART, 0000
 RONALD J. KIEHLAK JR., 0000
 WESLEY J. KIEL, 0000
 MICHAEL KIEFER, 0000
 JOHN A. KIMBALL III, 0000
 STEVEN A. KIMBALL, 0000
 GREGORY S. KIMBRELL, 0000
 JEFFREY D. KINDLEY, 0000
 CURTIS S. KINDRED, 0000
 SCOTT A. KINDSVATER, 0000
 KYLE S. KINGSFORD, 0000
 CHRISTOPHER J. KINNAN, 0000
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 KURT JAY KITT, 0000
 GARY R. KLETT, 0000
 MICHAEL T. KLOENNE, 0000
 BRETT W. KNAUB, 0000
 CLETE W. KNAUB, 0000
 CHRISTOPHER C. KNEHANS, 0000
 CRAIG J. KNIERIM, 0000
 JOHN B. KNOWLES, 0000
 DANIEL G. KNOX, 0000
 MICHAEL L. KNUDSON, 0000
 KORINA L. KOBYLARZ, 0000
 MARK P. KOCH, 0000
 ROBERT M. KOEHLER, 0000
 MARK S. KOOPMAN, 0000
 MUSTAFA R. KOPRUCU, 0000
 KENTON C. KORAN, 0000
 DAVID L. KOVACH, 0000
 JOHN W. KRAFT JR., 0000
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 KEITH R. KREBEGER, 0000
 JOHN C. KRESS, 0000
 NEAL F. KRINGEL, 0000
 OLGA M. KRIPNER, 0000
 MICHAEL J. KUCHT, 0000
 CHRISTOPHER T. KUGEL, 0000
 GARRY L. KUHN, 0000
 KYLE W. KUHN, 0000
 MARK L. KUNZ, 0000
 RUSSELL D. KURTZ, 0000
 CARL A. KUTSCH, 0000
 ROBERT D. LABRUTTA, 0000
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 ERIC M. LAGIER, 0000
 MICHAEL L. LAKOS, 0000
 GEORGE H. LAMONT, 0000
 RICHARD A. LANE, 0000
 MARK G. LANGENDERFER, 0000
 BILLY B. LANGFORD, 0000
 JAMES C. LANGFORD II, 0000
 TROY V. LANIER, 0000
 DAVID N. LARSON, 0000
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 JON A. LARVICK, 0000
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 GARY J. LEAVY, 0000
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 DAVID R. LEHOSIT, 0000
 MICHAEL E. LEIGHTON, 0000
 ERIC L. LEININGER, 0000
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 WILLIAM K. LEWIS, 0000
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 LAURIE J. LISEC, 0000
 STEPHEN W. LISKA, 0000
 NANCY A. LIVELY, 0000
 BRIAN J. LLOYD, 0000
 DONALD C. LOCKE JR., 0000
 PHIL LOCKLEAR, 0000
 JOHN M. LONGHINI, 0000
 JANNETTE T. LOOTENS, 0000
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 ERIC C. LORRAINE, 0000
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 PATRICK P. LUDFORD, 0000
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 JEAN MACINTYRE, 0000
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 DAVID H. MAHARREY JR., 0000
 DEIRDRE A. MAHON, 0000
 TERRENCE W. MAKI JR., 0000
 ROBERT L. MANESS, 0000
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 TODD W. MCCULLOUGH, 0000
 DENNIS P. MCDEVITT JR., 0000
 JOHN P. MCDEVITT JR., 0000
 MAURICE D. MCDONALD, 0000
 KEVIN A. MCFADDEN, 0000
 JOHN P. MCGARRITY, 0000
 KEVIN P. MCGLAUGHLIN, 0000
 FRANCIS M. MCGUIGAN, 0000
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 DONALD D. MCQUOWN, 0000
 MARY E. MCRAE, 0000
 STEVEN E. MCTIER, 0000
 CARL G. MCWICKER III, 0000
 CECIL A. MEDINA, 0000
 MARK E. MEDVEC, 0000
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 GARY R. MELUSEN, 0000
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 SEAN R. MERCADANTE, 0000
 SCOTT C. MERRELL, 0000
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 JAY D. MOHEIT, 0000
 ANDREW J. MOLNAR, 0000
 JOHN F. MONAHAN, 0000
 ROBERT E. MONROE, 0000
 POLLYANNA P. MONTGOMERY, 0000
 RONALD E. MONTGOMERY, 0000
 CHARLES L. MOORE JR., 0000
 CHRISTIAN E. MOORE, 0000
 JASON A. MOORE, 0000
 MICHAEL S. MOORE, 0000
 ESEQUIEL J. MORA JR., 0000
 PATRICK X. MORDENETE, 0000
 ALBERTO MORENOBONNET, 0000
 DAVID A. MORGAN, 0000
 JEFFREY W. MORGAN, 0000
 ROBERT A. MORIARTY, 0000
 MANSION O. MORRIS, 0000
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 PATRICK C. MORRIS, 0000
 SHAUN Q. MORRIS, 0000
 TIMOTHY R. MORRIS, 0000
 DARYL R. MORRISON, 0000
 WILLIAM R. MOSCHELLE, 0000
 SANDRA A. MOSCOVIC, 0000
 RANDY J. MOSER, 0000
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 RUSSELL A. NERO JR., 0000
 EDWARD J. NEVERA, 0000
 JOHN D. NEWBERRY, 0000
 JOHN NICASTRI, 0000
 CHRISTOPHER A. NICELY, 0000
 DONNA C. NICHOLSON, 0000
 CARL W. NICHOLSON, 0000
 TIMOTHY P. NICKERSON, 0000
 RICHARD A. NOBBES, 0000
 SALMAN M. NOJDMIAN, 0000
 DANIEL A. NOLLETTE, 0000
 THOMAS J. NOON, 0000
 PARKER W. NORTHROP III, 0000
 DANIEL E. NORTON, 0000
 MARCUS F. NOVAK, 0000
 MARK E. NUNN, 0000
 CHARLES P. NUSSMAN, 0000
 BRET L. NYANDER, 0000
 BRIAN E. OAKELEY, 0000
 JOHN S. OATES, 0000
 GARY W. OBERMEYER, 0000
 PRESTON E. OBRAY, 0000
 DOMINGO R. OCHOTORENA, 0000
 EARL B. ODOM III, 0000
 TRACY A. O'GRADY-WALSH, 0000
 STEVEN G. OLIVE, 0000
 JERALD G. OLIVER, 0000
 KIMBERLY A. OLSON, 0000
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 SEAN E. ONEAL, 0000
 TERRY M. ORNER, 0000
 RONALD A. ORTIZ, 0000
 DALE E. ORVEDAHL, 0000
 JAMES M. OUELLETTE, 0000
 MICHAEL T. OUELLETTE, 0000
 CHRISTOPHER W. OYERMAN, 0000
 JONATHAN H. OWENS, 0000
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 SABRINA T. S. OZISIK, 0000
 HENRY P. PANDES, 0000

