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House of Representatives

The House met at 10 a.m.

Father Joseph F. Sica, Our Lady of the Snows Catholic Church, Clarks Summit, Pennsylvania, offered the following prayer:

Father, we thank You for today, a new beginning filled with unlimited possibilities to make wholesome differences in the lives represented by these men and women of our United States Congress.

Father, by faith we welcome You into our lives and accept the love You have for us.

Your love elevates us as we rise above our heartaches, hassles, troubles, setbacks, disappointments by turning them over to You.

Your love liberates us to let go of panic, worry, anxiety, depression, low self-worth, and addictions.

Your love motivates a desire inside each of us to find a need and fill it, to find a hurt and heal it.

Father, Your love demonstrates You care, understand, and forgive, giving us the strength to carry on, casting aside our fears, knowing we can survive. It is perhaps through love that You give us a glimpse of eternity.

Hold this great Nation of America in the palm of Your hand as we make this prayer today in Your holy name. Amen.

THE JOURNAL

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

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

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

Pursuant to clause 8, rule XX, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain one 1-minute at this point by the gentleman from Pennsylvania (Mr. SHERWOOD).

WELCOME TO FATHER JOE SICA OF OUR LADY OF THE SNOWS PARISH IN CLARKS SUMMIT, PENNSYLVANIA

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

Mr. SHERWOOD. Mr. Speaker, it is my privilege to welcome as our guest chaplain Father Joe Sica of Our Lady of the Snows Parish in Clarks Summit, Pennsylvania.

I would also like to take this opportunity to thank Father Joe for this wonderful invocation. I have known Father Joe for a long time. He is a good man, a great friend, and a wonderful priest.

Father Joe Sica grew up in Dunmore, Pennsylvania, and began his service to the church at a very young age. As a child, he donated much of his time to St. Rocco's Church, and it was there he began to realize his dream of becoming a priest.

After high school he entered the University of Pennsylvania and Saint Pius X Seminary, where he earned his degree in philosophy and theology. He then took his scholarly talents and spiritual determination and continued his education at the Catholic University of America and the Theological College.

There he wrote his book, ''God So Loved the World,'' which is one of the foremost works in Carl Rhaner's ''Theology of Revelation.'' He also published many articles in several journals, and Father Joe's monthly column, ''Miracle Growth: A Seed of Inspiration,'' that runs in Catholic newspapers across the country.

In every assignment at every parish, Father Joe Sica has been involved with the work of his community. He has organized retreats for parishioners, helped parents and teachers associations; and while he was in my hometown, he was a member of the Rotary International, and a fine volunteer firefighter at the Triton Hose Company.

However, one of his most impressive accomplishments that I have had the pleasure of witnessing was Father Joe's creation of the Helping Other People Program in Tunkhannock. This program coordinated the efforts of several local churches and their parishioners to provide transportation, meals, home repairs, house cleaning, and many other services to those in need.

Father Joe was given the Sam Walton Award, and the Tunkhannock Chamber of Commerce gave him a certificate of excellence for his effort.

In October of 2000, the Columbus Day Association of Lackawanna County named Father Joe their Man of the Year. They commended him for taking risks, for being able to dream, and to work and make those dreams come true.

I can say without hesitation that Father Joe Sica is not just the Man of the Year, but a man of the people whose good deeds and inspiration never cease.

Mr. Speaker, I again would like to thank Father Joe Sica for being here today. His presence and his blessing on

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this House mean so much to me and the people I represent.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

S. 1857. An act to encourage the negotiated settlement of tribal claims.

THE JOURNAL

The SPEAKER. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 355, nays 48, answered ''present'' 1, not voting 29, as follows:

[Roll No. 41]

YEAS—355

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cooksey
Cox
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (FL)

NAYS—48

Aderholt
Baird
Becerra
Borski
Brady (PA)
Capuano
Costello
Crane
DeFazio
English
Filner
Gutknecht
Hastings (FL)
Hefley
Hilliard
Hinchey
Holt
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
LoBiondo
Markey
McDermott
Menendez
Miller, George
Moore
Moran (KS)
Oberstar
Pallone
Peterson (MN)
Platts
Ramstad
Sabo
Schaffer
Schakowsky
Shadegg
Stark
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Weller
Wicker

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—29

Baldacci
Blagojevich
Boucher
Burr
Clay
Collins
Coyne
Cubin
Deal
Ehrlich
Gilman
Hayes
Jenkins
Kilpatrick
LaFalce
McCrery
McKinney
Meek (FL)
Mink
Myrick
Norwood
Oxley
Roukema
Thomas
Traficant
Waters
Weldon (PA)
Wolf
Young (AK)

□ 1032

So the Journal was approved.

The result of the vote was announced as above recorded.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 18, 2002.

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

DEAR MR. SPEAKER: I have the honor to transmit herewith the Certificate of Election received from the Honorable Mike Hunter, Secretary of State, State of Oklahoma, indicating that, on January 8, 2002, the Honorable John Sullivan was duly chosen by the qualified electors to the Office of Representative in Congress, First Congressional District, State of Oklahoma, to fill the vacancy in the representation from said State in the United States House of Representatives.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

SWEARING IN OF THE HONORABLE JOHN SULLIVAN, OF OKLAHOMA, AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Representative-elect from Oklahoma (Mr. SULLIVAN) and the members of the Oklahoma delegation present themselves in the well.

The Representative-elect will please raise his right hand.

Mr. SULLIVAN appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now a Member of the 107th Congress.

INTRODUCTION OF JOHN SULLIVAN, NEW MEMBER FROM OKLAHOMA

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

Mr. WATKINS of Oklahoma. Mr. Speaker, this may sound very unusual, but as a dean of the Oklahoma delegation but the newest member of the Republican Party, it gives me great privilege on behalf of our entire Oklahoma delegation, including our two Senators who have come over and joined us, and other members of our delegation to present to you the newest Member, of not only the Oklahoma delegation, but of the 107th Congress, an outstanding young man who, when he announced that he was going to run, the political pundits gave him very little chance because he was outfunded and more popular names were in the race.

JOHN SULLIVAN is a fourth-generation Oklahoman, and he is also the oldest of four children; and speaking of family, I would like to introduce you to his wife, Judy, a tremendous asset. Also, I think he has his three children here, Meredith and Sydney up there and Tommy right here to my left. Let us give him a big hand.

JOHN has had a successful career in two industries, transportation and also energy. So I imagine he will be asking for some very apropos type committee assignments. He was inspired to run for Representative to try to do something more to build a future, yes, for Oklahomans, yes, for the future of our children and grandchildren.

Some of the proudest moments of his accomplishments in the State House where he served and was Republican whip was the creation of Oklahoma State University at Tulsa and the largest income tax cut in the history of Oklahoma, parent notification law. Those are just a few of the accomplishment he did in his short tenure there.

So I ask my colleagues to join me today in welcoming the newest Member and I think one of the hardest-working young men I have met and one I think you will all be very proud of, JOHN SULLIVAN, first district of Oklahoma.

EXPRESSING THANKS

(Mr. SULLIVAN asked and was given permission to address the House for 1 minute.)

Mr. SULLIVAN. Mr. Speaker, I am so honored to be here today. I would like to thank the Members for their warm welcome they have extended to me.

I wish to take a moment to acknowledge my family, my wife, Judy; my son, Tommy; and daughters, Meredith and Sydney; my mother, Mag Sullivan; and mother- and father-in-law, Mary Ann and Tom Beck; also, my mentor, Mayor of Tulsa, Bob LaFortune, who is here, former Mayor of Tulsa; and Art Rubin, who is up there as well; and all of the wonderful friends and family who have accompanied me from Oklahoma to show their support today.

I have a great neighborhood, too, one of the old-fashioned neighborhoods. I have got a lot of my neighbors that have come, and it is great. Our kids run and play together and go in each other's houses, and they came as well.

I am also pleased to be joined by Oklahoma's two extraordinary Senators, JIM INHOFE, who as a Member of this body ably represented the first district of Oklahoma; and DON NICKLES, the assistant Republican leader of the Senate.

I would also like to take a moment to thank former Congressman Steve Largent, who recently departed Congress to run for Governor of Oklahoma. I wish him the best in his new endeavor.

Mr. Speaker, I am truly humbled to become a Member of this honorable body. This day has been a lifelong dream of mine, and I pledge today to continue to fight for the constituents of the first district of Oklahoma, for Oklahoma values. I look forward to the great friendships that will be formed in these hallowed halls and to working together in advancing the prosperity and promise of this great Nation.

I would like to say a special thanks to my father who got me started in politics, and I know he is looking down on me and he is happy that his son got elected to the Congress.

CELEBRATING HADASSAH'S 90TH ANNIVERSARY

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

Ms. ROS-LEHTINEN. Mr. Speaker, in 1912 Henrietta Szold founded what is now the largest women's and the largest Jewish membership organization in the United States, Hadassah, the Women's Zionist Organization of America.

This year marks its 90th anniversary, celebrating continuous efforts of more than 400,000 Hadassah members in Florida alone.

Some of the outstanding women of Hadassah in my own south Florida congressional district are Alecia Sachs, the regional president; Mildred Riesenberg, the 90th anniversary Chair; Phyllis Goldman, the major gifts fundraising coordinator; Mindy Tucker Olofson, membership coordinator; and Pam Brown, Woman of the Year Chair.

Mr. Speaker, please join me in honoring the spirit of volunteerism and community service that thousands of Hadassah members perform each and every day. Congratulations to each Hadassah member in the Nation.

HONORING THE ACCOMPLISHMENTS AND CONTRIBUTIONS OF BLACK AMERICANS

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

Ms. SANCHEZ. Mr. Speaker, today I rise to honor the accomplishments and contributions of black Americans to this Nation.

February is Black History Month. Established in 1926 by Carter G. Woodson, Black History Month raises awareness of the history of black Americans in our schools and across our Nation.

As a child, Mr. Woodson had to earn money for his family, and so he was not able to start school until very late in life. His motto of ''it is never too late to learn'' is something that all of us can use every day in our learning and growing, especially when it comes to the history of this Nation.

February is also a significant month for the birthdays of great African Americans, pioneers in many ways to our Nation. These include the birthdays of Frederick Douglass, W.E.B. DuBois, Langston Hughes, Eubie Blake, the NAACP, and the first Pan African Congress.

During Black History Month, we should take the time to continue learning about the contributions, the struggles and the perseverance of African Americans here in our Nation. Our country would not be as culturally diverse without their contributions.

HONORING LUKE ROTH

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

Mr. GANSKE. Mr. Speaker, Luke Roth, born December 9, 1953, died of cancer yesterday. A proud graduate of Princeton, a devoted husband to Katie, a loving father to Luke, Anne, and Clare.

Luke was my district director for 6 years and then was President Bush's State campaign director. Luke loved politics. He even met Katie on the campaign trail.

He was a big man, he wore a size 13 EEE shoe, and I never met a man with a bigger heart. Luke believed passionately in American democracy. He was a student of history. He would think there is no higher tribute than if I simply said Luke Roth, servus publicus, civis: public servant, citizen.

All who knew this loving bear of a man are mourning his passing. Our grief is tempered only by our belief that if there was ever anyone who merited heaven, it is Luke.

Luke has left big shoes for us to fill. May he rest in peace.

GERMAN EMBASSY LETTER REGARDING ABDUCTED CHILDREN

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, today I will stray from the story of Ludwig Koons to respond to a letter from the German embassy that was published in the Washington Post.

I am delighted to hear the German government agrees that abducted children deserve swift and fair decisions

and it is committed to ensure that this happens. For most parents who have been separated from their children for years, this will certainly be an enormous relief.

I completely agree that abducted children deserve more than rhetoric, which is what most left-behind parents have had to contend with. Hopefully, the German authorities will keep their word and take some positive action to ensure that left-behind parents gain access to their children.

Nobody implies that courts in the United States are perfect, but this does not absolve the German authorities of their responsibilities to allow non-German parents to see their children. As the German embassy rightly pointed out, Germany is not the only country that has a poor record in returning abducted or illegally retained children to their country of origin.

Most left-behind parents are left without any enforceable access rights. This cannot be allowed to continue. We must bring Ludwig Koons and all of our children home.

WELFARE REFORM PRINCIPLES

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. Mr. Speaker, yesterday the President of the United States outlined the principles for the reauthorization of welfare in America.

Many years ago, Ronald Reagan spoke of the purpose of welfare, saying, it is not simply to provide for the needy but more than that, to salvage these, our fellow citizens, to make them self-sustaining and as quickly as possible independent of welfare.

□ 1045

I rise today, Mr. Speaker, to extol my colleagues on both sides of the aisle and the previous administration for enacting the welfare reform laws of 1996. They have been an unqualified success. Half of all welfare recipients got real jobs since that day and age.

Welfare reform has lifted 2.3 million children out of poverty; and, since 1996, we have actually reversed a decades-old explosion of out-of-wedlock births, recognizing that a marriage is the best environment for escaping poverty and building strong and healthy and well-balanced children.

Let us stay the course. Let us keep the purpose of welfare, so adequately described by President Reagan, and measure welfare success not by how many people arrive on welfare but by how many people leave it.

VETERANS COPAY FOR PRESCRIPTIONS

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

Mr. STRICKLAND. Mr. Speaker, we oftentimes speak glowingly in here of our respect for our military personnel and of our appreciation for what our veterans have done for us, but oftentimes our words are inconsistent with our behavior.

Many in this Chamber do not realize that just a few weeks ago we increased the copayment for prescription drugs that veterans must pay for these needed medications from $2 to $7 a prescription. Many veterans receive over 10 prescriptions a month. Ten times $7 is $70 a month. Many get a 3-month supply at one time. That is a cost of $210.

I have introduced H.R. 2820, which will return the copay from $7 back to $2 and will freeze it at that level for 5 years. This is the least we can do for those who have served our country so nobly.

MARRIAGE: A WOMAN'S SAFETY ISSUE

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

Mr. PITTS. Mr. Speaker, preserving and strengthening marriage in America is not just a values issue, it is a safety issue, especially for women. According to Federal statistics, women are much more likely to be victims of domestic abuse if they are not married.

In fact, domestic partner or spouse abuse against women is almost three times as high among cohabiting couples as it is among all married, divorced, and separated couples combined. If we simply compare married couples to couples who just live together, violence against women is five times as high for those who are not married.

Clearly, women are safest when they are living in healthy, committed marriages. To most Americans, this sounds like common sense, but for the most at-risk women in America, I mean poor women, our welfare laws create a strong disincentive against marriage. Mr. Speaker, that needs to change.

I hope that when we reauthorize our welfare laws later this year that we will address this. America's families and America's women deserve no less.

CONGRESS SHOULD NOT ENDORSE DECEPTIVE SENIOR GROUPS

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

Mr. KLECZKA. Mr. Speaker, today I am introducing a bill in response to the deceptive tactics of a group that preys on our senior citizens. The Retired Enlisted Association's Senior Citizen League, or TREA, as it is called, has repeatedly targeted seniors with deceptive ''Notch'' mailings in an attempt to extort millions of dollars from these seniors.

This is a scam. TREA is telling seniors that they are working to correct a problem that does not exist in an attempt to bilk the elderly out of their hard-earned money. From 1997 to 2000, this group raked in over $46 million.

Because of these tactics, today I am introducing the Senior Protection Act, which would revoke TREA's Federal charter, a distinction given to groups with a patriotic, charitable, or educational mandate. Their deceptive tactics reflect none of these characteristics.

Congress can no longer turn a blind eye to TREA's fund-raising schemes which exploit our seniors. Mr. Speaker, I would ask my colleagues to join me and cosponsor this necessary legislation.

IMPORTANCE OF MARRIAGE

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

Mr. RYUN of Kansas. Mr. Speaker, I rise today to affirm the importance of strong marriages in America. A strong marriage is the foundation for a strong family. Strong families, in turn, are fundamental to the pursuit of stronger communities and a stronger Nation.

There are numerous studies and statistics that document how critical it is for children to have a mother and a father dedicated to each other. If we genuinely desire to do what is right for our children, we must work to ensure that every child has the guidance that a strong marriage provides.

As convincing as the statistics are, I know these principles to be true based upon my own experience. My wife Anne and I have been married for 33 wonderful years. Our four children are living examples of what a strong marriage can provide. While we are far from perfect, I have seen firsthand the incredible results of a strong marriage.

We must continue to support measures that encourage and strengthen this sacred institution.

TRIBUTE TO JOHN STEINBECK

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

Mr. FARR of California. Mr. Speaker, today I rise to address the House regarding the centennial of the birth of one of our greatest American writers, John Steinbeck.

John Steinbeck brought honor to the United States as a distinguished writer and endured criticism and suspicion for his progressive ideas and the themes of his novels, short stories, and essays. His work reflects deeply the compassionate view of America and Americans.

John Steinbeck promoted a greater understanding of the lives of people who experienced difficult economic times, war, the fulfillment of scientific study, the value of hard labor, the difficulties and joys of the bonds within families and between friends.

People from around the world are attracted to the central coast of California to visit the rich fields of the Salinas Valley and the bountiful Monterey Bay described in Steinbeck's books.

I believe the life and work of John Steinbeck deserves congressional recognition. I encourage my colleagues to support the bill I am introducing today to offer our appreciation and deep respect for the writings of a great American, John Steinbeck.

OFFER OF PRAYERS FOR MARTIN AND GRACIA BURNHAM AND OUR MILITARY PERSONNEL WHO ARE CASUALTIES IN GLOBAL WAR ON TERRORISM

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

Mr. TIAHRT. Mr. Speaker, today marks the 277th day that Martin and Gracia Burnham have been held captive by Muslim terrorists in the Philippines.

Last Thursday, 10 American servicemen lost their lives in a helicopter crash while conducting a bilateral training exercise with the Philippine Defense Forces.

From the Army's E company, 160th Special Operations Aviation Regiment, Airborne, we mourn Major Curtis D. Feistner, Captain Bartt D. Owens, Chief Warrant Officer 2 Jody L. Egnor, Staff Sergeant James P. Dorrity, Staff Sergeant Kerry W. Frith, Staff Sergeant Bruce A. Rushforth, Jr., Sergeant Jeremy D. Foshee, Specialist Thomas F. Allison.

From the 320th Special Tactics Squadron, we mourn Master Sergeant William L. McDaniel, II and Staff Sergeant Juan M. Ridout.

I am extremely grateful for their service to our Nation. I send heartfelt prayers to their families, friends, and fellow soldiers for their loss. Their honor, courage, selflessness, and patriotism cannot be overstated.

These fine men were casualties in our global war on terrorism. The U.S. military's presence in the Philippines is assisting the Philippine government in their own national war on terrorism with the Abu Sayyaf. It is hoped that the Army's presence there may additionally help in the freedom of Martin and Gracia Burnham from their nightmare.

I ask my colleagues to join me in praying for these men and their families. Let us continue to make our Nation a shining beacon of freedom so their deaths were not in vain. Also, let us pray for Martin and Gracia, that they are safely released, so the Burnham family does not suffer the same heartache as these servicemen's families.

TRIBUTE TO DEREK PARRA

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

Mr. BACA. Mr. Speaker, I rise today to pay tribute to one of America's Olympic heroes, skater Derek Parra.

Derek is from my district. He went to school with my son, Joe Baca, Jr., and I attended church with Derek's father, Gilbert Parra, at Saint Catherine's in Rialto. His dad and I play golf together, and we used to play softball on the same team.

Derek unexpectedly broke the world record in the 5,000 meter speed skating race and won the silver medal. Derek later broke another world record in the 1,500 meter speed skating race. This record held, and Derek won the gold medal.

Derek's road to the Olympics has not been easy. He and his wife Tiffany have struggled to make ends meet raising their baby girl, Mia Elizabeth, while Derek trained for the Olympics.

As the first Mexican-American ever to win a medal in the winter Olympics, Derek expanded the dreams of millions of children. In a world that often tells our children, ''no, you can't,'' Derek Parra has shown that ''si, se puede,'' yes, you can compete. Through faith, determination, and hard work, Derek broke down barriers to become a beacon of hope for our children and children everywhere. Derek is truly a role model for others to follow.

Derek made history and opened the world of possibility for Hispanic Americans. His dream said, ''dream big and don't be afraid.'' We are proud of you, Derek. You are our hero. God bless you.

IMPORTANCE OF MARRIAGE INITIATIVES IN WELFARE REFORM

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

Mr. STEARNS. Mr. Speaker, between 1970 and the year 2000, the number of children living in a single-parent home has jumped from 8.2 million to 19.2 million. That is almost a 150 percent increase.

The effect of that change had a devastating consequence. Children living with a single mother are six times more likely to live in poverty than children living in a complete family. The median income of a single mother with kids is about $21,000. For a married couple with kids, it is about $63,000. Almost a third of single-parent families with kids live in poverty. Only 6 percent of families headed by married couples live in poverty.

Mr. Speaker, it does not take a nuclear scientist to figure out that marriage is good for kids. But that is saying the cup is half full when it is really half empty. It is clear not being married is devastating to our children.

Our welfare laws still penalize poor couples from getting married. Congress needs to change this and change it for good.

FULFILL COMMITMENT MADE TO FUND UNPFA

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

Mr. CROWLEY. Mr. Speaker, last year Congress and the President agreed to fund UNPFA, the United Nations Population Fund, at $34 million. Now the administration has said they will not spend the funds appropriated by Congress in accordance with the bipartisan deal that was made. They say that UNPFA performs abortions and points to their work in China.

What opponents do not say is that UNPFA does not perform abortions, not in China, not in Africa, and not in Latin America. They never have, and they never will.

My colleagues know U.S. law prevents them from doing so. Secretary Colin Powell and U.N. Ambassador John Negroponte know this as well.

President Bush knows this. That is why in his first budget in Congress he asked for $25 million and most recently, last fall, approved US money for UNPFA for Afghan refugee women's health care.

Our country disagrees with the family planning policies of the Chinese Government. We all want change, and change will come through groups like UNPFA and USAID, who work to encourage voluntary family planning to control a surging population.

But let us not tie up $34 million in funding that will save women's lives and children's lives around the world, to prevent the spread of HIV and AIDS and to improve child health survival.

President Bush said that we fight the Taliban to give hope to women in Afghanistan. Let us fulfill the commitment of Congress to give hope to all women around the world.

IM MEMORY OF DANIEL PEARL

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

Ms. CARSON of Indiana. Mr. Speaker, I rise today in great sorrow and with much horror about the vicious killing of Wall Street Journal reporter, Daniel Pearl, in Pakistan.

A gentleman and a premier journalist, he enriched the lives of many, including people in my own hometown of Indianapolis during the summer of 1985, where he worked as an intern for the Indianapolis Star.

It was in Indianapolis that Mr. Pearl launched his career in journalism and discovered his passion for reporting. As a reporter, he always knew his job could sometimes put his life in jeopardy, but as the Indianapolis Star wrote so eloquently, David's death in the line of duty brings home the lesson taught by the Ernie Pyles of our history, that journalism, when taken to the heart of human conflict, can be the

most honorable of vocations and among the most dangerous.

The pain of his untimely death transcends our borders. He will be missed by caring people universally. My heartfelt sorrow and prayers go to his child yet to be born, his wife, his family and his friends, and certainly all of us who knew him.

□ 1100

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 350 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 350

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1542) to deregulate the Internet and high speed data services, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour and 20 minutes, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Energy and Commerce and the Committee on the Judiciary now printed in the bill, the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee on the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 350 is a structured rule providing for the consideration of H.R. 1542, the Internet Freedom and Broadband Deployment Act of 2001.

H. Res. 350 provides for 1 hour and 20 minutes of general debate, with 1 hour of that time equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

H. Res. 350 waives all points of order against consideration of the bill. It provides that the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying the resolution shall be considered as adopted in the House and in the Committee of the Whole.

H. Res. 350 provides that the bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. It also provides that no further amendment to the bill, as amended, shall be in order except those amendments printed in part B of the report of the Committee on Rules.

H. Res. 350 provides that the amendments printed in part B of the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by a proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division in the House or in the Committee of the Whole.

H. Res. 350 waives all points of order against amendments printed in part B of the report and provides one motion to recommit, with or without instructions.

Mr. Speaker, I urge the House to approve this resolution so that we can move on to a vigorous debate on the underlying bill, the Tauzin-Dingell broadband measure.

When the House of Representatives was writing the 1996 Telecommunications Act a number of years ago, I played a role in helping to restore a sense of balance to that bill with respect to its treatment of the various segments of the telecommunications industry as it moved from the Subcommittee on Telecommunications and the Internet to the full Committee on Commerce, to the floor, on to the other body, and eventually into public law. I did so because I believed key to enacting such a monumental, deregulatory telecommunications measure was to take a balanced approach.

I am somewhat dismayed with the current form of H.R. 1542, as I fear that it moves the telecommunications market away from the progress we have started to make under the 1996 act, and puts us instead on a road towards large, unregulated monopolies dominating the telecommunications industry.

This rule provides for two different amendments to section 4 of the bill, which has been at the center of the debate on this proposal from the beginning.

With respect to the upcoming debate regarding the Buyer-Towns and Cannon-Conyers amendments, I will support the Cannon-Conyers proposal, which seeks to address some of the telecommunications industry's concerns with the current version of the Tauzin-Dingell bill, and in doing so will bring some sense of balance, in my judgment, to this proposal. In closing, I am going to vote for this rule.

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

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

Mr. Speaker, I rise today to support this rule, and to support the underlying bill because it will help close the digital divide and increase people's access to high-speed Internet service.

I want to take a moment to put this issue in perspective. I may be dating myself a little, but the transition to broadband today reminds me of the transition to color television more than 40 years ago. When I was growing up in Fort Worth, just one family in my neighborhood had a color television. Everyone else had black and white sets. So when we wanted to watch football games in color, all of the neighborhood kids would pack into that one lucky family's house.

Mr. Speaker, that is the current situation with broadband. Today, many homes and businesses in communities across the country have no more access to high-speed Internet service than they did 3 years ago when this bipartisan bill was first being debated in Congress. So needless to say, I am very pleased that the House will finally vote on H.R. 1542, the Tauzin-Dingell broadband bill today.

Mr. Speaker, I support this legislation because it will expand access to high-speed Internet connections and increase competition for broadband services. Our current telecommunications law was passed only 5 years ago, but it is already outdated for the rapidly-evolving Internet markets.

Tauzin-Dingell will permit Bell operating companies to operate high-speed data networks, the backbone of the Internet, throughout the country. It will also require those companies to upgrade all of their systems, in every community, for high-speed Internet within 5 years.

Under current law, different rules for different broadband platforms have stifled innovation and saddled consumers

with higher prices and fewer choices. Companies that offer high-speed Internet access over cable lines or satellites are allowed to compete free from regulation. But local phone companies that provide DSL service, which also offer high-speed Internet, are regulated like an old-fashioned telephone service.

This disparity in regulation restricts access to high-speed Internet in many parts of the country. Presently, only a fraction of households have access to broadband services, and rural areas and inner cities are particularly underserved today. This bipartisan bill will help bring broadband to these underserved communities by utilizing phone lines that already run into nearly every home.

Mr. Speaker, current law also drives up the cost people pay for high-speed Internet. Right now 64 percent of those households that have high-speed Internet access use cable modem service. Tauzin-Dingell would provide these consumers with another alternative by lifting the regulations on the major providers of DSL service.

Let me give a couple of examples of how that affects families and small businesses. Many children use the Internet to do their homework, and if they cannot get high-speed service, kids have to spend the entire evening on the computer waiting for the information they need to complete their lessons.

Mr. Speaker, this bipartisan bill could also bring broader benefits to our economy. Unleashing competition in broadband service will lower prices for those using broadband services, and will bring high-speed Internet to consumers and small businesses without access today, allowing them to be more productive and more likely to invest in new equipment and technologies.

By passing the Tauzin-Dingell bill today, Mr. Speaker, we are bringing high-speed Internet a step closer to all of our constituents. The greatest benefit of the Internet is choice. Consumers today can get the news and information they want, when they want it. Tauzin-Dingell will help preserve the free and open nature of the Web by giving consumers greater access to broadband connections and more choices in high-speed Internet providers.

Mr. Speaker, some Members have reservations about the way the Conyers amendment is treated under the rule. They feel Conyers should be entitled to a straight up or down vote rather than being subjected to a substitute by Buyer and Towns. They will be given ample time during the debate on the rule to express their concerns.

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

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. TAUZIN), the sponsor of the Tauzin-Dingell bill.

Mr. TAUZIN. Mr. Speaker, I suppose everyone in America has heard the term Tauzin-Dingell to describe this bill, but I want to describe the full and complete name of the bill. The bill is correctly entitled the Internet Freedom and Broadband Deployment Act of 2001.

Mr. Speaker, why is that important? Because that is essentially what the bill does. It ensures that the Internet remains free. Free of what? Free of government regulation both at the State and Federal level and makes sure that the Internet in fact is as free as Americans and people around the world hoped it would be.

Secondly, it is about broadband deployment, and I want to associate myself with the fine description of the gentleman from Texas of how this bill delivers access to citizens in the poorest parts of America who will wait forever for broadband services unless we turn lose the creativity of these companies.

Let me try to put it in lay terms as I would explain to my buddies at a hunting camp in Louisiana what broadband really is. The gentleman from Texas (Mr. FROST) said it right. Broadband is a system that delivers the Internet. It is about the Internet. It is not about the old world of telephone compensation where the government separates so Americans have to pay more every time you make a distant call.

Mr. Speaker, it is about the Internet where distance is irrelevant, where Americans can share data and information with anyone in the world. It is about a distant irrelevant, incredibly important new communication system for our country and the world. And broadband is not the Internet our daddies drove. It is the new Internet. It is not the Internet where we had to dial up and wait patiently to get some information. It is a new, high-speed, hot, ready to go, rich-with-information system that is going to make the Internet the engine that is going to drive the American economy into the future.

This bill is about jobs. It is about creating 1.2 million new jobs to replace the 300,000 jobs lost in the telecommunications industry. It is the biggest consumer bill we will see this Congress because it gives consumers across America, some of them the first chance to get broadband, where we are only 10 percent connected in this country, and some of them a chance to get a competitive system so they can choose between broadband suppliers. Members know the difference there. Members know what happens with one store in town: there are high prices, bad products, bad service, and bad attitudes. When the second store comes to town, consumers get better prices, better service, better products and better attitudes.

Mr. Speaker, this bill is about bringing the second store to town, to make sure that the dominant cable broadband supplier has a real competitor at home so consumers can make a choice. It is about making sure that the Internet is free from the bureaucrats who might regulate it to death the way they almost did the telephone industry. This is a bill about protecting the Internet and its freedom, developing its capabilities for our country, and creating new jobs. I commend the Committee on Rules for finally bring it to the floor for a vote.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

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

Mr. Speaker, I rise in strong support of this bill for the reasons that were just enunciated by the gentleman from Texas (Mr. FROST) and the gentleman from Louisiana (Mr. TAUZIN). At a time when our economy is suffering and thousands of people are out of work, this is just the kind of measure that will help spark the new economy and new growth.

□ 1115

Today, fewer than 8 percent of Americans have access to broadband. In my home State of Michigan, many small businesses are without the high-speed Internet service that they need. This bill will help them do their business more efficiently and will help them prosper.

I might say, also, that our State, the State of Michigan, ranks among the lowest for access to broadband in homes and schools. Outdated government regulations have prevented those in rural areas, and even in the metropolitan Detroit area, from receiving high-speed Internet service. Meanwhile, decreasing investment in the telecommunications industry has put over a quarter of a million people out of work. The telecom industry has suffered over 10 percent of the layoffs that the Nation has experienced this past year.

Today we have an opportunity to reverse this downturn in our technological sector and provide hope for thousands of workers who rely on its growth for a steady paycheck. By creating more vibrant competition between cable and telephone companies in the rollout of broadband, it is estimated that this bill could boost our economy by as much as $500 billion per year and create over 1 million jobs in the technology sector. Accelerating broadband deployment in Michigan could boost our State's economy by over hundreds of billions of dollars over the next 10 years and almost 500,000 jobs.

I like those numbers. Those numbers mean good jobs and creating and diversifying the economy in the State of Michigan.

I want to vote for a bill that will provide jobs for working people. The Communications Workers of America have highly endorsed this bill, as have the AFL–CIO, because they know these are good jobs and many of them are good union jobs. I want to give more families the economic security that they

need, and I want to take action to boost our economic growth to ensure a better future for the people of Michigan.

I urge my colleagues, vote for this rule, vote for this bill, give our economy the jump start that it has needed and put our workers back to work.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I have to reluctantly rise in opposition to this rule presented by my leadership.

Chairman TAUZIN and I have a legitimate difference on policy grounds as to what the effect of this bill will be. We have had it for a long time, and I respect his views. He has been straight with me about what those views are, and we have been unable to bridge that policy gap. We differ on whether this bill will create jobs, whether it will bring competition, whether it will be good for rural areas; and this bill is strongly opposed by 90 percent of the public utility commissioners, by the rural utilities, by the long distance companies, by the competitive carriers and by the rural telephone companies.

There is a very important difference of opinion. Those organizations and the people I represent deserve a vote, a straight up or down vote, on the important public policy matters before us. I do not believe that this rule gives it to them.

The rule is very clever, but it is not fair. It is not fair to submerge a very important policy issue in a nest of amendments to amendments. That is not right. I do not believe this bill will bring competition. I do not believe it will build rural jobs. I do not believe it will give more choice to the people that I represent.

I had offered in the committee an amendment that I think would make this bill supportable, but that amendment is not going to be heard on its merits in an up or down vote, and it deserves that. For that reason, I will oppose my leadership and I will vote against this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I thank the gentleman for yielding me this time.

Mr. Speaker, I oppose this rule. I also have very strong concerns about the underlying bill because this body is once again beating the drum to remove what nominal protection our constituents might have in the face of powerful monopolies. I do not know about your region of the country, but where I am from, every time Congress dismantles a regulatory scheme and hands it over to the private monopolies, my constituents take it on the chin. Airfares, cable rates, utilities, you name it, all have skyrocketed in recent years after Congress or legislatures decided that unregulated monopolies, rather than ratepayers, know best.

This bill poses a real threat to what meager competition we have been able to squeeze out of the Telecommunications Act of 1996. As my colleagues know, that act opened, or was supposed to, local markets to competition by requiring the four monopolistic, multibillion-dollar Bell operating companies to lease elements of their local telecommunications network to competitors on a cost-plus-profit basis. Competitors simply would not have had the ability to compete against the Bells' sheer financial power without that, but it never happened. Their infrastructure continues to dominate telecommunications today. I have no doubt that passage of this legislation could put over a hundred small companies out of business.

Yesterday, I met with employees of PaeTec Communications in my district of Rochester, New York. The energy, the creativity and, most importantly, the competition that these smaller companies provide are all that stand between our constituents and the unregulated monopolies. Tauzin-Dingell would be a lethal blow to scores of these small telecommunications companies who are still scratching to make inroads into the markets.

Of major concern to me, moreover, is Congress' willingness to undercut government bodies from doing their job to protect consumers. Take a look at section 4(a) of the bill. It says, ''Neither the Commission, nor any State, shall have authority to regulate the rates, charges, terms, or conditions for, or entry into the provision of, any high-speed data service, Internet access service.''

So no one, not you, not me, not local ratepayers, not State legislatures, not Governors, not the FCC, not the DOJ, has any authority to step in and prevent abuses.

My colleagues, this is an extraordinary hand-off of power and should give us long pause.

I hope that this rule will go down and, should it pass, please vote ''no'' on the underlying bill.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I rise for the first time in my life in opposition to a Republican rule.

Mr. Speaker, I am pretty sure that it was one of the name sponsors of the bill before us, and the Dean of the House, who once said words to the effect of, ''If you control the substance but I control the process, I'll beat you every time.'' If I am not quoting or attributing it correctly, I apologize, but whoever said that, that is what is being borne out today.

The rule before us has one simple purpose. It is designed to prevent a vote on any amendment not supported by the Bell monopolies. Granted, if one looks at the amendment list, they will see an amendment from me and the gentleman from Michigan (Mr. CONYERS), but another hostile amendment is made in order as a second-degree amendment in an attempt to prevent a vote on ours. An elegant gag rule is still a gag rule, and that is exactly what this is.

In a way, this rule is sort of a microcosm for the larger debate at hand. The Tauzin-Dingell bill and especially the Buyer-Towns amendment are designed to appear to give competitors fair access to monopoly facilities. It is only upon closer examination that one realizes that they are designed to shut competitors out. Similarly, this rule is designed to appear to give pro-competition Members a chance to offer an amendment, when in truth it does just the opposite.

Supporters of this rule argue that it is necessary to do this to avoid a situation where two contradictory amendments to section 4 of the bill are adopted. This is simply not true. The two amendments speak to different issues in section 4 and would be complementary if adopted.

So why is such a tortured rule necessary? The sponsors of this bill know that the vast majority of Members of this body are uncomfortable with the Tauzin-Dingell bill. Few Members understand it completely, but they have a sense that they may be giving away the store to the Bell monopolies. Given a chance, most Members would probably support some effort to preserve the investments people have made in competitive networks to avoid a complete remonopolization of America's telecommunications system.

So, sensing concerns about the substance, the bill's supporters have decided to rig the process. They have come up with a fig leaf of an amendment that essentially restates Chairman Tauzin's position as of December, which in turn reflects a proposal put forward by a Verizon executive last fall. They stack that amendment on top of my amendment to prevent a vote and thus give Members no outlet for concerns about the monopoly effect of the underlying bill. This is a disservice to the legislative process, to the Members of this body, and ultimately to the consumers of telecommunications services, our constituents.

Those who support a fair and open discussion of the significant issues at hand should oppose this rule; and, should it pass, those who support a fair and open telecommunications marketplace should vote down Buyer-Towns and support Cannon-Conyers.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I rise in opposition to the rule for the reasons that my colleague, the gentleman from Utah (Mr. CANNON), has outlined, that if Buyer comes up first and prevails, Conyers-Cannon never sees the light of day. So that is why a lot of people are joining in a bipartisan way to vote down the rule, because we want to just get the vote out. That is all we are asking for is a vote.

So the Bells, I will not say the Bells wired the Committee on Rules, because

they do not do such a good job anyway, but this is not the way to proceed.

There are a number of myths going on here. Number one, that there are between 1.3 million new jobs to be created under Tauzin-Dingell or 1.5 million as another leader states. New jobs, 1.5 million new jobs. By eliminating the CLECs, you will now get new jobs created. Not true. Not only will there be zero jobs created, we will lose jobs.

Number two, the Tauzin-Dingell bill will speed up rural deployment of the high-speed Internet. Great. Except the experts say no, just the opposite.

Number three, and I only wish my dear colleague and friend, the gentleman from Michigan (Mr. BONIOR), were here on the floor, but I am going to do this, anyway. Ask anybody in Detroit how great Ameritech's service is, and they will tell you, nine out of ten, that they keep raising the rates, the service is lousy, the CWA workers are picketing as I speak. It is all over television and the newspapers, I say to the gentleman from Michigan (Mr. UPTON). The relations are horrible. And now people are telling us about how we love the Bells in Detroit. Wrong, big-time, very much in error.

So, ladies and gentlemen, we are dealing with a bill that barely passed the Committee on Energy and Commerce, was voted out negatively in the Committee on the Judiciary. Now we ask for a simple vote on an amendment, and the Committee on Rules gives us, yes, if you can defeat another amendment before that, and if you do not, Conyers-Cannon, you do not even bring yours up, and they walk around saying, ''We got you an amendment in the Committee on Rules report.'' Thanks, Rules Committee, for all you have done to help further fair debate here.

So here we are dealing with the Bells, who want to repeal the 1996 portion, the most important part of the act. I hope that we will vote the rule down and vote the Conyers amendment up and, if necessary, the whole bill down.

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. UPTON), a member of the committee.

Mr. UPTON. I thank the gentleman from Georgia for yielding me this time.

Mr. Speaker, I would just remind my friend from Michigan that the CWA is in support of the legislation and I suspect the rule as well. I think that this is a fair rule.

I want to just go back in history for a moment and talk a little bit about this issue. This issue in the previous Congress I think had more than half the Congress as a cosponsor of the legislation; and, in fact, it is an improved bill from where we were a couple of years ago.

Let me also remind those folks in the Chamber and that are listening today as well that back in 1996 we lifted the regulations on cable; and, when that happened, the cable industry invested across the country some $50 billion to improve their systems, whether they be in Michigan or anyplace else in the country. The American public is pleased that that has happened in terms of the number of channels that are available, a whole host of things, as we look at what has happened with broadband, what is also called high-speed Internet access, that is available now.

This is a good rule. I commend the Committee on Rules. I also commend the Committee on Rules for making my amendment in order which says that the FCC, which complained bitterly over the last number of years that the fines were not high enough as they tried to impose some of the rules and regulations that were out there, that we wanted to do more than just a cost-of-business operation, and by allowing the Upton amendment as part of this legislation, I suspect that it will pass with a very strong margin, if not unanimous. We, in fact, strengthen this legislation; and I think that that is very important.

□ 1130

But as we look at the line-sharing amendment, the biggest amendments I would suspect that will be on the House floor this afternoon offered by the gentleman from Indiana (Mr. BUYER), this is an important improvement to the bill, because it in fact does allow the CLECs to have access to the ability to bring high-speed Internet access to the last mile in a much better fashion in fact than came out of committee; and I think it is an improvement to the bill, and I welcome the series of amendments that the Committee on Rules provided, and I thank them for their leadership and guidance as we see this legislation move to the floor.

The vote on the rule is important. It provides us legislation to get to the floor, obviously; and we then debate the amendments in the order prescribed. I urge my colleagues to support not only the rule, but the Buyer amendment, the Upton amendment, and, obviously, final passage when we get there later this afternoon.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, what I would like everyone to do is to think of the rule which we are debating as a metaphor, a metaphor for the way that the Bell companies view all competitors and competitors' ability to be able to reach the consumer.

The Committee on Rules has structured a rule that allows for all the votes the Bell companies want on their amendments, but it is going to wall out all the competitors, all the consumer groups, all the public utility commissioners from having a straight up or down vote on what they think is the important formula that would be put in place in order to protect consumers and competitors in the country.

A metaphor, because that is exactly what the substance of their bill does. It wants to wall out the competitors, wall out their ability to be able to reach consumers, wall out this pressure, this paranoia, that was induced in the Bells finally that they had to start moving on this new technology because they had other people out there. That is where this whole revolution came from, from the paranoia in the four companies.

So you have four companies, and, by the way, all of us only have one of them in our district, one, and then you have hundreds of other companies, Internet service providers, competitive local exchange companies, all out there. We call it the NASDAQ, if you are wondering why you never heard of it before 1997. It is all these companies that got created because of the 1996 Telecommunications Act.

So, this is a terrible rule. It does not allow anybody who is on the other side of the issue to get a straight up or down vote for consumers and for competitors. It is deliberately structured that way. It is a metaphor for how the monopoly sees all this issue. Not only do they have every American home wired, they have got the Committee on Rules wired. They are going to wall everybody else out. You cannot get in. And then there is this kind of pretend, oh, we will be fair, though. We will be fair. Where is the evidence we are not fair?

Well, of course, all the competitors are going to be posthumously vindicated, maybe someday in a court suit that is finally rendered, 5 years from now in bankruptcy court they will win something, but they will be out of existence, which is the dream of the Bells.

Now, I love these people that work for the Bells, they are good people, but that is an old way of looking at the world. They should be able to compete. They should be glad their competitors are there, because they have been forced to deploy tens of billions of dollars of new DSL technology.

Vote ''no'' on this rule. It will only take an hour to send it back up to the Committee on Rules, 1 hour. Then they will put our amendment in place so that all the competitors and consumers have a shot at it. One hour is all this it is going to take, and make it fair.

Everyone here has listened to Dingell-Tauzin, Dingell-Tauzin, for a year and a half; and the day of reckoning arrives, and the Bells do not want us to vote on the other side of the issue. So everyone here has already taken all the contributions from everybody on both sides. Now it is time to learn what the issue is, and the Committee on Rules has made it impossible to have a real debate.

Vote ''no'' on this very unfair rule.

Mr. LINDER. Mr. Speaker, at this time I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Speaker, I rise in opposition to this rule and to this bill.

In 1996, the big phone companies came to Congress and they asked to be deregulated. They promised that if we did so, they would provide better service and more competition. My constituents know that what has happened to telecom services since 1996 has not been good. We are not better off. We cannot read our phone bill, cable rates have skyrocketed, and neither Congress nor the administration seems to care.

Phone service is not better than it was in 1996. Michigan residents experienced a nightmare of waiting 30 to 45 days or more for service, and it took action by our State legislature to remedy that problem.

Competition is not better than it was in 1996. The big companies do not let competitors in. They would rather pay the fines. It is just a cost of doing business for them.

Now the phone companies come to Congress and say that if we will relieve them of their responsibilities under the 1996 act, they will improve Internet service and increase competition. In fact, passage of this bill will push other providers out of business, reducing choices and raising costs for the consumer.

This is not about what is good for the consumer; it is about what is good for big phone companies. The Baby Bells have broken their promise to comply with the 1996 law. That act was a compromise. It offered all parties opportunities and obligations. The big phone companies want the opportunities, but they want to be able to avoid their obligations.

The Federal Communications Commission has tried to make the big phone companies comply with the law. The Michigan Public Service Commission has tried to make the big phone companies comply with the law. No one has been able to make the big phone companies comply with the law. And now these same companies want a chance to do to the Internet what they have done to phone service. They say that if they get this new law, things will be better for Internet users. I do not think so.

I think H.R. 1542 is bad for consumers, bad for Internet service, bad for competition, and newspapers have editorialized against it all over the country. This bill is bad for my constituents. This is a bad rule to protect a terrible bill. Vote ''no.''

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. DAVIS), a member of our leadership.

Mr. TOM DAVIS of Virginia. Mr. Speaker, despite my deep respect for the chairman of the Committee on Energy and Commerce, I have to rise today to voice my continued opposition to H.R. 1542, the Internet Freedom and Broadband Deployment Act, and my opposition to allow efforts such as the amendment offered by my good friend, the gentleman from Indiana (Mr. BUYER), which claimed to resolve the concerns put forward over the past year by myself and other Members regarding the anticompetitive impact of the legislation. Both H.R. 1542 and the Buyer-Towns amendment kill competition, plain and simple. A vote for either of them is a vote against the competitive environment that we set out to create when we passed the Telecommunications Act in 1996.

Litigation brought competition to the long distance market, and similarly the 1996 act marked our recognition that innovation stimulated by competition was critical to bringing advanced technologies and services to the local market and, therefore, to consumers. Remember that DSL broadband technology has been available to Bell companies since the mid-1980s. It is only with the passage of the 1996 act and the resulting threat of competition that we actually saw DSL being deployed.

The act prescribed this recipe for local telecom competition through a carefully crafted dynamic that gives competitors access to the local network, an infrastructure built by nearly a century of guaranteed monopolistic profits; and in return the act deregulated the regional Bell companies by allowing them to compete in the long distance market from which they had been barred under the 1984 antitrust settlement with AT&T.

The strategy was simple and should remain so: offer the Bell companies an incentive to open their local monopolies so that conditions for market competition in the local loop will flourish and prices will drop. That incentive is deregulation. At this time, the incumbent carriers possess monopolistic control over 90 percent of their markets nationwide. Clearly, competition in the local markets targeted by the 1996 act has not yet arrived.

Unfortunately, H.R. 1542 and the Buyer-Towns amendment each accomplish the same objective. They irrevocably defeat the purpose of the 1996 act by destroying the efforts made since then to bring competition to the local telecommunications market. With little competition in the space that brings wire digital services into homes and businesses, there will be no competitors or forced markets to push the widespread and competitive provision of broadband markets.

I urge my colleagues to vote to retain competition, ensure that competitors have a chance to compete under the same rules that have promoted competition for the last 6 years.

Let us be clear: the Buyer-Towns amendment destroys that framework. The Cannon-Conyers amendment, on the other hand, keeps that competition alive. Vote ''no'' on Buyer-Towns, and ''yes'' on the Cannon-Conyers amendment.

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

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from Texas, and the dean of our delegation, for allowing me time to speak on the rule.

I rise in strong support of the rule and H.R. 1542, the Tauzin-Dingell bill. I support the rule even though my colleague and I, the gentleman from New Jersey (Mr. MENENDEZ), were denied an amendment that we had on the bill that would have provided additional reporting requirements, because one of the concerns we have is that there are people in this business who want to cherry pick and not serve the underserved areas like I represent and the gentleman from New Jersey (Mr. MENENDEZ) represents. I understand the rules process, and my amendment was not made in order; but I still strongly support the rule and the bill.

I have been to the work sites and seen the competition that is there now, and I also see the rules that our local phone companies have that they cannot compete with. America needs more competition in the broadband marketplace to challenge the dominant cable companies.

H.R. 1542 provides this regulatory relief. It allows for our local phone companies to increase the investment and also to make it more affordable for our own constituents to be able to get this service. This bill will speed the broadband deployment in traditionally underserved areas similar to the area I am honored to represent. That is why we need to pass it today.

Mr. Speaker, in closing, I support the rule and the underlying bill, and I urge my colleagues to support both of them.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the legislation that we are about to debate today has been a long time in coming. As I read my letters of support and opposition, there are many people who, on both sides of the issue, ultimately hope that we will have a very positive compromise for what is a good premise in the Tauzin-Dingell bill, and that is for access to DSL for all Americans. I applaud that, and I applaud the framework that will help us reach that goal. Additionally, I might add that I am pleased to see the number of amendments that were made in order.

But I would raise a question of when we begin to talk about changing the face of America with respect to DSL, we should enhance the opportunity for discussion and debate, and we should always respond to the needs of competition.

My amendment that had to do with making sure a study would be rendered by the FCC should have been made in order to determine, Mr. Speaker, the fact of whether or not this language in this bill is working.

In addition, as I close, simply, Mr. Speaker, it would be important for us

to have an assessment of whether or not urban and rural communities, inner-city communities, libraries, schools, African Americans and Hispanic-serving institutions were also being connected to the DSL.

I hope as we debate this on the floor of the House these issues will be addressed, and I hope ultimately we will have the answer of broader and expanded competition as we move this legislation forward.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, I stand here to support the rule. Obviously, I serve on the Committee on Commerce and the Subcommittee on Telecommunications. But I say to my colleagues, the gentleman from Louisiana (Mr. TAUZIN) has waited many, many months. This passed out of our subcommittee. It was controversial. There is one particular amendment that could have killed the bill. But it finally came out of our committee, and I think the time is now that we should bring it on the House floor and have a full debate.

If it turns out this bill is defeated, the gentleman from Louisiana (Mr. TAUZIN) will move on. But if the bill is passed, the Senate, under Mr. HOLLINGS, is going to have to look at this bill carefully. Right now he is not doing that. But we cannot have this debate in America if we do not pass the rule. So I urge my colleagues to pass the rule.

A lot of people have talked about the economy. This is a big-box economy. The NASDAQ has dropped dramatically, and part of it has been because the potential for broadband has not been met. If this in some small way moves the economy forward by giving high-speed Internet access service to Americans, then so be it. Right now cable has it. Perhaps we need competition for cable, and this would do it.

So the lack of availability of high-speed connection has, I think, in fact slowed the growth in this economy and shunted off development. We can see a lot of new things happen if we can get broadband jump started, and I think Tauzin-Dingell is moving in that direction. However, there are several amendments that are going to be proposed, one in particular, the Buyer-Towns amendment, which I think is a good compromise.

So I think we have an opportunity to amend this bill, and in the end I think my colleagues will realize it promotes competition, it promotes choice and innovation.

□ 1145

That is why I support the rule and I look forward to the debate.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Speaker, anybody who has been in this place for more than 2 weeks and knows the phone number of the Parliamentarian could easily have found out that the rule before us is an eminently fair rule. Indeed, it is a conventional rule. It is one which allows the proponents of Cannon-Conyers to offer their amendment. It allows those who do not quite agree to it to offer a different amendment as a substitute. And under the normal Rules of the House of Representatives, I will tell my good friends and colleagues who are on the other side it then allows the first vote on the substitute so that the amendment offered by Cannon-Conyers, which, by the way, is very similar to one rejected by the Committee on the Judiciary, can then be first perfected.

To my good friends who support Cannon-Conyers, I will simply observe, if you win, you will get your vote; if the House wants you to have a chance to prevail, you will, and you will then have a chance to offer your amendment. You will, in any event, be able to offer your amendment and have it considered by the House and debated.

Mr. Speaker, this is the normal process under which the House considers legislation.

So I would urge my colleagues to recognize that this is a fair rule. It is a conventional, traditional rule, one of the kind which has always been offered and which is viewed in the 200 and more year history of this institution as a fair and proper way in which the business of the House of Representatives should be conducted.

Now a word about the legislation. The legislation is very simple. There has been a great deal of whining and complaining by a group of monopolists, would-be monopolists and parasites who do not want the legislation. The reason they do not want the legislation is it lets everybody compete in, guess what, Internet and broadband. It requires the broadband to be made available to the entire country within 5 years. The United States is now behind the whole world, the industrial world, in making broadband service available to our people. The investment in it is being strangled. This bill permits everybody to get in and to invest and compete.

The House, in 1996, made the judgment that we were going to encourage the widest use of telecommunications and access to the information super highway, the intellectual highway, by allowing the fullest possible competition. We do not affect local net and long-distance for voice competition. We affect here only the Internet. This is opposed, as we might expect, by AT&T, which just wants to continue its ancient and special privilege. But it is supported by the AFL–CIO, the CWA, and others who want to see to it that we get the service that we need for our people in this area.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

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

Reluctantly, I rise to oppose this rule. I am disappointed in it. This is a piece of legislation about which there is legitimate disagreement. Some believe it will enhance competition, and their belief is genuine and sincere, but others believe it will not. Many of us believe that it will indeed hamper competition and that we will have a further strengthening of the existing Bell monopolies. But that really is not the issue that is fundamental to the rule.

The issue that is fundamental to the rule and the reason I oppose it, and I urge my colleagues in the strongest possible terms to vote against this rule, is that it is fundamentally unfair. With this rule what happens, which is sad and which is unfair, is that we deny the opponents of this legislation a fair up-or-down vote.

Now, it is true that often legislation is brought to the floor and that those who want to improve it are allowed to offer a manager's amendment to improve it. But in this instance that is not what is happening. Instead, what is happening is that the improving amendment is being offered as a second-degree amendment. That is a perfectly good structure in one sense in that it will allow people to vote on that second degree amendment, but it is not the norm, and it is not what will allow people to have a chance to vote up or down on an amendment that would call for true competition in the form of line-sharing. It is sad to me, it is disappointing to me, that the opponents of this bill do not get a fair chance to voice their view.

Now, also under this rule I will note that at least two-thirds of the time is being given to advocates of the time, while it appears less than 10 minutes, maybe at best 10 minutes, will be given to those who oppose the bill. I believe that is another defect in this rule which we ought to be concerned about.

For those who are concerned about competition, for those who favor markets, for those who oppose monopolies, and for those who support fairness, I urge my colleagues, please follow this debate and please vote against the Buyer amendment. Though its authors believe it will allow competition, it will not, in fact, do so. Vote for the Cannon amendment, and vote ''no'' on this rule.

Mr. SENSENBRENNER. Mr. Speaker, I rise in strong support of this rule and appreciate the consideration the Rules Committee has given the Judiciary Committee. This Rule recognizes the Judiciary Committee's important and historic role with regard to telecommunications policy, particularly as it relates to issues involving competition, by providing 20 minutes of general debate equally divided between myself and the ranking member of the Judiciary Committee.

Upon adoption of this rule, two amendments negotiated between myself and Chairman

TAUZIN will be incorporated into this legislation. These amendments, which will significantly improve the bill, are the result of spirited negotiations that the Speaker requested we undertake. Although the negotiations were at times difficult, both sides worked in good faith to reach a final compromise which helped pave the way for today's floor consideration.

The first amendment provides that, not less than 30 days before offering interLATA high speed data service or Internet backbone service in an in region State, a Bell operating company shall submit to the Attorney General a statement expressing the intention to commence providing such service, providing a description of the service to be offered, and identifying the geographic region in which the service will be offered. This statement shall not be made public except as may be relevant to any administrative or judicial proceeding.

This amendment is important because of the long and checkered antitrust history of the telecommunications market. H.R. 1542 would eliminate the need to go through a regulatory process in deploying broadband, as the RBOCs will continue to be required to do for telephone services, and this amendment mandates that the antitrust enforcers at the Department of Justice will get 30 days notice before such service is offered.

The second amendment provides that the savings clause found in section 601(b) of the Telecommunications Act of 1996 shall be interpreted to mean that the antitrust laws are not repealed by, not precluded by, not diminished by, and not incompatible with the Communications Act of 1934, this Act, or any law amended by either such Act. This amendment, a version of which was adopted by the Judiciary Committee, is a response to concerns raised about any conflicting, confusing, or contradictory language found in the Seventh Circuit Court of Appeals opinion in *Goldwasser* v. *Ameritech Corp.,* 222 F. 3d 390 (7th Cir. 2000). In *Goldwasser*, the Seventh Circuit Court of Appeals construed the savings clause found in section 601(b)(1) (47 U.S.C. § 152 note) of the Telecommunications Act of 1996 (P.L. No. 104–104, 110 Stat. 56).

Mr. Speaker, many Members have labored on these issues and I appreciate their work, particularly the efforts of Chairman TAUZIN. I support the rule and yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 282, nays 142, not voting 10, as follows:

[Roll No. 42]

YEAS—282

Ackerman
Aderholt
Akin
Armey
Baca
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (IL)
Davis, Jo Ann
Deal
DeLay
Diaz-Balart
Dingell
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
English
Everett
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Matheson
Matsui
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pastor
Payne
Pence
Petri
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sandlin
Sawyer
Saxton
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stump
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wynn
Young (FL)

NAYS—142

Abercrombie
Allen
Andrews
Baird
Barrett
Bartlett
Becerra
Berkley
Berman
Blumenauer
Borski
Boswell
Brown (OH)
Cannon
Capps
Capuano
Carson (OK)
Clayton
Condit
Conyers
Costello
Coyne
Davis (CA)
Davis (FL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dooley
Doyle
Edwards
Ehrlich
Eshoo
Etheridge
Evans
Farr
Fattah
Flake
Frank
Gephardt
Goode
Harman
Hefley
Hill
Hinchey
Hoeffel
Hoekstra
Holt
Honda
Hooley
Inslee
Israel
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kilpatrick
Kucinich
LaFalce
Lantos
Larson (CT)
Leach
Lee
Lipinski
Lofgren
Lowey
Luther
Lynch
Markey
Mascara
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
Meehan
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pelosi
Peterson (MN)
Phelps
Pickering
Pitts
Pomeroy
Price (NC)
Ramstad
Rangel
Rivers
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Schaffer
Schakowsky
Scott
Shadegg
Shays
Sherman
Skelton
Slaughter
Snyder
Solis
Stark
Stenholm
Strickland
Stupak
Sununu
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Velazquez
Waters
Watt (NC)
Waxman
Weiner
Wilson (NM)
Wolf
Woolsey
Wu

NOT VOTING—10

Baldacci
Cubin
Gilman
Hayes
Mollohan
Myrick
Paul
Peterson (PA)
Traficant
Young (AK)

□ 1215

Ms. CARSON of Indiana changed her vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows: Rollcall vote 41, on approving the Journal, I would have voted "yea." Rollcall vote 42, on providing consideration of H.R. 1542, I would have voted "yea."

□ 1215

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 350 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1542.

The Chair designates the gentleman from Texas (Mr. BONILLA) as chairman of the Committee of the Whole, and requests the gentleman from Illinois (Mr. LAHOOD) to assume the chair temporarily.

□ 1215

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1542) to deregulate the Internet and high speed data services, and for other purposes, with Mr. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 10 minutes.

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

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

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

Mr. Chairman, as we begin debate on the Tauzin-Dingell bill, I think it is important to recognize that once the House gets through with its business today perhaps Americans can start enjoying Coca-Cola and Pepsi commercials again instead of these massive commercials advertising for or against Tauzin-Dingell. It is also important to say what Tauzin-Dingell is as opposed to what it is not.

What it is is an effort that my good friend, the gentleman from Michigan (Mr. DINGELL), the ranking minority member of the Committee on Energy and Commerce, the former chairman of the committee and I have worked on for years, a bill we filed in 1999 because we saw in advance of what has occurred the collapse of so much of the high tech industry if we did not free broadband from the grip of bureaucratic regulation and if we did not create an incentive for there to be real competition in the marketplace, so we filed the Internet Freedom and Broadband Deployment Act. That is the real title. Internet Freedom and Broadband Deployment, that is what it is all about.

Now, there are two worlds out there. There are two worlds out there in communications. There is the old world of communications, the old voice telephone world that is still heavily regulated by government at all levels, local, State and Federal levels. That is an old world that is regulated in price and terms and conditions in a way that separates the way we talk to one another on the basis of distance, long distance and local.

There is a new world, the future of communications that is characterized by the Internet which does not care how far we live from one another. It does not care how tightly we are packed into communities or how sparsely we live in rural communities of America. It is the Internet world. It is the satellite world. It is the world of cable-delivered systems where distance is irrelevant, where we pay a single rate and then we can communicate, and we are not caught in this old world recollection of distance. On the Internet it does not matter whether I live in Tokyo or Seattle or Jack Bay, Louisiana. I can communicate with anybody in the world.

But even the Internet is part of the old world now. Today we talk about a new world of Internet communications called broadband.

As I said earlier, when I tried to explain this to my buddies at the hunting camp, I like to use this analogy: When you think about the old Internet it is like going to the refrigerator to get a cold beer and finding out the refrigerator is turned off, and you have to turn it on, and you have to put your beer in and wait for it to get cold, and then sometime later you finally get it and enjoy it. That is the old Internet, the old dial-up service.

The new broadband Internet we are talking about has systems that are so fast, so rich, always on, always ready, it is like going to that refrigerator, and it is always on, and when you open the door you have the bierskeller in there. There are so many varieties of rich, wonderful choices for you.

In the real world we talk about choices on entertainment, information, education, and all sorts of things like long distance tele-medicine, all made possible when we finally connect America to the big broadband Internet systems that have been built in this system in this country but do not have on or off ramps for Americans to get on and off.

After all these years, only 10 percent of Americans are connected to these systems. These are the lowest denominator systems. If I am in high speed and you are at low speed and we are connected, I am at your speed. Until we get more Americans connected with broadband, until we get real competition in those systems, America is handicapped and the high tech economy is in neutral.

This bill is about jobs. It is about creating 1.2 million jobs by turning loose the investments in broadband deployment, by making sure that every company that can deliver a line to a house can offer broadband services.

It is about consumers. It is about ensuring that consumers who live in the country, consumers who live in the inner cities of this country who might wait forever for broadband services get it on a lot quicker. It says there must be deployment within the 5-year period to every part of this country, every community. It says we will have competition in that deployment.

I was on the floor of this House in 1992, a long time ago, to make sure that cable television had a real competitor. And this House joined with me and the Senate joined with me, and eventually we had to override a veto to make sure that satellite television had a chance to compete against cable television.

Today, we make the same fight for consumers. We make the same fight to make sure everybody has a chance to get broadband Internet services, and we want to make sure that they have competition and choice in that marketplace. That is what the Internet Freedom and Broadband Deployment Act is all about.

It is good for consumers. It is great for jobs. It is great for this economy. It sends the right message. It sends the Internet, high speed, rich, fast, fully deployed broadband Internet is going to be available to Americans without the heavy hand of government regulating it in terms, prices and conditions. It means that we will have choice and competition in that marketplace and that all Americans will enjoy the benefits instead of just a few of this amazing revolution in communication.

This is about the future. There are people who rise on the floor and will talk to you about the past and how we ought to employ all the rules and regulations of the past to this new communications structure. The gentleman from Michigan (Mr. DINGELL) and I will ask you to think about the future and how we can build a future where every American has access to these new systems and we can be rich in education and information and entertainment and commerce again. We can put America back to work and get this economy going and give Americans real choice in high speed broadband Internet services.

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

Mr. DINGELL. Mr. Chairman, I ask unanimous consent to yield 15 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY) for purposes of control.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. BOUCHER), a principal cosponsor of this legislation.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. BOUCHER).

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

Mr. BOUCHER. Mr. Chairman, I am the supporter of the Tauzin-Dingell measure, and I rise this morning to describe why its passage is in the public interest. I will take this time to make three points.

First, passage of this measure will stimulate the deployment of broadband services by telephone companies. The 1996 Telecommunications Act contains an unbundling requirement that enables competitors to lease at highly favorable rates only a portion of a telephone company's network and then to

combine that leased element with the telephone company's own equipment in order to offer a complete service.

Now this provision is good policy if the goal is to promote competition in the offering of traditional voice telephone service, and I would note that many of the cities in the United States have as many as one-half of the lines serving businesses in the hands of the competitors to the local telephone companies. But the unbundling requirement is terrible policy if the goal is to encourage the telephone company to offer high speed Internet access service to a larger number of homes and businesses.

The rate at which the network must be leased to competitors is below the cost of building and maintaining the network in the first instance for the telephone company. The lines and the other equipment necessary to provide these high speed services are costly, and that cost cannot be recovered by the telephone company under the dramatically reduced rate that is available for the lease of these facilities.

Congress always intended this regulation to apply to local telephone service. It was not intended to be applied to high speed Internet access. But the Federal Communications Commission has applied it to these advanced telephone services nonetheless, and that is the problem that we are trying to resolve.

The result of this action by the FCC is that the deployment of DSL by telephone companies severely lags the deployment of cable modem service which is completely unregulated. Of the 20 percent of American Internet users who have high speed access two-thirds are using cable modem service, and the DSL service offered by telephone companies has less than one-third of the market.

The Tauzin-Dingell measure is needed to remove the unbundling requirement from advanced services to create a closer parity of regulation between DSL and cable and to encourage the broad deployment of DSL by telephone companies.

The second point I would make is that this is a jobs bill. The head of our Nation's leading technology companies have said that a revival of the technology sector of our economy hinges on one pivotal development, and that is the mass and rapid deployment of broadband services. The Tauzin-Dingell bill will lead to that deployment. It will result in hundreds of billions of dollars in business investment. It will create more than one million new jobs.

Third, all of our regulations now in place will remain for local telephone service. This bill does not affect traditional voice telephony.

□ 1230

Unbundled network elements, forward-looking cost pricing, and terms-of-service regulation will remain for local telephone service. That is totally unaffected by this bill.

The bill only affects the provision of high-speed Internet services. This market is competitive and telephone companies are the second entrants with only one-third of total customers. The dominant market participant, the cable industry, has no regulation and enjoys two-thirds of the share of this market.

This regulatory disparity is unfair. It poorly serves the public interest because it dampens the deployment of broadband services.

I urge support for the Tauzin-Dingell bill. That will create more even-handed regulation and lift the restraints of current law on broadband deployment.

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

Mr. Chairman, I will support final passage of H.R. 1542, the Internet Freedom and Broadband Deployment Act. While I did not support this legislation in the Committee on the Judiciary, I am persuaded that sufficient changes will be made to the bill today that merits supporting the bill and moving the process forward.

I believe two changes negotiated between the gentleman from Louisiana (Mr. TAUZIN) and myself significantly improve the bill. There is general agreement that rapid deployment of broadband could dramatically improve communications, electronic commerce, and more easily deliver digital goods to consumers. However, there is disagreement over how broadband should be deployed. The Committee on the Judiciary had several days of hearings on these complex and difficult issues.

As the chairman of the Committee on the Judiciary, which has jurisdiction over unlawful restraints of trade, I am cognizant of antitrust problems which gave rise to our modern telecommunications policy. After the 1984 breakup of AT&T, competition in the long distance market flourished. As a result, rates decreased and service improved.

However, when local telephone competition failed to materialize, Congress in 1996 attempted to open up the local markets by offering the regional Bell operating companies, RBOCs for short, a basic trade. They were to open their local exchanges to competitors for interconnection; and in return, they were to be allowed entry into the long distance market.

Since 1996, there has been major consolidation in the industry as the RBOCs have merged with one another. Furthermore, the RBOCs have not had a stellar record regarding compliance with the 1996 act. Hence, the gentleman from Michigan (Mr. UPTON) and the gentleman from Texas (Mr. GREEN) will offer an amendment increasing penalties for violation of the Communications Act of 1934, which I urge the committee to adopt. Consolidation and a history of anticompetitive market restraints should give one pause.

Many would argue with considerable justification that there has been not enough progress in the local markets and that the RBOCs should not be rewarded by giving them the unregulated green light to the lucrative data market. On the other hand, we should continuously review public policy to determine whether regulatory regimes are meeting the public interests.

We must also remain vigilant to make sure that the RBOCs do not use their market dominance to undermine competition because competition is the only way to ensure the most efficient delivery of the highest-quality and lowest-price goods and services.

Notwithstanding the changes that will be made today, including two within the jurisdiction of the Committee on the Judiciary, incorporated into the bill by the rule, I remain concerned about competition in the broadband and telecommunications market as a whole and will continue to review these issues to search for ways to ensure that the benefits of competition, lower prices, more choices and better service, are available to the consumer.

No bill is perfect; and after much deliberation, debate, and consideration, I believe on the whole that final passage of this legislation should be supported. Many Members have labored on this legislation, and I want to specifically thank the members of the Committee on the Judiciary on both sides of the aisle for their hard work. The committee performed quickly and thoughtfully under unreasonably tight time constraints last June, and all Members should be proud of their accomplishments.

I would also like to thank the gentleman from Louisiana (Mr. TAUZIN) and his staff for working an agreement in the language contained in section 9 of the bill which preserves the powers of the Justice Department to review antitrust considerations.

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

Mr. Chairman, I ask that the balance of my time be yielded to the gentleman from Utah (Mr. CANNON) and that he be allowed to yield such portions of that time to other Members as he desires.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. TAUZIN. Mr. Chairman, I yield myself 30 seconds.

I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for the excellent work I think we put in together with our staffs to ensure, in fact, that the antitrust laws will fully apply to all operations of the Bell companies as they currently conduct their business and telephone service and in their new businesses in broadband. He and I are equally committed to watch carefully the performance of these companies and others to make sure that consumers have the benefits of competition and not the penalties of monopoly unregulated service.

We are going to work together, and I thank him again for working with our subcommittee.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. UPTON), the chairman of the Subcommittee on Telecommunications and the Internet.

Mr. UPTON. Mr. Chairman, I rise in strong support of H.R. 1542, and as chairman of the Subcommittee on Telecommunications and the Internet, I would say that today, in fact, is the defining moment in our Nation's telecommunications policy.

Yes, the issues are complex, but there certainly is much at stake. The choice in this debate could not be simpler or clearer. Today's regulation of broadband is based on yesterday's technology. So we can either seize the moment and move forward, or we can stay stuck in the outmoded regulatory rut and watch other countries take our jobs and industry away.

Recently, I had the opportunity to chat with the head of the Southwestern Michigan Realtors Association, and it was no surprise to learn that the number one question on the minds of prospective home buyers in Michigan these days is not about property taxes and local schools but, rather, whether there is broadband access available in the neighborhoods. These folks are willing to commute, in fact, more than 30 minutes, even across State lines, just to live in communities which have broadband.

Small businesses in the area are reporting similar competitive disadvantages as well. I compare broadband access to the interstate highway system which was built through southwest Michigan back in the late 1950s and 1960s; and as I crisscross my district, I can see the population and the economic growth which has occurred in these towns that have access to interstate highways.

Those communities which do not have access have remained in a virtual time capsule, great little towns, but they virtually stood still throughout the past number of decades. That is what I fear will happen if we do not move soon, as soon as possible in fact, to get these communities connected to the high-speed Internet access highway.

That is why we need to provide deregulatory parity for broadband, regardless of the platform by which it is delivered, whether it be telephone lines, cable, wireless, satellite; and by doing that we can undo the enormous regulatory shackles which stand in the way of telephone companies providing DSL.

Mr. MARKEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I would like to thank the gentleman from Massachusetts (Mr. MARKEY) for his leadership and everyone that I have worked with on this issue for now, I think, at least 3 years.

I stand in opposition to the bill and have from the very beginning, and I would like to very quickly go through my top 10 reasons.

I think it is bad for the economy. Why? Because it is going to throw people out of work. The proponents say it is going to create jobs. In fact, it is going to shut down the CLECs in this country who are the children that were born out of the telecom act. So it is not going to do what the promise of the bill says. It is going to lose jobs, no net gains.

I think it is bad for consumers, and consumer organizations across the board oppose the bill. Why? Because it further enlarges the monopoly that the Bells are right now. If someone has a monopoly in their DNA, this is the bill for them.

It is bad for small business because I think the prices without the CLECs, without the CLECs who are competing right now, small business is going to end up paying more. That really is a tax on high-speed access for small businesses.

It is bad for broadband because it stifles innovation. When we think of innovation, and the district that I come from is all about that, we do not think of the local Bells as being the fathers or mothers of innovation.

It is bad for rural areas and the bill promises to get DSL to the rural areas. It does not, and it will not. The homes that are located 3 miles from a Bell central office would still be dependent upon other broadband providers.

It is bad for the States, and 31 State PUCs oppose it. Why? Because the bill takes away the ability from our constituents to protect consumers and oversee quality of service. In California alone the Bells have been fined $350 million for bad service. Under this bill they would not be able to do it.

Lastly, the e-rate. If my colleagues voted for the e-rate, it is in trouble. Our schools, our law libraries, it is bad law. The Bells do not need any legislation to offer high-speed Internet services.

I compliment the proponents of the bill for their advertising of it because they say it is jobs, it is the economy, it is competition, it is going to take high-speed Internet access to all communities right away. That is great advertising, but my colleagues have to read the print in the bill, and the Bells do not need this in order to bring the competition and the high-speed Internet access that it says only the Bell can do.

This enlarges a monopoly that will lumber on, and my colleagues and I are going to have to answer to our constituents on the accountability issue. No PUC, no FCC. I do not think that kind of deregulation in terms of accountability is where we should go.

I think to be about the future we have to get rid of the past. This reeks of the past and does not speak well to the future.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank the gentleman from Michigan (Mr. DINGELL), the dean of the House, for yielding me the time.

Mr. Chairman, I rise in strong support of the Tauzin-Dingell bill. Mr. Chairman, to paraphrase Charles Dickens, this is a tale of two cities, the cable and telephone industry. Ten years ago, these two industries had little to do with each other; but today, they are, thanks to technology, they are providing the exact same product, high-speed Internet access.

One would think thus that when the government imposed regulations it would do so in the same manner, but that is the crux of this tale of two industries. One, the cable industry, provides these services unfettered by regulation, the way it should be, and I support this. The other, the telephone industry, is heavily regulated.

We have a responsibility to ensure fairness in our regulations. Luckily, there will be great benefits realized as a result of this legislation. It is estimated that $100 billion will be spent upgrading the telephone networks. There is an enormous amount of labor involved in this task; and as a result, the AFL-CIO and the Communication Workers of America have endorsed this legislation.

Small businesses will also benefit. The cost of a T–1 line can be as much as $1,500 per month. For a small business that is simply not an option, but a DSL line is about $50 per month. Certainly that is affordable for most small businesses, and that will allow them to finally join the e-commerce revolution.

There will also be enormous benefits to bridging the digital divide. Our modern society is dependent upon information. The Internet is the greatest source of information ever created.

Again, I urge a ''yes'' vote on this bill. It will bridge the digital divide and allow this kind of service to be for all Americans.

Mr. TAUZIN. Mr. Chairman, I am pleased and honored to yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), a distinguished member of the Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce.

Mr. SHIMKUS. Mr. Chairman, I want to thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) for bringing up this legislation, this very important piece of legislation.

This is a good bill. We should not hold hostage data deployment to the voice fight, and that is what this is all about, long distance versus local; and that fight which should not be involved in this. This is an issue about data, and this is an issue about deploying data in rural America; and if we want to create jobs in deployment of data, not just in the data deployments but the small businesses in rural America that want to be able to market their goods in this world economy through broadband, this is how we do it.

Without this bill, we will not have broadband deployment in rural America, and we will not have the job-creation activity, and we will see the people continue to offer broadband in urban America and not in the places that we need job growth.

□ 1245

The other issue is that we have seen what has happened in the voices with the FEC and the lawsuits, the CARA lawsuits, the rulemaking, and that just stops the deployment of any type of service. And here people want to return to that. They want to bring more regulation into this new, exciting world of high-speed Internet services.

So I am just excited that we have now got this bill on the floor. I think it is going to help create new jobs in rural America. I want to thank the chairman and the ranking member for their foresight, and let us get this done.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

We have really changed our country, and the rest of the world has been following us over the last 20 years. We had one phone company. One. And they had 1.2 million employees. But we decided that it was stultifying innovation. Technology, prices, service, everything was tied to that one company. So our country broke up AT&T. Out of it came Sprint, MCI, Lucent, and dozens, scores of companies, because it created a competitive environment.

That is what the 1996 Telecommunications Act sought to do for the local market as well, to break it up; to say to the local bells, those four companies in the United States, each of us has one who is a monopoly in our hometown, ''If you give up your local monopoly, we will let you into long distance with MCI, with Sprint, with AT&T. That was the deal.

This amendment today breaks that deal and sends the American public back to the past, where the choices would be limited rather than unlimited.

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

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman for yielding me this time and also for his leadership along with that of our committee chairman. I rise in strong support of this measure.

We often talk about American ingenuity, American innovation. Well, it is here. The only problem is it is handicapped, handicapped and handcuffed by outdated regulation that prevents the deployment of broadband, and deployment of broadband is clearly the wave of the future.

Small businesses in particular will need deployment of high-speed Internet service. They will need it for large bids. They will need it for large-volume orders. They will need it to put pictures up that people can get in a quick and rapid manner so that they can sell their products. That is why we need to deploy broadband now.

We also need more competition with the cable companies. Everyone talks about cable rates and talks about competition. Well, we can have competition if we pass this bill. Broadband will provide that competition.

Third, we talk about the digital divide, the fact that we have two communities, some that have it and others that do not. This committee did a good job on a bipartisan basis by guaranteeing a 5-year build-out to ensure that urban as well as rural communities, poor communities as well as wealthier communities would have access to broadband Internet under this bill. I think that is a tremendous idea, and I think it argues well for this bill.

We cannot afford to have businesses leave poor communities because they do not have broadband. We cannot afford to have students in poorer communities disadvantaged because they do not have broadband when their wealthier colleagues do.

This is a good and balanced bill, and I hope my colleagues will adopt it. I urge strong adoption of the broadband access bill.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD), who is a member of our Subcommittee on Telecommunications, Trade, and Consumer Protection.

Mr. WHITFIELD. Mr. Chairman, I want to commend the chairman and the ranking member, the gentleman from Michigan (Mr. DINGELL), for their leadership on this important issue.

I rise in strong support of H.R. 1542. This is a bill whose time has come. It provides for less Federal and State regulation of broadband services and Internet access service. It also removes the disparity that now exists between cable, modem service and DSL.

The bill also addresses the restrictions caused by the LATA lines drawn by Judge Greene in 1984. And I might add that was a long time before commercial Internet or retail broadband service was available.