KEITH J. PANNABECKER, 0000
 MARK W. PAPAN, 0000
 CHARLES H. PAPPAS, 0000
 GUY E. PARKER, 0000
 GEOFFREY S. PARKHURST, 0000
 GEORGE E. PARROTT III, 0000
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 JAMES R. PASSARO, 0000
 CHARLES W. PATNAUDE, 0000
 JOHN T. PATRICOLA, 0000
 CHRIS B. PATTERSON, 0000
 JOHN K. PATTERSON, 0000
 RICHARD V. PATTERSON, 0000
 MARC E. PATTI, 0000
 CREG D. PAULK, 0000
 JEFFREY B. PAXSON, 0000
 JOHN L. PECKO, 0000
 DAVID R. PEDERSEN, 0000
 PAMELA M. PEISTRUP, 0000
 VERNON L. PEPPERS, 0000
 LEE J. PERA, 0000
 RICKY D. PERALTA, 0000
 JOHN D. PEREZ, 0000
 DONALD E. PERKINS JR., 0000
 GERALD M. PERKINS, 0000
 LEE-ANN PERKINS, 0000
 MONTY R. PERRY, 0000
 STEVEN P. PETERS, 0000
 MICHAEL E. PETERSON, 0000
 GORDON D. PHILLIPS, 0000
 LISA M. PHILLIPS, 0000
 NEAL C. PHILLIPS, 0000
 TRENT A. PICKERING, 0000
 ERIC J. PIERCE, 0000
 GEORGE M. PIERCE II, 0000
 TODD M. PIERGROSSI, 0000
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 JOHN S. PIGEON, 0000
 CHRISTOPHER A. PIKE, 0000
 WILLIAM B. PILCHER JR., 0000
 ALEXANDER S. PILIPOWSKY, 0000
 MICHAEL D. PILKENTON, 0000
 MARC L. PINCINC, 0000
 JOSEPH M. PINCKNEY JR., 0000
 SAMUEL P. PINO, 0000
 ANTHONY C. PISO, 0000
 LEE T. PITTMAN, 0000
 MICHELLE R. PLACE, 0000
 JEFFREY M. PLATE, 0000
 SCOTT L. PLEUS, 0000
 THOMAS C. PLUMMER, 0000
 DOUGLAS R. PLYMALE, 0000
 VAN L. POINDEXTER JR., 0000
 HENRY W. POLCZER, 0000
 JAMES D. POOLE, 0000
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 TERRENCE G. POPRAVAK JR., 0000
 ALVIN L. PORTER, 0000
 KEELY PORTER, 0000
 THOMAS J. PORTERFIELD, 0000
 BRUCE H. POSTEL, 0000
 STEVEN W. POWELL, 0000
 PHILLIP R. J. PRATZNER, 0000
 AMANDA J. PREBLE, 0000
 WILLIAM E. PRENOT, 0000
 SHARON J. PRESZLER, 0000
 MARY C. PRICE, 0000
 STEVEN A. PRICE, 0000
 RONALD A. PRINCE, 0000
 JERRY W. BRITCHAR, 0000
 ROBERT W. PROUHET, 0000
 BRADFORD A. PROVENCAL, 0000
 PAASHKA E. PROWELL, 0000
 MARK D. PRUITT, 0000
 MARTHA S. PRUITT, 0000
 DAVID C. PFAK, 0000
 MARY M. PULIAM, 0000
 ALDON E. PURDHAM JR., 0000
 MARTA L. PURVIS, 0000
 ALAN R. PYBAS, 0000
 JOHN T. QUINTAS, 0000
 KEITH M. QUINTON, 0000
 JOSEPHINE L. RACICOT, 0000
 DONALD J. RAINES, 0000
 GEORGE C. RAMEY, 0000
 JEFFREY A. RAMMES, 0000
 KIMBERLEY A. RAMOS, 0000
 MARGARET M. RANALLI, 0000
 MARY A. RANDOUR, 0000
 GLENN R. RATTEL, 0000
 PATRICIA A. RATTERREE, 0000
 GREGORY S. RAU, 0000
 ROBERT O. RAU JR., 0000
 JAMES J. RAVELLA, 0000
 THOMAS S. RAY JR., 0000
 MARK J. REA, 0000
 PETER D. READ, 0000
 RONALD D. REAGAN, 0000
 DAVID A. REARICK, 0000
 MICHAEL D. REED, 0000
 THOMAS G. REED, 0000
 VICTORIA H. REED, 0000
 WILLIAM A. REESE, 0000
 MARTIN N. REFF, 0000
 DANIEL J. REGAN JR., 0000
 JAMES A. REGENOR, 0000
 EMIL J. REIMAN, 0000
 KENNETH A. REIMAN, 0000
 JAMES R. REITZEL, 0000
 STANLEY M. RESNIK, 0000
 GEORGE J. REYES, 0000
 WAYNE M. REZZONICO, 0000
 WILLIAM E. RICHARD, 0000
 DUKE Z. RICHARDSON, 0000
 JOSEPH A. RICHARDSON, 0000