Finally, this bill will help rural America, an area that I represent, because it will expedite broadband deployment in rural America. I think that will be a tremendous boost to help in economic development in rural America, which is vitally needed at this time.

Mr. Chairman, I urge passage of this legislation.

Mr. TAUZIN. Would the chairman announce how much time is available to all of us in the debate?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Louisiana (Mr. TAUZIN) has 17½ minutes remaining, the gentleman from Massachusetts (Mr. MARKEY) has 11 minutes remaining, the gentleman from Michigan (Mr. DINGELL) has 9 minutes remaining, and the gentleman from Utah (Mr. CANNON) has 6 minutes remaining.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, this is the most important telecommunications bill to come to the floor of this House not just in this Congress but in many, many years. If it passes and becomes law, it will determine the way the telecommunications industry develops in America for untold years to come. Yet we are provided with essentially 2 hours, or less than 2 hours to debate the bill in its essence on the floor here today. The opposition is given, what, 15 minutes to provide alternative points of view. This is scandalous.

The people are not being served here. There ought to be opportunities to debate this bill in its full content and in detail. Why is that? Because the bill, as it is currently written, makes some terrible mistakes.

The premise of the bill is that if monopoly situations are provided to monopolistic companies and get rid of all regulation at the Federal and State level that somehow we will have a fair and open process and a level playing field and that somehow consumers will get the benefit. History shows us different.

This bill will cause prices to rise, and it will ensure that vast areas of the country continue to not get service. Particularly rural areas like upstate New York will not get the service that they need.

The bill alleges to create jobs. Well, the CLECs in New York, for example, now employ about 100,000 people. Those jobs are in danger of being lost and almost certainly would be lost if this bill were to become law.

This bill is not in the interest of the general public, not in the interest of consumers. We could do a good bill; and if we were doing a good bill, we would do many things. For example, we would ensure that every school in every State across this country is hooked up to broadband services, and those services would be required to be provided by the companies that are given this money-making opportunity contained in this bill.

It is a big mistake. We could do an awful lot better.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1½ minutes to the distinguished gentleman from California (Mr. ISSA), a member of the Committee on the Judiciary.

Mr. ISSA. Mr. Chairman, I rise in the strongest possible support of this bill.

Coming out of the telecommunications industry, coming out of the high-tech industry and being a user of these products, I recognize full well how stalled broadband deployment is. There is no question on either side of this issue but that broadband deployment has fallen behind our competitors. We have fallen behind Korea. We have fallen behind nations that we

never thought we would be second to in the role of high-speed Internet.

This bill seeks to and does in fact, as it is to be amended, allow for the best of both worlds. It allows for universal access both to the incumbent utilities and those who would like to become exchanges.

But it also says, wisely, that there has to be an opportunity for a return for those who will invest hundreds of billions of dollars. This bill does it and does it extremely well.

I believe if those on both sides of this issue recognize and think about the fact that this is not going to be an industry which is stalled and is suddenly going to restart itself, but that to restart it is going to take action from this body, then this bill, passed in the House and hopefully passed in the Senate, is going to lead to a restarting of broadband, which more than anything else I can name will restart the growth of America's economy, something that is sorely needed.

Mr. DINGELL. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Michigan has 9 minutes remaining.

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

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership and the leadership of the gentleman from Michigan (Mr. DINGELL) as well.

As a member of the House Committee on Armed Services, I frequently discuss the importance of redundancy in our information infrastructure. Redundancy is essential to a strong national defense. Because if our information only has one path to travel, times of emergency can make it difficult for information to travel at all.

Redundancy in our system is essential to ensuring confidence in our information infrastructure during times of emergency and to plan for information technology growth in the future. Tauzin-Dingell will use both the carrot and the stick in encouraging telephone companies to expand our high-speed data transmission infrastructure, thus making our country less vulnerable to a communications shutdown in times of emergency.

When there are two high-speed networks capable of handling the broadband needs of the country, both cable and telephone, one could be pressed into service if the other is disabled. The bill we vote on today requires the phone companies to equip all their local offices with high-speed data transmission within 5 years. Without this legislation, neither the incentive nor the requirement will be there for the Bell companies to expand their networks.

Nineteen percent of our country has no high-speed data service at all, and 48 percent have only one network in place. That leaves two-thirds of the country without a redundant high-speed data network. Mr. Chairman, this leaves our country vulnerable and exposed to an information shutdown during a national crisis.

Tauzin-Dingell will not cost taxpayers one penny but will create over a million new jobs, give millions of Americans access to high-speed Internet and, most importantly, will strengthen America's information infrastructure.

Mr. Chairman, I urge all of my colleagues to support this legislation.

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

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding me this time and for his leadership in trying to focus on the positive legacy of the Telecommunications Act of 1996.

The Act required that the Bell companies enter the long-distance Internet market by opening their local markets to competition, and this has simply not occurred. That is why today's legislation that would deregulate broadband services is opposed by consumer protection groups and 31 State public utility commissions, including the PUC in my State of Oregon.

They are concerned in part that this deregulation could severely hurt consumer service. It would limit consumer revenues over complaints with telecommunication services, especially in those instances where consumers are unable to be provided relief for poor service or high rates.

Talk to the people back home. I have got an earful.

Additionally, as somebody who has been deeply, deeply impressed with the impact of the e-rate, I am concerned that it puts at risk those important investments for our schools and our libraries.

□ 1300

But most ironic for me is the allegation somehow that we are going to be extending these services to the rural areas, bringing broadband to them. Well, point in fact that this legislation would in fact require all of the central offices to be upgraded within 5 years; it does not require that the DSL upgrades be extended from those offices. Homes that are located further away would still continue to be dependent on satellite, cable or wireless broadband. Making matters worse, most of the Baby Bells do not even serve the rural areas that ostensibly are going to be served under the enactment of this bill. I strongly urge rejection of the proposal.

Mr. TAUZIN. Mr. Chairman, I yield 15 seconds to myself to correct the record.

Mr. Chairman, the bill does require that all persons and all communities be served within 5 years, even outside of the 3-mile limit from the central office, and requires other technologies to be used, if necessary, to do that. There is a 5-year build-out to everyone in this country.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, this bill will provide a major boost to the U.S. economy, particularly to the telecommunications and high-tech sectors. This is a bill that promises to create more than a million new jobs, and hundreds of billions of dollars in economic activity if it does become law, and our Nation needs this legislation.

As a Member from rural America, I have a particular interest in this bill because Tauzin-Dingell will ensure that the high-speed access reaches underserved areas by requiring local phone companies to provide access throughout the country. This will guarantee that small towns and rural areas, all but ignored today, have access to true information-age opportunities.

And as a business owner, I know that competition empowers consumers by forcing companies to provide better products and better services at cheaper rates. By removing the unfair regulatory barriers that discourage phone companies from investing in broadband, this bill will ensure real competition in the marketplace.

At present, we have no competition in the high-speed data market. What is worse, we have no coherent national policy to encourage the deployment of high-speed Internet services. Instead, we have a regulatory regime that applies a massive set of bureaucratic rules designed for old telephone voice service to the brave new world of the Internet. These rules discourage investment by the very companies most able to lead the way in bringing high-speed Internet service to every American in this country.

H.R. 1542 replaces these anticompetitive rules with a sound regulatory framework that encourages investment and enables competition in the marketplace. And it is for those reasons that I urge a ''yes'' vote on H.R. 1542.

Mr. MARKEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the importance of this debate can only be understood by looking at history. If the monopolies had their way, we would still have one phone company. We would have one company providing cellular phone service. We would have one company providing Internet service. That was their vision in 1980, 1982, 1984. But our country decided that our great opportunity was to unleash the technological and entrepreneurial skills of our country. We believed that hundreds of companies could compete in this telecommunications sector, that it did not have to just be a story about one company.

We can look at analogies. We had one long distance phone company. In all of our families when we were younger, it was a big day when someone was on the

phone calling grandma because somebody would be yelling in the background, ''Remember, that call is long distance. Hurry up and finish,'' because those calls were so expensive.

The Bells said it was impossible to have low-cost long distance, but once MCI and Sprint and dozens of other companies got in, we reached a point where it became so inexpensive to make long-distance calls that now everyone thinks it is normal just to call to another State.

In cell phones, we had a situation where there were only two companies in the cell phone business, and they were both analog. Only at the point at which the third, fourth, fifth and sixth company got in and went digital did the telephone companies, who had the original license, decide they were going to go digital, too. This is not ancient history, this is 1984, 1985. We are not deep into this revolution. The Bells invented these technologies, but they had not deployed them because they did not have any competition.

The essence of what we tried to do in 1996 and in each of those earlier big moments was to induce massive paranoia in the incumbent company so they had to move faster than they would have otherwise. In this digital, Darwinian world, that is the key to American success. It is not a story tied to one company whose picture is always on the cover, one company whose picture is always on the cover of Fortune or Forbes. It is the story of a country that is on the cover, number one looking over its shoulder at numbers two, three, and four in the world because we have so many companies we do not know all of their names.

That is where we are in cell phones today in terms of the multiple choices which Americans have. That is where we are in long distance. The revolution that we are talking about here today is a revolution of Internet service providers. There are hundreds of them out there. It is a revolution of smaller competitive local exchange companies. There are dozens of them out there. That is the revolution. The Bells invented DSL. Had they deployed it before the 1996 Act? No, they had not. It was still sitting in their laboratories.

Once the other companies were out and moving, did they start to deploy? Members better believe that they started to deploy. Scores of companies were created. And all of the other companies ultimately were the key to the Bells finally beginning to move. This is a story that we are seeing over and over and over again. A vision of one company, or a vision of so many companies we cannot know their names. Something that was called the NASDAQ. That is what happened after 1996.

So I ask each Member to please understand how central this is to a vision of where the children in the country today are going to be working 5 and 10 years from now. It is getting the skill sets to work in these competitive companies, and not just to get a job with Ma Bell. That is not a vision for the future; it is a vision looking in a rear-view mirror.

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

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

Mr. TERRY. Mr. Chairman, I rise in support of this bill. I represent a fairly urban district in Nebraska; but once I step out of that district, it is very rural. And I stand here sticking up for our rural America which has, I feel, been grossly neglected in providing these types of services.

The FCC recognized the potential impact of broadband on rural America when it noted ''a lack of broadband infrastructure could limit the potential of these rural communities to attract and retain businesses and jobs, especially businesses that are dependent on electronic commerce.'' We have seen this in Nebraska where they look for new employees, and they will go into a rural community, but they need to transfer the data. What we need to do, and what this bill does, is it breaks down a barrier for DSL which is going to be the leading market for broadband in rural communities. It eliminates the disincentive of the companies to offer this type of service. For the sake of our rural communities, I urge passage of this bill.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Chairman, I rise in support of this legislation. It is true that the future of telecommunications is full of uncertainty as we attempt to anticipate the interplay of new technologies and market conditions and consumer preferences with the old. Our job is to work to make sure that the industry competes fairly in all sectors and across the geographic vastness of this American society.

This bill accomplishes that goal. Central to my support of this legislation is the build-out requirement that will take a major step toward bridging the digital divide. Currently, only about half of U.S. residents have access to broadband and just 8 percent actually subscribe to this service, most of them living in wealthier urban areas. The build-out provision, which the gentleman from Illinois (Mr. RUSH) and I coauthored in committee, will ensure that underserved areas, such as inner cities or small towns in rural America, can access high-speed Internet services.

The provision requires local phone companies to upgrade their facilities, speeding the availability of broadband to 100 percent of their central offices, and clearly our intent is by whatever technology available at the time, to all of their customers, reaching schools and businesses and residents throughout their service areas.

In my home State of Ohio, this would guarantee high-speed access to 2.4 million homes and businesses that cannot purchase this service, even if they wish to do so. I urge passage of this legislation so that we can make real progress without regard to the technology available at the time toward bridging the digital divide and bring high-speed Internet access to schools, businesses and residents through the country.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE), a member of the Committee on the Judiciary.

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

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for his leadership on this critical issue, as well as the gentleman from Michigan (Mr. DINGELL). As the third sponsor of this important bill after the gentleman from Michigan, I believe this legislation is long overdue.

Back in 1999 I introduced, along with the gentleman from Virginia (Mr. BOUCHER), legislation similar to H.R. 1542 that would have provided long-overdue regulatory parity for the Internet by lifting some of the discriminatory burdens on the incumbent telephone companies as they seek to provide broadband Internet services.

We introduced this legislation because we believed then, and still believe now, that the government should not be in the position of picking winners or losers. There is no clearer example of the need to reexamine the unintended effects of laws enacted by Congress than to look at the inter-LATA restrictions and unbundling requirements placed on the phone companies in the 1996 Telecommunications Act. These requirements, intended to encourage competition in voice telephony, have been wrongly applied to the delivery of broadband Internet services by the incumbent telephone providers.

This is especially true in rural areas like many parts of my district. The arrival of broadband Internet to rural areas is like the arrival of the railroad in the 19th century. If it ran through a town, that town was connected with the new economy; that town thrived. If it missed a town, that town was a ghost town. Support this legislation; do not turn rural America into a ghost town.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong support of H.R. 1542. The digital transition has stalled with the collapse of the Internet bubble. Cable companies now control 70 percent of the consumer broadband connections in our country. Meanwhile, DSL and the digital subscriber line service offered by local telephone companies lags far behind, and is hindered by the outdated analog phone regulations.

□ 1315

Mr. Chairman, I want to show my colleagues, because I know they have

seen it in our publications here on the Hill, an ad that is only partially true. This ad shows four cute little pigs, each one representing supposedly a Bell operating company. Below all the little pigs is a number representing the percentage increase that they say of DSL subscribers for the different Bell operating companies last year.

Reading this ad, one would wrongly assume that DSL service offered by local phone companies is the number one way consumers get broadband access. However, this ad is only partially true. They have had some success in signing up folks, but they still only have a third of the market. So cable still has 70 percent of it.

My colleagues on the floor today and those watching C-SPAN, what is this ad for? Who is coming by our offices in opposition to the bill? We are pointing out the big regional Bell companies are so bad, but it is AT&T, MCI and Sprint who are opposing this bill, so we have the battle of the elephants.

No matter what everyone has told us about broadband, cable is the dominant delivery platform in this country. That is why we need to make sure this bill passes so we can have real competition in DSL.

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

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

Mr. SMITH of Texas. Mr. Chairman, I support this bill as I expect it to be amended.

Mr. Speaker, this bill as I expect it to be amended will create new job opportunities and is a step towards ensuring that all Americans have access to broadband.

The New Millennium Research Council study found that building a nationwide broadband network would create 1.2 million jobs. In addition, it would ensure competition between cable and telephone companies, which will not only spur job growth, but also encourage the innovation of new Internet services and products.

We must focus on encouraging economic growth, both to help working Americans and to help the high tech sector.

U.S. businesses waste $11 billion annually because employees access the Web through slow dialup modems. Increasing broadband access will significantly increase efficiency and productivity in the workplace. This is especially important to the high tech sector, which drives our economy. Increasing its capabilities will benefit the entire country.

Only 9% of U.S. households currently have broadband Internet access. This bill will ensure that more Americans are able to use this technology.

Broadband holds the key to the newest technologies. Once broadband is widely available, we will have access to innovative multimedia, video and interactive services that today's Internet simply can't support.

As Microsoft Chairman Bill Gates put it, the lack of broadband deployment is ''the one thing holding us back.''

This bill also ensures that rural communities will not be left behind. We must close the digital divide with broadband, and not relegate rural communities to the wrong side of an ever-widening information gap. Everyone should have the opportunity to access the most advanced technology.

The United States has been a consistent leader in developing technology. If we want to maintain this leadership role, we must encourage the deployment of technology that benefits all of us. Technology is the key to our future.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1½ minutes to a distinguished member of the Committee on Commerce, the gentleman from Pennsylvania (Mr. GREENWOOD), the chairman of the Subcommittee on Oversight and Investigations.

Mr. GREENWOOD. I thank the gentleman for yielding me this time, and I also thank him for his diligent leadership on this very complex issue.

Mr. Chairman, I rise in strong support of the bill. There are many parallels between what happened in the cellular industry and what is happening in the high-speed data marketplace. The slow rollout of cellular service in the 1980s was related to continuing regulation of the service. That regulatory phase cost consumers and the economy billions of dollars. Significant deregulation since then, however, has increased subscribership and lowered consumer costs.

Wireless growth was actually very slow at first. By the end of 1988, there were approximately 2 million cellular subscribers in the entire United States. The FCC made an effort to significantly deregulate cellular service in 1988. This first of two significant deregulatory events in the cellular industry helped make wireless telecommunications the ubiquitous service it is today.

In December, 1988, the average monthly cellular bill was $98.02 for the 2 million plus subscribers. Within 4 years of the FCC's deregulatory effort, cellular subscribership reached 11 million, while the subscriber's average monthly bill dropped by nearly 30 percent.

Congress undertook the second major deregulatory effort in 1993 and to a great extent deregulated the cellular telephone industry. From 1993 to 1998, wireless telephone subscribership rose from 16 million to 69 million, while the average monthly bill has dropped by nearly 50 percent.

Adoption of H.R. 1542 will permit telephone companies to provide DSL technologies at a more rapid pace, with the same results deregulation of the cellular industry produced, more consumers accessing the technology for lower costs.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, high-speed Internet access is as important to our constituents and our Nation's economy in the 21st century as access to electricity or telephone service was to our forebearers in the 20th century. My district is geographically diverse, one-third urban, one-third suburban, one-third rural. Some have high-speed Internet access but most do not. I want all of my constituents to have broadband access no matter where they live.

The question before this House is, what can we do to facilitate high-speed Internet access?

Over the past couple of years, I have considered that question very carefully. Last year, I participated in a technology roundtable discussion in Dodgeville, in Iowa County, Wisconsin. It was sponsored by the local Chamber of Commerce and included local business leaders, educators, students, public health professionals and local government officials.

Lands' End Corporation, headquartered in Dodgeville, the county's largest employer, told of their need for high-speed Internet services for their website. In the mail order clothing business, the Internet has become a critical tool. But they had to base their website in the city of Madison rather than in their headquarters in Dodgeville.

I also have a constituent who lives in a farmhouse six miles north of Dodgeville who makes specialty cheeses that he wishes to market over the Internet. He needs high-speed data capacity to expand his business. The service will help the library, the public health nurse and the local lumber company. I am convinced that Tauzin-Dingell is the best way to achieve broadband deployment to all of my constituents.

Mr. CANNON. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. ROGERS)

Mr. ROGERS of Michigan. Mr. Chairman, I want to thank the chairman for what I think is well-intended work on what he seeks to do and his graciousness for allowing those in the dissent to stand here today. He does a great job for our Congress here.

I have been down this road before. I have been told the same things just a few years ago as a State legislator, that this was going to have competition, this was going to bring technology changes, this was going to bring jobs to the great State of Michigan. I voted that day what I thought was the right direction, because they came in, companies like SBC Ameritech, sat there and said, ''Trust us. We're going to do the right thing.'' What I found was exactly the opposite of that, Mr. Chairman, a vote I wish I could take back today and a vote I will rectify today by proudly voting ''no.''

This was an 800-pound gorilla that we made a 1,600-pound gorilla. What we got when we empowered this group that was a monopoly and we turned it into a deregulated monopoly is that this was the same company, SBC Ameritech, that sued its own ratepayers in the State of Michigan to keep a line tax on its consumers. This is the same company that, for weeks on end,

there was a website there called fix-my-phone-now-dot-com where thousands and thousands of people typed in examples of how Ameritech and this company who was supposed to allow deregulation and competition to provide better service were abusing customers in our State.

We had one elderly woman right before I left who had a husband that was ill, 7 weeks, no phone service, 7 weeks, could not get an answer from SBC Ameritech. At one point, unfortunately, the wrong thing happened. Her elderly husband took ill. She had to walk almost a mile, at her age, in the middle of the night to try to find somebody with a phone that worked to get care for her husband.

This is a life-and death issue. This is empowering the same companies like SBC Ameritech that have been abusing customers in Michigan for years to become bigger and uglier and less concerned. They control now something like 85 percent of the market. That is not competition. That is abuse. There is one guy on the block that controls all the service trucks and when he does not feel like getting there, guess what, he does not come. We saw the fact that he took money, millions and millions of dollars paid by phone users in our great State, to go compete in other States around the country. Good for Ameritech, bad for Michigan consumers.

That is why, Mr. Chairman, every consumer group out there says this is a bad bill. We talk about CLECs and line sharing and technology and broadband and all this great stuff, and it sounds really wonderful, and the economy is going to come to a screeching halt if the Federal Government does not step in and save the day. I could not disagree more. The free market will get it there, but if we stand up for these monsters, if we stand up and empower them and say the same thing you have done before, you will do again, we will regret it here in Congress as we did in our State legislature.

I urge the rejection of the Tauzin-Dingell bill.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

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

Ms. HARMAN. I thank my friend for yielding me this time and stand here as the rookie member of the Committee on Energy and Commerce with some trepidation because I am opposing a bill supported by my chairman and ranking member. Nonetheless, I believe the bill before us effectively unravels the careful balance Congress struck with the enactment of the 1996 Telecommunications Act and in doing so fails to promote consumer access to high-speed Internet services.

The 1996 Telecom Act was the product of extensive debate on the House floor and the adoption of carefully crafted amendments. I was there, and Congress distinguished itself. Today, we are being asked to overturn several critical components of that carefully crafted agreement; and, if we do, I fear that we will only retard achieving the goal of promoting broadband access.

What is preventing broadband access is not the lack of broadband services. Satellite broadband is universally available. About half of all households that have a telephone could have broadband and about 70 percent of all cable subscribers could sign up for broadband if they wanted it. Consumers do not subscribe because they do not see the high-value content that they are willing to pay for. Content is not available in large part because the producers and owners of that content and the manufacturers of the products used to watch and transmit that content have not come to agreement about how best to protect its intellectual property value. Building that demand for broadband should be our focus, not reducing competition.

The bill before us eliminates competition by removing the requirement enacted in the 1996 Act that Bell operating companies open their facilities to CLECs and other providers. This is not the way to build access to broadband. It is reinstating monopoly conditions, not promoting competition.

I urge support for Cannon-Conyers and, absent its passage, defeat for H.R. 1542.

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

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

Mr. BARTON of Texas. Mr. Chairman, on the facade behind me, there is a quote from Daniel Webster that begins, ''Let us develop the resources of our land.'' That is what we are about today. I was a cosponsor of the Telecommunications Act of 1996. I was on the conference committee where we worked out the final details with the Senate.

In 1996, the Internet was in its infancy and we did not explicitly say in that Act how to legislate on broadband. So today we are on the floor to perfect the Telco Act of 1996.

The issue is complex, but you can boil it down to several somewhat simplistic elements.

Number one, everybody who wants to provide broadband through the Bell operating companies today has the right to do that. The question is what the reimbursement is to the regional Bell operating companies. The way the FCC has interpreted the current Act, they have to do it at a below-market rate. So, obviously, the regional Bell operating companies do not want to do it very much. This bill, if it passes, lets the Bells build out the broadband network but lets them charge a market rate to provide access. I think that is a good thing. I think that provides more competition.

The second issue is the Internet providers, the long distance providers, the AT&Ts and MCIs and Sprints, would rather that the regional Bell operating companies do not get additional flexibility, so they oppose the bill.

Again, if we pass the bill, we are going to have more competition sooner; and if the bill passes as we expect it to be amended, competitors will have access to their copper loop, competitors will have line sharing access, competitors will have voice access, and the cable companies will not be regulated any more than they are today.

I urge passage for the bill.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Chairman, I rise in support of H.R. 1542. H.R. 1542 presents an opportunity to take a major step toward bringing affordable high-speed Internet service to all Americans, toward reviving the high-tech industry, and toward constructing multiple broadband networks to assure communications in times of national crisis.

□ 1330

I support Tauzin-Dingell because it represents the kind of economic stimulus package that America's workers truly need. A recent report issued by Robert Crandall and Charles Jackson indicates that accelerated deployment of broadband Internet service would infuse $500 billion a year into the American economy. The New Millennium Research Council finds that building a nationwide broadband network will contribute to the creation of 1.2 million new and permanent jobs in America.

Mr. Chairman, it is time for Congress to seize this opportunity to revive our Nation's economy through business investment without cost to the government.

Mr. TAUZIN. Mr. Chairman, would the Chair inform all of us how much time remains on all sides.

The CHAIRMAN. The gentleman from Louisiana (Mr. TAUZIN) has 5½ minutes remaining; the gentleman from Massachusetts (Mr. MARKEY) has 1 minute remaining; the gentleman from Michigan (Mr. DINGELL) has 4½ minutes remaining; and the gentleman from Utah (Mr. CANNON) has 3 minutes remaining.

Mr. CANNON. Mr. Chairman my understanding is that the gentleman from Michigan (Mr. CONYERS) also has another 10 minutes?

The CHAIRMAN. That is correct.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Alabama (Mr. HILLIARD).

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

Mr. HILLIARD. Mr. Chairman, I wish to educate those on the other side and rise in support of the bill.

Mr. Chairman, I rise in support of H.R. 1542, the Internet Freedom and Broadband Deployment Act of 2001. This legislation is extremely important to smaller communities that have, as yet, not shared in the high-speed Internet access being deployed in larger metropolitan areas.

H.R. 1542 will accelerate deployment of high-speed Internet connections. The current regulatory bottleneck created by over-regulation is stifling the growth and vast potential of the Internet. The bill provides for local telecommunications companies to accelerate deployment of broadband networks and services to consumers. In the spirit of the Internet, once networks are deployed, innovative companies will develop and offer new services on a more universal basis.

H.R. 1542 will significantly improve the economies of deploying high-speed services in rural communities. Today, many of the very companies that serve rural America are denied the incentives necessary to bring advanced services to these areas. A recent NTIA study showed that the digital divide is most severe for African-Americans living in rural areas. Only 24.4 percent of African-Americans living in rural areas have dial-up Internet access. This legislation will allow companies to develop viable business plans that will help bridge the digital divide with broadband Internet access.

Mr. Chairman, I urge my colleagues to support H.R. 1542, the Internet Freedom and Broadband Development Act of 2001.

PARLIAMENTARY INQUIRIES

Mr. TAUZIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAUZIN. Mr. Chairman, I would like to inquire of the Chair, did I hear you to say the gentleman from Michigan (Mr. CONYERS) had an additional 10 minutes not being used at this time, because we are trying to allocate time between proponents and opponents as equally as possible.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) from the Committee on the Judiciary does have 10 minutes of debate time.

Mr. TAUZIN. Is the gentleman from Michigan (Mr. CONYERS) present to use that time?

The CHAIRMAN. The Chair does not see the gentleman from Michigan (Mr. CONYERS) present in the Chamber.

Mr. TAUZIN. What happens to the time if the gentleman from Michigan (Mr. CONYERS) does not appear to use it?

Mr. DINGELL. Mr. Chairman, further parliamentary inquiry. If the gentleman from Michigan (Mr. CONYERS) is not on the floor to control time, what happens?

The CHAIRMAN. The gentleman's time will remain available until all other debate time has expired.

Mr. DINGELL. Mr. Chairman, further parliamentary inquiry. What is it the Chair is telling us then? If the gentleman from Michigan (Mr. CONYERS) is not here and we conclude the debate, what happens?

The CHAIRMAN. If the gentleman from Michigan (Mr. CONYERS) is not present at the conclusion of debate, that time will be considered yielded back.

Mr. TAUZIN. Mr. Chairman, if I can make a further parliamentary inquiry, the normal procedure for us to debate general debate on a bill is that time is used equally by proponents and opponents. If one of the opponents is saving 10 minutes to be used after debate is all finished, that disrupts the normal procedure of the House. I would inquire as to why this is being allowed.

The CHAIRMAN. The Chair is informed that recognition for general debate proceded out of sequence because part of the Committee on the Judiciary's allotted time has already been used by the gentleman from Utah (Mr. CANNON) and the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. TAUZIN. Mr. Chairman, I wonder if the Chair would call on the gentleman from Michigan (Mr. CONYERS) to use this time as we are using our time so that this debate can be balanced as we go forward. My concern is that if an opponent who has time in his pocket waits until the very end of the debate and then uses it all, then it very much unbalances this debate. That is not normal procedure for this House.

The CHAIRMAN. The gentleman from Louisiana (Mr. TAUZIN) does have the right to close general debate; and when that begins, that will conclude debate.

Mr. TAUZIN. The Chair has satisfied the gentleman in his request. I thank the Chair.

Mr. MARKEY. Mr. Chairman, on behalf of the gentleman from Michigan (Mr. CONYERS), there was a piece of erroneous information which was given to the gentleman, which was that the Committee on the Judiciary's portion of this debate would take place subsequent to the conclusion of the Committee on Energy and Commerce portion. As a result, he went back to his office. I am reliably informed he is on his way back over here in order to claim that time.

This is not something that is being done in any way to undermine the normal procedural order out here, but rather just a piece of information which was given to him personally; and he is on the way back over here because he does want to participate in this debate.

The CHAIRMAN. When the gentleman does arrive, he will be recognized.

Mr. TAUZIN. Mr. Chairman, we certainly accept that explanation and understand it.

Mr. Chairman, while we are awaiting the arrival of the gentleman from Michigan (Mr. CONYERS), I am pleased to yield 1¼ minutes to another great Member, the gentlewoman from Texas (Ms. JACKSON-LEE)

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would say to the chairman and the ranking member, competition is enormously important. Competing interests on competition and access are important.

Mr. Chairman, I think today that this debate will focus on and emphasize the fact that we can have access, which is so key, and competition. I believe that the next generation Internet, broadband Internet, offers even more potential distance learning and telemedicine applications that will help the elderly and those unable to travel.

Just a few minutes ago I was in a hearing on NASA, and one of the strong suits on supporting NASA and space is the ability to treat, if you will, diseases and the research that comes about through space travel. This broadband extension will create access to those who do not have the ability to access expertise, research health care that they could not get.

The two amendments, the Upton-Green amendment and the Buyer-Towns amendment, will reinforce the responsibility of the FCC to ensure competition by increasing penalties, making sure that those who are subject to deregulation do what they are supposed to do to serve the American people.

This is a step forward. Let us not let happen to us what happened with the superconductivity lab, where we lost the ability to do that research and it went to Europe. Let us be in the forefront of the access to broadband and make a difference for Americans and ensure that rural and urban areas can be heard.

Mr. Chairman, if I may say to the distinguished gentleman, as the gentleman well knows, I had an amendment that talked about the idea of making sure the digital divide would be closed. I would ask, and I see my ranking member standing, that is my concern, having met with 40 of my community, that we are able to close the digital divide and make sure that inner-city neighborhoods, Hispanics and African Americans are having access.

Mr. DINGELL. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, the answer to that question is yes.

Mr. TAUZIN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Yes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, we will work on that matter together. I thank both gentleman.

Mr. Chairman, I believe we must view this important legislation before us, H.R. 1542, in light of the creation and progress of the Telecommunications Act of 1996, which was designed to increase competition, quality and affordability of service universally, and the elimination of the digital divide.

During the passage of this Act, which passed with overwhelming majorities in both

the House and the Senate and was signed into law by President Clinton, I served on the Conference Committee and had particular insight into the problems and potential solutions that plagued the deployment of service to all sectors of the American population.

Having had such a significant role in the process, I am clear that the primary purpose of the Act was to promote competition and reduce the regulatory burden in order to lower prices and increase quality services for all Americans. It was intended that this would encourage the rapid deployment of new telecommunications technologies, in such a way that increased access for all Americans in order to eliminate the digital divide which in terms of barriers to jobs, education, and trade.

At that time, it was evident that the telecommunications landscape was rapidly changing, and the manner and speed of such development could not be precisely ascertained. On the horizon was the merging of telecommunications, video, and computers into one medium originally intended to only carry voice or analog transmissions.

Today, five years later the Internet and telecommunications technology have come a long way in fulfilling the promise of improving the lives of all Americans. However, despite the positive effects of the Act and other legislative efforts to eliminate these problems, the digital divide remains pervasive throughout this nation.

I believe that the bill before us, H.R. 1542, while not perfect, addresses many issues confronting us in the new information age. I believe that appropriate and targeted deregulation of broadband services is necessary at this juncture in order to stimulate greatly needed and increased investment in high-speed Internet services throughout the Nation.

Such measures are necessary in order to level the regulatory playing field with cable, which essentially dominates the market, in order to stimulate competition to the benefit of all Americans. The result should be affordable broadband access to more customers, while also helping to stimulate the economy and eliminate the digital divide.

I was moved by several letters to Congress last week. Cynthia Jones, from Houston wrote ''Dear Rep. Jackson Lee . . . Access to high-speed Internet connections is crucial to consumers and communities in today's economy . . . I strongly urge you to support (H.R. 1542).''

In another letter, The Hispanic Technology & Telecommunications Partnership which represents 40 million Hispanic Americans on public policy issues effecting technology and Internet issues wrote ''H.R. 1542 establishes national policy that will set equitable rules and regulations for all broadband/high-speed Internet service providers. This, in turn, will create an economic and regulatory environment that will ensure Latino inclusion in a society that increasingly depends on high-speed communication for education, commerce, telecommunicating, and service delivery.''

In another letter the AFL–CIO wrote ''H.R. 1542 would . . . stimulate build-out (into rural and urban underserved areas) by telephone companies . . . creating jobs and driving innovation in internet services.''

Finally, the Communications Workers of America who wrote ''H.R. 1542 is necessary to ensure continued vibrant competition between cable and telephone companies as they build out their high-speed data networks. Competition to build out their high-speed data networks. Competition to build multiple broadband networks will spur job growth as well as development of new and lower-priced Internet services for consumers.''

It is clear that because this bill allows the Bells to carry Internet traffic across current LATA long distance boundaries, the costs the Bells currently must pay to other communications companies to transmit data traffic will necessarily be eliminated, resulting in greater competition and cost savings for all Internet providers and their customers.

In my state of Texas and in Houston, which I represent, this 1996 Act has had a profound impact on the quality and level of service provided to the residents and businesses. The local service provider, Southwestern Bell, has had a long and distinguished history of outstanding telecommunication service to both the private and business sector. I have found them to be responsive and proactive in bringing together private and public interest in the pursuit of high standards and corporate good will, and I thank them for their good work.

The importance of such services and broadband technologies furthers our goals of increasing the quality of life and bringing people together through such applications as distance learning education, medical information links, on-line health clinics, home security, teleconferencing, and greater effectiveness and accountability for our law enforcement professionals.

Broadband is, in the truest sense, the future of telecommunications, advancing our needs through such media as cable, digital subscriber line (DSL), satellite, fixed wireless, and others.

Currently, many offices and business have access to these technologies. But the great challenge for this industry and for Congress is to insure that all Americans have the same level of access, and the same quality and affordable service, particularly, to our rural and undeserved areas, which have been traditionally left behind in this revolution.

It is for these areas of the general population that this legislation before us today has potentially sweeping ramifications in the way we deploy and service broadband to Americans in every community and home in this Nation.

The need to secure and promote competition is a crucial component in this evolution, particularly in the crucial sector of the American economy which has been left behind the broadband superhighway.

However, because of the depth and impact of the bill before us, I believe that we should utilize the full resources and insight of all of the Members of this House in order to arrive at the most comprehensive and inclusive piece of legislation that effectively serves the needs of all Americans.

Specifically, the need for increased attention to the serious problem of the digital divide is imperative. To this end, on February 21, 2002 I met with forty members of the Americans for Technology Leadership to address this important issue.

I have been working on this issue for the past several years by working with Members of Congress to try to persuade the High-tech industry to hire, recruit and retain more minority Americans. This meeting was a continuation of that progress.

The digital divide must be approached on many different levels. Data from the Bureau of Labor Statistics show that the hiring of African Americans in high technology has improved only slightly during the past decade. The growing workforce of our country and the strength and growth of the High-tech industry must make it a priority to train our own workers, before hiring highly specialized foreign workers.

While I am an advocate of the H–1b program which brings foreign workers to the United States, I also support efforts to continually train and update the skills of incumbent American workers, and to promote such employees where possible.

High-tech employers should take constructive steps to recruit qualified American workers who are members of under represented minority groups, recruit at historically black colleges and universities, and advertise jobs reaching out to older and disabled Americans.

It is also important that high-tech companies provide equal employment opportunities to United States workers in rural communities. With the leadership of CBC Members from rural districts, I advocated last year the proposition that those living in rural communities will have the opportunity to secure positions in the rapidly expanding job market.

I am pro-labor and pro-business as I come from a city that has over 1000 companies that specialize in information technology. This should be a non-partisan issue. Estimates show that African Americans make up 11 percent of information technology workers, and that Latinos make up another 7 percent. Those numbers show that our communities have a share of jobs that positively reflects our share of the work force.

In a statement issued written by Hugh Price, the President of the National Urban League, he states that, ''In the State of Black America 2000, the League showed that African American college attendance was now increasing at a faster rate than whites. The National Science Foundation has found that African American college students are nearly twice as likely as white students to major in computer science. So, it is very important that the current, and future, diversity of the information technology work force be maintained, and protected.

While the digital divide appears to be shrinking, much more work is needed. According to ''A Nation Online'', only one in four of America's poorest households were online in 2001 compared with eight in ten homes earning over $75,000 per year. Even more striking is the fact that this gap expanded dramatically between 1997 and 2001.

More women and minorities in the United States are using the Internet. About 23 percent of African Americans and 36 percent of Latinos in the U.S. use the Internet, and those numbers will reach 40 percent and 43 percent respectively by next year, according to recent statistics.

One hundred thousand tech jobs in Texas and half a million jobs in the United States are unfilled, reports Terry Hiner, a former teacher who now works for Girlstart.

Texans deserve this type of access to the Internet through the technology that best meets their needs. Until now, low population density and expansive geographic distances have made it difficult to provide certain types of services in certain areas. As thousands of

workers from Texas know first-hand, the technology and telecommunications industries have suffered massive slowdowns over the past year, which has dragged down the U.S. economy.

These sectors have served as a driving force in our economy for years, and the collapse has harmed millions of workers and investors. In addition to thousands of layoffs—more than 292,000 telecommunications workers this year alone have announced spending and investment cuts in the billions of dollars.

The Administration has abandoned the fight to bridge the digital divide. In its FY 2003 budget, the White House cut over $100 million in public investments previously available for community technology grants and IT training programs—programs that offer real payoffs to rural communities, the working poor, minorities and children.

To fully address the important issue of the digital divide, and to ensure that the competitive aspects of this bill are fully addressed, I would have hoped for the opportunity for all amendments to be fully discussed and debated.

I believe that more amendments allow for a greater and more robust debate and examination of potential solutions to the broadband problems that American faces. That's why I support the amendment offered by Congressman TOWNS and BUYER which seeks a compromise on the important issue of ''line sharing'', allowing the CLECs access to the RBOCs copper wire and fiber lines, and empowers the FCC to set ''fair and reasonable'' prices for such usage. In return, however, it requires the CLECs to build their own ''remote terminals'' as opposed to using those of the Bells.

Additionally, Congressman UPTON's amendment which provides for greater enforcement and penalties in the event that the Bells violate the provisions of the 1996 Act helps us in considering whether competition is alive and well. This amendment was offered in Subcommittee, then withdrawn. In pertinent part, it gives the FCC cease and desist authority and provides for forfeiture penalties for failure to comply with the 1996 Act.

Similarly, Congressman CONYERS' amendment ambitiously seeks to ensure, above all else, that this bill complies with both the letter and the spirit of the 1996 Telecommunications Act I terms of competition and access for all Americans.

Finally, the amendment that I offered, which was not taken up, recognized that legislation, which leaps ahead of adequate study and reflection, could easily undermine the current course we are on in developing our workforce and bridges the digital divide. To this end, my amendment mandated, in pertinent part, that the FCC conducts a study of the impact of the amendment made in this section on: (A) the deployment of high speed data services to urban and rural undeserved areas; (B) the rates for telephone data services; (C) the number and quality of the choices available to consumers in selecting providers of telephone and data services; and (D) growth and the level of competition in telephone and data services. It also requires the FCC to report to Congress within one year after the date of enactment of this Act.

Also, it included a Sense of Congress that nothing in the bill should impact negatively on the closing of the digital divide in rural and underserved communities, and particularly schools, libraries, and historically Black and Hispanic schools and institutions of learning.

It is my greatest hope that we may consider these amendments so that we may strike the right balance in reducing the regulatory burden while eliminating the digital divide in this country for all Americans.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to my friend, the distinguished gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Chairman, I rise in support of this bill. Today, fewer than 10 percent of U.S. households have broadband Internet access; and in urban and rural areas, broadband Internet access is practically nonexistent.

During debate on this bill in committee, the industry proponents of the bill argued that if given regulatory relief, they would deploy broadband services in underserved areas. So in an effort to hold them true to their word, I, along with my colleague, the gentleman from Ohio (Mr. SAWYER), offered the Rush-Sawyer amendment that requires the Bell operating companies to offer high-speed Internet to urban, poor and urban areas within 5 years through DSL or other alternative technology.

The rationale for this amendment was simple: to ensure that previously overlooked and underserved communities have access to quality connections such as broadband and that they are no longer left on the fringes of the digital revolution.

Today opponents of this bill will argue that giving the Bells' regulatory relief will undermine local competition in the voice market. Let us not be fooled. This bill is only about one thing and one thing only: urban poor and rural areas within 5 years having to have alternative Internet technology.

Mr. Chairman, no competition equals no access and no choices, and no choices equal higher prices. Therefore, it is a no-win situation for the consumer. I urge my colleagues on both sides of the aisle to support H.R. 1542, the Tauzin-Dingell bill. A vote for H.R. 1542 is a voice for more competition and more choices, lower prices and guaranteed access.

Mr. TAUZIN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from West Virginia (Mrs. CAPITO).

(Mrs. CAPITO asked and was given permission to revise and extend her remarks.)

Mrs. CAPITO. Mr. Chairman, I rise to support H.R. 1542—the Internet Freedom and Broadband Deployment Act.

This plan is hugely important for my home State of West Virginia and the rest of rural America.

We've heard a lot of talk about the digital divide—the GAP in access information technology between rich and poor. But the digital divide also exists between urban and rural America, and that's just as critical.

Today, about 1 out of every 4 Americans lives in a community with less than 10,000 people. But for every 100 of these small towns, only 5 have access to broadband or high speed internet.

The lack of broadband access limits the economic potential of rural communities, hindering their ability to attract businesses and retain jobs—especially in today's economy where e-commerce plays such a huge role.

Just as a lack of sufficient traditional infrastructures such as roads and sewer systems can deter businesses from operating in rural areas, so too does the lack of technological infrastructures like broadband.

Unless we act now to fix this inequity, the absence of an efficient information superhighway will continue to be a barrier to economic development in rural areas. This bill, H.R. 1542 will help break down many of these barriers.

But the potential benefits of broadband deployment to rural America aren't just economic. They are also educational.

With broadband capabilities, rural schools would be able to connect their students to new learning opportunities across the country—and even around the world.

In my home State of West Virginia, there are many schools that are severely handicapped from offering the maximum amount of access and training on the internet because of the lack of broadband access.

Teachers and students from Braxton Middle School have told me of how broadband technology is something they desperately need but do not have access to.

Mr. Chairman, these students of Braxton County, as well as many others in rural America, will someday be a part of our Nation's workforce. But we will fail to properly prepare and educate them to become the workers of the 21st century if we do not give them the necessary tools—and that includes high speed internet access.

Mr. Chairman, this bill holds tremendous promise for the development of my home State of West Virginia and the rest of rural America.

I urge my colleagues, whether from an urban areas or a rural location, to support H.R. 1542 and close the digital divide.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. ARMEY), the majority leader of the House.

Mr. ARMEY. Mr. Chairman, I thank the gentleman from Louisiana for yielding me time. Let me thank the gentleman from Louisiana and the gentleman from Michigan for bringing this bill to the floor.

Mr. Chairman, I am about to suggest that I very likely might be that Member of the House who has studied on this legislation more than any Member not on this committee or perhaps the Committee on the Judiciary. I have studied on this legislation from the point of view of seeking that supermighty application that will get the whole world to sign up for a big old fat pipe called broadband, whether it be cable, DSL, or whatever.

I have studied to the point where I have gone out in the marketplace and sought my alternatives between wireless cable and DSL; made a decision; purchased my DSL; brought my DSL home; installed it myself; and had that

marvelous magic moment when it actually went. And what an exciting day that was to start shipping Hank Williams over the Internet, just like I owned every one of those songs.

So it is exciting, and it fits right in to an overriding belief that I have: we, Mr. Chairman, you and I, we are living over what very likely is the most exciting and the most fascinating economic revolution ever certainly in our lifetime. We have seen the agricultural revolution. Historians have told us about that. Even the industrial revolution is history to everybody here except the gentleman from Michigan (Mr. DINGELL), who was there at the industrial revolution.

But for us to be here in the middle of the electronic revolution, what an exciting time in our history, to see this great electronic driving engine. And there is a sense that we need to take the technology one step further in terms of the lines over which we traverse with this electronics, and that is really what this bill is all about.

We did telecommunications as it affects voice. Now we are looking at these new innovations in data transmission that we had not even anticipated, even as late as 1997.

I think the chairman of the committee has worked well with everybody who has been involved. I have watched the process, I have encouraged the process, I have participated in the process. We have tried to look for the well-being of the RBOCs, the long-line carriers. We have tried to be fair. The chairman has listened to every argument, conceded every point he could.

We have, many of us, and let me bring myself clearly here on this point, we created the limb on which an awful lot of people that we call CLECs crawled out on in 1997. There is some criticism that maybe some of these CLECs do not have the best business plan in the world, but what plan they have is the plan they made in accommodation to the law that we built. So we have a responsibility for the CLECs.

I have watched the chairman of this committee work hard to deal with the CLECs. Hopefully, we have found an accommodation to those CLECs that is, in fact, as it were, economically viable; and there are those out there, and perhaps we will see that work here.

If indeed as we move forward with this legislation there is still additional innovation that can be done that preserves the instrumental purposes of this bill, to build the broadband into every household into America and get America back online and the economy growing and the job creation that follows that makes further accommodation to CLECs, I am confident that everybody in this body will work toward that end.

So, Mr. Chairman, let me say again, I want to thank everybody for the hard work that has gone into this bill, the sincere work that has gone into this bill. This is a big deal. We are privileged to be part of it.

I would encourage my colleagues to vote for this bill and to look forward to the opportunity of moving this legislative process even further through the line, to the ultimate conclusion of me having every one of my grandchildren on a big old fat broadband sending pictures to his grandpa on a daily basis wherever they live in America, urban, rural or wherever. That is, in the end, what will make this economy boom and make us all more well served and entertained by the wonders of this electronic revolution.

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The CHAIRMAN. The Chair would inform Members that the gentleman from Louisiana (Mr. TAUZIN) has 2¼ minutes remaining; the gentleman from Massachusetts (Mr. MARKEY), 1 minute; the gentleman from Michigan (Mr. DINGELL), 3 minutes; the gentleman from Utah (Mr. CANNON), 3 minutes. The gentleman from Michigan (Mr. CONYERS) has 10 minutes and will now be recognized.

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

Mr. Chairman, I am delighted to be here to merely continue the discussion about some misunderstandings that seem to be the basis for advancing this very important legislation called Tauzin-Dingell.

The first is that the Tauzin-Dingell bill will speed up rural deployment of high-speed Internet. Yet, we have letters and comments from the Nebraska Public Service Commission, the Florida Public Service Commission, the State of Iowa Utilities Board, the Tennessee Regulatory Authority, the New Mexico Public Regulatory Commission, the Montana Public Service Commission, the South Dakota Public Utilities Commission, and the Washington State Utilities and Transportation Commission which all say that to eliminate the line-sharing requirements in H.R. 1542 would, in effect, decrease the rate of deployment of competitive broadband services to resident consumers.

Now, are the Bells a monopoly? Were the Bells a monopoly? Interesting. They are getting larger and larger, even as a result of the 1996 Telecommunications Act, and they are growing. Many of them have doubled their broadband subscribers: Verizon up 122 percent, Quest up 74 percent, Bell South up 188 percent; and the largest one of them all, SBC, which includes Ameritech, the most complained-of service in the State of Michigan, as at least half the delegation will attest, which includes Southwest Bell, Pactel, and Ameritech, well, they are only up 70 percent.

So the question is, why are we granting them an exemption from the requirement that was the heart of the Telecommunications Act of 1996? Well, it is because once you get bigger and larger and can influence more and more people, they figured out that why not eliminate sections 251 and 271, which require the local monopoly facilities to be open to competitors. So what the bill on the floor does is give the local Bell monopolies a license to exclude.

Now, if that were not bad enough, we have an amendment, a modest amendment offered by myself and the gentleman from Utah (Mr. CANNON), which would correct that, but it is subject to a parliamentary process which my colleagues will find very interesting. The process is called king of the Hill without a vote. King of the Hill without a vote. That is, if one can get through Buyer-Towns, then we do not need to consider Cannon-Conyers.

Then it is pointed out, that is the historical rules. What is the complaint about? We granted you an amendment. We forgot to tell you that you would also have to defeat another amendment which was drummed up to present this very same challenge.

So I urge Members to, first of all, join with me in a close and critical examination of Buyer-Towns, and then we can move on to what I consider to be the heart of the discussion this day: the Cannon-Conyers amendment.

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

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) still has the largest amount of time remaining.

Mr. CONYERS. I do not choose to yield at this point, Mr. Chairman.

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

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

Mr. Chairman, first, I would like to congratulate the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his work to correct the flawed Goldwasser antitrust decision. This horrible decision has been used by the Bell monopolies to shield themselves from over 100 years of antitrust law so that they can continue to act as monopolists, plain and simple.

The inclusion of the Goldwasser position is a coup for the telecommunications community and reaffirms this body's decision back in 1934 and again in 1996 that the antitrust laws do, in fact, apply to the Bell monopolies. Hopefully now, the Bells will be held accountable for their anticompetitive behavior that the Bells are so famous for. I do not know how the gentleman from Wisconsin (Mr. SENSENBRENNER) was able to negotiate such a huge concession, one that will allow the Department of Justice to crack down on all three Bell monopolies, but I congratulate him for that.

Unfortunately, while I acknowledge the success of the gentleman's work and his attempt to improve this bill, I remain convinced the Tauzin-Dingell bill is fatally flawed, and I oppose it strenuously.

Mr. Chairman, this bill is touted by its supporters as a deregulation bill, and it does do exactly that. Tauzin-Dingell deregulates a monopoly that

has the advantages of incumbency, advantages paid for by government-imposed monopoly dollars. This is what we fought with the 1996 Act when we imposed unbundling requirements on the Bell monopolies.

Make no mistake that, if this bill passes, competition will be stomped out, and we will see unregulated remonopolization of the telecommunications industry. Not only will we be undoing the work of this body in the 1996 Telecommunications Act, we will be taking the telecom industry back to the pre-1984 AT&T divestiture days.

Through the course of this debate, we will hear the supporters of this bill say the Bells need this in order to roll out DSL service. Let me assure my colleagues that DSL service is being rolled out now across America at an amazing rate, and it is being done without this bill. This chart explains that.

In 2001, BellSouth increased its coverage from 45 percent to 70 percent of the households in the markets that BellSouth serves, nearly tripling the DSL customer base. BellSouth has the fastest growth of any DSL or cable provider.

During the same period, as we can see from the chart, SBC became the industry's largest DSL provider, with 1,333,000 subscribers.

Last year, Verizon also saw significant growth with an increase of over 122 percent, going from 454,000 customers to 1.2 million, with total revenues in excess of $7 billion.

The roll-out of DSL is hardly stifled by the current regulatory structure. What the Bells are really after is the ability to freeze out the competition and increase their monopoly power and free themselves from the consumer protections put in place by State PUCs and the FCC.

I assure my colleagues that this bill is not going to speed the roll-out of high-speed Internet service across the country. Rather, it will allow the Bell monopolies to have total control of the telecommunications industry.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I thank the gentleman from Michigan for yielding me the time.

Competition, not remonopolization, is what is needed to ensure the roll-out of DSL at a price that is reasonable for consumers. The competitive industry is already deploying broadband, and competition is driving down the cost to residential consumers.

As the second chart shows, the Bell monopolies had no interest in rolling out affordable high-speed access until they were forced by the competition. The Bells had DSL technology as far back as 1990, but instead of implementing it into their networks, they chose the more expensive T–1 technology. It was not until after passage of the 1996 Telecommunications Act requiring interconnection that the DSL competitors, such as Covad, did DSL begin to roll out, forcing the monopolies to respond in kind.

Today, DSL deployment is still being driven by competition. Unfortunately, the mere existence of this bill has a chilling effect on the telecom industry where it matters most, and that is Wall Street. It freezes out competition to the Bells. It will undermine consumer protections provided by State governments, and it will bring the level of customer service that the Bells are known for to the entire telecommunications industry, something I do not think we want.

With campaign finance so fresh in our memory, I urge this body to put the hopes and desires of most Americans who believe in the promise of a free and competitive marketplace ahead of the domination of the Bell monopolies. America is and should remain a meritocracy where competition and entrepreneurship matter most. Please vote ''no'' on H.R. 1542.

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

Mr. Chairman, it is unusual in Michigan that we find the alliance of bipartisan that has grown around opposition to this measure. I do not believe anyone here has quoted Governor John Engler recently. I do not think I ever have. But now is an appropriate time, as his career comes to an end due to term limits.

Here is what he said in the Wall Street Journal: ''We had a vision that we would have major players competing for our business, that there would be at least two choices for all of us,'' said Michigan Governor John Engler. ''That has not happened, and that is great frustration to me.''

That echoes the remarks of the gentleman from Michigan (Mr. ROGERS) on the floor just a little bit earlier.

No, ROGERS is not for Tauzin-Dingell. ROGERS is opposed to this. He is very courageous in the committee to take this stand, but he is being clear and honest about it. Because, I say to my colleagues, not only was the Committee on Rules wired, but the Committee on Commerce itself was wired. Well, why? So was the Committee on the Judiciary, someone said.

Mr. Chairman, H.R. 1542, which was turned down in the Committee on the Judiciary, negatively reported, would eliminate any meaningful opportunity for competitive carriers to gain access to use an incumbent's local loops to provide their own high-speed data.

Now, while the bill's sponsors say that it preserved the FCC's current line-sharing rules, in fact, it preserves only the illusion of line-sharing. We have been wired twice, I say to my colleagues.

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

Mr. DINGELL. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) has 3 minutes remaining; the gentleman from Michigan (Mr. CONYERS) has 1½ minutes; the gentleman from Massachusetts (Mr. MARKEY), 1 minute; and the gentleman from Louisiana (Mr. TAUZIN) has 2¼ minutes remaining. The time of the gentleman from Utah (Mr. CANNON) has expired.

Mr. TAUZIN. Mr. Chairman, I reserve the balance of my time to close so that the other gentlemen may use up their time.

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. Am I correct to assume that the friends of the bill have the right to close?

The CHAIRMAN. The gentleman from Louisiana (Mr. TAUZIN) has the right to close general debate.

Mr. DINGELL. And I gather that the friends of the bill would also have that right, whereas the opponents of the bill would not, am I correct? I happen to be a friend of the bill, and the gentleman from Louisiana (Mr. TAUZIN) happens to be a friend of the bill. My dear friend, the gentleman from Michigan (Mr. CONYERS), is a strong opponent of the legislation, as is my dear friend, the gentleman from Massachusetts (Mr. MARKEY).

So I would like to hear their comments, and since I have only one more request for time I would like to hear that one last, because it might convince me.

□ 1400

The CHAIRMAN. Once again I say to the gentleman from Michigan (Mr. DINGELL) that the manager of the bill, the gentleman from Louisiana (Mr. TAUZIN) has the right to close general debate.

Mr. MARKEY. Mr. Chairman, I yield myself my remaining 1 minute.

Mr. Chairman, I am a friend of telecommunications competition. I know telecommunications competition. This bill is not a friend of telecommunications competition. In fact, what has happened since 1997, after the 1996 Telecommunications Act passed, was that broadband deployment went across the country at such a rapid pace that now somewhere between, depending upon how we look at it, 70 to 80 percent of all Americans now have access to broadband.

That did not happen by accident. It happened because we had a vigorous competitive telecommunications policy. That is why the Bells do not like it. But it has ensured that upwards of $60 billion of investment that otherwise would not have been made was put out into the marketplace.

We do not want to change that. The bill in 1996 was a paranoia-inducement act. This bill is meant to be a sedative, a calming influence, so the Bells do not have to feel that paranoia any longer. If we do that, we will be looking at the future through a rearview mirror.

Mr. CONYERS. Mr. Chairman, I yield the balance of our time to the distinguished gentleman from New York (Mr. NADLER) from the Committee on the Judiciary.

The CHAIRMAN. The gentleman from New York (Mr. NADLER) is recognized for 1½ minutes.

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

The best way we know to lower prices and improve customer service in any market is to increase competition. This bill does exactly the opposite. It would make it easier for the big-money phone companies to squeeze their competitors and to force the remaining CLECs, competitive local exchange carriers, into bankruptcy.

It would raise prices for competitors and decrease incentives for local monopolies to open their markets to competition. Less competition, higher prices and worse customer service will be the result.

This bill turns the Telecom Act of 1996 on its head. It would allow the local Bell monopolies to have access to all long distance data markets, whether or not they face competition in the local level. The Tauzin-Dingell bill says, we do not care if the Bells have a monopoly at the local level, we are going to allow them to offer long distance data services. We all realize soon there will be no distinction between data and voice, since both data and voice can be reduced to the zeros and ones. Data is voice, for all practical purposes.

Tauzin-Dingell says the Bells do not have to open their networks for competition. If they modify existing lines, they do not have to provide open access to their networks at prices that allow for competition. The Bells are essentially seeking the ability to price their competitors out of business and extend their local monopolies.

We need to stand up to the Bell companies and say no. We believe competition is the best way to improve customer service and lower prices to consumers. We support true competition and ought to oppose anticompetitive legislation like Tauzin-Dingell.

One other point. We support more competition in the cable markets, as well. I am concerned that that local cable monopoly is raising prices and limiting the choice of consumers.

From what I understand, Tauzin-Dingell does not even address the core business of cable companies, which is to provide multichannel viewing services. If this bill passes, no one is saying consumers will have more choice in the TV viewing market. They are only promising choice for the broadband markets. The problem is there already is choice in the broadband.

This bill is not about cable companies; it is about local telephone companies themselves. We should not support one monopoly simply because another exists in another market. I urge everyone to oppose this bill.

Mr. DINGELL. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) has 3 minutes remaining.

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

Mr. DINGELL. Mr. Chairman, I have listened to this debate with a great deal of interest. Everybody is for competition. The bill says there will be unlimited competition in the area of broadband Internet, and guess what, it does. My friends on the other side say, but they do not want the competition to occur.

Now, there is a very interesting situation. The way it works now is that the Bells cannot go into broadband because they have too many inhibitions and too much restraint on their investment, so they do not go in.

The United States now has only 8 percent, whereas Korea has better than 36 percent of their homes wired for Superfund and broadband. Imagine how important that then is.

Now, having said that, if we want to get investment, look at what the president of AT&T, one of the principal opponents of this legislation, says: nobody is going to invest if they do not get exemption from excessive regulation, which precludes their investment and does not allow them to get a return.

What does the bill do? The bill does a series of things. First, it requires every part of the country to be served within 5 years. Second of all, it eliminates all constraints on competition. It does not hurt the CLECs, which by and large are noninvesting parasites which happen to get a huge benefit from the services that are provided by the Baby Bells. They get these services at a significant deduction in cost. They continue to get that. But on new investment, however, they will not get anything other than fair treatment.

Now, AT&T wants just an unfair advantage. The people at the CLECs want, again, an unfair advantage because they want to see to it that any investment that comes on the part of the Baby Bells will be given to them at low cost.

We are going to allow them to keep what they are getting now, but we are not going to permit them to get this kind of a sweetheart deal and to deny American users of the information net an opportunity to get the kind of services that they really want. That is what is at stake, and that is why the ferocious expenditure of money on lobbying against this particular piece of legislation.

Now, if Members want to get service for the American people, if they want the Internet to be readily available, allow competition to reign. I was one of the authors and supporters of the original 1996 act. Allowing competition to take place was our purpose. I would observe to Members that the only way they are going to get it is to mandate it.

The States will continue to have their authority to address voice service, the FCC will continue to be able to address voice service, but we are going to do what everybody says has to be done to get Internet service to everybody, and that is, we are going to get regulation out and competition in. Quality will appear for the American public in terms of service; and competition will give us competitive prices, which will benefit the American public. That is what this is all about.

If Members want to take care of the American people, if they want competition, if they want services, that is the way to get it.

One curious story has been going around, how Tauzin-Dingell would adversely affect competition and how it would adversely impact e-net. The simple fact of the matter is that the e-rate will not be affected in even the slightest fashion by Tauzin-Dingell.

I would urge my colleagues to therefore support Tauzin-Dingell and oppose the amendments which will be offered by my good friends, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Utah (Mr. CANNON), which are in effect a crippling poison bill which will force continuance of regulation on that industry forevermore, and give us 50 different competitive sets of regulations that nobody can meet.

Mr. TAUZIN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, to clear a matter for the record, I want to be clear that the manager's amendment provides that the saving clause found in section 601(b) of the Telecommunications Act of 1996 shall be interpreted to mean neither the antitrust laws nor the application of those laws by the courts are repealed by, precluded by, diminished by, or incompatible with the Communications Act of 1934, this act, or any law amended by neither such act.

Mr. Chairman, we have seen some pretty charts today. I remember when the networks were really getting the election wrong last year, when they got the Presidential election so messed up with all their predictions. Tim Russert came with a little chart, a little chartboard, and he said, Here it is, the election will be settled in Florida. He was so right.

I watched all these pretty charts, and I have drawn my own while we were talking. This is the state of broadband in America. This is what broadband looks like. Ninety percent of America is unserved, unconnected, and 90 percent of America denied the benefits of this incredible new technology.

Guess who lives in that 90 percent? The Members guessed it, people who live in the rural parts of America, people who live in the underserved parts of America, the people who live in the minority centers of our cities in America, the people who are going to be the last ones cable reaches out to with broadband if cable is the only provider on the ground.

Look at the state of broadband in America. Only 10 percent of Americans

are connected, and two-thirds of that, 70 percent, about, is connected by cable. No wonder, no wonder AT&T cable is the biggest opponent of this bill.

There is a quote in a Wall Street Journal article last week: ''Global Crossing built the highway,'' the high-speed network, ''says Jeffrey Eisenach of the Progress & Freedom Foundation, but the FCC destroyed the incentives for the Bells to build the on ramps.''

They were talking about the Tauzin-Dingell bill getting rid of these phony regulations that have stopped the building of the on and off ramps to the rest of America. No wonder that bill ''. . . is hung up, thanks to its opposition from AT&T and the other cable operators.''

This is the same fight we fought in 1992, the same fight when we came to this floor with a dream, a dream that instead of regulating the cable companies, we could create competition for them in video.

We stood on the floor of this House in 1992 and on the Senate floor and passed a bill saying there would be an alternative, there would be a theater in the sky, satellite television, and 20 million Americans now have the benefit of satellite direct broadcast television, 500 beautiful channels of television to compete with cable; not just a second choice, I will remind the Members, but a second store to keep cable honest.

This bill is about keeping cable honest, about creating a competitor to broadband, about building the on and off ramps for the 90 percent of America that is left out, about making sure that the Internet is free of regulation. No wonder the regulators oppose this bill. They would love to regulate the Internet, just like the taxing authorities would love to tax the Internet.

Keep the Internet free, free broadband deployment, connect America, give us all a chance to enjoy this amazing technology. That is what Tauzin-Dingell does, and that is why we need to pass the bill.

Mr. OXLEY. Mr. Chairman, we have all witnessed the amazing growth of the Internet as it has become embedded in the U.S. economy in what seems like just a few short years. Businesses, schools, and home users are demanding faster, more dependable service. It is important for our economy and international competitiveness that the best quality Internet service be made available to the widest audience as soon as possible.

By reducing unnecessary regulatory burdens, Congress can promote the kind of competition that will increase the availability and affordability of high-speed Internet access.

For all of the advantages of advanced communications, however, there is a dark side. Terrorists and criminals can use the Internet and cell phones to communicate confidentially. Our law enforcement has been scrambling to keep up with the advanced technologies that the bad guys are using.

CALEA—The Communications Assistance to Law Enforcement Act—was passed in 1994 to make sure that the FBI and local police have the technical ability to conduct legal electronic surveillance to protect our society. It has disturbed me that full compliance with CALEA has been painfully slow in coming.

The original version of H.R. 1542 could have further clouded the compliance issue by calling the Federal Communications Commission's ability to implement CALEA into question. I was prepared to offer an amendment making it clear that the bill would not jeopardize CALEA. The Buyer-Towns amendment does address this concern.

I believe that, in light of the events of September 11, it is imperative that CALEA be revisited. The compensation system has been a long-standing source of contention. Delivery and interface methods would benefit from greater specification. It should be clarified that CALEA applied to new telecommunications technologies. I want to encourage the telecommunications industry, the FBI, and interested parties to resolve these issues and am prepared to advocate needed legislative changes.

The spread of broadband, as envisioned by H.R. 1542, will do much good for our society. But like previous technologies, we also need to make sure that our society is equipped to thwart those who would use it for the wrong purposes.

Mr. TIAHRT. Mr. Chairman, I rise in support of the Internet Freedom and Broadband Deployment Act of 2001, and I commend Chairman TAUZIN and Ranking Member DINGELL for their hard work in crafting the legislation before us today.

Make no mistake about it. This legislation will create real competition among Internet Service Providers and guarantee more choices and lower prices for the American people. In my state of Kansas, high speed internet access is currently available to about 1.3 million consumers. This bill will guarantee high speed access to an additional 830,0009 Kansans. Equally important, it will expand access to an additional 20,000 Kansas businesses, 500 schools, and 200 hospitals and libraries.

Like many of my colleagues, I represent a district with a large rural population. This legislation will bring high-speed internet access to small towns and rural communities currently unable to receive it. No community will be left behind.

Mr. Chairman, we have a choice today. Congress can vote for providing consumers with greater access to internet services, greater choices among providers, and lower costs. OR we can let companies, rather than competition, determine the access and price for these services and leave millions of Americans behind.

I urge my colleagues to vote for competition and choice. Vote for the Internet Freedom and Broadband Deployment Act.

Mrs. JOHNSON of Connecticut. Mr. Chairman, there are many reasons to support H.R. 1542 and many reasons that it will benefit my state of Connecticut. However, among the most compelling are how it will help education, especially education for women who work in the home. These important benefits were discussed in a June, 2001 letter from the U.S. Distance Learning Association.

The USDLA firmly believes that universal access to broadband technology in our schools, our homes, and at work is critical to the realization of enhanced distance learning services. According to a recent study released by the Web-based Education Commission ''the promise of widely available, high quality web-based education is made possible by technological and communications trends that could lead to important educational applications over the next two to three years.''

H.R. 1542 can help us realize this promise by increasing the competition and choice of broadband service providers and by eliminating market disincentives to investments in the broadband deployment. By accomplishing this, we will be able to sustain the growth and prosperity of distance learning programs which are developing at a rapid pace.

Not only would H.R. 1542 enhance distance learning opportunities for students, it would also set the stage for improved telemedicine and job training services. These two broadband applications cannot be under estimated in today's social and economic climate which increasingly depends on access to broadband technology.

Mr. Chairman, bringing high speed broadband communications into millions of new homes will open windows of opportunity now closed to many women, among them stay-at-home moms, the disabled, and seniors, who wish for educational opportunities but who have few choices today. As this exciting technology spreads, costs will go down and the availability of these services will increase, bringing with them the promise of distance learning for all who choose it.

This bill is also a boost to small businesses across the country. In my Congressional District, DSL is currently available to 17,500 businesses—and 130,000 in Connecticut. The passage of Tauzin-Dingell will guarantee its availability to 7,000 more businesses, more than 100 schools and dozens of libraries. In the 6th District of Connecticut it will add high speed Internet access to 2,526 businesses with 18,867 employees, 231 doctors offices, 3 hospitals, 50 schools and 17 libraries. It has the strong support of local chambers of commerce, including the Northwest Connecticut Chamber of Commerce, which represents the most rural parts of my district.

Mr. Chairman, H.R. 1542 will rationalize the regulation of broadband, not end it. The benefits that this technology promises for Americans who desire more educational opportunities, and for businesses which want to grow is unprecedented. I rise in strong support of this legislation.

Mr. WAXMAN. Mr. Chairman, I rise in strong opposition to H.R. 1542, which would free the monopoly Bell Operating Companies to offer high-speed data service in their regions.

There is a very simple principle at stake today. Deregulation is good when it results in more marketplace competition. Deregulating a monopoly, however, destroys competition, impedes innovation, and hurts residential and business consumes. What's good for a monopoly is only good for the monopoly.

H.R. 1542 would eviscerate key requirements of the 1996 Telecommunications Act and very quickly eliminate the fledging competitive local exchange carriers (CLECs), which only came into being after enactment—and due to the promise—of the Act.

H.R. 1542 would also prohibit any federal or state regulation of rates and service quality for high-speed data services and leave consumers completely unprotected from monopoly abuses. More than fifty percent of the information carried on telephone wires today is high-

speed data traffic, and that percentage is growing daily.

In addition, with the convergence of voice, data, and video technology, information in the future will be carried on the same networks that now carry high-speed data traffic. As a technical matter, regulators will be unable to distinguish between voice and data traffic. As a result, under H.R. 1542, the Bell Operating Companies could escape all consumer protection and service quality regulation.

The proponents of H.R. 1542 have told us that the battle for Internet data service is really a fight between the giant cable companies and the giant local telephone companies. I couldn't disagree more with this assessment. Our nation will thrive if companies are allowed to operate under marketplace conditions that encourage the greatest number of technologies and providers for consumers. Unfortunately, H.R. 1542 draws the blueprint for duopoly control of the networks, and that would be a terrible outcome for consumers everywhere.

Competitive local exchange carriers (CLECs), Internet service providers (ISPs), consumer groups, and state public utilities commissions all strongly oppose H.R. 1542. I urge my colleagues to vote against this legislation. I also urge members to vote for the Conyers/Cannon amendment, which is the only amendment that will be offered on the floor that effectively addresses the bill's most serious shortcomings.

Mr. STARK. Mr. Chairman, I rise today in opposition to H.R. 1542, the Internet Freedom and Broadband Deployment Act of 2001. This bill continues the ill-conceived approach of deregulating the Telecom industry and promotes the ''competition'' advanced by the 1996 Telecommunications Act. I voted against the 1996 Act and I am voting against this bill.

Chairman TAUZIN has indicated that there are two ways to promote broadband development: deregulation of the industry or re-regulation of the industry. As California learned all too painfully in the energy arena, de-regulation doesn't work. By removing regulations put in place by federal, state, and local governments, we remove vital consumer protections and open markets to monopolies and price gouging.

Aside from my preference for further regulation as a means to promote telecommunications competition, there are several things in this bill that damage our already weak regulations.

Many of my colleagues who represent rural areas think this bill will ensure that their constituents have access to broadband services. This is simply not the case. Within five years, broadband data service must be available for anyone, with some exemptions. The consumer must live within three miles of a Bell office, so those farmers who have to drive three or more miles to visit their nearest neighbor will have to drive even further to get broadband internet access. Furthermore, if there is no other company providing broadband Internet access, the Bells don't have to deploy to those areas either.

Under this bill, the Bells no longer have to unbundle their services for local phone competitors. This means that a local company who wants to compete against a baby Bell must buy all of the services the Bell company provides to a customer, even if the customer doesn't want the service and the local company doesn't intend to provide the service. Under the 1996 Telecom Act, this was not allowed. With the kind of prices I'm now charged for local phone service, I can't imagine what the Bells will charge for broadband service. This part of H.R. 1542 creates a market force to keep all competitors out of the broadband market place.

Finally, H.R. 1542 repeals any state or local regulations that protect consumers from abuses by broadband service providers. This includes regulations for: anti-spam, anti-slamming (stealing other companies customers), privacy and obscenity protections, and disability access rules that may have been enacted either by the state, or local government agencies.

In 1996, the Congress bought into the belief that deregulation of the local telecom industry would promote competition. Five years later, I still haven't seen any competition in the local phone market. It's time that we take the same approach to local telecommunications competition that we did not the long distance market: use the strong hand of the government to force these robber barons to give consumers a choice.

Mr. BENTSEN. Mr. Chairman, I rise today in support of H.R. 1542, The Internet Freedom Broadband Deployment Act of 2001. As a cosponsor of this bill, I believe we must act to ensure that more consumers have access to broadband services. Today, many consumers and small businesses do not have access to the high-speed Internet services because these services are prohibitively expensive or simply not available in their area. Getting companies to invest in providing this critical last mile of connection of broadband services is necessary to ensure that all Americans can get the information that the Internet provides.

Under the current telecommunications law, the regional Bell operating companies (RBOCs) are prohibited from carrying long distance Internet data beyond their current local service area without first meeting specific requirements by both the state public utility agencies and the Federal Communications Commission (FCC). This process for approval is cumbersome and take many months to complete. As a result, very few states have authorized these RBOCs to provide these long distance services to their customers. The state of Texas is one of the few states in the nation where the RBOCs can offer long distance services within their local area. However, there are many consumers in other states who do not have competitive broadband services in their neighborhoods. H.R. 1542 would correct this inequity by permitting RBOCs to offer broadband data services in their service areas without first opening up their local market to competition. This measure also includes a safeguard which prohibits the RBOCs from bundling or offering long distance voice services with their broadband data or Internal backbone services, unless the local exchange carriers (LECs) have opened their local markets to competition as prescribed in the 1986 Telecommunication law.

This deregulatory legislation will ensure that LECs can compete directly with cable companies to offer Internet services to their customers. I believe that it is important to note that cable companies do not currently have any restrictions on their ability to offer broadband services to consumers. Yet, the LECs are currently required to get authorization from both their public utility agency as well as the FCC before they can offer their services. I believe that these obstacles to deployment of broadband services must be removed. As a result of this bill, consumers will have more choices and more competition for these services which should, in turn, lead to lower prices and better accessability to broadband services.

Broadband services offer great promise to consumers. With access to broadband services, consumers will be able to quickly connect to the Internet and look up information or find a needed service. A recent Congressional Research Service report found that there are an estimated 6.2 million cable broadband subscribers and 3.8 million Digital Subscriber Line (DSL) subscribers nationwide. Yet, many consumers do not currently subscribe to broadband services, because it may not be available in their underserved area or because it is too expensive.

I also urge my colleagues to support the amendment offered by Representative FRED UPTON and Representative GENE GREEN. This amendment would increase the penalties paid by phone companies for violating requirements of the Telecommunications Act of 1996 from $120,000 to $1 million per day with the cap rising from $1.2 million to $10 million. For repeat offenders, the penalties would be doubled up to a maximum of $20 million. In addition, this amendment extends the statute of limitations so the Federal Communications Commission (FCC) can bring enforcement cases against phone companies for up to two years. I believe that all of these enforcement penalties will help the FCC to ensure that these phone companies are complying with the law.

I also urge my colleagues to support the amendment offered by Representative STEPHEN BUYER and Representative EDOLPHUS TOWNS. This amendment would ensure that other competitors could access their broadband infrastructure. Under this bill, the RBOCs would be required to transmit competitors' broadband services based upon ''just and reasonable'' rates with the terms and conditions to be set by the FCC. I believe that requiring the FCC to set these rates will help to ensure that competitors can use these high-speed data transmission lines. This amendment also helps to ensure that competitors can directly connect with the RBOCs network by placing their remote terminals on Bell property or near Bell property. In addition, all current contracts as of May 24, 2001 would be valid until the contracts expire. This amendment also ensures that the FCC has the authority to enforce certain consumer protection laws with respect to Bell broadband services.

I believe that this deregulatory bill is necessary to spur the investment in broadband services so consumers will have more choices and better options. I urge my colleagues to support this pro-competitive legislation.

Ms. KILPATRICK. Mr. Chairman, today I rise in opposition to H.R. 1542, the Tauzin-Dingell Broadband legislation. I am simply not confident that this bill provides adequate protection to consumers. I have watched, over the years, while as a nation, we have boldly made our way down the road of deregulation. We deregulated the Savings and Loan Industry and watched them implode under the weight of their own largess. We saw the same with both the Airlines Industry and the former AT&T and Bell behemoths. In all of those

cases the consumer paid the price through increased fees, tax subsidies and decreased services.

Now, given the choice to either regulate cable and satellite or deregulate the Baby Bells, who we know to have a history of bad behavior, we are urged to deregulate the bad actors. In my eyes, the underlying legislation before the House represents a choice to deregulate the bad actors.

Without amendment, the underlying bill would limit State and Federal regulation of the pipeline we know as the Internet to an antitrust suit against the Bell Companies. This Mr. and Mrs. America is no choice. This bill gives consumers, who are my constituents and the people that I care about most, no protection if prices are unjustly increased and no protection for failing service quality.

Internet Service Providers oppose the measure because it would subject them to the unrestrained will of the Baby Bells.

Small Innovative Telecommunications Companies oppose the measure because it will force them out of the market.

Thirty-one Public Utility Commissions, including Michigan's oppose this bill.

The National Governors Association opposes this bill.

The National League of Cities opposes Tauzin-Dingell.

The Council of State Governments opposes Tauzin-Dingell.

Most Consumers Groups oppose this bill because it will lead to price increases and inept service.

Mr. Chairman, as you can see there is strong opposition to this measure. Again, I am not confident that any amendment can fix this bill and protect the consumers of Michigan's 15th district. So I will oppose this measure on final passage.

Mr. EVANS. Mr. Chairman, I rise in opposition to H.R. 1542, the Internet Freedom and Broadband Deployment Act. I believe it will harm competition within the telecommunications industry and reduce oversight of this growing and important sector of our economy, resulting in less service and choice for all Americans.

Broadband internet access is rapidly becoming a necessity for individuals and communities trying to keep up with trends in education and economic development. The internet is a tremendous resource for information, communication, and commerce. Understandably, individuals living in communities without access to broadband are frustrated by their inability to take full advantage of all the internet has to offer.

H.R. 1542 is the Bell Companies' proposed solution to the so-called ''digital divide.'' They claim onerous regulations established by the Telecommunications Act of 1996 have prevented them from deploying broadband to underserved communities. Actually, the 1996 Act merely required the Bell Companies to meet a 14 point competitive checklist before offering long-distance service in their home markets. The promise of lucrative long-distance markets was to serve as an incentive for the Bell Companies to open their markets to competitors.

By exempting Bell Companies who wish to offer broadband services from competitive requirements, H.R. 1542 essentially guts all of the competitive elements of the 1996 Act. Bell Companies will no longer have to guarantee network access to upstart telecommunications companies who have provided consumers with alternatives. Additionally, the bill will make it impossible for the FCC and states to regulate costs and customer service standards, which could send prices skyrocketing and leave consumers with no recourse for substandard service. Given our recent experiences with deregulation of essential consumer services, it seems foolish to believe that further deregulation of the telecommunications industry is the answer for rural America.