JACK R. RICKMAN JR., 0000
 ROBERT Q. RIDEOUT, 0000
 DONALD H. RIDOLFI JR., 0000
 LARRY A. RIDOLFI, 0000
 DAVID M. RIEL, 0000
 JANET A. RIELLEY, 0000
 HEINRICH K. RIEPING JR., 0000
 VINCENT T. RIES, 0000
 SHAWN P. RIFE, 0000
 BRIAN S. RIGSBY, 0000
 GRAHAM W. RINEHART, 0000
 EDWARD M. RIVERA, 0000
 DOYE P. ROBBINS JR., 0000
 MICHAEL G. ROBBINS, 0000
 JULIE M. ROBEL, 0000
 LESLIE D. ROBERSON, 0000
 TONCIE L. ROBERSON, 0000
 PETER C. ROBICHAUX, 0000
 GARY J. ROBINETT, 0000
 BOBBY L. ROBINSON II, 0000
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 TIMOTHY H. ROBINSON, 0000
 LAWRENCE O. ROCHE, 0000
 KYLE E. ROCKETT, 0000
 RICKEY S. RODGERS, 0000
 ERNEST H. RODRIGUEZ, 0000
 VICTOR M. RODRIGUEZ, 0000
 CHRISTOPHER L. ROEDER, 0000
 DONNA M. ROGERS, 0000
 MARILYN R. ROGERS, 0000
 JOSEPH L. ROMANO III, 0000
 JOHN R. ROMERO, 0000
 LUIS E. ROSABERRIOS, 0000
 DONALD G. ROSE, 0000
 PAT A. ROSE JR., 0000
 SCOTT A. ROSE, 0000
 LEE W. ROSEN, 0000
 ROBERT A. ROSENTHAL, 0000
 KEITH P. ROSS, 0000
 MATTHEW D. ROTONDARO, 0000
 WILLIAM G. ROUTH, 0000
 MARK E. ROVERSE, 0000
 MARCEL C. ROY, 0000
 TOMISLAV Z. RUBY, 0000
 MICHAEL J. RUSNACK, 0000
 JOHN A. RUSS, 0000
 ROBERT L. RUSSELL JR., 0000
 MICHAEL D. RUSSO, 0000
 LINDA B. RUTHERFORD, 0000
 SCOTT C. RUTHERFORD, 0000
 JAMES P. RYAN, 0000
 JEFFREY A. RYAN, 0000
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 MATTHEW D. RYERSE, 0000
 MELVIN D. SACHS, 0000
 JOHN T. SACKS, 0000
 SAMUEL R. SAGER, 0000
 CLAUDE E. SALCEDO, 0000
 DAVID L. SALM, 0000
 RICHARD S. SAMUELS, 0000
 JOSE A. SANCHEZANDINO, 0000
 DAMIAN P. SANDHEINRICH, 0000
 EDWIN SANTOS, 0000
 NEIL T. SAUVE, 0000
 VINCENT SAVINO, 0000
 DION SCAGLIONE, 0000
 LEIGH A. SCARBORO, 0000
 ROBERT S. SCHAAR, 0000
 MICHAEL K. SCHAEFFER, 0000
 JOHN GEORGE SCHAEUFELE IV, 0000
 MARK R. SCHABLE, 0000
 STANLEY M. SCHALCK, 0000
 VALERIE L. SCHALK, 0000
 GEORGE P. SCHAUK, 0000
 LUKE J. SCHAUB, 0000
 WALTER R. SCHENBERGER JR., 0000
 TIMOTHY J. SCHEPPER, 0000
 BRADLY A. SCHEPPER, 0000
 TODD C. SCHIFF, 0000
 MARK E. SCHLICHTER, 0000
 REONDA D. SCHLUMBERGER, 0000
 STEVEN J. SCHLUMBERGER, 0000
 CHARLES R. SCHMETZ, 0000
 JOEL B. SCHMICK, 0000
 CHARLES L. SCHNARR, 0000
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 ROBERT H. SCHRINK, 0000
 JOHN J. SCHULDBEISS, 0000
 JIMMIE D. SCHUMAN JR., 0000
 DIANA K. SCHUMICK, 0000
 MARK D. SCHWALM, 0000
 GREGORY J. SCHWARTZ, 0000
 KAREN P. SCHWARTZ, 0000
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 COERT C. SCOGGIN, 0000
 CHERYL V. SCOTT, 0000
 TODD J. SCOTT, 0000
 WINFIELD J. SCOTT, 0000
 JOHN A. SCOTTO, 0000
 TIMOTHY M. SCULLY, 0000
 SCOTT D. SEAVERS, 0000
 MICHAEL J. SEAY, 0000
 JOANNE B. SECHREST, 0000
 PAUL F. SEBILLO, 0000
 JEFFREY D. SEINWILL, 0000
 GREGORY S. SELLERS, 0000
 JOHN M. SEPANSKI, 0000
 THADDEUS P. SETTLEMIRE, 0000
 GREGORY T. SETTLES, 0000
 THEODORE D. SEYMOUR, 0000
 FRANK K. SEIAR, 0000
 CHRISTOPHER C. SHARPE, 0000
 JOHN S. SHATTUCK, 0000
 DAVID SHELKOFF, 0000
 THEODORE F. SHELTON, 0000
 GREGORY W. SHEPPARD, 0000
 RICHARD O. SHEPPARD, 0000