Over the past few years, the Bell Companies have developed a shockingly poor record of customer service. In order to spur competition, the 1996 Act requires the Bell Companies to allow Competitive Local Exchange Carriers (CLECs) access to their lines when consumers choose to do business with CLECs rather than a Bell. The Bells frequently refuse to comply with these requests in a timely manner. Since 1996, Bell Companies have paid over $2 billion in fines. They clearly believe it is to their advantage to pay penalties for violations of the 1996 Act rather than open their markets. Instead of taking steps to aggressively enforce the 1996 Act, Congress has proposed a bill that would eliminate the FCC's and states' ability to regulate costs and protect consumers.

There is no reason to believe that passing H.R. 1542 will speed broadband deployment to rural America. The fact is, the Bell Companies have chosen not to provide even basic services in many of the rural communities they claim will be helped by H.R. 1542. Since they are only required to upgrade infrastructure for communities they already serve, many rural consumers are left out entirely. Another problem is that the broadband service requirement only applies to consumers that live within three miles of a Bell Company central station. Those living outside of a three mile radius are given no guarantees of broadband access at all. Again, rural America is being left out.

As for being shut out of the broadband market, the numbers speak otherwise. BellSouth tripled its DSL customer base in 2001. SBC, Verizon, and Qwest have similarly built and maintained a network of broadband customers. A large majority of Americans already have access to broadband, but very few have chosen to subscribe because of the cost. The FCC has concluded that broadband is being deployed in a reasonable and timely manner. HR 1542 is not about offering broadband services. It is about eliminating competition and oversight in the telecommunications industry for the Bell Companies.

The list of organizations opposing HR 1542 grows longer every day. The Public Utility Commissions of 31 states, AARP, the Gray Panthers, Consumers Union, the Consumer Federation of America, Americans for Tax Reform, Citizens Against Government Waste, and the National Retail Federation have all opposed the bill. HR 1542 will not speed the delivery of broadband to rural America but it will undermine consumer rights nationwide. Americans deserve better.

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise to ask unanimous consent that my following statement be placed in the RECORD as read on the rule for H.R. 1542.

I rise in opposition to the rule for H.R. 1542, the Internet Freedom and Broadband Deployment Act.

There were 30 amendments offered to the Rules Committee by those looking to improve the bill to ensure competition and increase the availability of broadband. This rule does not give a voice to the concerns my colleagues and I have with this bill to address open access, state authority, and a multitude of other issues.

No matter what your opinion is on H.R. 1542, this bill deserves a fair process. By using the second degree amendment procedure, the rule could prevent those of us wishing to offer a substantive revision to the bill from doing so. The Cannon-Conyers amendment is critical to ensuring that a monopoly does not take over the DSL marketplace, resulting in high prices and poor service.

The Cannon-Conyers amendment contains a line sharing provision similar to one that failed on a 27–27 tie during the Committee mark up. At the very least, this controversial condition deserves the opportunity for debate by the entire House.

The Buyer-Towns amendment is not an acceptable substitute for Cannon-Conyers. This amendment is not a real compromise because it does not guarantee wholesale pricing for leased lines, nor does it guarantee that competitors have access to the existing Bell network.

Language that ensures fair competition must be inserted into this bill. Even with the current competitive market, I have been told stories of how local Bell companies often postpone the installation of local service if the customer chooses a competitor's long distance service. If H.R. 1542 becomes law, these types of practices will be allowed to flourish at the expense of consumers.

On September 11, we learned the necessity of having more than one phone company in a community, as competitors kept the lines of communication open between New York, Washington, DC, and the rest of the world.

I urge my colleagues to join me in opposing the rule. It is not in the best interest for the people.

Mr. DAVIS of Florida. Mr. Chairman, I rise today in opposition to H.R. 1542, the Tauzin-Dingell Broadband Deployment Act, which proposes major changes to the Telecommunications Act of 1996. This bill would allow the former regional Bell telephone companies (RBOC's) to provide high speed, broadband Internet access without having to allow reasonable access to their networks to competing providers willing to pay for access.

The Telecommunications Act of 1996 has been instrumental in introducing competition among providers of high-speed, broadband technologies like digital subscriber lines (DSL). These competitive developments have increased access to the Internet and its wealth of information while lowering prices for retailers and consumers alike. On the assumption that this competition was developing, many States, including Florida, my home, have repealed regulation of many aspects of the telecommunication industry. In 1995, as a State Representative, I strongly supported this deregulation based on my belief, then and now, that competition and choice was a far superior form of protection for consumers than the old system of regulation and monopoly service. However, many consumers still remain at an economic disadvantage because the RBOC's do not offer DSL service at all or offer it at an affordable rate, and potentially competing providers do not have reasonable access to the RBOC networks.

H.R. 1542 would remove significant incentives for the RBOC's to open their markets to local competition by allowing them to provide broadband services without having to first demonstrate that their local telephone markets have been opened to competition. The further effect of this bill, should it become law, would be to constrain the ability of State and local governments to take steps to reasonably protect consumers' access to telecommunication service through competition or regulation.

I believe that this bill would stifle any hope for free and open competition and if it were to become law, consumers would see less competitive choice when it comes to their Internet access. H.R. 1542 is bad for consumers and it is for this reason that I urge my colleagues to vote no.

Mr. UDALL of Colorado. Mr. Chairman, after careful consideration I have decided that I cannot support this bill.

The stated goal of the bill is to promote growth and development in high-speed (broadband) data services offered by regional Bell operating companies such as SBC, Verizon, BellSouth, and Qwest. The bill seeks to achieve this by relaxing requirements placed on the Bells in the 1996 Telecommunications Act.

What we need is competition to drive prices down and give consumers more choices. However, I am not convinced the bill would achieve these goals, and am concerned that it might have the opposite effect.

I do believe the bill is well intentioned and is intended to respond to a real need. I agree with the bill's sponsors that the expansion and use of broadband services is vital to our economic growth. But Colorado's consumer groups, state and local government officials, small telecommunications firms, and residents in rural and underserved areas in Colorado tell me that they think this bill will consolidate the Bell companies' monopoly and result in increased prices for consumers. I give great weight to the views of those Coloradans.

Today in Colorado small telecommunications companies are working hard to play by rules that Congress passed in a bipartisan fashion in 1996. And our regional Bell company, Qwest, is doing the same thing because it has hopes to enter the long distance market soon. In short, in Colorado the current system seems to be working, and I am not prepared to vote to attempt to fix something that I am not convinced is broken.

Mr. BLUMENAUER. Mr. Chairman, today's bill contains language that eliminates important provisions of the 1996 Telecommunications Act that were intended to open telecommunications markets to competition. The legislation allows Bell telephone companies to enter the long-distance Internet data market without first opening their local markets to competition. It also deregulates high-speed Internet services known as broadband and is opposed by consumer protection groups and 31 State Public Utility Commissions, including our own commission in Oregon.

I am concerned that this deregulation could severely hurt consumers by limiting remedies for people with complaints about their telecommunications services, especially in situations where consumers have been provided poor service or unusually high rates. In Oregon, for example, citizens can currently take their DSL or broadband Internet complaints to the Oregon Public Utility Commission. However, the PUC lacks authority to do anything about these complaints. This legislation would exacerbate the problem by further undercutting the authority of the State to address DSL complaints or declining service quality issues and by removing existing protections for customer service.

This bill will also increase rates for consumers because without the benefits of a truly competitive telecommunications sector, consumers and small businesses will have fewer choices and will pay higher prices for telecommunications service. Unregulated telephone monopolies, such as those created by this bill, cannot be expected to lower prices or innovate. In fact, as competitive DSL providers began to struggle financially last year, the Bell monopolies raised their DSL prices by 20 to 30 percent. There are also concerns that because this bill threatens state oversight of voice services that it could potentially raise local phone rates. The best way to promote lower prices and greater access is by ensuring a robustly competitive market.

Furthermore, this bill will not bring broadband to rural areas, as the proponents of this bill have argued. While today's bill requires some broadband expansion, it contains substantial loopholes and lacks real meaning for rural and underserved areas. Rural homes would continue to be dependent upon cable, satellite or wireless broadband—as they are now. Making matters worse, the Bells do not even serve many of the rural areas they ostensibly claim the bill will help.

Additionally, contrary to some arguments, it appears the deployment of broadband has been severely hindered by the Bell companies themselves. The Bells failed to deploy high-speed technology such as DSL for nearly a decade and it was not until competition was injected into the marketplace after enactment of the 1996 law that the Bells offered DSL, and then just in limited markets at high prices. I urge my colleagues to promote competition, protect consumers and vote against this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I am in opposition to H.R. 1542. This legislation extends the power of the Bell monopolies which the Telecommunications Act of 1996 sought to curb. I am particularly concerned about the negative effects this legislation will have on small businesses in my district if the bill passes. In the past couple of years, a number of Competitive Local Exchange Carriers have begun to provide high-speed data access in my district. If Tauzin-Dingle passes, these small carriers will be priced out of the market and hundreds of small businesses will lost a competitive choice in their data provider. This bill does nothing to lower data service rates, and it is bad policy. I urge my colleagues to vote ''no'' on final passage of H.R. 1542. Services will not be cheaper for consumers.

Presently it cost me $20 more per month in Texas than I pay in Virginia for the same services.

Mr. KIND. Mr. Chairman, I rise in support of the Tauzin-Dingell Internet Broadband Deployment Act.

Rural communities were the last to get paved roads, the last to get electricity, the last to get voice telephone service, and the last to get cable television. Right now the information superhighway is bypassing rural America, leaving it behind in the new economy. Rural Americans do not want to be the last to experience the economic, education, and cultural benefits of Internet broadband technology.

Mr. Chairman, Tauzin-Dingell will directly benefit the citizens of my district. Passage of this bill will guarantee high-speed access to almost 90,000 people and over 5,000 businesses in the third Congressional district of Wisconsin alone.

The ability of educational institutions, especially in rural areas, to explore all the possibilities the Internet offers depends largely on the availability of broadband technology. With high speed access to the internet, schools will have the ability to supplement classroom teaching in ways currently not available, and to bring cyber-classrooms to everyone, regardless of their physical location.

The Internet is just beginning to deliver on the Promise of education on demand. This will be a powerful tool to education not only those traditional students who would like flexibility in their class choices, but it also has the power to offer the highest caliber education to anyone with high speed access to the Internet. Rural students shouldn't have to wait any longer for the tools to succeed in the digital age.

Tauzin-Dingell will also bring broadband access to over 60 doctor offices and clinics as well as three additional hospitals in my district. With broadband, rural Americans will be able to have a medical specialist diagnose their illness over the Internet, Instead of having to drive long distances to a faraway hospital. Rural hospitals could become virtual teaching hospitals with the deployment of broadband technology.

It's time for Congress to bring broadband Internet access to all Americans. Support Tauzin-Dingell.

Mr. RYAN of Wisconsin. Mr. Chairman, I come to the floor today in support of H.R. 1542 because it will set forth for the first time a national policy that promotes the deployment of broadband technology to all Americans. The passage of H.R. 1542 will create a technology-neutral regulatory policy that will encourage all companies to invest in the deployment of the ''last mile'' broadband facilities that will provide the average American with access to high-speed Internet services. This deployment of ''last mile'' broadband facilities is critical to future economic growth in the United States.

Not only will H.R. 1542 provide a much needed lift to the American economy as a whole, but it will for the first time, provide a genuine promise to Americans living in underserved communities, both in our inner cities and in rural areas, that they will not be left behind as we move to the next generation of the Internet. High-speed data services have the capability to enfranchise and empower millions of Americans. H.R. 1542 has express build-out provisions that require the large telephone companies to upgrade all of their central offices to provide high-speed Internet capability within 5 years.

This is the kind of legislation Congress should be producing. It is bipartisan. It is carefully crafted. It lifts all Americans.

Vote ''yes'' on H.R. 1542.

Mr. Chairman, I also would like to ask unanimous consent to insert an article into the RECORD written by Mr. Stephen Moore in The Investors Business Daily.

GOT STIMULUS? BROADBAND BILL WOULD BEEF UP FRAIL ECONOMY

With Congress stalemated on a tax-cut economic stimulus plan and the White House

considering approval of a dreadful protectionist steel bill, the jittery financial markets are seeking any positive signs that Washington will take productive action to help jump-start economic growth. No industry needs more intelligent help than the embattled telecommunications sector, where profits and investment spending have vaporized.

That's why a vote in Congress this week on deregulation of the broadband infrastructure carries such heavy significance for the economy as a whole, and this industry in particular. If approved, the Tauzin-Dingell bill has the potential over the next decade to bring high-speed Web service to nearly every U.S. home.

Broadband service is the Mach 4-speed Internet technology that will bring to Americans the next generation of Web services. It could transform the Web from a device for exchanging e-mail and checking stock quotes into a tool that will link all businesses in an e-commerce Web, let users quickly download video or music on demand and give rise to products and applications we can only dream of today.

Economist Robert Crandall of the Brookings Institution, and a top deregulation scholar, calculates that if we can accelerate broadband deployment, the value to the U.S. economy could reach $500 billion a year. That's more than the entire economies of most nations.

Very few actions that Congress could take—short of scrapping the income tax for a consumption tax or privatizing Social Security—could deliver those size benefits to workers and consumers. Broadband deregulation would seem to be a no-brainer. But this issue has become the mother of all political brawls, pitting AT&T against the Baby Bells, including Verizon and BellSouth. Both sides have spent tens of millions on lobbying and fatuous TV ads. The truth is, there's no angel in this fight.

The good news is that if Congress shows some common sense, there can be clear-cut winners here—American consumers and businesses, tens of millions of whom lack broadband access simply because of a regulatory regime that prevents access to the infrastructure. Almost eight of 10 homes and businesses still use clunky dial-up technology to access the Web. Broadband technology is more than a decade old, and still is a rarity in most areas. This makes no sense. It's as if we're still watching black-and-white TV. A hallmark of the U.S. era of high-tech innovation has been to spread the technological breakthroughs to the great middle class in short order.

Why the still-lingering digital divide between the information haves and have-nots? Because outdated government regulation is stifling the private-sector investment needed to build the network.

Technology analyst George Gilder argues that today's regulation ''privatizes the risk and socializes the benefit.'' Here's how it works: When a phone company risks its own money to wire homes and businesses to broadband, the federal government forces it to open its network to competitors at money-losing, government-set rates. This prevents the original investors from capturing the full value of the risk-taking expenditure.

A predictable result has been the collapse in telecom investment over the past 18 months. In 2001, telecom investment contracted by $75 billion, a 15 percent decline. That's one of the biggest reasons the industry shed over 317,000 jobs last year—the largest job loss for any industry ever recorded in a single year. By some estimates, it will cost telecom companies some $200 billion of added broadband investment to lay down the cables to bring this technology into most homes and businesses. How can this investment be accelerated? One answer is for Congress to let businesses write off their mega-investments the year they're made. It also must create a fair-minded regulatory structure that allows those firms that make the investments to reap financial rewards. This means eliminating free-riding competitor access without fair payment.

Tauzin-Dingell may be the best chance to close the digital divide and ensure that the U.S. maintains its commanding competitive edge in global communications into the future. It might also be the only chance Congress has this year to pass a genuine economic stimulus bill.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in opposition to H.R. 1542 and urge my colleagues to support the Cannon-Conyers amendment which ensures fair competition and consumer protection.

Proponents who have visited with me have claimed that the Bell's hands, including Qwest, are tied when it comes to the deployment of broadband to rural and urban places. That's not necessarily true in my state or my rural district.

In fact, currently, Qwest Communications is not precluded from offering broadband services to its customers. The N.M. State Public Regulation Commission in 2001 approved an Alternative Form of Regulation agreement, which requires Qwest to provide high-speed data services to both urban and rural areas.

H.R. 1542 as written will not improve access to services in New Mexico and could possibly hurt the Bell Operating Companies' incentive to open their markets to competition as required in the Telecommunications Act of 1996.

Without this needed amendment—H.R. 1542 will reward the bad behavior of these telephone companies who have done very little to encourage the development of competition or the deployment of broadband. We shouldn't reward them now with the passage of H.R. 1542 without the safeguards of Cannon-Conyers.

Preserving a competitive marketplace is the best way to spur affordable broadband deployment in urban, suburban, and rural communities like the ones I represent. Competition, wherever it has occurred, in the telecommunication and other industry markets, has virtually always brought about better service, greater investment, more options, and lower prices for consumers.

Support the Cannon-Conyers Amendment which will preserve competition, protect state authority, and safeguard consumers.

Mr. STUPAK. Mr. Chairman, it seems like the rural areas always come last. I guess I should be used to it by now, after all, many of my constituents in northern Michigan can't get mail service to their doorsteps, our veterans have to travel on average 6 hours to get specialized healthcare from a VA center, and it required a federal law merely to get electricity to many portions of my district.

I am therefore not surprised that rural areas are the last to get broadband as well. But let me be clear—this bill will do nothing to bring broadband to rural America. In fact, quite the opposite, H.R. 1542 will make it even more difficult for my constituents and for rural citizens across America to get broadband.

H.R. 1542 claims to require broadband deployment to rural areas by laying out a 5 year timetable, with a schedule of 20 percent, 40 percent, and 70 percent buildout in the first 3 years. In fact, this will allow the Bells to sit on their current deployment for years.

BellSouth told investors that as of year-end 2001, it already provides broadband access to 70 percent of its market; Verizon said it deploys DSL to central offices serving 79 percent of the company's access lines; and SBC said that it can provide high-speed service to more than 60 percent of its customers.

The Bells will get the benefits of monopoly and deregulation without any responsibilities to deploy for years. And once the requirements for them to deploy do finally take effect, the Bells will be wholly unregulated in the amounts they can charge, or they can in fact evade all requirements to deploy to rural areas by selling off their rural exchanges.

I would like to point my colleagues to a study done last July by the Rural Policy Research Institute (RUPRI) of H.R. 1542. This nonpartisan report found that the 5 year deployment schedule in H.R. 1542 is insufficient, noting that:

''. . . this provision does not guarantee service to regions beyond three miles of a central office and could still leave substantial portions of the rural market without broadband capabilities.''

Furthermore, RUPRI found that rural subscribers are frequently served by remote terminals, and that in locking competitors out of the Bell's remote terminals, H.R. 1542 reduces competition for customers served by remote terminals. Lastly, the study notes that H.R. 1542 does nothing to affect the affordability of broadband.

Let me put it simply: if you don't live within 3 miles of a central office, under this bill the Bells are not going to have to deploy to you for years, competitors are going to be shut out from getting to you, and when, if ever, the Bells do decide to deploy to you, they can charge whatever they want. In short, broadband will be either physically unavailable to rural customers, or economically unavailable to them. This bill will not bring broadband to rural America and I urge my colleagues to vote no on this bill.

Mr. BISHOP. Mr. Chairman, I support this bill for many reasons, but here I will list the four reasons:

1. H.R. 1542 improves Access for Rural Customers (I represent a district in rural South Georgia) this aspect of the bill is most important to my constituents.

This bill will provide unprecedented service to rural communities. It contains a deployment schedule that requires the Bells to offer high-speed data service throughout their region and not only select lucrative areas, like their competitors do today. Specifically it:

Requires the Bells to build out their central offices with multiplexing equipment and upgrade each upgradeable loop (less than three miles) when requested by a customer; or

Requires the Bells to serve each customer (regardless of upgradeability or loop length) with alternative technology.

Taken together, this means that 100 percent of the Bell's customers must be offered high-speed data service by the end of five years. Without passage of H.R. 1542, these areas will have to wait a long time before they are served, if ever, because these geographic areas make the least business sense for companies to penetrate.

2. The bill provides Consumers with Lower Prices, More Choices.

The rules for competing high-speed Internet companies are stifling competition. As a consequence, cable companies which are unfettered by regulations, have about 70 percent of residential high-speed Internet connections. Fair competition for all high-speed Internet services will mean lower costs, more choices and more access for consumers. This bill would provide that kind of fair competition.

3. It restores Fairness to the Marketplace.

Companies that offer high-speed Internet access over cable lines, wireless connections or satellite links are allowed to develop new services and compete without regulation. Disparities in regulation hurt competition. A level playing field would guarantee competition and encourage expansion of new networks.

4. Boosts the Economy—this is another aspect of the bill that is crucially important to our nation specifically at this time.

The bill allows local phone companies to provide affordable high-speed Internet access. This will benefit consumers by providing more consumers and small businesses with high speed Internet access. In addition, because more services will be deployed to more homes, equipment manufacturers and vendors will also likely enjoy growth in their business as well. This all amounts to lower prices, more choices, more jobs, and economic growth.

I close, Mr. Chairman in encouraging my colleagues to vote for this bill, and help our economy and our rural constituents.

Ms. DEGETTE. Mr. Chairman, I want to take just a few minutes to address a couple of issues that are critical to this debate. The district I represent, the Denver metro area, has become one of the latest telecommunications hubs in the country, and I want to talk about the sort of competition that exists back home, which is due in large part to the Telecom Act of '96.

We have an enormous number of telecommunications companies out in Colorado, from cable companies, those who provide DSL, satellite companies, a vast array of Competitive Local Exchange Company's (CLECs). So we have a pretty good representation of the sort of services that are available, and we also have some of the problems that exist across the country, like a lack of services in the more rural areas of the state, and a dearth of competition for local phone service.

Clearly the goal of any telecommunications legislation should be to accelerate the deployment of broadband services to all consumers. As policymakers, we are charged with doing our part to facilitate the most competitive marketplaces that in turn provide the best services and prices available.

We need to do so in a way that is technology and industry neutral. I deeply fear that this bill will not only not accomplish this, but will actually benefit certain sectors of the industry and seriously harm others. This bill will result in the sluggish development and deployment of future advanced technologies.

For example, the CLECs in my district, which have been heavily hit by the recent bumps in the economy, would be in serious trouble if this bill passed. This is not only because of the policy changes mandated by this bill, the details of which we will undoubtedly discuss ad nauseum in the next couple of hours, but also because the capital that has allowed these companies to build up their networks will simply disappear.

I do not think this bill is necessary, and I will use the example of Qwest, located in my district to illustrate this. Qwest is currently in the process of getting back into long distance service after its merge with US West. It will file its first state application this summer and then file for its remaining thirteen states so it can obtain long distance authority for its entire region before the end of the year. I am quite optimistic that they will be successful in complying with the checklist, whether or not this bill passes, and move on to provide my constituents, along with the rest of consumers in their region, great service.

The most diverse array of technologies and services is what will best serve consumers, and I do not think H.R. 1542 will facilitate competition or an even-handed promotion of wide-ranging technologies that exist or are currently developing.

Why now are we now poised to undercut legislation that has brought the marketplace so far along over the past few years? This is not to say that everything has worked out exactly as envisioned, but the '96 Act accomplished some very important goals, and the fact is that things are still shaking out.

I have grave concerns that enactment of H.R. 1542 may adversely impact competition for local telephone service. As currently drafted, the legislation puts at risk the line-sharing requirements that allow competitors into the local exchange market. Absent these requirements it is unlikely that a truly competitive marketplace will continue to develop. Rather we would likely see market consolidation and the attendant increased rates.

In my final analysis of this issue, I have concluded there is nothing in the 1996 Act that prohibits the RBOCs from providing broadband services to the customers that they now serve. In fact, they are doing so today, competing with other providers and satisfying customers the needs of consumers for high-speed Internet access.

The bottom line is that competition is the best incentive for broadband deployment. DSL and other technologies have been around for years. The local exchanges really only began stepping up their roll-outs and lowering their prices in response to the emerging competition from the CLECs, cable companies, wireless and satellite providers.

It cannot be said enough, and indeed, I don't think it has been said enough that we are obligated to pass, or not pass, a legislation that will most benefit consumers. Not bills that will only help certain companies, or particular technologies, but that will, as I said before, create the most diverse and competitive marketplace for our constituents.

Mr. MEEKS of New York. Mr. Chairman, I rise this morning in support of H.R. 1542—the Tauzin-Dingell Broadband Deployment Act. If you believe in competition vote for this bill. As Members of Congress, we have the responsibility and opportunity to bring increased choices for our constituents.

H.R. 1542 promotes fair competition for high-speed internet services which will mean lower prices, more choices and greater access for consumers. Fair competition will bring high-speed internet services to communities that cannot get them—inner cities, small towns and rural areas.

In order to ensure real competition, all companies that provide high-speed access to the internet should face the same rules and regulations. Cable, wireless, satellite and companies that all provide competing high-speed internet services should all be governed by the same rules. When all companies must compete under the same rules, consumers will benefit—from increased choices, lower prices and a stronger economy.

Meanwhile, this bill represents an opportunity to not only help our sagging economy but also to cure an ill that continues to plague our country—the digital divide. The Internet, probably nothing in recent memory has done so much so quickly to change the way we work, learn and live. Think about it: It took 38 years for the radio to get to 50 million American homes . . . and 12 years for TV. The WEB got there in four. And with it have come education, entertainment and economic opportunities like never before.

And today, with the help of a new generation of communications technologies, what used to be the ''world wide wait'' is rapidly becoming a new, wide-open window onto the world. H.R. 1542 will move along that progress more quickly and help so many who have no access or limited access to the kind of internet services they should expect and deserve.

That is why I urge all my colleagues to vote ''no'' on the Cannon-Conyers amendment, vote ''no'' on the motion to recommit, and vote ''yes'' on final passage. A ''yes'' vote for Tauzin-Dingell is a vote for consumers, choice and competition.

The CHAIRMAN. All time for general debate has expired.

In lieu of the amendments recommended by the Committee on Energy and Commerce and the Committee on the Judiciary printed in the bill, the amendment in the nature of a substitute printed in part A of House Report 107–361 is adopted.

The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended pursuant to House Resolution 340, is as follows:

H.R. 1542

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Internet Freedom and Broadband Deployment Act of 2001''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Internet access services are inherently interstate and international in nature, and should therefore not be subject to regulation by the States.

(2) The imposition of regulations by the Federal Communications Commission and the States has impeded the rapid delivery of high speed Internet access services and Internet backbone services to the public, thereby reducing consumer choice and welfare.

(3) The Telecommunications Act of 1996 represented a careful balance between the need to open up local telecommunications markets to competition and the need to increase competition in the provision of interLATA voice telecommunications services.

(4) In enacting the prohibition on Bell operating company provision of interLATA services, Congress recognized that certain telecommunications services have characteristics that render them incompatible with the prohibition on Bell operating company

provision of interLATA services, and exempted such services from the interLATA prohibition.

(5) High speed data services and Internet backbone services constitute unique markets that are likewise incompatible with the prohibition on Bell operating company provision of interLATA services.

(6) Since the enactment of the Telecommunications Act of 1996, the Federal Communications Commission has construed the prohibition on Bell operating company provision of interLATA services in a manner that has impeded the development of advanced telecommunications services, thereby limiting consumer choice and welfare.

(7) Internet users should have choice among competing Internet service providers.

(8) Internet service providers should have the right to interconnect with high speed data networks in order to provide service to Internet users.

(b) PURPOSES.—It is therefore the purpose of this Act to provide market incentives for the rapid delivery of advanced telecommunications services—

(1) by deregulating high speed data services, Internet backbone services, and Internet access services;

(2) by clarifying that the prohibition on Bell operating company provision of interLATA services does not extend to the provision of high speed data services and Internet backbone services;

(3) by ensuring that consumers can choose among competing Internet service providers; and

(4) by ensuring that Internet service providers can interconnect with competitive high speed data networks in order to provide Internet access service to the public.

SEC. 3. DEFINITIONS.

(a) AMENDMENTS.—Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended—

(1) by redesignating paragraph (20) as paragraph (21);

(2) by redesignating paragraphs (21) through (52) as paragraphs (26) through (57), respectively;

(3) by inserting after paragraph (19) the following new paragraph:

''(20) HIGH SPEED DATA SERVICE.—The term 'high speed data service' means any service that consists of or includes the offering of a capability to transmit, using a packet-switched or successor technology, information at a rate that is generally not less than 384 kilobits per second in at least one direction. Such term does not include special access service offered through dedicated transport links between a customer's premises and an interexchange carrier's switch or point of presence.'';

(4) by inserting after paragraph (21) the following new paragraphs:

''(22) INTERNET.—The term 'Internet' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

''(23) INTERNET ACCESS SERVICE.—The term 'Internet access service' means a service that combines computer processing, information storage, protocol conversion, and routing with transmission to enable users to access Internet content and services.

''(24) INTERNET BACKBONE.—The term 'Internet backbone' means a network that carries Internet traffic over high-capacity long-haul transmission facilities and that is interconnected with other such networks via private peering relationships.

''(25) INTERNET BACKBONE SERVICE.—The term 'Internet backbone service' means any interLATA service that consists of or includes the transmission by means of an Internet backbone of any packets, and shall include related local connectivity.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(2) Section 223(h)(2) of such Act (47 U.S.C. 223(h)(2)) is amended by striking ''230(f)(2)'' and inserting ''230(f)(1)''.

SEC. 4. LIMITATION ON AUTHORITY TO REGULATE HIGH SPEED DATA SERVICES.

(a) IN GENERAL.—Part I of title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end the following new section:

''SEC. 232. PROVISION OF HIGH SPEED DATA SERVICES.

''(a) FREEDOM FROM REGULATION.—Except to the extent that high speed data service, Internet backbone service, and Internet access service are expressly referred to in this Act, neither the Commission, nor any State, shall have authority to regulate the rates, charges, terms, or conditions for, or entry into the provision of, any high speed data service, Internet backbone service, or Internet access service, or to regulate any network element to the extent it is used in the provision of any such service; nor shall the Commission impose or require the collection of any fees, taxes, charges, or tariffs upon such service.

''(b) SAVINGS PROVISION.—Nothing in this section shall be construed to limit or affect the authority of any State to regulate circuit-switched telephone exchange services, nor affect the rights of cable franchise authorities to establish requirements that are otherwise consistent with this Act.

''(c) CONTINUED ENFORCEMENT OF ESP EXEMPTION, UNIVERSAL SERVICE RULES PERMITTED.—Nothing in this section shall affect the ability of the Commission to retain or modify—

''(1) the exemption from interstate access charges for enhanced service providers under Part 69 of the Commission's regulations, and the requirements of the MTS/WATS Market Structure Order (97 FCC 2d 682, 715 (1983)); or

''(2) rules issued pursuant to section 254.''.

(b) CONFORMING AMENDMENT.—Section 251 of the Communications Act of 1934 (47 U.S.C. 251) is amended by adding at the end thereof the following new subsection:

''(j) EXEMPTION.—

''(1) ACCESS TO NETWORK ELEMENTS FOR HIGH SPEED DATA SERVICE.—

''(A) LIMITATION.—Subject to subparagraphs (B), (C), and (D) of this paragraph, neither the Commission nor any State shall require an incumbent local exchange carrier to provide unbundled access to any network element for the provision of any high speed data service.

''(B) PRESERVATION OF REGULATIONS AND LINE SHARING ORDER.—Notwithstanding subparagraph (A), the Commission shall, to the extent consistent with subsections (c)(3) and (d)(2), require the provision of unbundled access to those network elements described in section 51.319 of the Commission's regulations (47 C.F.R. 51.319), as—

''(i) in effect on January 1, 1999; and

''(ii) subject to subparagraphs (C) and (D), as modified by the Commission's Line Sharing Order.

''(C) EXCEPTIONS TO PRESERVATION OF LINE SHARING ORDER.—

''(i) UNBUNDLED ACCESS TO REMOTE TERMINAL NOT REQUIRED.—An incumbent local exchange carrier shall not be required to provide unbundled access to the high frequency portion of the loop at a remote terminal.

''(ii) CHARGES FOR ACCESS TO HIGH FREQUENCY PORTION.—The Commission and the States shall permit an incumbent local exchange carrier to charge requesting carriers for the high frequency portion of a loop an amount equal to which such incumbent local exchange carrier imputes to its own high speed data service.

''(D) LIMITATIONS ON REINTERPRETATION OF LINE SHARING ORDER.—Neither the Commission nor any State Commission shall construe, interpret, or reinterpret the Commission's Line Sharing Order in such manner as would expand an incumbent local exchange carrier's obligation to provide access to any network element for the purpose of line sharing.

''(E) AUTHORITY TO REDUCE ELEMENTS SUBJECT TO REQUIREMENT.—This paragraph shall not prohibit the Commission from modifying the regulation referred to in subparagraph (B) to reduce the number of network elements subject to the unbundling requirement, or to forbear from enforcing any portion of that regulation in accordance with the Commission's authority under section 706 of the Telecommunications Act of 1996, notwithstanding any limitation on that authority in section 10 of this Act.

''(F) PROHIBITION ON DISCRIMINATORY SUBSIDIES.—Any network element used in the provision of high speed data service that is not subject to the requirements of subsection (c) shall not be entitled to any subsidy, including any subsidy pursuant to section 254, that is not provided on a nondiscriminatory basis to all providers of high speed data service and Internet access service. This prohibition on discriminatory subsidies shall not be interpreted to authorize or require the extension of any subsidy to any provider of high speed data service or Internet access service.

''(2) RESALE.—For a period of three years after the enactment of this subsection, an incumbent local exchange carrier that provides high speed data service shall have a duty to offer for resale any such service at wholesale rates in accordance with subsection (c)(4). After such three-year period, such carrier shall offer such services for resale pursuant to subsection (b)(1).

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) the 'Commission's Line Sharing Order' means the Third Report and Order in CC Docket No. 98–147 and the Fourth Report and Order in CC Docket 96–98 (FCC 99–355), as adopted November 18, 1999, and without regard to any clarification or interpretation in the further notice of proposed rulemaking in such Dockets adopted January 19, 2001 (FCC 01–26); and

''(B) the term 'remote terminal' means an accessible terminal located outside of the central office to which analog signals are carried from customer premises, in which such signals are converted to digital, and from which such signals are carried, generally over fiber, to the central office.''.

(c) PRESERVATION OF EXISTING INTERCONNECTION AGREEMENTS.—Nothing in the amendments made by this section—

(1) shall be construed to permit or require the abrogation or modification of any interconnection agreement in effect on the date of enactment of this section during the term of such agreement, except that this paragraph shall not apply to any interconnection agreement beyond the expiration date of the existing current term contained in such agreement on the date of enactment of this section, without regard to any extension or renewal of such agreement; or

(2) affects the implementation of any change of law provision in any such agreement.

SEC. 5. INTERNET CONSUMERS FREEDOM OF CHOICE.

Part I of title II of the Communications Act of 1934, as amended by section 4, is amended by adding at the end the following new section:

"SEC. 233. INTERNET CONSUMERS FREEDOM OF CHOICE.

''(a) PURPOSE.—It is the purpose of this section to ensure that Internet users have freedom of choice of Internet service provider.

''(b) OBLIGATIONS OF INCUMBENT LOCAL EXCHANGE CARRIERS.—Each incumbent local exchange carrier has the duty to provide—

''(1) Internet users with the ability to subscribe to and have access to any Internet service provider that interconnects with such carrier's high speed data service;

''(2) any Internet service provider with the right to acquire the facilities and services necessary to interconnect with such carrier's high speed data service for the provision of Internet access service;

''(3) any Internet service provider with the ability to collocate equipment in accordance with the provisions of section 251, to the extent necessary to achieve the objectives of paragraphs (1) and (2) of this subsection; and

''(4) any provider of high speed data services, Internet backbone service, or Internet access service with special access for the provision of Internet access service within a period no longer than the period in which such incumbent local exchange carrier provides special access to itself or any affiliate for the provision of such service.

''(c) DEFINITIONS.—As used in this section—

''(1) INTERNET SERVICE PROVIDER.—The term 'Internet service provider' means any provider of Internet access service.

''(2) INCUMBENT LOCAL EXCHANGE CARRIER.—The term 'incumbent local exchange carrier' has the same meaning as provided in section 251(h).

''(3) SPECIAL ACCESS SERVICE.—The term 'special access service' means the provision of dedicated transport links between a customer's premises and the switch or point of presence of a high speed data service provider, Internet backbone service provider, or Internet service provider.''.

SEC. 6. INCIDENTAL INTERLATA PROVISION OF HIGH SPEED DATA AND INTERNET BACKBONE SERVICES.

(a) INCIDENTAL INTERLATA SERVICE PERMITTED.—Section 271(g) of the Communications Act of 1934 (47 U.S.C. 271(g)) is amended—

(1) by striking ''or'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; or''; and

(3) by adding at the end thereof the following new paragraph:

''(7) of high speed data service or Internet backbone service.''.

(b) PROHIBITION ON PROVISION OF VOICE TELEPHONE SERVICES.—Section 271 of such Act is amended by adding at the end thereof the following new subsection:

''(k) PROHIBITION ON PROVISION OF VOICE TELEPHONE SERVICES.—Until the date on which a Bell operating company is authorized to offer interLATA services originating in an in-region State in accordance with the provisions of this section, such Bell operating company offering any high speed data service or Internet backbone service pursuant to the provisions of paragraph (7) of subsection (g) may not, in such in-region State provide interLATA voice telecommunications service, regardless of whether there is a charge for such service, by means of the high speed data service or Internet backbone service provided by such company.''.

(c) NOTICE TO ATTORNEY GENERAL.—Section 271 of such Act is further amended by adding at the end the following new subsection:

''(*l*) NOTICE TO ATTORNEY GENERAL.—

''(1) STATEMENT REQUIRED.—Not less than 30 days before commencing to offer any interLATA high speed data service or Internet backbone service originating in an in-region State pursuant to paragraph (7) of subsection (g), a Bell operating company shall submit to the Attorney General a statement that

''(A) expresses the intention to commence providing such service in such State;

''(B) provides a description of the service to be offered; and

''(C) identifies the geographic region within the State in which the service will be offered, if the service is not going to be offered Statewide.

''(2) ADDITIONAL CONTENTS PROHIBITED.—The Attorney General may not require a statement under this subsection to contain any additional information other than that specified in subparagraph (A), (B), and (C) of paragraph (1).

''(3) CONFIDENTIAL TREATMENT OF STATEMENTS.—A statement submitted to the Attorney General under this subsection shall be exempt from disclosure under section 552 of title 5, United States Code, and no such statement may be made public, except as may be relevant to any administrative or judicial action or proceeding.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 272(a)(2)(B)(i) of such Act is amended to read as follows:

''(i) incidental interLATA services described in paragraphs (1), (2), (3), (5), (6), and (7) of section 271(g);''.

(2) Section 272(a)(2)(C) of such Act is repealed.

SEC. 7. DEPLOYMENT OF BROADBAND SERVICES.

Part III of title II of the Communications Act of 1934 is amended by inserting after section 276 (47 U.S.C. 276) the following new section:

"SEC. 277. DEPLOYMENT OF BROADBAND SERVICES.

''(a) DEPLOYMENT REQUIRED.—Each Bell operating company and its affiliates shall deploy high speed data services in each State in which such company or affiliate is an incumbent local exchange carrier (as such term is defined in section 251(h)) in accordance with the requirements of this section.

''(b) DEPLOYMENT REQUIREMENTS.—

''(1) MILEPOSTS FOR DEPLOYMENT.—A Bell operating company or its affiliate shall deploy high speed data services by attaining high speed data capability in its central offices in each State to which subsection (a) applies. Such company or affiliate shall attain such capability in accordance with the following schedule:

''(A) Within one year after the date of enactment of this section, such company or affiliate shall attain high speed data capability in not less than 20 percent of such central offices in such State.

''(B) Within 2 years after the date of enactment of this section, such company or affiliate shall attain high speed data capability in not less than 40 percent of such central offices in such State.

''(C) Within 3 years after the date of enactment of this section, such company or affiliate shall attain high speed data capability in not less than 70 percent of such central offices in such State.

''(D) Within 5 years after the date of enactment of this section, such company or affiliate shall attain high speed data capability in not less than 100 percent of such central offices in such State.

''(2) HIGH SPEED DATA CAPABILITY.—For purposes of paragraph (1), a central office shall be considered to have attained high speed capability if—

''(A)(i) such central office is equipped with high speed data multiplexing capability; and

''(ii) each upgradeable customer loop that originates or terminates in such central office is upgraded promptly upon receipt of a customer request for such upgrading, as necessary to permit transmission of high speed data service (including any conditioning of the loop);

''(B) each customer served by such central office (without regard to the upgradeability or length of the customer's loop) is able to obtain the provision of high speed data service from such Bell operating company or its affiliate by means of an alternative technology that does not involve the use of the customer's loop; or

''(C) each such customer is able to obtain the provision of high speed data service by one or the other of the means described in subparagraphs (A) and (B).

''(3) UPGRADEABLE LOOPS.—For purposes of paragraph (2), a customer loop is upgradeable if—

''(A) such loop is less than 15,000 feet in length (from the central office to the customer's premises along the line); and

''(B) such loop can, with or without conditioning, transmit high speed data services without such transmission on such loop causing significant degradation of voice service.

''(c) AVAILABILITY OF REMEDIES.—

''(1) FORFEITURE PENALTIES.—A Bell operating company or its affiliate that fails to comply with this section shall be subject to the penalties provided in section 503(b)(2). In determining whether to impose a forfeiture penalty, and in determining the amount of any forfeiture penalty under section 503(b)(2)(D), the Commission shall take into consideration the extent to which the requirements of this section are technically infeasible.

''(2) JURISDICTION.—The Commission shall have exclusive jurisdiction to enforce the requirements of this section, except that any State commission may file a complaint with the Commission seeking the imposition of penalties as provided in paragraph (1).

''(d) ANNUAL REPORT ON DEPLOYMENT.—

''(1) ANALYSIS REQUIRED.—The Commission shall include in each of its annual reports submitted no more than 18 months after the date of enactment of this section an analysis of the deployment of high speed data service to underserved areas. Such report shall include—

''(A) a statistical analysis of the extent to which high speed data service has been deployed to central offices and customer loops, or is available using different technologies, as compared with the extent of such deployment and availability prior to such date and in prior reports under this subsection;

''(B) a breakdown of the delivery of high speed data service by type of technology and class or category of provider;

''(C) an identification of impediments to such deployment and availability, and developments in overcoming such impediments during the intervening period between such reports; and

''(D) recommendations of the Commission, after consultation with the National Telecommunications and Information Administration, for further extending such deployment and availability and overcoming such impediments.

''(2) DEFINITION OF UNDERSERVED AREA.—For purposes of paragraph (1), the term 'underserved areas' means areas that—

''(A) are high cost areas that are eligible for services under subpart D of part 54 of the

Commission's regulations (47 C.F.R. 54.301 et seq.); or

''(B) are within or comprised of any census tract—

''(i) the poverty level of which is at least 30 percent (based on the most recent census data); or

''(ii) the median family income of which does not exceed—

''(I) in the case of a census tract located in a metropolitan statistical area, 70 percent of the greater of the metropolitan area median family income or the statewide median family income; and

''(II) in the case of a census tract located in a nonmetropolitan statistical area, 70 percent of the nonmetropolitan statewide median family income.

''(3) DESIGNATION OF CENSUS TRACTS.—The Commission shall, not later than 90 days after the date of the enactment of this section, designate and publish those census tracts meeting the criteria described in paragraph (2)(B).''.

SEC. 8. COMMISSION AUTHORIZED TO PRESCRIBE JUST AND REASONABLE CHARGES.

The Federal Communications Commission may impose penalties under section 503 of the Communications Act of 1934 not to exceed $1,000,000 for any violation of provisions contained in, or amended by, section 5, 6, or 7 (or any combination thereof) of this Act. Each distinct violation shall be a separate offense, and in the case of a continuing violation, each day shall be deemed a separate offense, except that the amount assessed for any continuing violation shall not exceed a total of $10,000,000 for any single act or failure to act described in section 5, 6, or 7 (or any combination thereof) of this Act.

SEC. 9. CLARIFICATION OF CONTINUING OPERATION OF ANTITRUST LAWS.

Section 601(b) of the Telecommunications Act of 1996 (Public Law 104-104; 110 Stat. 143) is amended by adding at the end the following new paragraph:

''(4) CONTINUING OPERATION OF THE ANTITRUST LAWS.—Paragraph (1) shall be interpreted to mean that the antitrust laws are—

''(A) not repealed by,

''(B) not precluded by,

''(C) not diminished by, and

''(D) not incompatible with,

the Communications Act of 1934, this Act, or any law amended by either such Act.''.

The CHAIRMAN. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The Committee will rise informally.

The Speaker pro tempore (Mr. WELDON of Florida) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

The Committee resumed its sitting.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 107–361.

PART B AMENDMENT NO. 1 OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer amendment No. 1.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 1 offered by Mr. UPTON:

At the end of the bill, add the following new section:

SEC. 9. COMMON CARRIER ENFORCEMENT.

(a) CEASE AND DESIST AUTHORITY.—Section 501 of the Communications Act of 1934 (47 U.S.C. 501) is amended—

(1) by striking ''Any person'' and inserting ''(a) FINES AND IMPRISONMENT.—Any person'';

(2) by adding at the end the following new subsection:

''(b) CEASE AND DESIST ORDERS.— If, after a hearing, the Commission determines that any common carrier is engaged in an act, matter, or thing prohibited by this Act, or is failing to perform any act, matter, or thing required by this Act, the Commission may order such common carrier to cease or desist from such action or inaction.''.

(b) FORFEITURE PENALTIES.—Section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)) is amended—

(1) in paragraph (2)(B)—

(A) by striking ''exceed $100,000'' and inserting ''exceed $1,000,000''; and

(B) by striking ''of $1,000,000'' and inserting ''of $10,000,000'';

(2) in paragraph (2)(C), by striking ''subparagraph (A) or (B)'' and inserting ''subparagraph (A), (B), or (C)'';

(3) by redesignating subparagraphs (C) and (D) of paragraph (2) as subparagraphs (D) and (E), respectively;

(4) by inserting after subparagraph (B) of paragraph (2) the following new subparagraph:

''(C) If a common carrier has violated a cease and desist order or has previously been assessed a forfeiture penalty for a violation of a provision of this Act or of any rule, regulation, or order issued by the Commission, and if the Commission or an administrative law judge determines that such common carrier has willfully violated the same provision, rule, regulation, that this repeated violation has caused harm to competition, and that such common carrier has been assessed a forfeiture penalty under this subsection for such previous violation, the Commission may assess a forfeiture penalty not to exceed $2,000,000 for each violation or each day of continuing violation; except that the amount of such forfeiture penalty shall not exceed $20,000,000.''; and

(5) in paragraph (6)(B), by striking ''1 year'' and inserting ''2 years''.

(c) EVALUATION OF IMPACT.—

(1) EVALUATION REQUIRED.—Within one year after the date of enactment of this Act, the Federal Communications Commission shall conduct an evaluation of the impact of the increased remedies available under the amendments made by this section on improving compliance with the requirements of the Communications Act of 1934, and with the rules, regulations, and orders of the Commission thereunder. Such evaluation shall include—

(A) an assessment of the number of enforcement proceedings commenced before and after such date of enactment;

(B) an analysis of any changes in the number, type, seriousness, or repetition of violations; and

(C) an analysis of such other factors as the Commission considers appropriate to evaluate such impact.

(2) REPORT.—Within one year after such date of enactment, the Commission shall submit a report on the evaluation to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

The CHAIRMAN. Pursuant to House Resolution 350, the gentleman from Michigan (Mr. UPTON) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I ask unanimous consent to yield 10 minutes of my time to the gentleman from Texas (Mr. GREEN) for his use and for him to yield that time to other Members as he sees fit.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

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

Mr. Chairman, as the chairman of the Subcommittee on Telecommunications and the Internet, I am very pleased to offer this commonsense, bipartisan enforcement amendment with my good friend and colleague, the gentleman from Texas (Mr. GREEN).

When I became chairman last year, one of the first things I did was to invite the then new chairman of the FCC, Chairman Powell, to appear before the subcommittee to present his vision for that agency. The thing that struck me most was his message that the FCC's current enforcement authority was in fact too weak, and that the FCC's current fines were viewed by many as simply the cost of doing business for many companies.

□ 1415

And I heard that from many competitive carriers as well.

In a letter to Congress last year, Chairman Powell specifically wrote that, among other things, Congress should consider increasing the cap on fines to at least $10 million in order to enhance their deterrent effect. The current cap, of course, is at $1.2 million.

Responding to Chairman Powell's recommendation, we are, in fact, offering this bipartisan amendment which will substantially increase the FCC's fines for phone companies which violate the telecommunications law by elevating the current cap from $1.2 million to $10 million and increasing the amount up to which the FCC can impose per violation or each day of a continuing violation from $120,000 to $1 million. We did exactly what Chairman Powell requested.

In addition, for repeat offenders the amendment doubles the increased fines up to $2 million per violation or each day of a continuing violation capped at $20 million.

The amendment also doubles from 1 to 2 years the statute of limitations for the FCC to bring enforcement actions against phone companies, which will give the FCC a better opportunity to thoroughly investigate an alleged violation and bring charges. Chairman Powell also asked for this.

We also give the FCC clear, statutory cease and desist authority to use against phone companies which violate any of the telecommunications laws.

Finally, we direct the FCC to study the impact of the enhanced fines under the bill and report back to us, the Congress, one year after enactment.

The amendment applies to all common carriers. For example, it would affect not only a Bell company's violation of the Telecommunications Act but also a long distance company's slamming as well.

It is important to note that these substantially increased fines would not be the only enforcement mechanisms facing the Bell companies. For example, there is also the existing Section 208 complaint process at which the FCC through which a Bell company could be liable for damages. Moreover, some Bell companies must also pay if they fail to meet performance goals established by the FCC in their merger agreements, that was part of the Rush amendment that we accepted in the committee, not to mention the literally millions of State PUC-enforced performance measures penalties which get assessed as well.

We hope you will support our efforts to greatly enhance the FCC's enforcement authority as we seek to accelerate the deployment of broadband high-speed Internet access to underserved areas in our country through the passage of the underlying bill, H.R. 1542.

I want to thank in particular the gentleman from Florida (Mr. STEARNS), the gentleman from Nebraska (Mr. TERRY), the gentleman from Illinois (Mr. SHIMKUS), and the gentleman from New York (Mr. FOSSELLA), obviously, as well as my co-sponsor, the gentleman from Texas (Mr. GREEN), for their good work on this issue throughout the process. I would urge the passage of this amendment.

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

Mr. TAUZIN. Mr. Chairman, has anyone claimed time in opposition to the amendment?

The CHAIRMAN. The Chair does not see any Member rising in opposition.

Mr. TAUZIN. Mr. Chairman, as a supporter I would like to claim that time in opposition that we might use it to discuss the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The gentleman from Louisiana (Mr. TAUZIN) claims the time.

Mr. TAUZIN. Mr. Chairman, I yield half of this time to the gentleman from Texas (Mr. GREEN).

The CHAIRMAN. The gentleman from Texas (Mr. GREEN) now has 15 minutes of debate time to control.

Mr. GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the chairman for making sure about the time, because I did not hear anyone claim any time in opposition either.

Mr. Chairman, I rise in strong support of the Upton-Green amendment, and it is an important addition to the Tauzin-Dingell bill. It will give the FCC more teeth to stop bad behavior if America's phone companies are actually doing that.

During the earlier debate we heard some of the horror stories, but this would actually raise the fees so it is no longer just the cost of the doing business. It actually has penalties in it.

Phones companies, if they slam and cram new phone charges to our constituents, will now face stiffer fines if our amendment is adopted.

Bell companies who may be acting in a manner that hurts competition will now face stiffer financial penalties from the FCC.

Working with my good friend, the gentleman from Michigan (Mr. UPTON), our amendment increases the FCC's forfeiture penalty tenfold. Currently, the FCC can only fine a company a total of $1.2 million per violation. Under the Upton-Green amendment, the FCC will now be able to fine companies up to $10 million per violation.

In addition, the amendment increases the fines the FCC can impose on continuing violations. Our amendment ups the FCC continuing violation to a cap of $20 million.

FCC Chairman Michael Powell in a letter to Congress last year asked for this increase. We agree it is justified and reasonable.

Other provisions in the amendment double the statute of limitations for imposing a fine from 1 to 2 years, provides new cease and desist authority to the FCC as well.

Taken as a whole, I believe our amendment is not only a reasonable step but a consumer-oriented step towards better protecting our American consumers.

Phone companies may realize that their efforts to illegally boost profits on the backs of our constituents will no longer be tolerated. I urge my colleagues to support the amendment.

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

The CHAIRMAN. The Chair miscalculated to the gentleman from Texas (Mr. GREEN) earlier about his total debate time, so the Chair will now review the amount of time remaining for each of the three Members controlling debate time.

The gentleman from Michigan (Mr. UPTON) has 6½ minutes, the gentleman from Louisiana (Mr. TAUZIN) has 10 minutes, and the gentleman from Texas (Mr. GREEN) has 18 minutes.

Mr. UPTON. Mr. Chairman, I yield 4 minutes to my friend and colleague, the gentleman from Florida (Mr. STEARNS), the vice chairman of the Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce.

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

Mr. Chairman, I rise today in strong support of the amendment being offered by my good friend, the gentleman from Michigan (Mr. UPTON), and of course my colleague, the gentleman from Texas (Mr. GREEN). I am an original co-sponsor of this legislation which strengthens the FCC's enforcement ability.

As Congress and the FCC ensure the deregulatory progression of telecommunication sectors, proper enforcement mechanisms serve as necessary tools in protecting competition. Winners and losers should be picked by consumers and the marketplace, rather than outdated regulatory schemes. However, it is equally important to note that, absent regulation, meaningful enforcement must serve as one of key principals ensuring that competition and consumers are not harmed.

Mr. Chairman, I have met with industry representatives who tell me the FCC's current cap of $1 million in penalties is insufficient to deter violation and oftentimes such fines are calculated into the cost of doing business. Furthermore, FCC Chairman Powell testified before the Committee on Energy and Commerce regarding the Commission's ability to deter violations through enforcement mechanisms. In fact, he testified, ''The enforcement tools made available to us are inadequate with billion dollar industries. Our fines are trivial. They are the cost of doing business for many of these companies.'' As a matter of fact, they just make it part of doing business.

During this committee's consideration of H.R. 1542, the Broadband Deregulation Bill, the committee accepted one of my amendments creating specific and severe penalties totalling up to $10 million for failure to comply with the specific legislation. Furthermore, the gentleman from Michigan (Mr. UPTON) and I offered an amendment enhancing the FCC enforcement authority under Title 5 of the Communications Act. While that amendment was not germane to H.R. 1542, many provisions of that legislation are now present in the amendment we are considering today.

Mr. Chairman, let me state that this amendment bill is not intended to favor ILECs, CLECs or IXCs over one another. The provisions in this bill are intended to equally apply to all common carriers. The FCC and State PUCs have existing laws on the books intended to ensure competitive competition thrives. This legislation will make certain the commission has a big bat, enough to enforce those laws and regulations.

With this legislation, we empower the FCC with enforcement powers, thus

ensuring common carriers will think twice about failing to comply with this Nation's telecommunications laws.

This amendment is centered upon Chairman Powell's recommendation enhancing the Commission's enforcement authority on common carriers. Specifically, this bill, as mentioned, enhances forfeiture penalties up to $1 million for each violation for each day of a continuing series of violations and up to $10 million for any continuing violation, and those fines are increased up to $20 million if a company violates a cease and desist order or is a repeat offender.

Furthermore, as recommended by Chairman Powell, this legislation increases the statute of limitation for forfeiture against common carriers from one year to two.

Lastly, Mr. Chairman, this amendment brings up to date the tools the FCC will have at its disposal to punish and deter bad behavior. The last time the law was changed was in 1989. Furthermore, this amendment ensures that fines and penalties by the FCC are more than just mere calculations as a line item on balance sheets for violating companies. So I urge the adoption of this amendment.

Mr. TAUZIN. Mr. Chairman, I yield 3 minutes to the gentleman from the Big Apple, New York (Mr. FOSSELLA), a distinguished member of the Committee on Energy and Commerce.

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

Mr. FOSSELLA. Mr. Chairman, I rise in support of the amendment as well.

I commend the gentleman from Michigan (Mr. UPTON), the gentleman from Texas (Mr. GREEN), the gentleman from Michigan (Mr. DINGELL), and, of course, the chairman of the committee, the gentleman from Louisiana (Mr. TAUZIN).

I think the issue in the overall arching legislation comes down to where do we go from here and what is the role of government in deploying broadband across the entire United States; and rather than start here in Washington or in Congress, let us start back in my home town of Staten Island.

We got a call recently from a gentleman who said he does not have access to cable television but would like a DSL line in his home. We called the local Bell, and there is no plans whatsoever to deploy that to his home. So the issue then becomes what to do. Well, nothing as far as he is concerned, unless this legislation were to pass.

We cannot compel the local Bell to deploy broadband. We cannot compel the local cable operator to deploy broadband. What we can do and what I think what this legislation will do will encourage the deployment of broadband and then ultimately mandate it after 5 years. So that gentleman, not unlike more than 90 percent of the people across America, will now have a choice.

Now if I were to visualize it, there is a highway. There is a ramp that goes on that highway. That highway is the broadband, that highway is access, that highway is just innovation, that highway is access for small business to communicate with other small business or family members to communicate with other family members, not just across Staten Island but across the world. But that access is limited to less than 10 percent of the American people and, by the way, most of whom are affluent.

What we have not done and, unless this legislation is passed, we will not encourage or actually mandate the construction of new ramps to allow more Americans, indeed all Americans, access to this wonderful thing we call the highway of broadband. Now, we can sit here and we can whistle Dixie or we can sing until the cows come home and say we hope for those ramps to be built, but unless this were to be passed that would not happen.

Let us remove the obstacles. Let us encourage the private sector and let competition reign and let the deployment of broadband take hold across the country. Let those ramps be built.

At the same time, what the amendment seeks to do is say and to stipulate to those Bells, for example, that if you violate any of these telecommunications laws you will be penalized and penalized severely. Is that not what it is all about? So it brings it back home for that gentleman that called and said, when am I going to get it?

Unless this bill is passed with this amendment, he may never get it. But if this bill is passed, then we will see broadband being deployed across the United States and America retain its rightful place as the leader in telecommunications and information technology and leave it up to the private sector to make those calls. Right now, that is the case.

Mr. GREEN of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ENGEL), a current member of the Committee on Energy and Commerce.

Mr. ENGEL. Mr. Chairman, I thank the gentleman from Texas (Mr. GREEN) for yielding me time.

Mr. Chairman, I rise in support of this amendment. I strongly support the underlying bill, but we can always make improvements to legislation. Again, this is an example of the proponents of the bill trying to be fair with the legislation, trying to have balanced legislation. That may not be legislation that everyone agrees with 100 percent, but on balance it is good and it is fair and that is what this amendment is trying to do.

Last year we not only installed a new President but a new Chair of the FCC. Michael Powell immediately impressed me when he said violators of telecommunications law, that he wanted the authority to hit them hard and hit them fast. We have that opportunity with this amendment to do just that.

Why should we? The fact is that with any regulation when a fine is imposed it should be that it acts as a deterrent. But the present fines for violation of telecommunications law are low enough that paying them has been described as simply the cost of doing business.

□ 1430

This amendment changes that. This amendment will increase the fines by a factor of ten. A $120,000-per-day fine is increased to $1 million per day. The $1.2 million cap for a violation is raised to $10 million for a violation. And for repeat offenders, the new higher limits are double.

This will also expand the time in which the FCC has to bring an enforcement action against a violator from 1 to 2 years. Often we on the Subcommittee on Telecommunications and the Internet have been told that 1 year is just insufficient time for the FCC to properly investigate a potential violation. Again, this is an attempt to make this legislation balanced. It is why all my colleagues should support the underlying Tauzin-Dingell bill, and I urge my colleagues to support this amendment.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Nebraska (Mr. TERRY), a distinguished member of the Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce.

Mr. TERRY. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the Upton enforcement amendment.

This amendment will significantly strengthen the FCC's enforcement of the Telecommunications Act of 1996. Because of this amendment, the FCC will finally be given an enhanced enforcement opportunity, which is critical, which is critical to the ability to mandate compliance to the Tauzin-Dingell bill.

In a recent letter to Congress, FCC Chairman Powell noted that the FCC is limited in levying fines for any single violation to $1.2 million. And due to the vast resources of many of the Nation's phone companies, this amount is insufficient to punish or deter violators. This amendment would address these concerns and raise the single-violation penalty ten times its current level, capping the penalty at $10 million.

This reminds me of a recent city I went to and a parking ticket was $10, but it cost $20 to park in a parking lot. Where is the incentive? And during the hearings held by Chairman UPTON we learned from several of these companies that there is a disincentive to complying with the current FCC regulations. So I thank the gentleman for introducing this amendment to strengthen these fines and provide the proper incentive to comply.

Another part of this that I think is just as important as the monetary fine is the fact that they can issue orders to cease and desist their conduct of not

complying. This is an extremely important facet of this that we have not heard much discussion about. The FCC needs the ability to not only identify the conduct but order them to stop and apply meaningful fines. By increasing the penalties that the FCC can levy, the more phone companies will comply with the act and will provide services to areas they should be providing now and do not.

I thank Chairman TAUZIN and Chairman UPTON for bringing this to the floor. I am in support of it.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. BONILLA)

Mr. BONILLA. Mr. Chairman, I thank the gentleman from Louisiana (Mr. TAUZIN) for yielding me this time, and I rise in strong support of the Upton amendment and the Tauzin-Dingell bill, which is long overdue.

Imagine for a moment running a company, a good company, a high-tech telecom company in this country that has been operating with handcuffs on for a long time, watching employees walk out the door to the tune of about 250,000 employees over the last year because we have been in an economic downturn. Now we are on the upturn again, and this will give it a tremendous boost. But imagine running a company with handcuffs on, where you cannot open the doors to more business, to have more people take advantage of the high-tech opportunities that many of us have had an opportunity to take advantage of so far. That is what we are talking about.

This bill takes off the handcuffs; and instead of having between 8 and 10 percent of the American people and businesses having access to broadband accounts, this will open up the floodgates and allow these great companies, and again let me read a couple of them to see who could be against Disney, who could be against Yahoo and Cisco and Packard and Compaq and Texas Instruments and AOL and Dell and Motorola and Microsoft and Intel and Hewlett Packard, and all of these good companies that have been a large part of our economic boom over the last 10 to 15 years who are suddenly finding themselves with the handcuffs on.

We need to take them off so that we can get these people back to work. And again not only do this for this country but to show the world the tremendous economic power that we have within our own borders to create more jobs for good Americans out there that are just waiting for opportunity.

Those who oppose us are simply saying, no, status quo, let us keep the handcuffs on and try to make it work under the current circumstances. That is absurd. Let us get these handcuffs off American businesses and strongly support this broadband bill. It is long overdue. We should have voted on this a year ago.

I am glad this day has finally come, and I look forward to great success here this day at the end of this debate, and I look for others in this great city here in Washington to follow this lead that we are involved in here today.

Mr. GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand that the gentleman from Michigan (Mr. UPTON) is ready to close, and I do not have any more speakers. I guess the amendment is so popular everybody is just going to let it happen, and I am glad to say this makes a good bill even better.

Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, I just want to say that one of the complaints about the bill as we originated it is that it took away one of the carrots that would encourage the local Bells to open up their local markets. What the gentlemen are doing with this amendment is making sure there is a stick there too; that the FCC can hammer the Bells any time they fail to open up their market, as required by the 1996 act.

This is a great amendment, and I commend both gentlemen for it.

Mr. Chairman, I yield back the balance of my time.

Mr. UPTON. Mr. Chairman, I yield myself such time as I may consume. I intend to close at this point as well.

I want to say from the outset that this bill not only in this Congress but in the last Congress as well was known to be a very strong bipartisan bill, Republicans and Democrats working together to unshackle the regulations off a new technology that is so important for our country.

The Tauzin-Dingell bill does that. It was bipartisan in every way, as we have seen in the debate today. And as the new chairman of the subcommittee, my door was open to virtually every group. The concern I heard from virtually every group was that the FCC did not have the right authority to enforce the law. I welcomed the participation of virtually every member of the subcommittee to see this amendment through, both in committee, subcommittee, as well as today on the floor.

The gentleman from Texas (Mr. GREEN) has been a tremendous help not only on this issue but so many others as we have worked in a bipartisan fashion in our committee. I commend my chairman, the gentleman from Louisiana (Mr. TAUZIN), and the ranking member, the gentleman from Michigan (Mr. DINGELL), and I would urge all my colleagues to support the Upton-Green amendment.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

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

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding because it is important as we are about to adopt this amendment to understand that it does not just give the FCC the power to punish a Bell for not opening up its local market, for not complying with the law, section 251, which is mandated but unenforced today.

It does more than say we are going to fine you and penalize you if you fail to do that. It contains authority that Mr. Powell and the FCC requested of our committee to order any Bell company to cease and desist and to enforce that order in court if any Bell company conducts itself in a fashion that is anticompetitive.

So what this amendment does and what makes it so very important to the bill is that it says while the Bells are allowed to get out and deploy the new broadband systems, they cannot forget their obligation to open up the local telephone markets to as much competition as we can get.

In short, this is a total competition bill, competition for telephone in the local market and enhanced competition in the Internet broadband market. This amendment completes the package in a big way.

Again, I commend it to all the Members' attention. Hopefully, it will be adopted unanimously. I thank the gentleman for yielding.

Mr. UPTON. Mr. Chairman, reclaiming my time, I urge adoption of the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of this amendment which helps ensure competition by increasing the penalties and fines the FCC may apply against phone companies which violate the 1996 Telecommunications Act.

Such violations, when unchecked, can have sever anticompetitive effects, and may thwart the expansion of this important technology across all strata in the population, expressed as the digital divide.

Specifically, the amendment increases maximum fines per violation from $120,000 to $1 million per day, and caps continuing violations rising from $1.2 million to $10 million. It also doubles the penalty for repeat offenders per violation to $2 million per day, with a cap of $20 million for continuing violations.

The amendment also doubles from 1 year to 3 years the statute of limitations for the FCC to bring enforcement actions against phone companies, it give the FCC statutory "cease and desist" authority against companies that violate the rules. Finally, it directs the FCC to study the impact of these enhanced penalties and report its findings to Congress.

The amendment goes a long way towards monitoring and enforcing the delicate balance that exists in this industry. I urge my colleagues to support it.

Mr. UPTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the amendment offered by the gentleman from Michigan (Mr. UPTON).

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

Mr. UPTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered

by the gentleman from Michigan will be postponed.

PART B AMENDMENT NO. 1 OFFERED BY MR. UPTON

The CHAIRMAN pro tempore. Proceedings will now resume on the amendment offered by the gentleman from Michigan (Mr. UPTON) on which further proceedings were postponed and on which the yeas prevailed by voice vote.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 421, noes 7, not voting 6, as follows:

[Roll No. 43]

AYES—421

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—7

Baker
Hefley
Jones (NC)
Otter
Paul
Simpson
Skeen

NOT VOTING—6

Baldacci
Cubin
Gilman
Rivers
Sherwood
Traficant

□ 1518

Messrs. HEFLEY, OTTER, BAKER and SKEEN changed their vote from ''aye'' to ''no.''

Mr. MCINNIS and Mr. EVANS changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. TAUZIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. LINDER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1542) to deregulate the Internet and high speed data services, and for other purposes, had come to no resolution thereon.

REQUEST TO MAKE IN ORDER AMENDMENT NUMBER 3 AS AMENDMENT TO THE BILL DURING FURTHER CONSIDERATION OF H.R. 1–542, INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that during further consideration in the Committee of the Whole of the bill, H.R. 1542, pursuant to House Resolution 350, that the gentleman from Indiana (Mr. BUYER) be permitted to offer amendment No. 3 printed in House Report 107–361 as an amendment to the bill, as amended.

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

Mr. BUYER. Mr. Speaker, reserving the right to object, since the Buyer-Towns amendment was an amendment to an amendment not made in order, and the committee has now risen, I would ask of the chairman of the Committee on Energy and Commerce to explain to the gentleman from New York (Mr. TOWNS) and me what he intends to do.

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

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

Mr. TAUZIN. Apparently, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Utah (Mr. CANNON) have decided in the Committee of the Whole not to offer their amendment, and since the amendment drafted by the gentleman from Indiana (Mr. BUYER) and the gentleman from New York (Mr. TOWNS) is an amendment to their amendment, I must seek unanimous consent to have it offered as an amendment to the main bill in the Committee of the Whole, and that is why I have asked for this unanimous consent request.

Absent the granting of this unanimous consent request, it is my understanding the only way that we can get the Buyer-Towns amendment up would be if we defeated the previous question on the motion to recommit, in which case we will do so, if we are not granted this unanimous consent.

Mr. BUYER. Mr. Speaker, further reserving the right to object, I am hopeful that no one does object.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. MARKEY. Mr. Speaker, I reserve the right to object in order to make this point to Members, which is that we have reached a juncture here whereby two amendments, the one made by

the gentleman from Utah (Mr. CANNON) and the gentleman from Michigan (Mr. CONYERS), and the one made by the gentleman from Indiana (Mr. BUYER) and the gentleman from New York (Mr. TOWNS), each have a right, in my opinion, to have a vote on the House floor.

The way the rule is structured is there will not be a vote on the Cannon-Conyers amendment. What we are trying to do through this device is to have a straight up or down vote on the amendment, which all the competing companies in America want to have as their up or down vote; and then everyone is free to vote with the Bells or all the competitors. One vote, that is all they want; pick sides, straight up or down. We are not allowed that under the rule that came out of the committee last night.

So that is all we are trying to set up right now. We hope by the end of this process, and on the vote on the previous question, by the way, Members will have that chance to decide, one way or another, to come down forever on competition or with this old monopolistic view.

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

Mr. MARKEY. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding, and I concur with his observation.

Mr. Speaker, could I just make this point: Why can we not just have a straight up or down vote on Cannon-Conyers and on Buyer-Towns? That has been spoken about among our leadership. I think it would be agreeable to many of the principals here on this bill, and I think it would make things move a lot more quickly.

We have already saved ourselves hours of time by foreclosing the debate. If we just have these two votes, we would be able to bring this very important piece of legislation to a conclusion.

Mr. MARKEY. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

□ 1530

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 350 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1542.

□ 1531

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1542) to deregulate the Internet and high-speed data services, and for other purposes, with Mr. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Michigan (Mr. UPTON) had been disposed of.

It is now in order to consider Amendment No. 2 printed in Part B of House Report 107–361.

Is there any Member in the Chamber wishing to offer that amendment?

PARLIAMENTARY INQUIRIES

Mr. TAUZIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. TAUZIN. Who may offer that amendment under the rule?

The CHAIRMAN pro tempore. The gentleman from Utah (Mr. CANNON) or his designee.

Mr. TAUZIN. No one else can offer that amendment but the gentleman from Utah?

The CHAIRMAN pro tempore. The gentleman from Louisiana is correct: The gentleman from Utah or his designee.

Mr. TAUZIN. I thank the Chair.

Mr. BUYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. BUYER. The gentleman from New York (Mr. TOWNS) and I had an amendment to the Conyers-Cannon amendment. If these two gentlemen or their designee do not offer that amendment, then I have no opportunity to do that, other than we defeat the previous question, and then I have an opportunity to make an amendment on the motion to recommit. Would that be correct?

The CHAIRMAN pro tempore. The Chair is not able to address the Committee questions that may arise in the House.

Mr. BUYER. I thank the Chair.

The CHAIRMAN pro tempore. Does any Member wish to offer the amendment?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1542) to deregulate the Internet and high-speed data services, and for other purposes, pursuant to House Resolution 350, he reported the bill, as amended pursuant to that rule, back to the House with a further amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MARKEY. I am opposed to the bill in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MARKEY moves to recommit the bill H.R. 1542 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

AMENDMENT TO H.R. 1542, AS REPORTED

OFFERED BY MR. MARKEY

Strike section 4 and insert the following:

SEC. 4. LIMITATION ON AUTHORITY TO REGULATE HIGH SPEED DATA SERVICES.

(a) IN GENERAL.—Part I of title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end the following new section:

"SEC. 232. PROVISION OF HIGH SPEED DATA SERVICES.

''(a) FREEDOM FROM REGULATION.—Except to the extent that high speed data service, Internet backbone service, and Internet access service are expressly referred to in this Act, the Commission shall have no authority to regulate the rates, charges, terms, or conditions for, or entry into the provision of, any high speed data service, Internet backbone service, or Internet access service, or to regulate any network element to the extent it is used in the provision of any such service; nor shall the Commission impose or require the collection of any fees, taxes, charges, or tariffs upon such service.

''(b) SAVINGS PROVISION.—

''(1) STATE AUTHORITY.—Nothing in this section shall be construed to limit or affect the authority of any State, nor affect the rights of cable franchise authorities to establish requirements that are otherwise consistent with this Act.

''(2) EXISTING RULES AND COMPETITION PRESERVED.—Notwithstanding the limitations on Commission and State authority contained in the Internet Freedom and Broadband Deployment Act of 2001 (including the amendments made by such Act), in order to preserve and promote fair competition, innovation, economic investment, and consumer choice, no provision of such Act or amendments shall restrict or affect in any way the application and enforcement of the Federal and State rules in effect on the date of enactment of such Act relating to the rates, charges, terms, and conditions for the purchasing or leasing of telecommunications services and network elements by competitive telecommunications carriers.

''(3) ADDITIONAL COMMISSION AUTHORITY PRESERVED.—Notwithstanding the limitations on Commission authority contained in the Internet Freedom and Broadband Deployment Act of 2001 (including the amendments made by such Act), such Act and amendments shall not restrict or affect in any way—

''(A) the authority of the Commission to adopt regulations to prohibit unsolicited commercial e-mail messages;

''(B) the authority of the Commission to regulate changes in subscriber carrier selections or the imposition of charges on telephone bills for unauthorized services; or

''(C) the authority of the Commission—

''(i) with respect to customer proprietary network information, as provided in section 222;

''(ii) with respect to rules and procedures adopted pursuant to section 223 to restrict the provision of pornography to minors and unconsenting adults; or

''(iii) with respect to access by persons with disabilities, as provided in section 255.

''(c) CONTINUED ENFORCEMENT OF ESP EXEMPTION, UNIVERSAL SERVICE RULES PERMITTED.—Nothing in this section shall affect the ability of the Commission to retain or modify—

''(1) the exemption from interstate access charges for enhanced service providers under Part 69 of the Commission's regulations, and the requirements of the MTS/WATS Market Structure Order (97 FCC 2d 682, 715 (1983)); or

''(2) rules issued pursuant to section 254.''.

(b) CONFORMING AMENDMENT.—Section 251 of the Communications Act of 1934 (47 U.S.C. 251) is amended by adding at the end thereof the following new subsection:

''(j) EXEMPTION.—

''(1) ACCESS TO NETWORK ELEMENTS FOR HIGH SPEED DATA SERVICE.—

''(A) LIMITATION.—Subject to subparagraphs (B), (C), and (D) of this paragraph, the Commission shall not require an incumbent local exchange carrier to provide unbundled access to any network element for the provision of any high speed data service.

''(B) PRESERVATION OF REGULATIONS AND LINE SHARING ORDER.—Notwithstanding subparagraph (A), the Commission shall, to the extent consistent with subsections (c)(3) and (d)(2), require the provision of unbundled access to those network elements described in section 51.319 of the Commission's regulations (47 C.F.R. 51.319), as—

''(i) in effect on January 1, 1999; and

''(ii) subject to subparagraphs (C) and (D), as modified by the Commission's Line Sharing Order.

''(C) EXCEPTIONS TO PRESERVATION OF LINE SHARING ORDER.—

''(i) UNBUNDLED ACCESS TO REMOTE TERMINAL NOT REQUIRED.—An incumbent local exchange carrier shall not be required to provide unbundled access to the high frequency portion of the loop at a remote terminal.

''(ii) CHARGES FOR ACCESS TO HIGH FREQUENCY PORTION.—The Commission and the States shall permit an incumbent local exchange carrier to charge requesting carriers for the high frequency portion of a loop an amount equal to which such incumbent local exchange carrier imputes to its own high speed data service.

''(D) LIMITATIONS ON REINTERPRETATION OF LINE SHARING ORDER.—Neither the Commission nor any State Commission shall construe, interpret, or reinterpret the Commission's Line Sharing Order in such manner as would expand an incumbent local exchange carrier's obligation to provide access to any network element for the purpose of line sharing.

''(E) AUTHORITY TO REDUCE ELEMENTS SUBJECT TO REQUIREMENT.—This paragraph shall not prohibit the Commission from modifying the regulation referred to in subparagraph (B) to reduce the number of network elements subject to the unbundling requirement, or to forbear from enforcing any portion of that regulation in accordance with the Commission's authority under section 706 of the Telecommunications Act of 1996, notwithstanding any limitation on that authority in section 10 of this Act.

''(F) PROHIBITION ON DISCRIMINATORY SUBSIDIES.—Any network element used in the provision of high speed data service that is not subject to the requirements of subsection (c) shall not be entitled to any subsidy, including any subsidy pursuant to section 254, that is not provided on a nondiscriminatory basis to all providers of high speed data service and Internet access service. This prohibition on discriminatory subsidies shall not be interpreted to authorize or require the extension of any subsidy to any provider of high speed data service or Internet access service.

''(2) RESALE.—For a period of three years after the enactment of this subsection, an incumbent local exchange carrier that provides high speed data service shall have a duty to offer for resale any such service at wholesale rates in accordance with subsection (c)(4). After such three-year period, such carrier shall offer such services for resale pursuant to subsection (b)(1).

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) the 'Commission's Line Sharing Order' means the Third Report and Order in CC Docket No. 98–147 and the Fourth Report and Order in CC Docket 96–98 (FCC 99–355), as adopted November 18, 1999, and without regard to any clarification or interpretation in the further notice of proposed rulemaking in such Dockets adopted January 19, 2001 (FCC 01–26); and

''(B) the term 'remote terminal' means an accessible terminal located outside of the central office to which analog signals are carried from customer premises, in which such signals are converted to digital, and from which such signals are carried, generally over fiber, to the central office.''.

(c) PRESERVATION OF EXISTING INTERCONNECTION AGREEMENTS.—Nothing in the amendments made by this section—

(1) shall be construed to permit or require the abrogation or modification of any interconnection agreement in effect on the date of enactment of this section during the term of such agreement, except that this paragraph shall not apply to any interconnection agreement beyond the expiration date of the existing current term contained in such agreement on the date of enactment of this section, without regard to any extension or renewal of such agreement; or

(2) affects the implementation of any change of law provision in any such agreement.

Page 12, beginning on line 23, strike ''Internet access'' and insert ''such''.

Mr. MARKEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

Mr. BUYER. Mr. Speaker, reserving the right to object, I would inquire of the gentleman from Massachusetts, is this the Cannon amendment?

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

Mr. BUYER. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Yes.

Mr. BUYER. This is the Cannon amendment that the gentleman is offering on the motion to recommit.

Mr. Speaker, while we were in the Committee of the Whole I asked a question of the Chairman which he said he could not answer. At that time, under the rule an amendment was designated. Neither the author nor a designee offered that amendment. Therefore, the Buyer-Towns amendment could not be offered.

The Conyers-Cannon amendment is now being considered in the recommittal motion, so the only opportunity that the gentleman from New York (Mr. TOWNS) and I now have procedurally would be to defeat the previous question, and then in the motion to recommit we make an amendment to the recommittal motion. Would that be in order?