SCOTT F. SHERIDAN, 0000
 WILLIAM A. SHERMAN, 0000
 CHARLES B. SHERWIN JR., 0000
 LEE A. SHICK, 0000
 CHARLES P. SHIFFLETT, 0000
 KENT U. M. SHIN, 0000
 RICHARD P. SHIPMAN, 0000
 SCOT D. SHIVELY, 0000
 KEITH B. SHOATES, 0000
 KEVIN A. SHORB, 0000
 ROBERT C. SHORES, 0000
 STEVEN R. SHULTZ, 0000
 JEFFREY R. SICK, 0000
 ROBERT M. SIEGLE, 0000
 ALAN C. SIERICHS, 0000
 RONALD W. SIMMONS, 0000
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 DANIEL J. SIMONSEN, 0000
 MARK H. SIMPSON, 0000
 ETHEL E. SINGLETON, 0000
 ROBERT S. SITTON, 0000
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 DANIEL R. SNY, 0000
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 THOMAS J. SNYDER, 0000
 JOANNA J. SOBIESKI, 0000
 JOSE R. SOLIS JR., 0000
 DAVID A. SOUTHERLAND, 0000
 JOHN W. SPECHT, 0000
 JOSEPH S. SPECKHART, 0000
 JOEL S. SPIRIGT, 0000
 CHARLES F. SPENCER JR., 0000
 JEFFREY D. SPENCER, 0000
 LANCE H. SPENCER, 0000
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 JIMMY B. STANBRIDGE, 0000
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 SHERRY L. STEARNSBOLES, 0000
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 WILLIAM B. STEVENSON IV, 0000
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 JILL E. STIGLICH, 0000
 HAROLD R. STINSON, 0000
 MICHAEL J. STOCKSDALE, 0000
 RICHARD C. STOCKTON, 0000
 MARK A. STOKES, 0000
 CRISTINA M. STONE, 0000
 FERDINAND E. STOSS, 0000
 KIRK J. STREITMATER, 0000
 ANTHONY STRICKLAND, 0000
 RICKY D. STRICKLAND, 0000
 DANA E. STRUCKMAN, 0000
 JOSEPH A. SUBLOUSKY, 0000
 KERRY M. SULLIVAN, 0000
 THOMAS A. SUMMER, 0000
 DAVID E. SWANSON, 0000
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 ESTHER S. SWARTZ, 0000
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 JEFFREY R. SWECEL, 0000
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 CRAIG J. TEF, 0000
 JOHN G. TERINO, 0000
 TERRY W. TERWEE, 0000
 THOMAS H. TERWILLIGER, 0000
 DAVID H. THARP, 0000
 MICHAEL L. THEANOS JR., 0000
 KURT E. THIELEN, 0000
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 RONALD E. THOMPSON JR., 0000
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DAVID A. THOMSON, 0000
ERIC M. THOMSON, 0000
JULIAN E. THRASH, 0000
PATRICK S. TIBBETTS, 0000
KEVIN B. TIBBS, 0000
MARK A. TIDWELL, 0000
JON B. TIGGES, 0000
STEVEN R. TIMMONS, 0000
CHRISTOPHER L. TIPSWORD, 0000
NATHAN A. TITUS, 0000
JOHN C. TOBIN, 0000
KEVIN L. TODD, 0000
DOUGLAS S. TOLBERT, 0000