The SPEAKER pro tempore. That would be in order.

Mr. BUYER. It would be in order. I thank the Speaker.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY) in support of his motion to recommit for 5 minutes.

PARLIAMENTARY INQUIRIES

Mr. MARKEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MARKEY. Mr. Speaker, my parliamentary inquiry is this. So that there can be a clarification for the Members as to the procedural process that the House finds itself in at this point in time, I have made a motion to recommit forthwith the bill which we are now considering. It is my understanding that that means that the bill actually does not go back to the committee but just goes to the desk here and is immediately then inserted into the bill forthwith and that there is absolutely no delay in the procedure at that point and we move forward with that new substance added to the bill, is that correct?

The SPEAKER pro tempore. If a motion to recommit is adopted in a form ordering a report forthwith, the gentleman is correct that the proposed amendment would immediately be before the House.

Mr. TAUZIN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TAUZIN. Mr. Speaker, I think it is important that we also clarify the effects of that kind of a decision if we do allow the gentleman from Massachusetts (Mr. MARKEY) to recommit this bill with the Canyon-Conyers amendment added to it. If we allow that to happen without voting against the previous question, without giving the gentleman from Indiana (Mr. BUYER) and the gentleman from New York (Mr. TOWNS) a chance to amend that motion to recommit, it is tantamount to adopting the Conyers amendment on the bill without ever having a chance to vote on Buyer-Towns. Therefore, is it not correct that for Buyer-Towns to have an opportunity to be voted upon that the Members will have to vote against the previous question on the motion to recommit?

The SPEAKER pro tempore. The first portion of the gentleman's observation is not a parliamentary inquiry.

The second portion, however, is. If the previous question were not ordered on the Markey motion to recommit, the Member who, in the perception of the Chair, led the opposition to the motion for the previous question would have an opportunity to offer an amendment to the motion to recommit.

Mr. TAUZIN. Further parliamentary inquiry, Mr. Speaker. May I claim the time in opposition to the motion to recommit?

The SPEAKER pro tempore. The gentleman may.

The gentleman from Massachusetts (Mr. MARKEY) is recognized for 5 minutes in support of his motion.

Mr. MARKEY. Mr. Speaker, I yield myself 1 minute.

The reason we are making this recommittal motion is so that we can have one clear vote on the competition and consumer position on all of these issues. We were not going to have a vote out here on the floor on those issues. The Bell companies do not want a clear vote on the hundreds of other companies out there competing with the four of them. So this recommittal motion is the Conyers-Cannon amendment that we were not going to be allowed to have a vote on, that gives every one of us that clear chance to decide which side of this fence we are on, monopoly or competition. And I think everyone should understand it.

Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. CANNON).

PARLIAMENTARY INQUIRY

Mr. BUYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Massachusetts (Mr. MARKEY) yield to the gentleman from Indiana (Mr. BUYER) for the purpose of a parliamentary inquiry?

Mr. MARKEY. I do not.

Mr. BUYER. Mr. Speaker, I object to the yielding of time.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MARKEY) may yield to others and remain on his feet, which he is doing.

The gentleman has yielded to the gentleman from Utah.

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

We might ask ourselves, why are CANNON and CONYERS together on an amendment? Sort of an odd couple, if one follows this body.

Let me point out that we have looked very carefully at this. It is exceedingly important to the future of the deployment of the Internet to have competition. There has been a lot of talk and a lot of obfuscation on this issue, but, in fact, without this amendment, if the bill becomes law, we will snuff out competition in America in the area that is going to give us the technological needed for the next century.

Mr. MARKEY. Mr. Speaker, I thank the gentleman. This is not a debate between Democrats and Republicans. It is between competition and monopoly.

Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, this legislation has created one of those rare moments where traditional coalitions and party affiliations are nearly irrelevant as Members of the House debate the issue of competition in the field of telecommunications.

I agree with my colleagues on deregulating the industry and giving consumers more options and lower prices, but what I disagree with some of my friends on today are the anticompetitive measures that I believe are given and special privileges for certain companies in this bill.

As a former State public utility commissioner, I am extremely troubled by Congress telling States what they can and cannot do on competition, pricing and the regulation of broadband facilities and networks. This is why 31 State public utility commissions are opposed to this bill before us unamended.

Restricting competitive local exchange carriers' access to incumbent networks endangers, I believe, the future of competition. There are countless small businesses that have invested billions of dollars and have created thousands of jobs. Let us not change the rules at the half time of the game. Let us not limit the lion's share into outmoded copper facilities, let us not tie one hand behind a company's back by taking away access to high-tech fiber lines, and let us not tell States, sorry, but we are taking away your authority on yet another issue.

Instead, I urge my colleagues to think of the small business people in their districts employing constituents and giving consumers options. The motion to recommit will fix this bill so small businesses get a voice, States keep their rights and ordinary, average Americans are given fair choices and fair prices as we keep heading down the information superhighway. Vote for the motion to recommit and vote for competition and consumers.

Mr. MARKEY. Mr. Speaker, I yield my final minute to the gentleman from Mississippi (Mr. PICKERING).

□ 1545

Mr. PICKERING. Mr. Speaker, I want to commend the chairman of the committee and the ranking member for their tenacity, their advocacy, their philosophy, and their approach, as it comes to telecommunications broadband and the questions before us. But we simply want one clean vote: Do we stand with competition, or do we go back to the old fragmented, segmented, monopolistic ways of what we tried to reform in 1996?

For those of us who want multiple choices, not just one or two but many choices, the free market enterprise of competition, innovation, lower prices, then we need to vote for the Conyers amendment; and we need to vote for the Cannon amendment. We need that clean chance.

If we believe in States' rights to help advocate competition and deployment, if Members want to maintain the regulation against child pornography and obscenity on the Internet, then Members need to vote for Cannon and Conyers.

This is our one chance in this debate to have one simple vote. We believe that it is the right vote. I ask for Members' support on the previous question.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Louisiana (Mr. TAUZIN) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. TAUZIN. Mr. Speaker, there are two amendments before this House, both of which provide access for these competitive telephone lines to the new fiber and the new systems the Bell companies would deploy under this bill. The only difference is that the Cannon-Conyers amendment would put on those conditions all the rules and regulations that currently stifle the delivery of those services.

Every high-tech representative in this town, all the associations that represent companies from Lucent to Motorola, and the two largest associations of all the high-tech companies of America, over a thousand of them, have written us letters urging us to defeat Cannon and Conyers, because what it does, it guarantees that broadband will not be deployed to people in this country without all those rules and regulations of the telephone industry regulating the Internet. That is why they want that amendment defeated.

The Buyer-Towns amendment, on the other hand, gives those competitive telephone companies full access to those facilities of the Bell at fair rates set by the FCC, not by the Bell companies.

There are two proposals before us. I am going to ask Members in a minute to defeat the previous question to give the gentleman from Indiana (Mr. BUYER) and the gentleman from New York (Mr. TOWNS) a chance to offer their proposal. If we defeat that previous question and motion, they will have a chance to offer their motion. Then they can vote Buyer and Towns up or down. If Members vote for that, that will be on the motion to recommit, and we will conclude our business.

Mr. Speaker, I yield to the gentleman from New York (Mr. TOWNS), the author of the bill.

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

Mr. Speaker, this is a very obvious way of trying to usurp the role of the Committee on Rules. What is the purpose of the Committee on Rules if we are going to try and usurp them in this fashion?

Let me be candid by saying that this is not what the Bell companies or the competitors prefer. However, I strongly believe that our amendment represents a middle ground. The Buyer-Towns is a good compromise. Our amendment does the right thing to ensure that

broadband is deployed in a competitive environment, and this is what this is all about.

Mr. TAUZIN. Mr. Speaker, I yield to the gentleman from Indiana (Mr. BUYER), the principal author of this amendment.

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

To those who have walked into this body and were going to support the Buyer-Towns amendment to the Conyers-Cannon amendment, let me share what I believe is about to happen and what I believe Members should do.

If they support the Buyer-Towns amendment, vote no on the previous question; vote no on the previous question, vote yes when I have the opportunity to amend the recommit after the previous question is defeated. So they will vote yes on the Buyer-Towns amendment to the recommital, vote yes on the amended motion to recommit, and vote yes on final passage.

Mr. TAUZIN. Mr. Speaker, it comes down to this. All Members who walked into this room this morning and voted yes on the rule should vote against the motion on the previous question, because that preserves the rule and does not allow these parties to undermine the rule that Members voted for.

Vote no on the previous question and then yes on Buyer-Towns, yes on the amended motion to recommit, and yes on final passage.

Mr. LUTHER. Mr. Speaker, I am a cosponsor of the amendment by Congressmen CANNON and CONYERS which was taken up as a motion to recommit, and I oppose the Buyer/Towns amendment to the motion.

During the Energy & Commerce Committee's mark-up of this bill, Congresswoman WILSON and I introduced a bipartisan amendment addressing the issue of ''line sharing''—a concept pioneered in my home state of Minnesota. This amendment represented the most contentious issue of the markup, failing to pass on a 27 to 27 tie vote, and this issue remains the most controversial matter with regard to the bill.

The first part of the Cannon/Conyers amendment is basically the amendment that Representative WILSON and I introduced at the Energy & Commerce Committee. All our amendment does is preserve existing law. The landmark 1996 Telecommunications Act deliberately forced the Regional Bell Operating Companies to open their networks to competition. The Cannon/Conyers Amendment is consistent with this and would simply preserve all existing FCC orders that allow small competitive telecommunications companies to lease elements of the Bells network on a cost-plus-reasonable-profit basis. It does no more than this.

Supporters of the Buyer/Towns Amendment claim that they have fixed the line sharing problem but their amendment will allow a competitor to have access only to copper loops, not to the fiber, remote terminals and other crucial network elements indispensable to competition in both the voice and high-speed data markets. It is vital that existing law and regulation be preserved, because a competitor's access to these fiber and remote terminal networks is the only way to preserve effective and meaningful competition.

It's important to note that competitors do not have access to these networks for free—they must pay for an element's cost and a reasonable profit. The Cannon/Conyers amendment preserves this cost-plus-reasonable-profit pricing mechanism. On the other hand, the Buyer/Towns amendment even changes this pricing mandate and will actually raise rates while giving much more limited access—all to the detriment of competition.

I urge support for the true line sharing amendment—the Cannon/Conyers amendment. And I urge a ''no'' vote on the Buyer/Towns amendment.

The SPEAKER pro tempore. All time for debate on the motion to recommit has expired.

The question is on ordering the previous question on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 256, not voting 5, as follows:

[Roll No. 44]

AYES—173

Abercrombie
Andrews
Baird
Barrett
Bartlett
Becerra
Bereuter
Berkley
Berman
Biggert
Blumenauer
Borski
Boswell
Brown (OH)
Cannon
Cantor
Capps
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Combest
Condit
Conyers
Costello
Cox
Coyne
Crowley
Davis (CA)
Davis (FL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Doggett
Dooley
Doyle
Duncan
Dunn
Ehrlich
Eshoo
Etheridge
Farr
Fattah
Flake
Forbes
Frank
Frelinghuysen
Gephardt
Gilchrest
Goode
Hansen
Harman
Hastings (WA)
Hayworth
Hefley
Hinchey
Hobson
Hoeffel
Hoekstra
Holt
Honda
Hooley
Inslee
Israel
Jenkins
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kilpatrick
Kingston
Kleczka
Kolbe
Kucinich
LaFalce
Lantos
Latham
Leach
Lee
Linder
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
McCarthy (MO)
McCollum
McDermott
McInnis
McKinney
Meehan
Millender-McDonald
Miller, George
Mink
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Ramstad
Rangel
Rivers
Roemer
Rogers (MI)
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryun (KS)
Sabo
Sanders
Schaffer
Schakowsky
Scott
Sensenbrenner
Shadegg
Shays
Sherman
Skeen
Skelton
Slaughter
Solis
Stark
Stupak
Sununu
Thompson (CA)
Thune
Thurman
Tierney
Udall (CO)
Udall (NM)
Velazquez
Wamp
Waters
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Young (FL)

NOES—256

Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barton
Bass
Bentsen
Berry
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Capito
Capuano
Cardin
Clay
Clayton
Clement
Clyburn
Coble
Collins
Cooksey
Cramer
Crane
Crenshaw
Culberson
Cummings
Cunningham
Davis (IL)
Davis, Jo Ann
Deal
DeLay
Diaz-Balart
Dicks
Dingell
Doolittle
Dreier
Edwards
Ehlers
Emerson
Engel
English
Everett
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frost
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hart
Hastings (FL)
Hayes
Herger
Hill
Hilleary
Hilliard
Hinojosa
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kirk
Knollenberg
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Maloney (CT)
Manzullo
Matheson
Matsui
McCarthy (NY)
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Morella
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pastor
Pence
Petri
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Ros-Lehtinen
Ross
Rush
Ryan (WI)
Sanchez
Sandlin
Sawyer
Saxton
Schiff
Schrock
Serrano
Sessions
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Watkins (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (SC)
Wynn
Young (AK)

NOT VOTING—5

Baldacci
Cubin
Evans
Gilman
Traficant

□ 1614

Mrs. MEEK of Florida, Mrs. KELLY, Mrs. NORTHUP, and Messrs.

CULBERSON, TANCREDO, BOOZMAN and HERGER changed their vote from ''aye'' to ''no''.

Mr. OBERSTAR, Mr. KINGSTON and Ms. CARSON of Indiana changed their vote from ''no'' to ''aye''.

So the previous question was not ordered.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BUYER TO THE MOTION TO RECOMMIT OFFERED BY MR. MARKEY

Mr. BUYER. Mr. Speaker, I offer an amendment to the motion to recommit.

The Clerk read as follows:

Amendment offered by Mr. BUYER to the motion to recommit offered by Mr. MARKEY:

In lieu of the amendment proposed on the motion, insert the following:

Page 6, beginning on line 9, strike '', or to regulate any network element to the extent it is used in the provision of any such service''.

Page 7, strike line 7 and all that follows through line 2 on page 9 and insert the following:

''(j) GUARANTEED ACCESS TO CONSUMERS FOR CLECS.—

''(1) ACCESS RULES.—

''(A) PRESERVATION OF RULES GUARANTEEING CLEC ACCESS TO INCUMBENT CARRIER FACILITIES.—Except as provided in subparagraph (E), the Commission is not required to repeal or modify the regulations in effect on May 24, 2001, that enable a requesting carrier to use the facilities of an incumbent local exchange carrier to provide high speed data services.

''(B) TRANSPORT SERVICES AVAILABLE TO CLECS.—

''(i) OFFERING REQUIRED.—If an incumbent local exchange carrier provides high-speed data services over a fiber local loop or fiber feeder subloop, that carrier shall offer, over such loop or subloop for delivery at the incumbent local exchange carrier's serving central office, a high speed data service that is provided by such carrier utilizing an industry-standard protocol.

''(ii) TRANSMISSION OPTIONS.—Such service shall enable a requesting carrier to transmit information over an incumbent local exchange carrier's facilities between that incumbent local exchange carrier's serving central office and (I) a customer's premises served by that serving central office; (II) a remote terminal supplied by the requesting carrier; or (III) a high frequency portion of the copper subloop obtained by such requesting carrier pursuant to the provisions of subsection (c)(3).

''(iii) RATES, TERMS, AND CONDITIONS.—Such high speed data service shall be offered on rates, terms, and conditions that are just and reasonable in accordance with section 201(b). For such purposes, such high speed data service shall be deemed a nondominant service.

''(iv) SERVING CENTRAL OFFICE DEFINITION.—For the purpose of this subparagraph, the term 'serving central office' means the centralized location where the incumbent local exchange carrier has elected to provide access to the high speed data service required by this subparagraph.

''(C) SPACE ADJACENT TO AN INCUMBENT'S REMOTE TERMINAL.—Subparagraph (E)(iii) does not relieve an incumbent carrier of any obligation under regulations in effect on May 24, 2001, to provide space adjacent to its remote terminal to a requesting carrier so that the requesting carrier may construct its own remote terminal.

''(D) CLEC ACCESS TO INCUMBENT CARRIER RIGHTS-OF-WAY.—Any incumbent local exchange carrier has the duty to afford access to its poles, conduits, and rights-of-way in accordance with subsection (b)(4) for provision of high speed data service.

''(E) SCOPE.—Notwithstanding any provision of law, neither the Commission nor any State shall—

''(i) require an incumbent local exchange carrier to provide unbundled access in accordance with subsection (c)(3) to any packet switching network element;

''(ii) require an incumbent local exchange carrier to provide, for the provision of high speed data service, access on an unbundled basis in accordance with subsection (c)(3) to any fiber local loop or fiber feeder subloop; or

''(iii) require an incumbent local exchange carrier to provide for collocation in accordance with subsection (c)(6) in a remote terminal, or to construct or make available space in a remote terminal.

''(F) REINTERPRETATION.—Consistent with subparagraph (E), neither the Commission nor any State shall construe, interpret, or apply this section in such a manner as to expand an incumbent local exchange carrier's obligation, as in effect on May 24, 2001, to provide access in accordance with subsection (c)(3) to any network element for the provision of high speed data service, or to provide collocation in accordance with subsection (c)(6) for the provision of high speed data service.

Page 9, lines 3 and 15, redesignate subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively.

Page 10, beginning on line 11, strike paragraph (3) through page 11, line 3, and insert the following:

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'fiber feeder subloop' means the entirely fiber optic cable portion of the local loop between the feeder/distribution interface (or its equivalent) and a distribution frame (or its equivalent) in an incumbent local exchange carrier central office, including all features, functions, and capabilities of such portion of the local loop;

''(B) the term 'fiber local loop' means an entirely fiber optic cable transmission facility, including all features, functions, and capabilities of such transmission facility, between a distribution frame (or its equivalent) in an incumbent local exchange carrier central office and the loop demarcation point at an end-user customer premise;

''(C) the term 'packet switching network element'—

''(i) means a network element that performs, or offers the capability to perform—

''(I) the basic packet switching function of routing or forwarding packets, frames, cells, or other data units based on address or other routing information contained in the packets, frames, cells, or other data units, including the functions that are performed by digital subscriber line access multiplexers; or

''(II) any successor to the functions described in clause (i);

''(ii) includes such element on a standalone basis, or as a part of a combination with one or more other network elements; and

''(iii) does not include elements of the signaling system 7 network transmitting signaling information between switching points;

''(D) the term 'remote terminal' means a controlled environment hut, controlled environment vault, cabinet, or other structure at a remote location between the central office and a customer's premises; and

''(E) the term 'signaling system 7 network' means the network that uses signaling links to transmit routing messages between switches and between switches and call related data bases.''.

Page 7, line 3, strike the close quotation marks and the following period, and after such line insert the following:

''(d) ADDITIONAL COMMISSION AUTHORITY PRESERVED.—Notwithstanding subsection (a), such subsection shall not restrict or affect in any way the authority of the Commission—

''(1) to adopt regulations to prohibit unsolicited commercial e-mail messages;

''(2) to regulate changes in subscriber carrier selections or the imposition of charges on telephone bills for unauthorized services; or

''(3) with respect to—

''(A) customer proprietary network information, as provided in section 222;

''(B) with respect to rules and procedures adopted pursuant to section 223 to restrict the provision of pornography to minors and unconsenting adults; or

''(C) with respect to access by persons with disabilities, as provided in section 255.''.

Page 6, line 12, insert before the period the following: ''that is not imposed or required on the date of enactment of this section''.

Mr. BUYER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Indiana?

Mr. WATT of North Carolina. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

Mr. BUYER (during the reading). Mr. Speaker, I ask unanimous consent that the Buyer-Towns amendment to the motion to recommit be considered as read and printed in the RECORD.

Mr. WATT of North Carolina. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. BUYER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. BUYER. Mr. Speaker, the Buyer-Towns amendment to the motion to recommit, is it a debatable or a nondebatable amendment?

The SPEAKER pro tempore. The amendment is not debatable.

Mr. BUYER. It is not. So the Members have to stay here during the reading of this amendment?

The SPEAKER pro tempore. The amendment is not debatable.

The Clerk will continue to read.

The Clerk continued to read.

PARLIAMENTARY INQUIRY

Mr. ROEMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. ROEMER. Mr. Speaker, with the House vote denying the minority the right for a motion to recommit, has that happened in the last 10 years, the last decade in the House of Representatives?

The SPEAKER pro tempore. The Chair cannot presume to place the pending proceedings in historical context.

Mr. ROEMER. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. ROEMER. Has the minority in the House of Representatives been denied the sacred right of a motion to recommit in the last 20 years?

The SPEAKER pro tempore. The Chair would give the gentleman the same response, and that is that the Chair cannot presume to place the pending proceedings in historical context.

Mr. ROEMER. I thank the Chair.

Mr. TOWNS. Mr. Speaker, I rise today in support of my amendment to H.R. 1542.

Last year, I voted to report H.R. 1542 out of Committee. I felt that America needed to formulate a national broadband policy and that the Tauzin-Dingell Bill was an excellent first step in doing so.

I also supported a line-sharing amendment during Committee deliberations because I felt that it was critical to provide access and reasonable pricing for the competitive industry. Over the past three years, line sharing has been the most contentious issue in the broadband debate. The amendment that Mr. BUYER and I offer today represents a true compromise on this issue.

Our amendment ensures that the competitive industry will have access to all copper and fiber networks owned by the Bell Companies. They will also have FCC-regulated pricing, which will prohibit the Bell Companies from pricing the CLECs out of the market. In addition to these provisions, this amendment also safeguards important laws such as the anti-slamming provisions and it protects the E-Rate program.

Let me be candid by saying, this is not what the Bell Companies or the competitors preferred; however I strongly believe that our amendment represents the middle ground that has been sorely missing in this debate over high-speed data deployment.

I will tell you Mr. Speaker that it is my belief that our amendment does the right thing to ensure that broadband is deployed in a competitive environment. I am pleased that the AARP and the Communications Workers of America have endorsed our proposal to strike a balance that is fair to consumers and is equitable for providers.

I urge each of my colleagues to vote ''yes'' on the Buyer-Towns Amendment and forge a true compromise on the issue of line sharing.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this amendment.

I disagree with opponents of this amendment who argue that it would give the RBOCs a competitive advantage over smaller competitors. This amendment, a substitute amendment to the Cannon/Conyers amendment, requires RBOCs to utilize a competitor's broadband service over their network, but it does not require that they share their lines or facilities.

Although, under the bill, RBOCs would no longer be required to provide to competitors, at ''wholesale rates,'' the use of RBOC DSL switching and routing equipment, fiber optic lines, or remote terminals, it does require RBOCs to transmit a competitor's broadband service over their fiber lines and equipment at ''just and reasonable'' rates, terms and conditions set by the FCC. It also preserves the authority of the FCC to enforce consumer protection laws, and establishes a new framework under which RBOCs that use fiber lines to provide broadband services must also carry the broadband services of competitors.

Additionally, it eliminates the requirement that RBOCs permit competitors to directly connect with or be provided space in a RBOC remote terminal, but gives competitors access to RBOCs' rights-of-way so that competitors may place their own remote terminals on RBOC property near the RBOC equipment.

Importantly, this amendment guarantees that CLECs have access to customers served by RBOC company high-speed networks under FCC-regulated rates, terms, and conditions. It also preserves rules governing CLECs access to RBOC facilities, including a rule that permits CLECs to line-share on RBOC copper facilities; maintains rules governing law enforcement, pornography, slamming/cramming, privacy, access by persons with disabilities.

This amendment goes a long way towards increasing competition, access, and fairness in this important sector. I urge my colleagues to support it.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the amendment to the motion to recommit and on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER) to the motion to recommit offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment to the motion to recommit was agreed to.

The SPEAKER pro tempore. The question is on the motion to recommit, as amended.

The motion to recommit, as amended, was agreed to.

Mr. TAUZIN. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit and on behalf of the Committee on Energy and Commerce, I report the bill, H.R. 1542, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Page 6, beginning on line 9, strike '', or to regulate any network element to the extent it is used in the provision of any such service''.

Page 7, strike line 7 and all that follows through line 2 on page 9 and insert the following:

''(j) GUARANTEED ACCESS TO CONSUMERS FOR CLECS.—

''(1) ACCESS RULES.—

''(A) PRESERVATION OF RULES GUARANTEEING CLEC ACCESS TO INCUMBENT CARRIER FACILITIES.—Except as provided in subparagraph (E), the Commission is not required to repeal or modify the regulations in effect on May 24, 2001, that enable a requesting carrier to use the facilities of an incumbent local exchange carrier to provide high speed data services.

''(B) TRANSPORT SERVICES AVAILABLE TO CLECS.—

''(i) OFFERING REQUIRED.—If an incumbent local exchange carrier provides high-speed data services over a fiber local loop or fiber feeder subloop, that carrier shall offer, over such loop or subloop for delivery at the incumbent local exchange carrier's serving central office, a high speed data service that is provided by such carrier utilizing an industry-standard protocol.

''(ii) TRANSMISSION OPTIONS.—Such service shall enable a requesting carrier to transmit information over an incumbent local exchange carrier's facilities between that incumbent local exchange carrier's serving central office and (I) a customer's premises served by that serving central office; (II) a remote terminal supplied by the requesting carrier; or (III) a high frequency portion of the copper subloop obtained by such requesting carrier pursuant to the provisions of subsection (c)(3).

''(iii) RATES, TERMS, AND CONDITIONS.—Such high speed data service shall be offered on rates, terms, and conditions that are just and reasonable in accordance with section 201(b). For such purposes, such high speed data service shall be deemed a nondominant service.

''(iv) SERVING CENTRAL OFFICE DEFINITION.—For the purpose of this subparagraph, the term 'serving central office' means the centralized location where the incumbent local exchange carrier has elected to provide access to the high speed data service required by this subparagraph.

''(C) SPACE ADJACENT TO AN INCUMBENT'S REMOTE TERMINAL.—Subparagraph (E)(iii) does not relieve an incumbent carrier of any obligation under regulations in effect on May 24, 2001, to provide space adjacent to its remote terminal to a requesting carrier so that the requesting carrier may construct its own remote terminal.

''(D) CLEC ACCESS TO INCUMBENT CARRIER RIGHTS-OF-WAY.—Any incumbent local exchange carrier has the duty to afford access to its poles, conduits, and rights-of-way in accordance with subsection (b)(4) for provision of high speed data service.

''(E) SCOPE.—Notwithstanding any provision of law, neither the Commission nor any State shall—

''(i) require an incumbent local exchange carrier to provide unbundled access in accordance with subsection (c)(3) to any packet switching network element;

''(ii) require an incumbent local exchange carrier to provide, for the provision of high speed data service, access on an unbundled basis in accordance with subsection (c)(3) to any fiber local loop or fiber feeder subloop; or

''(iii) require an incumbent local exchange carrier to provide for collocation in accordance with subsection (c)(6) in a remote terminal, or to construct or make available space in a remote terminal.

''(F) REINTERPRETATION.—Consistent with subparagraph (E), neither the Commission nor any State shall construe, interpret, or apply this section in such a manner as to expand an incumbent local exchange carrier's obligation, as in effect on May 24, 2001, to provide access in accordance with subsection (c)(3) to any network element for the provision of high speed data service, or to provide collocation in accordance with subsection (c)(6) for the provision of high speed data service.

Page 9, lines 3 and 15, redesignate subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively.

Page 10, beginning on line 11, strike paragraph (3) through page 11, line 3, and insert the following:

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'fiber feeder subloop' means the entirely fiber optic cable portion of the local loop between the feeder/distribution interface (or its equivalent) and a distribution frame (or its equivalent) in an incumbent local exchange carrier central office, including all features, functions, and capabilities of such portion of the local loop;

''(B) the term 'fiber local loop' means an entirely fiber optic cable transmission facility, including all features, functions, and capabilities of such transmission facility, between a distribution frame (or its equivalent) in an incumbent local exchange carrier central office and the loop demarcation point at an end-user customer premise;

''(C) the term 'packet switching network element'—

''(i) means a network element that performs, or offers the capability to perform—

''(I) the basic packet switching function of routing or forwarding packets, frames, cells, or other data units based on address or other routing information contained in the packets, frames, cells, or other data units, including the functions that are performed by digital subscriber line access multiplexers; or

''(II) any successor to the functions described in clause (i);

''(ii) includes such element on a standalone basis, or as a part of a combination with one or more other network elements; and

''(iii) does not include elements of the signaling system 7 network transmitting signaling information between switching points;

''(D) the term 'remote terminal' means a controlled environment hut, controlled environment vault, cabinet, or other structure at a remote location between the central office and a customer's premises; and

''(E) the term 'signaling system 7 network' means the network that uses signaling links to transmit routing messages between switches and between switches and call related data bases.''.

Page 7, line 3, strike the close quotation marks and the following period, and after such line insert the following:

''(d) ADDITIONAL COMMISSION AUTHORITY PRESERVED.—Notwithstanding subsection (a), such subsection shall not restrict or affect in any way the authority of the Commission—

''(1) to adopt regulations to prohibit unsolicited commercial e-mail messages;

''(2) to regulate changes in subscriber carrier selections or the imposition of charges on telephone bills for unauthorized services; or

''(3) with respect to—

''(A) customer proprietary network information, as provided in section 222;

''(B) with respect to rules and procedures adopted pursuant to section 223 to restrict the provision of pornography to minors and unconsenting adults; or

''(C) with respect to access by persons with disabilities, as provided in section 255.''.

Page 6, line 12, insert before the period the following: ''that is not imposed or required on the date of enactment of this section''.

Mr. TAUZIN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 273, noes 157, not voting 4, as follows:

[Roll No. 45]

AYES—273

Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barton
Bass
Becerra
Bentsen
Berry
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Capito
Capuano
Cardin
Carson (IN)
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Cooksey
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (IL)
Davis, Jo Ann
Deal
DeLauro
DeLay
Diaz-Balart
Dicks
Dingell
Doolittle
Edwards
Ehlers
Emerson
Engel
English
Everett
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gonzalez
Goodlatte
Gordon
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hart
Hastings (FL)
Hayes
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney (CT)
Manzullo
Matheson
Matsui
McCarthy (NY)
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Dan
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Neal
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Otter
Oxley
Pascrell
Pastor
Payne
Pence
Petri
Phelps
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Ros-Lehtinen
Ross
Roukema
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sawyer
Saxton
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Watkins (OK)
Watson (CA)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (SC)
Wynn

NOES—157

Abercrombie
Andrews
Baird
Barrett
Bartlett
Bereuter
Berkley
Berman
Biggert
Blumenauer
Borski
Boswell
Brown (OH)
Cannon
Cantor
Capps
Carson (OK)
Castle
Chabot
Coble
Conyers
Costello
Cox
Coyne
Davis (CA)
Davis (FL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeMint
Deutsch
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Ehrlich
Eshoo
Etheridge
Evans
Farr
Fattah
Flake
Forbes
Frank
Frelinghuysen
Gilchrest
Goode
Goss
Hansen
Harman
Hastings (WA)
Hayworth
Hefley
Hinchey
Hoeffel
Hoekstra
Holt
Honda
Hooley
Inslee
Isakson
Israel
Johnson, E. B.
Johnson, Sam
Kaptur
Keller
Kilpatrick
Kingston
Kolbe
Kucinich
LaFalce
Latham
Leach
Lee
Linder
Lipinski
Lofgren
Luther
Maloney (NY)
Markey
Mascara
McCarthy (MO)
McCollum
McDermott
McInnis
McKinney
Meehan
Mica
Miller, George
Miller, Jeff
Mink
Moore
Moran (VA)
Nadler
Napolitano
Nethercutt
Oberstar
Obey
Osborne
Owens
Pallone
Paul
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Ramstad
Regula
Rehberg
Rivers
Roemer
Rogers (MI)
Rohrabacher
Rothman
Roybal-Allard
Royce
Sabo
Sanders
Schaffer
Schakowsky
Scott
Shadegg
Shays
Skeen
Skelton
Slaughter
Solis
Stark
Stump
Stupak
Sununu
Taylor (MS)
Thune
Thurman
Tierney
Udall (CO)
Udall (NM)
Velazquez
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—4

Baldacci
Cubin
Gilman
Traficant

□ 1654

Ms. MILLENDER-McDONALD changed her vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1542, INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that the Clerk be

authorized to make necessary technical, conforming and clerical corrections in the enrollment of the bill, H.R. 1542.

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

There was no objection.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD on H.R. 1542, the bill just passed.

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

There was no objection.

COMMUNICATION FROM THE HON. HOWARD L. BERMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable HOWARD L. BERMAN, Member of Congress:

WASHINGTON, DC,
February 25, 2002.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with civil subpoenas for documents and testimony issued by the United States District Court for the Central District of California in a civil case pending there. The testimony and documents sought relate in part to the official functions of the House.

After consultation with the Office of General Counsel, I will determine whether it is consistent with the privileges and rights of the House to comply with the subpoenas, to the extent that they seek testimony and documents that relate to the official functions of the House.

Sincerely,

HOWARD L. BERMAN,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. GANSKE) is recognized for 5 minutes.

(Mr. GANSKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE CASE OF JOSEPH SALVATI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise today to talk about what I think is one of the greatest miscarriages of justice ever heard of or ever seen in this Nation.

As some people know, I spent 7½ years before coming to Congress as a criminal court judge in Tennessee trying felony criminal cases, the murders, the rapes, the armed robberies, the burglary cases, the most serious cases. But I want to talk briefly today about the Joseph Salvati case, a case in which a man whom the FBI knew was innocent and yet they still kept him in prison for more than 30 years, a man with a wife and, I think, four children. It is just horrendous to think about what was done to this man by our own Federal Government, a man that they knew was innocent. They did not discover that he was innocent after he had been in prison for 25 years. They knew before he went to prison that he was innocent.

First of all, I want to start by expressing my great admiration and respect for the courage and determination of the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform, in conducting several hearings about this terrible miscarriage of justice that I am talking about here. This is my 14th year in the Congress. I have been shocked by this Joseph Salvati case and all that I have heard in the hearings that Chairman BURTON has had so far, but I want to read to you the first paragraph of Chairman BURTON'S opening statement, because I am a member of three different committees, five separate subcommittees, I have participated in hundreds, maybe even several thousand of committee and subcommittee hearings since I have been in the Congress, and I have never heard a more shocking statement in a congressional hearing than I heard Chairman BURTON give. In fact, I have heard him now give it on two occasions.

His opening statement, the first paragraph said, ''The United States Department of Justice allowed lying witnesses to send men to death row. It stood by idly while innocent men spent decades behind bars. It permitted informants to commit murder. It tipped off killers so that they could flee before they were caught. It interfered with local investigations of drug dealing and arms smuggling. And then when people went to the Justice Department with evidence about murders, some of them ended up dead.''

□ 1700

Now, that is a statement by the gentleman from Indiana (Chairman BURTON). As I said, I think it is the most shocking statement I have ever heard made in a congressional investigation.

I do not really know what all is behind everything that is in that statement. I know it is far more than just the Salvati case from Massachusetts, which, as I say, was a case in which the Justice Department kept a man in prison for more than 30 years for something that they knew all along that he did not do.

But I will say this: anyone who is not totally, completely shocked by what the gentleman from Indiana (Chairman BURTON) said in that statement that I just read and who is not totally completely shocked by the Salvati case should reexamine his or her commitment to true justice and to our legal system.

The primary purpose of the law and our legal system should be to protect the freedom and liberty of innocent citizens. That should be the primary purpose and goal of our legal system. Our term ''justice'' can be defined in many ways; but in the end, it should and does mean fairness, simple fairness from one human being to another. Justice should mean fairness to all.

Apparently, you had and still have Justice Department and FBI bureaucrats who are so blinded by arrogance and power that they can no longer see what true justice means. To me, this is shocking. The FBI and the Justice Department are still refusing to turn over documents and papers on the Salvati case and on some of these other cases to the gentleman from Indiana (Chairman BURTON), even though these cases are many years old. The Salvati case, as I say, occurred more than 30 years ago.

Joseph Califano, who was a member of the Cabinet and a top adviser to Presidents Clinton and Carter, wrote in a column a few weeks ago in the Washington Post and said, ''In the war against terrorism, which all of us support, we are missing a very alarming problem that is growing by leaps and bounds,'' and that is what he described

as the ''shocking, alarming rise in Federal police power.''

If we are going to have true justice in this country, we cannot end up with a Federal police state that allows the FBI and the Justice Department to do just anything they want, no matter if it means that an innocent man ends up behind bars for 30 years when they know he is innocent, and they covered it up and then attempt to continue to cover it up after the world knows all about it. This Salvati case has been on ''60 Minutes.'' Everybody knows about it; it has been all over the television and the news.

So I hope the gentleman from Indiana (Chairman BURTON) will continue the series of hearings that he has held trying to call attention to this horrendous abuse, this terrible miscarriage of justice that was done to Mr. Salvati, and I hope that people realize that we have a Federal Government that has gotten out of control here and they start opposing things like happened in this case.

TWO THOUSAND DETAINEES: AMERICA'S GULAG?

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, I would like to address a matter of grave concern for those of us who value freedom and democracy in this country.

On December 14, Rabih Haddad, a prominent community leader and religious cleric in Anne Arbor, Michigan, was preparing to celebrate a major religious holiday with his wife and four children when a knock came at his door. There stood three INS agents who had come to take him away. Mr. Haddad is now being held in 23-hour solitary confinement several hundred miles away from his family, whom he is allowed to see only 4 hours a month. Mr. Haddad has been in jail for 76 days and has never been charged with a crime.

On November 24, Mazen Al-Najjar, a former university professor and religious leader living in Tampa, Florida, was rearrested by Justice Department officials. Professor Al-Najjar had already been held for 3 years in Federal prison on secret evidence until December 2000, when a judge ruled that allegations against him were baseless and ordered the government to release him. He is now being held in 23-hour lockdown in a maximum security prison. Professor Al-Najjar has been in jail for 96 days and still has never been charged with a crime.

In early October, Anser Mehmood, a New Jersey truck driver originally from Pakistan, was arrested by Federal law enforcement officials. His family was not allowed to visit him for 3 months, nor were they told of his whereabouts. Deprived of their only source of income, his wife and four children have been forced to sell all of their belongings and now plan to return to Pakistan. Anser has been in jail for more than 140 days and has never been charged with a crime.

On September 18, Mohammed Refai, a legal resident of the United States, was informed that the 1-year extension of his conditional green card was being revoked. Then he was put in jail. The government denied him access to his lawyer for 2 days, and he remains in solitary confinement. Mohammad has been in jail for 162 days and has never been charged with a crime.

These are just a handful of the stories of people who have been swept up in Attorney General John Ashcroft's dragnet and who have been denied the most fundamental rights of due process and rule of law. But there are literally hundreds and hundreds and hundreds of such cases all over the country.

We do not know their names, and we do not know what they are being charged with. We do not know if they have access to legal assistance or even to their families. There are reports that many have been mistreated and denied access to their legal counsel and even visits by their families. We know that one such detainee has already died while in U.S. custody. But we do not know exactly how many others are being held because the Bush administration will not tell us. They will not tell us who they are, where they are, or why they are being held.

The ACLU and other domestic civil rights groups estimate there are as many as 2,000 individuals, most of them men from the Middle East and South Asia, who are now swept up in this administration dragnet. The number will likely increase in the coming months as John Ashcroft goes after thousands more so-called ''absconders.''

We do know that one detainee, 55-year-old Mohammad Butt from Pakistan, died in custody at the Hudson County Jail in New Jersey. But the Justice Department offers little justice for those now caught in its snare.

The great irony is that all along the administration has said that we are hated because we are free; not because of what we are, but because we are free.