BRIAN W. TONNELL, 0000
JODINE K. TOOKE, 0000
THOMAS J. TOOMER, 0000
EDWARD M. TOPPS, 0000
ROBERT J. TORICK JR., 0000
TIMOTHY C. TORPEY, 0000
JOSE L. TORRES JR., 0000
ANDREW J. TOTH, 0000
ROBERT P. TOTH, 0000
KHANH C. TRAN, 0000
ARTHUR B. TRIGG, 0000
EUGENE E. TRIZINSKY, 0000
SCOTT D. TROTTER, 0000
MARK A. TRUDEAU, 0000
GEORGE R. TRUMBULL, 0000
DAVID J. TUBB, 0000
GIOVANNI K. TUCK, 0000
THOMAS W. TUCKER, 0000
WILLIAM S. TULLY JR., 0000
SCOTT M. TURNER, 0000
SHAUN B. TURNER, 0000
STUART L. TURNER, 0000
LINDA A. TYREE, 0000
ROGER T. TYREE, 0000
JON H. ULLMANN, 0000
JASON P. ULM, 0000
CARL F. UNHOLZ JR., 0000
RALPH E. URCH, 0000
KARON L. UZZELL-BAGGETT, 0000
DARRIN M. VALHA, 0000
FREDERICK W. VANCELEAVE, 0000
STEPHEN S. VANDERHOOF, 0000
PETER L. VANDEUSEN, 0000
ROLAND K. VANDEVENTER, 0000
MICHAEL A. VANDOREN, 0000
GLEN D. VANHERCK, 0000
FRANK L. VANHORN, 0000
JAMES A. VANLOBENSELS, 0000
DONALD A. VANPATTEN, 0000
PETER L. VANVLECK, 0000
MARK G. VARAN, 0000
EDGAR M. VAUGHAN, 0000
CHRISTOPHER M. VEAZIE, 0000
JANE M. VESPERMAN, 0000
HUGH S. VEST, 0000
MARK K. VIDMAR, 0000
XAVIER C. WILLAREAL, 0000
ROGER M. VINCENT, 0000
JEFFERY A. VINGER, 0000
MICHAEL D. VLK, 0000
MICHAEL G. VOLLMUTH, 0000
WILLIAM T. VOLZ, 0000
RICHARD M. VROEGINDEWEY, 0000
DANIEL J. WAGNER JR., 0000
ROGER L. WAGNER, 0000
JAMES D. WALKER, 0000
LARRY S. WALKER, 0000
ROBERT J. WALLACE, 0000
SCOTT A. WALLACE, 0000
ANDREA W. WALSH, 0000
ANNA M. WALTERS, 0000
CHRISTINA N. WALTON, 0000
BENJAMIN F. WARD, 0000
MICHAEL J. WARD, 0000
TERRY WARD, 0000
WILLIAM M. WARD, 0000
WILLIAM W. WARDEN, 0000
BARRY G. WARDLAW, 0000
PAUL R. WARREN, 0000
BENJAMIN C. WASH, 0000
ESAU N. WATERS, 0000
PATRICK D. WATHEN, 0000
DARREL R. WATSEK, 0000
BRUCE A. WATSON, 0000
DANNY J. WATSON, 0000
BRUCE K. WAY, 0000
MICHAEL WEBB JR., 0000
JANINE T. WEBER, 0000
LINDSAY R. WEBER, 0000
MICHAEL R. WEBS, 0000
HAROLD S. WEIMER, 0000
ALISON M. WEIR, 0000
BARTHOLOMEW W. WEISS, 0000
PATRICK G. WELCH, 0000
DOUGLAS E. WELLS, 0000
THOMAS M. WELLS, 0000
RANDALL J. WELLS, 0000
CRAIG J. WERENSKJOLD, 0000
JAMES L. ROY WERTZ, 0000
HERBERT H. WESSELMAN, 0000
JAMES J. WESSLUND, 0000
EVIN R. WESTEREN, 0000
ROGER H. WESTERMEYER, 0000
CHARLES J. WETTERER, 0000
ROBERT J. WETZEL, 0000
BENJAMIN WHAM II, 0000
JEFFREY L. WHIDDEN, 0000
MARK S. WHINERY, 0000
ANDRE P. WHISNANT, 0000
DAVID E. WHITACRE, 0000
ANDREW B. WHITE III, 0000
ANDREW W. WHITE, 0000
EARL R. WHITE JR., 0000
CHET L. WHITLEY, 0000

MARK S. WHITMIRE, 0000
STEVEN D. WHITNEY, 0000
DAVID R. WHITT, 0000
ROBERT E. WICKS JR., 0000
ALAN J. WIEDER, 0000
DAVID P. WIEGAND, 0000
GINGER L. WIERZBANOWSKI, 0000
LESLIE K. WILFORD, 0000
DAVID S. WILKINSON, 0000
DAVID L. WILLARD, 0000
ALBERT C. WILLIAMS II, 0000
CALVIN WILLIAMS, 0000
JOHN D. WILLIAMS, 0000
STEPHEN S. WILLIAMS, 0000
DAVID G. WILSEY, 0000
BRIAN C. WILSON, 0000
BRIAN D. WILSON, 0000
KURT DANIEL WILSON, 0000
RUSSELL A. WILSON, 0000
GLENN R. WINKLER, 0000
CURTIS M. WINSTEAD, 0000
ROBERT J. WINTERSTEEN, 0000
JUDITH A. WISER, 0000
ROGER J. WITEK, 0000
RANDY L. WITAM, 0000
JAMES R. WITTER, 0000
LATISHIE L. WODETZKI, 0000
GARY M. WOLFE, 0000
PAMELA J. WOLOSZ, 0000
MARSHALL S. WOODSON, 0000
SANDRA G. WORTMAN, 0000
CHRISTOPHER P. WRIGHT, 0000
DAVID A. WRIGHT, 0000
RICKY L. WYATT, 0000
MICHAEL J. YAGUCHI, 0000
HIROSHI T. YAMAGUCHI, 0000
ROBERT T. YARBOROUGH, 0000
GEORGE W. P. YORK, 0000
SARAH E. ZABEL, 0000
JOSEPH A. ZAHN, 0000
GEORGE A. ZANIEWSKI, 0000
ANTHONY E. ZARBANO, 0000
KENNETH R. ZATYKO, 0000
FREDDIE D. ZAYAS, 0000
MARK A. ZILLI, 0000
MICHAEL E. ZOLLER, 0000
ANTHONY J. ZUCCO, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DONALD E. EBERT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 3064:

To be colonel

CLIFFORD D. FRIESEN, 0000 MC

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

GREGORY A. BROUILLETTE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE JUDGE ADVOCATE GENERAL'S CORPS (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

AMY M * BAJUS, 0000
CHRISTOPHER W * BEHAN, 0000
ROBERT W * BEST, 0000
LOUIS A BIRDSONG, 0000
GREGORY R * BOCKIN, 0000
ROBERT D * BROUGHTON JR., 0000
SUSAN J BURGERHETZEL, 0000
HEATHER L * BURGESS, 0000
FAULETTE V * BURTON, 0000
DAVID T * CLUXTON, 0000
JOHN H CRADDOCK, 0000
MICHAEL A * CRESSLER, 0000
DANIEL Z CROWE, 0000
STEVEN P * CULLEN, 0000
GAIL A CURLEY, 0000
DAVID E * DAUENHEIMER, 0000
CHERYL A * DUPRAS, 0000
GREGG A * ENGLER, 0000
TODD P * FEDERICI, 0000
ANTHONY E * GENTRY, 0000
PETER C GRAFF, 0000
RICHARD L * HATFIELD, 0000
KIMBERLY S * HERRIN, 0000
MICHAEL K * HERRING, 0000
JONATHAN * HOWARD, 0000
JOHN T HYATT, 0000
CHRISTOPHER W * JACOBS, 0000
YOLANDA M * JAMISON, 0000
CARL A * JOHNSON, 0000
CHARLES T * KIRCHMAIER, 0000
RICK S * LEAR, 0000
DION LYONS, 0000
JOSEPH M * MASTERTSON, 0000
JOHN P * MATLOCK, 0000
TOBY D * MCCOY, 0000
DAVID E * MENDELSON, 0000
MATTHEW M MILLER, 0000
RUSSELL L * MILLER, 0000
PHILIP C * MITCHELL, 0000

JOHN C * MOORE, 0000
JOHN L * MUEHLHEUSER, 0000
MICHAEL E * MUELLER, 0000
ROBERT T * PENLAND JR., 0000
CHARLES C POCHE, 0000
KRIS R * POPPE, 0000
EDWARD C REDDINGTON, 0000
PAUL E * REYNOLDS JR., 0000
LUIS O * RODRIGUEZ, 0000
JOHN T * ROTHWELL, 0000
MICHAEL J * RUDKIN, 0000
MICHELLE L * RYAN, 0000
KENNETH W * SHAHAN, 0000
JAMES W * SMITH III, 0000
WILLIAM D * SMOOT III, 0000
SCOTT E * STAUFFER, 0000
BRADLEY G * SUTERA, 0000
KURT A * TAKUSHI, 0000
JOSEPH B * TOPINKA, 0000
JAMES L * VARLEY, 0000
ROBERT P * VASQUEZ, 0000
FRANCISCO A * VILA, 0000
THOMAS D * WHITE JR., 0000
ANTOINETTE * WRIGHTMCRAE JR., 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate February 27, 2002:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STEVEN R. POLK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN R. BAKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. LANCE W. LORD

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.

AIR FORCE NOMINATION OF DAVID E. BLUM, AIR FORCE NOMINATIONS BEGINNING JAMES C. COOPER II AND ENDING JOHN J. KUPKO II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 20, 2001.

AIR FORCE NOMINATIONS BEGINNING LINDA F. JONES AND ENDING ROBERT L. KING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

AIR FORCE NOMINATION OF DAN ROSE, AIR FORCE NOMINATIONS BEGINNING DOUGLAS W. KNIGHTON AND ENDING ROBERT J. SEMRAD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

AIR FORCE NOMINATIONS BEGINNING RICHARD E. HORN AND ENDING MARK A. WEINER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

AIR FORCE NOMINATIONS BEGINNING VINCENT G. DEBONO JR. AND ENDING AMY M. ROWE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

AIR FORCE NOMINATIONS BEGINNING KATHRYN L. AASEN AND ENDING JUSTIN N. ZUMSTEIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

AIR FORCE NOMINATIONS BEGINNING *MELISSA A. AERTS AND ENDING RICHARD M. ZWIRKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

AIR FORCE NOMINATIONS BEGINNING TODD E. ABBOTT AND ENDING STEPHEN J. ZIMMERMANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

AIR FORCE NOMINATIONS BEGINNING *KIRBY D. AMONSON AND ENDING *DALTON P. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

AIR FORCE NOMINATIONS BEGINNING SANDRA G. MATHEWS AND ENDING MARGARET M. NONNEMACHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

AIR FORCE NOMINATIONS BEGINNING REBECCA A. DOBBS AND ENDING MAX S. KUSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

AIR FORCE NOMINATIONS BEGINNING ERNEST H. BARNETT AND ENDING RONALD W. SCHMIDT, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 2002.

AIR FORCE NOMINATIONS BEGINNING SANDRA H. ALFORD AND ENDING FRANCIS C. ZUCCONI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 2002.

AIR FORCE NOMINATIONS BEGINNING RAUL A. AGUILAR AND ENDING GILBERT L. WERGOWSKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 2002.

AIR FORCE NOMINATIONS BEGINNING LARRY W. ALEXANDER AND ENDING CLAUDIA R. ZIEBIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 2002.

ARMY NOMINATION OF LESLIE C. SMITH II.

ARMY NOMINATIONS BEGINNING FRANKLIN E. LIMERICK, JR. AND ENDING GARY J. THORSTENSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

ARMY NOMINATIONS BEGINNING DARLENE S. COLLINS AND ENDING MICHAEL J. WAGNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

ARMY NOMINATIONS BEGINNING GARY J. BROCKINGTON AND ENDING DONNA M. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2002.

ARMY NOMINATIONS BEGINNING MARIAN AMREIN AND ENDING STEVEN M. WALTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2002.

MARINE CORPS NOMINATIONS BEGINNING ROBERT J. ABLITT AND ENDING CARL J. WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2002.

MARINE CORPS NOMINATIONS BEGINNING DONALD A. BARNETT AND ENDING NICOLAS R. WISECARVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2002.

MARINE CORPS NOMINATIONS BEGINNING ALBERT R. ADLER AND ENDING PETER D. ZORETIC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 11, 2002.

NAVY NOMINATIONS BEGINNING GREGORY W. KIRWAN AND ENDING MATTHEW M. SCOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2002.

NAVY NOMINATIONS BEGINNING MICHAEL J. ADAMS AND ENDING SCOTT A. SUOZZI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2002.

NAVY NOMINATION OF JOHN J. WHYTE.

NAVY NOMINATIONS BEGINNING KELLY V. AHLM AND ENDING THOMAS A. WINTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 11, 2002.

NAVY NOMINATIONS BEGINNING RENE V. ABADESCO AND ENDING MARK W. YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 11, 2002.