There is so much talk about how America is viewed abroad. Well, let us look at a recent headline: ''The disappeared: Since 11 September, last year, up to 2,000 people in the United States have been detained without trial or charge or even legal rights. The fate of most is unknown. Andrew Gumbel investigates a scandal that shames the land of the free.''

A scandal that shames the land of the free, and most Americans do not even know it. But that is not from a newspaper in Pyongyang; it is not from a newspaper in Tehran. It is from a newspaper from London, one of the largest newspapers, in fact, in London, from the Independent.

If we want the world to understand who we are and what we stand for, we should bear in mind that everything we say and do is broadcast all over the world, even if it is not broadcast right here in America. When what is being broadcast are mass arrests of young men and closing down of charities, then we can only expect insightful rhetoric from abroad. It is time we start living up to our own standards of freedom, equality, and justice.

LOCAL FIREFIGHTERS COULD FACE CHOICE BETWEEN TWO PASSIONS

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Madam Speaker, I reluctantly rise to discuss an issue that troubles me greatly. For the past 16 years that I have served in this body I have tried to focus attention on the plight of the Nation's fire and emergency service providers.

Across this country, we have fought for their interests. We have fought for the career and volunteer firefighters in 32,000 departments. We organized the largest caucus in the Congress. We have an annual dinner each April which brings all the focus together. We have had President Clinton, former President Bush and all of our major party leaders come together to support them.

As we saw in the Washington Post 2 days ago, the good will we have developed is currently being undone by a resolution passed by the International Association of Fire Fighters, good friends of mine, supporters of mine, that tells their membership they can no longer volunteer in the course of serving the communities where they live. So a firefighter in the District of Columbia who lives in suburban Maryland or Virginia is no longer allowed on his own free time to serve the communities where he lives. If he wants to do that, he must give up his union card.

Madam Speaker, this is like saying that teachers, and I was a teacher for 7 years, should withdraw from the teacher's association if they want to tutor poor kids on weekends or after school, or even teach Sunday school. It is like telling doctors that they should no longer serve in clinics on their own time or be dismissed from the AMA. It is like telling professional athletes they should no longer play in charity games, raising money for good causes, or coach our youth teams. It is like telling lawyers that they should not belong to the American Bar Association if they do pro bono work.

Madam Speaker, one of the leaders, a paid IAFF leader and a member of the Rockville City Volunteer Fire Department, has estimated that 70 percent of all career firefighters volunteer in the communities where they live. The IAFF has now come out and said they can no longer do that.

I respectfully request our friends in the IAFF to reconsider this decision.

We will continue to support firefighters, career and volunteer. We will continue to fight for more funding to provide even for paid personnel where there are shortages. But this kind of a policy drives a wedge between career and volunteer fire and EMS people that is just, I think, unthinkable.

In fact, one of the leaders of the IAFF said it well: ''Many of the smaller communities rely solely on volunteer stations and they stand to lose a lot. This is all about men and women who really just love being a firefighter. Volunteering on their days off, whether in their own county or nearby, keeps their skills fresh. This just unnecessarily drives a wedge between the careers and the volunteers, and that eventually hurts the public.''

Madam Speaker, I was up at the World Trade Center 2 days after the disaster, and I saw thousands of firefighters from around the country working together with the New York City career firefighters. Does this mean that those career firefighters from other departments that went to New York City would lose their union cards if this were enforced because they were volunteering to help their brother firefighters in time of need?

I plead with my friends in the IAFF, for the sake of your own members, change this policy, so that we all can work together for the good of America's domestic defenders.

METRO AIRPORT JANITORS HAVE EARNED A FAIR WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Madam Speaker, in the Detroit Metropolitan area, we recently celebrated the opening of a $1.2 billion Midfield Terminal at our regional airport. Now, after millions and millions have been spent to build this terminal, and after billions and billions have been spent to bail out the airline industries, our airport is literally a mess because of $3.55.

Now, $3.55 may not seem like a lot of money, but to workers like James Hughes it is a lot. What is even more insulting is that his pay and benefits are being cut without negotiations with his collective-bargaining agent, the Service Employees International Union Local 79.

When the new Midfield Terminal opened and the contractor in charge of custodial services turned its back on James Hughes and his coworkers, they turned their backs on the SEIU Local 79, and they turned their backs on all the passengers who fly through Detroit's airport. They said to James Hughes and his coworkers, we will not pay you a living wage. In fact, we are going to cut your pay from $10.90 an hour to $7.35 an hour, and we will not give you the same health care benefits that you had before. This is an absolute outrage.

Well, you know what? James Hughes and his fellow janitors, they said that they are not going to pick up the trash, and the SEIU janitors walked off their jobs and let the garbage pile high.

□ 1715

This new symbol of prosperity is supposed to be embodied in this new terminal. It is supposed to be clean and new, and it is supposed to be a sign that things are turning around at Detroit Metro. Well, instead, it had become a symbol of greed, a symbol of cronyism, a symbol of nepotism, and a symbol of corruption at this airport. It seemed that contracts, whether they are no-bid contracts handed out to political friends and family members or broken contracts with our janitors, remain a persistent problem at our airport and in Wayne County.

Well, it is high time that it stopped.

On Thursday, the janitors who had previously cleaned Northwest's former home in the Davey Terminal, they are going to be holding a rally. They have had enough of this. They are tired. They are sick and tired of being sick and tired, and they will be standing up for justice. They will be standing up for dignity and respect, and they will be standing up for what is right.

A living wage is something that every worker ought to be able to have. A wage enough so they can feed their families, pay their rent, pay their mortgage, a pay that one should be respected for.

Madam Speaker, one cannot help but be reminded of the time when garbage piled high up all over Memphis, leaving a stench in the air. The mayor there at that time refused to treat city sanitation workers with respect. He refused to honor their work with a fair wage, and he listened more to his political cronies than he did to the elected representatives of the people. So the young Memphis janitors, represented by AFSCME United, they held rallies, they marched the streets, and then they brought in Martin Luther King, Jr., to fight their cause.

The second time he came was the tragic day in April which no one will ever, ever forget. Yet, sometimes we forget why he came to Memphis. He was there because he saw his brothers and sisters in a struggle. It was a struggle for civil rights, for social justice, and for economic equality; and he died fighting against poverty and supporting sanitation workers who were on strike in Memphis.

Now, nearly 34 years later, in a different city, at a different moment in our history, janitors and sanitation workers are still struggling for the right to be treated with dignity and respect.

Fredrick Douglas once wrote, ''There is no progress without struggle.'' Well, these workers have been struggling for generations, and progress has become painfully, painfully slow to come. The time is now for those who care about working families to join them in their struggle. The time has come for justice for janitors. I am here to say tonight, Madam Speaker, that I am proud to stand with the men and women of SEIU local 79 and their great President Willie Hampton for their fight for living wages and adequate benefits. It is time we move forward. It is time to act. And on Thursday, February 28, we will.

SUPPORT H.R. 2820 AND SUPPORT OUR VETERANS

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Madam Speaker, we hear lots of lofty words and phrases uttered in this Chamber when it comes to honoring our military men and women and paying our debt of gratitude to our veterans who have served this country so nobly. But I have found that talk is cheap, and if one wants to know what is really important to the people who occupy this Chamber, one watches where the money goes. How do we use our resources?

I want to call to this Chamber's attention two things that have happened recently which negatively impact our Nation's veterans. We are in the process of imposing upon many of our veterans an annual deductible of $1,500 in order for them to receive health care at our veterans' facilities. Madam Speaker, $1,500, a new burden being placed upon our veterans.

In addition to that burden, there is an additional burden. In the past, veterans have been able to go to our hospitals and receive prescription drugs by giving a $2 per prescription copay; $2 per prescription. But, sadly, in early February of this year, that copay was increased dramatically by 250 percent. So now veterans do not pay $2 when they get a prescription filled, they are required to pay $7 for each prescription.

Now, at a VA hospital in my area, the average veteran gets over 10 prescriptions per month. If we take 10 prescriptions per month and we charge $7 copay per prescription, that is $70 a month, and many of our veterans get their medications for 3 months at a time. If we take 70 times 3, that is $210. But what does this mean to the veteran who is living on a fixed income, a veteran who has served this country honorably and nobly, a veteran who has paid the price for the security needs of this Nation? This new burden for a veteran who takes 10 prescriptions a month amounts to $600 per year. This is totally unjustified.

Madam Speaker, I would point out that we are doing this at a time when this House voted just a few days ago to eliminate the Alternative Minimum Tax, a tax that was placed on wealthy corporations, profitable corporations during the presidency of Ronald Reagan, because back in those days,

President Reagan recognized that there were janitors who were literally paying more in taxes than the profitable corporations that they worked for. So the Alternative Minimum Tax was imposed, and it has been in place since 1986. But in this Chamber, just a few days ago, we voted to eliminate that tax and to refund the money that had been paid by these profitable corporations since 1986, what is estimated to be approximately $24 billion that would be given back, with no strings attached. We are doing that at the same time we are putting burdens on the backs of our veterans.

What we have done, basically, is to require veterans to pay more for their health care at the same time we are giving huge tax breaks and tax givebacks to profitable corporations. It is unacceptable.

Madam Speaker, I have introduced H.R. 2820, a bill that would simply return the copay to $2, at a level it has been for quite some time, and it would freeze it at the $2 level for the next 5 years. It seems to me that this is the least we can do for these men and women who have served our country.

Now, I believe this is something that this House will be willing to do, and I am calling upon my colleagues of both political parties to sign on to this legislation. Thus far, I have acquired about 70 cosponsors, Republicans and Democrats alike.

I would like to point out that the cointroducer of this legislation with me is a Republican, the gentleman from Ohio (Mr. NEY). The gentleman from Ohio and I are hopeful that all of our colleagues in this House will join us in the effort to reduce this burden upon our veterans, and we will be grateful if they do, and I am sure the veterans in this country will be grateful as well.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN MEMORY OF STATE SENATOR CLIVE L. DUVAL II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Madam Speaker, I rise today to recognize the accomplishments of one of Virginia's finest and most respected public figures. Clive L. DuVal II passed away on Monday, February 25. But his legacy of leadership on the environment, on consumer rights, on civil rights, and good government will leave a lasting impression on the Commonwealth of Virginia for decades to come.

Born in New York City, Senator DuVal came to embody the definition of a Virginia gentleman, serving in the House of Delegates for 6 years and as a State Senator from 1972 until his retirement in 1992. Educated at Yale where he received his law degree, Senator DuVal went on to serve as a lieutenant commander in the Navy's 16th Air Group during World War II. After the war, he served at the Department of Defense as a lawyer, later becoming general counsel for the U.S. Information Agency in 1955.

Senator DuVal got his political start standing up against the controversial land use dispute over the Merrywood estate in McLean, Virginia. Citing illegal zoning practices, Senator DuVal helped persuade the U.S. Interior Department to join the effort, and it led to the successful prevention of high-rise developments along the Potomac River.

These concerns for the environment continued throughout Senator DuVal's legislative career. Known as a stalwart defender of the little guy, Senator DuVal rose to become the head of the Northern Virginia delegation. He eventually assumed the chairmanship of the Democratic Caucus and successfully used that position in fighting for progressive priorities. During all the budget agreements, as they would be worked out behind closed doors, we knew he was there fighting for the right priorities.

Senator DuVal left an indelible mark on everyone with whom he served. His courageous stands on civil rights and on women's rights made a great difference in Virginia's social progress. He was always admired by his colleagues for his velvet glove approach to the toughest of legislative battles, a good personal friend and an inspiration to so many of us looking for examples of successful progressive leadership in Virginia.

Madam Speaker, I stand today in salute of Senator DuVal's life's work. He was a role model for us all and a great American, and we will miss him dearly.

LAND LOSS SUFFERED BY AFRICAN AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. I am pleased to come to the House floor to speak in honor of Black history month. In 1926, Carter G. Woodson started Black history week to bring national attention to the contributions of Black people to this nation. Since 1976, Americans annually recognize February as Black history month. This year's theme, ''[t]he Color Line Revisited, Is Racism Dead?'', reminds us as a nation to examine our haunted past, while affording us an opportunity to appreciate how African-Americans have been instrumental in shaping the spirit of our nation, despite the barriers imposed by racism. As I take this opportunity to recognize the triumphs of African-Americans, I would be remiss if I did not recognize the losses we have suffered. I would like to recount one particularly painful loss endured by African-Americans, that of land loss. Madam Speaker, on January 12, 1865, General William T. Sherman met with 20 black community leaders of Savannah, Georgia. The following day, General Sherman issued Special Field Order Number 15 which set aside the Sea Islands off the Georgia coast and a 30-mile tract of land along the southern coast of South Carolina for the exclusive settlement of black families. This land, along with other confiscated and abandoned land, fell under the jurisdiction of the Freedmen's Bureau, a government entity created to assist former slaves. Each family was to receive 40 acres of land and an Army mule to work the land, thus the origin of ''40 acres and a mule.''

The Freedmen's Bureau lent a helping hand to former slaves in their newfound freedom by assisting them in taking advantage of the government's promise of land and a chance at prosperity. Unfortunately, the government never lived up to its promise of 40 acres and a mule. During the fall of 1865, President Andrew Johnson issued special pardons which returned the confiscated property of many ex-Confederates. The Freedmen's Bureau was stripped of most of its power, and much of the land that had been leased to black farmers was taken and returned to the Confederates.

Nevertheless, despite the absence of government assistance, many African-Americans on their own managed to purchase land. Despite the failure of our Federal Government to make good on a promise of assistance and despite open hostility and racial discrimination, between the end of the Civil War and 1910, African American families in the South amassed a land base of over 15 million acres.

□ 1730

This was by no means an easily accomplished feat. Many sacrifices were made, and much hard work went into the efforts of African Americans to fulfill the American dream and own their own land. By 1920, there were 925,000 African American farmers. In 1999, the figures had dropped to less than 17,000 African American farmers with less than 3 million acres of land.

Fast forward to the year 2002, and many of us in the African American community look back on a promise made to us in 1865 that was never realized. We have to acknowledge the fact that not only did the government fail black farmers and landowners in 1865, it seems that the government has played and active role in depriving African Americans of property acquired through their own hard work and sacrifices. In some cases, the government approved taking lands from African Americans; in others, it actually participated.

How many cases have we heard where African Americans, through intimidation, trickery, fraud, and outright violence, have been driven from their land or lost family homesteads? In spite of bitter struggles to hold onto their land, many African Americans have lost land involuntarily and have received no remedy to correct these injustices.

We as a people recognize land ownership is an integral source of power. Cases of government-condoned landtaking are viewed by the black community as a campaign to deprive African Americans of our ownership rights as American citizens. For African Americans who have struggled to overcome the legacy of slavery, the loss of lands is particularly devastating. Land ownership is viewed as a source of economic security and prosperity. Since the mid-1800s when black Americans were first promised the opportunity to own land, we have sought to gain economic freedom, prosperity, and respect through our land and pass that legacy on to future generations.

In spite of the fact that our government has failed us and reneged on a promise of yesterday, we have shown that we have the drive and the determination to overcome adversity in our quest to share the prosperity to which we are entitled.

This does not mean, however, that we will accept the discrimination practices and government-sanctioned schemes that served to rob African American landowners of property that they have literally in some cases shed blood, sweat, and tears to attain and maintain.

As policymakers, we have an obligation to respond to the critical issue of land loss in the African American community. The link that has been established between land ownership, community, and democratic participation makes it critical that we are committed in our efforts to help black landowners hold onto their land. We must preserve a legacy that is worthy of passing on to future generations.

IN SUPPORT OF AMERICA'S DOMESTIC STEEL INDUSTRY AND THE CONGRESSIONAL BLACK CAUCUS PROGRAM ON BLACK HISTORY MONTH

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Madam Speaker, I am going to split my remarks between two areas that will be addressed in the House later this evening.

First of all, I rise in support of our domestic steel industry. Thousands of American steel workers have lost their jobs due to massive levels of low-priced steel imports. In my own district, the 11th district of Ohio, 3,200 LTV steelworkers may lose their jobs while 22,000 steelworkers and vendors in the region have been affected as a result of these imports.

I stand here today to urge the President to take decisive action against the cheap imports that are destroying the U.S. steel industry. This is an industry that has been a cornerstone of our economy and national security over the last 100 years.

The ITC found unanimously that American steel companies and thousands of workers and their communities have been seriously injured by these imports. I say and know firsthand that they have been devastated. The ball is now in the President's hands. He must decide what measures his administration will take to correct the wrong that has been caused by low-priced imports.

I urge the President in the strongest possible terms to impose strong and effective tariff-based relief. The President must impose a tariff of at least 40 percent against all foreign low-priced steel imports. I urge the President to impose such a tariff for a period of at least 4 years, as the law allows.

I also urge the President not to waiver from his commitment to the American steel industry and its workers because strong tariff-based relief is the only remedy that can realistically assist this industry in our United States.

Secondly, I rise in support of the Congressional Black Caucus Black History Month Special Order. Our theme tonight is ''The Color Line Revisited: Is racism dead?'' We have come together to salute the great history of African Americans in America. I would like to address that African American history and its origins and what it means to our great Nation today.

Let us take a moment to reflect on a time in our history when African Americans were so dehumanized and their history so distorted that slavery, segregation, and lynching were not punishable by law. It was a time when people were being mistreated because of the color of their skin, and as a result, many people began to stand against these terrible acts.

This stand against injustice by many eventually brought about a massive change that divided our Nation and sparked the Civil War. After the war, America stood true to its union as one Nation, under God. The spirit of African Americans was strong and unwavering during such difficult times, which makes the history of African Americans so great.

It is important to reflect upon this time in our history so that what happened to innocent people never happens again. It is largely for these reasons that I am working to make a difference in the life of every American. I believe that we must pick up where African American heroes left off. We must not only know our history but honor it, so that slavery, segregation, and inhumane acts never happen again.

We must be united for access to quality public schools for our Nation's youth, we must be united for access to affordable health care, and we must not rest until our Nation unites and what will be done for African Americans in terms of reparations.

Right now, inner-city schools, which are overwhelmingly populated by African American children, are failing standardized tests at disproportionate rates. Right now, African American families lack access to quality health care at disproportionate rates. Right now, in the slowing economy, African Americans are losing their jobs at double the rate of white Americans. Right now, African Americans are victims of predatory lending by unscrupulous companies that are stripping our community of her wealth. Right now, the American people have a duty to their fellow countrymen and women to not only apologize for the inhumane acts, but also to supplement it with economic justice.

With all of our efforts, I am sure that we will continue to celebrate freedom and justice for all for many, many years to come.

In closing, racism is not dead; but we are one Nation, under God, indivisible, with liberty and justice for all. I am proud to be an American, and I am more proud that I am an African American. I salute those African Americans who believed in the fight for justice, believed in their dreams for equality, and paved a path for a brighter tomorrow.

We must stand up and continue to fight to be assured that racism does die. But right now, it is not dead.

CONTINUATION OF EMERGENCY WITH RESPECT TO THE GOVERNMENT OF CUBA'S DESTRUCTION OF TWO UNARMED U.S.-REGISTERED CIVILIAN AIRCRAFT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–182)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

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*.

THE COLOR LINE REVISITED: IS RACISM DEAD?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 60 minutes as the designee of the minority leader.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is my honor to begin the Congressional Black Caucus 2002 Black History Month Special Order. The theme of this year's national African American History Month is ''The Color Line Revisited: Is racism dead?''

More than 100 years ago, in 1900, the great scholar, W.E.B. DuBois, addressed a pan-African conference in London where he said, ''The problem of the 20th century is the problem of the color line.'' It is now the 21st century and a major problem for this Nation is still the color line, but I believe that the color line is shifting, and shifting toward a better future.

Certainly as a nation we could not have watched Vonetta Flowers become the first African American woman ever to win a gold medal in the Winter Olympics, ironically during Black History Month, without acknowledging that the color line is shifting.

Certainly when we look at the progress among black-elected officials, we know the color line is shifting. In 1964, there were just three African Americans in Congress and 300 black-elected officials nationally. Today, those numbers have swelled to 9,000 black-elected officials nationwide and 39 Members in Congress, 38 being members of the Congressional Black Caucus.

Yes, the color line is shifting; but the problem is still here. In our lifetime, in my lifetime, I have seen Nazism fall, Communism fall, Fascism fall, but why not racism? In our lifetime, we must cling to the belief that we as a united people will celebrate the death of racism.

American-styled racism, loosely defined, is the belief that one race is superior to another. Upon this principle, slavery, Jim Crowism, lynching, economic exploitation, and many other forms of oppression were engraved in law and tradition.

Can we now say racism is dead when 51 percent of African American children are living in poverty, while the civil rights movement fought for the right to vote in the sixties; and now in the new millennium we must fight to ensure that votes are counted, particularly in black areas?

For example, one in 11 ballots in the predominantly black voting precincts in Florida were tossed out, according to a New York Times analysis of the Sunshine State's black vote.

Racial profiling is alive. About 73 percent of motorists stopped and searched on a major New Jersey highway in 1999 were African Americans, even though African Americans made up less than 18 percent of the traffic violators.

Disparities in sentencing and in incarceration have grown. African American men comprise 50 percent of the U.S. prison population, despite representing just 6 percent of the U.S. population.

Reparations were refused to the survivors of the 1921 race riots in Tulsa, Oklahoma. The legislature refused this remedy, even though whites destroyed an African American community, killing 300 residents and destroying businesses and homes.

But they are just a few examples, just a few. There are so many more.

Moreover, when we witness the fights against affirmative action as a tool against African Americans achieving equality in employment and education, we can only conclude that much more must be done to bury racism.

When we review even now that land has been taken from African Americans, that they have had to pay more for life insurance policies, we know that racism is not dead.

But in my closing, the words of Dr. Martin Luther King, Jr., speaking in Nashville, Tennessee, on December 27, 1962, are appropriate: ''The problem of race and color prejudice remains America's greatest moral dilemma. How we deal with this crucial situation will determine our moral health as individuals, our political health as a Nation, and our prestige as a leader of the free world. The hour is late, the clock of destiny is ticking out. We must act now before it is too late.''

I know the Speaker joins me in recognizing the tremendous achievements that African Americans are making to this Nation. When I get on an elevator to come up each day, I know that it was an African American who invented the elevator. Even turning on a light or stopping at a street light, we know that we have been part of it. Standing in this building, we know that African Americans as slave workers built this great Capitol of the Nation.

Madam Speaker, I yield to the gentlewoman from California (Ms. LEE) to moderate the rest of the Special Order.

□ 1745

Ms. LEE. Madam Speaker, I would like to thank the chair of the Congressional Black Caucus, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for her leadership on issues affecting African Americans, all minorities in this country, in fact, the entire country, for everyone and for bringing us together here tonight.

As she reminded us so eloquently, in 1903 W.E.B. DuBois wrote The Souls of Black Folks and stated that, ''the problem of the 20th century is the problem of the color line.''

Now here in the 21st century, nearly 100 years after the publishing of his groundbreaking work, we really do face many of the same problems, and they are further complicated by an economic divide.

While African Americans have made great strides in many areas in the last 100 years, including the end of Jim Crow and legalized segregation, the color line is still evident and is still costly to African Americans and really to the entire Nation.

Some feel that because legal segregation was ended and that the Civil Rights Act was passed and affirmative action exists in some States, some believe that racism has ended. But I ask you tonight to consider the unfortunate new manifestations of racism as they exist in the year 2002 when we ask the question, is racism dead?

There are more than 44 million people in this country without health insurance. Nearly 20 percent of African Americans have no health insurance.

Thirty percent of children living in poverty are African American. That is about 3.5 million children.

Forty percent of black men in urban areas do not graduate from high school.

There are more young African American men under the control of the criminal justice system than enrolled in higher education.

The unemployment rate for blacks is 12.2 percent compared with 5.5 percent for white.

Homicide is the leading cause of deaths for black males between 15 and 24, and suicide is the third leading cause of death among young black males.

Black men in inner-city neighborhoods are less likely to reach the age of 65 than men in Bangladesh, one of the poorest countries in the world.

Since December of 2000, over 130,000 AIDS cases were reported among women in the United States. Almost two-thirds of all women with AIDS are African Americans. And young girls make up about 58 percent of new AIDS cases among teens in the United States.

Blacks are 10 times more likely to be diagnosed with AIDS than whites and 10 times more likely to die from this disease.

African Americans in this country were emancipated from slavery and given no compensation for their forced labor nor for that of their ancestors. Following this, legalized and institutional segregation marginalized African Americans to separate and unequal education, health services and protections under the law.

This was the inequality that Dr. DuBois was speaking of in 1903, but these inequalities continued to exist and define the state of affairs for much of black America.

Is racism dead? I do not think so. African Americans are still dealing with this terrible legacy of slavery, racism, social and political and economic marginalization.

Until we erase the health disparities, education disparities, unequal economic opportunities, and ensure that there are equal protections under the law, including making sure, may I say, that the votes of African Americans are as likely to be counted as whites in

our elections, we have to acknowledge, we have to be clear about this, that the color line does exist and that there is much to do in terms of seeking liberty and justice for African Americans.

So the question now should be, what does this Congress and this administration have the will to do about this? We all have a duty, a responsibility to fight for equality and justice.

As Dr. W.E.B. DuBois reminded us so eloquently 100 years ago, he said, ''By every civilized and peaceful method we must strive for the rights that the world accords to men and women clinging unwaiveringly to those great words which the sons of the fathers would feign forget, 'We hold those truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.'''

Again, I want to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for bringing us together tonight. As we celebrate Black History Month, as it comes to a close, let us celebrate our achievements but remain vigilant on the issues that affect the millions of African Americans in this country.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to yield back my time and request that time be yielded to the gentlewoman from California (Ms. LEE).

IS RACISM ALIVE

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from California (Ms. LEE) is recognized for the remainder of the minority leadership hour.

Ms. LEE. Madam Speaker, I would like to recognize the gentlewoman from Florida (Mrs. MEEK), a great African American shero.

Mrs. MEEK of Florida. Madam Speaker, I thank my colleague.

Madam Speaker, I am very pleased to stand here today to celebrate black history, American history. The theme of this month or week and this special order is The Color Line Revisited: Is Racism Dead?

Madam Speaker, I want to thank my colleagues, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), and I also want to thank the Congressional Black Caucus for organizing today's black history special order.

Certainly the history of the people of African descent is interwoven with the history of America. Since the first Africans arrived on what is now American soil in 1619, black Americans have played a pivotal role on behalf of the development of this great Nation. I rise to speak on behalf of this year's Black History Month as designated by the Association of the Study of African American Life in History. For me, every month is Black History Month.

The Color Line Revisited: Is Racism Dead? This poignant theme forces us to reflect upon the legacy of African Americans and the state of race relations in America. To some people, race relations is a term that they feel a little bit shy to talk about or to think about. But we must still remember that race is a great divider in our great country, and we must talk about it.

We have much to celebrate in the achievements of African Americans and the great strides this country has made towards equality. Just recently, we saw Vonetta Flowers make history by becoming the first African American ever to win a gold medal in the winter Olympics.

We have had many, many firsts, but our many firsts should have been firsts many, many years ago. The fact that I am able to serve as a Member of Congress along with 38 other African Americans is a clear indication of how far we have come. In the State of Florida it took three of us 129 years to come to this Congress. My question is, was racism alive? Would we have been here 129 years earlier?

America has changed much since I was a child growing up in Tallahassee, Florida, which at one time was really the seat of racism in the South. We no longer accept legal discrimination. We no longer allow poll taxes to bar African Americans from voting. We no longer accept separate but equal schools or water fountains. We are no longer forced to sit in the back of bus.

But we do often sit in the back of the bus many times, maybe not in a real bus but in the bus that is America, many times we sit in the back seat. We are not happy about it. We fight every day to be sure that the people we represent and those who are not here in the halls of Congress as we are to say we must fight anything that stands in our way to keep us from equality.

We are very proud, but there is much work to be done. We have come a very long way since the slave ships arrived on these shores. However, there is still a lot to be done.

This theme makes us ask the difficult question, is racism really dead? This is an important question that has the capacity to make us feel a little uncomfortable. We would rather not have to answer this question.

However, is racism dead when the black unemployment rate remains twice that of whites? Is racism dead when a young married couple is denied financing on the house of their dreams simply because of their skin color? Is a racism dead when a young black man is stopped for no apparent reason except for driving while black? Is racism dead when in my congressional district one out of six African Americans lack access to health insurance? Is racism dead when most young men who are fleeing from the police are shot in the back and it does not happen with any other color? When police use unjustified force against people of color, is racism dead?

If racism were truly dead, we would not need a Federal Office of Civil Rights. We would not need the Fair Housing Act. We would not need the Community Reinvestment Act. We would not need countless other Federal and State offices whose job is to monitor and enforce equal treatment.

These are just some of today's challenges for African Americans and for America and for this Congress.

We need to continue to help America understand these challenges and struggles shall serve as incentives for a new program of action. We must work very hard to eradicate the institutional racism that exists in many of America's institutions, America schools, America's churches. All institutions in America frequently have racism.

Let us work hard to fund educational reform at a level that will impact the schools that need it most. Let us work hard to make health care available and affordable for African Americans and for all Americans. Let us speak out and demand justice in the face of unjustified use of force by police in our communities.

Our goal, as it was for the civil rights movement in the 1960s, should be an end to inequality in America. As we celebrate black history during this special month of February, let us realize that black history is American history. Let us commend ourselves as Americans, as African Americans to work ceaselessly to end the persistent inequalities in our Nation and improve the quality of life for all Americans, the challenge to keep what we have and a god to glorify.

Ms. LEE. Madam Speaker, I want to thank the gentlewoman from Florida (Mrs. MEEK) for that very eloquent statement and also for actually working every day of your life to make the American dream real for all.

I would like to now recognize my colleague, the gentlewoman from Georgia (Ms. MCKINNEY), a fighter for justice and human rights both here at home and abroad.

Ms. MCKINNEY. Madam Speaker, I just want to state publicly for the record that you are a tremendous woman, a woman of courage and a woman I admire.

''The black man has no rights which the white man is bound to respect.'' That is what the Supreme Court wrote in black and white in 1857. In the presidential election year 2000, when the Supreme Court selected George Bush as our President and failed to order that the votes of black voters be counted, did the Supreme Court resurrect the ghost of Judge Tanksley who wrote those words? ''The black man has no rights which the white man is bound to respect.''

Certainly in Florida black voters had no rights that Jeb Bush and Katherine Harris felt bound to respect. They conspired with their leader, presidential candidate and Texas Governor George W. Bush to create a list, a so-called felons' list in order to target black people and keep them from voting. They came up with a list of 57,700 names from

Florida and Texas as well as Ohio and New Jersey.

Now, I do not think it is legal for Florida to deny Ohioans the right to vote. And we have our esteemed lawyers here, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Michigan (Mr. CONYERS) who can perhaps tell us about the legality of Florida disenfranchising people who supposedly were from Ohio and New Jersey.

□ 1800

At any rate, for example, you have a voter by the name of Johnny Jackson, Jr., who is a black man from Texas, but in Jeb Bush's Florida, Johnny Jackson, Jr., becomes a convicted felon by the name of John Fitzgerald Jackson. Now, Katheryn Harris maintained that Johnny Jackson, Jr., is the same person as John Fitzgerald Jackson. So when John Fitzgerald Jackson in Florida goes to vote, Katheryn Harris, Secretary of State, and all those people say, ''Sorry, you cannot vote because you committed a felony in Texas. And in Texas your name was Johnny Jackson, Jr.'' Well, we know that that was not the case.

And in case after case after case, black people were denied the right to vote. The black man has no rights which the white man is bound to respect. It happened with names from Ohio, where blacks in Florida were targeted as whites in Ohio; and it happened even in New Jersey, with Latinos who ended up on the list as convicted felons, even though they had not committed any crime at all except to be a minority and a probable Democratic voter in a State that George W. Bush needed to get elected as President.

Sadly, 90 percent of the names on the 57,700 list of convicted felons were wrong. Sixty percent of those who were purged were black. Ninety-three percent of the people who were targeted voted Democratic.

Now, the subject of tonight's Special Order is: Is racism dead? Mr. Speaker, I will leave that up to you.

Ms. LEE. Well, I want to thank the gentlewoman from Georgia for speaking the truth and for reminding us of another chapter of American history and black history. I thank her very much.

I would like now to yield to my colleague, the gentlewoman from the District of Columbia (Ms. NORTON), who is a champion for civil rights not only here in the District of Columbia but throughout our country. She is a champion and defender of our Constitution, and one of these days there will be voting rights for all residents of the District of Columbia thanks to her and her constituents.

Ms. NORTON. I thank the gentlewoman for those kind remarks and for reminding this body of that outstanding debt in democracy owed to the 600,000 people I represent. I was pleased to be in the gentlewoman's district during the most recent recess and saw how well she represents her district.

I also want to thank our caucus chair, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for her work in gathering us once again, as we do every year, to speak about African Americans during Black History Month.

The theme chosen is well chosen, I must say: Is racism dead? I have to confess that for me the short answer is no. It is kind of a truism. I feel that I should not have to put forward the evidence, if you happen to live in this country of whatever background; but I do believe that my colleagues have more than demonstrated that proposition and that, by now, for those of us who want to open their minds, it is a self-evident matter.

I thought that I would devote my few minutes, knowing that others would speak eloquently to answer the question of the day, that I would devote my 2 minutes to speaking about racial pride and the pride that our country should take in black heritage in this city. I feel constrained to do so because many people know that this is a great monumental city, but I would bet that many do not know that this is a great hub of African American history.

I do not think I should let the Congress come here every year, sail through here without understanding the kind of black heritage that this city represents. The reason, of course, is that when this city was formed out of Maryland and Virginia, half of the blacks in the United States lived in those two States. So from the beginning it had a large African American population. A quarter of the population was African American. Interestingly, it did not become a majority African American city, it is now 60 percent black, until the 1950s.

This city is always a major tourist destination site. Increasingly, it is becoming a black heritage destination site as well; and I would like to devote my few minutes to saying why. At a time when we want people to come to their capital city as an act of patriotism, I want to say that I want them also to come to learn more about their country. And this is a great city to learn more about our country because so much black history was made in this country.

Indeed, as I speak, the Congress has allowed the home of Carter G. Woodson here, the father of black history, to become a historic site. We are about to get a bill I will soon be introducing in April that will take the home on 9th Street so that it is converted into the kind of home that Mt. Vernon is and that Frederick Douglass's home is. And we ought to do that because we are here talking about black history and this is the man that started black history, started the Association for the Study of Negro Life and History, who was the second black after W.E.B. DuBois to get a PhD from Harvard, the man to whom we owe the very idea of black history because he uncovered it for the first time.

I mentioned the Frederick Douglass home. This is the city where Frederick Douglass did most of his work. He was the Recorder of Deeds in this city. It was from this city that he went to be ambassador to Haiti. It was in this city that he walked the halls of Congress.

To its credit, the Congress has approved a Presidential commission for an African American museum on the Mall, thanks to a bill whose chief sponsors were the gentleman from Georgia (Mr. LEWIS) and the gentleman from North Carolina (Mr. WATT). This Presidential commission brings us for the first time close to the idea that African Americans ought to be commemorated in this city.

This is the city where, of course, Howard University is found, the flagship university of black America, founded in 1867 as the first university that was open to blacks. It was open also to people of every race and color. Sterling Brown, the distinguished poet who taught at Howard, has said that after the Civil War the most distinguished and brilliant assemblage of negroes in the world, to quote him, came to this city. And that was in no small part because of Howard University. Howard University and the assemblage of so many black intellectuals made this a center for civil rights ferment and for the study and appreciation of African American history.

On U Street now we have 209,145 United States Colored Troops who served in the Civil War commemorated in the first Civil War monument to the black troops who served their country in the Civil War. The descendants of these troops can trace their lineage through a registry located there.

There is a 12th Street Y that was built by one of the Nation's first African American architects, and the son-in-law of Booker T. Washington. It was built by African American artisans in 1912, known not only as a historic structure but known for the many notable young men who passed through that Y: Dr. Charles Drew, the man who discovered blood plasma; former Georgetown University Coach John Thompson. The writer Langston Hughes, to name a few.

There is a home near McPherson Square of Mary McLeod Bethune, the woman who managed to advise four Presidents before blacks got their rights anywhere in the United States.

There is the Sumner school. This was the first public school for African Americans in the country. It later became the old M Street High School and the forerunner of Dunbar High School, the famous African American high school here where I was privileged to attend.

The tourist season is starting. Many of us who live here, who work here, are unaware that this is one of the great cities for black heritage. It is a great American story here in the lives of black people. Much that is history in

this city other than its Federal buildings is in fact black history. The building where we now stand, the Capitol of the United States of America, was built with the help of slave labor and the labor of free blacks.

As we commemorate Black History Month and learn more about our history, as we seek to answer the question is racism dead, we ought also to seek to appreciate what African Americans have done for our country. One way to do so is to see the marvels of African American history laid out in the great Nation's capitol.

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman from the District of Columbia for that very wonderful and thorough history lesson, and I thank her also for representing us, all who live here sometime during the week, for being our representative.

Mr. Speaker, I would like now to yield to the gentleman from Michigan (Mr. CONYERS), the ranking Democrat on the Committee on the Judiciary, our great leader, and one who makes history each and every day here in this House of Representatives.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from California and commend her for this very important event in which we recollect our thoughts and thinking on the most sensitive question in our society, the question of race.

I am delighted to engage in a little recollection of things that have been going on in my life recently. I was at the University of Michigan for a black history program in Ann Arbor, Michigan, a month ago; and I must say I was astounded by the department size, the fact that they had professors, they had fellows who were coming from all over the world. There was a young fellow that had just come from South Africa that day, who made the mistake of not bringing an overcoat to Michigan in January. It was a great program. And there was a genuine interest demonstrated by the university that I had not known about before. A talented professor, teacher, a member of my congressional district in Detroit, heads up this department at U of M, and she goes from Detroit to Ann Arbor 5 days a week and loves her work. There was a real enthusiasm there.

And then 2 weeks ago I was approached by the gentleman from Michigan (Mr. HOEKSTRA) to join him in a program in Traverse City in which they were celebrating the life of a soldier who had to pass for white in World War II to get into the Air Force, because it was before they created Tuskegee Institute, which Mayor Coleman Young, our first African American Mayor in the city of Detroit, went to this school. But this was before him. And so he had passed away. We gave his family nine or 10 medals, from the Purple Heart, up and down, that had been denied him. And thanks to my colleague, the gentleman from Michigan (Mr. HOEKSTRA), and myself, we were able to get the Department of the Air Force to go over this incredibly valiant record. He had reenlisted several times, and on his last mission his plane was shot down and he was killed.

□ 1815

Mr. Speaker, it was quite enlightening because there were very few people of color at the school. I was at a school, it is the first K–12 school I will ever recall being in in the North. Here it was in Traverse City. It was a very nice school, 300 young people, but still it went from K–12, which is quite a stretch in these days.

In addition, I will be joining the gentlewoman from California (Ms. LEE) tomorrow in terms of a meeting that we will be having concerning Three Strikes and You're Out. I am looking forward to that because it is very, very important.

I will be at the Wolverine Bar Association of Michigan's Annual Barristers' Ball this Saturday evening, a huge event, but it marks something more than just a wonderful social event. It marks the time not too far distant when African American lawyers could not practice law in the larger firms in Detroit.

Wade McCree, Jr., who became a county judge, a Federal judge and appeals judge, was President Jimmy Carter's Solicitor General and was surely scheduled to go on the Supreme Court, went into workmen's compensation as a referee, although he was Harvard trained with all honors, because no law firm would accept him at that time.

Our former colleague from Michigan, Congressman George Crockett, he, with Attorney Bill Goodman and others, they formed a firm called Goodman, Eden, Crockett, Robb, Philo & Millender, which was the first integrated firm in Detroit. This was in the 1940s. We are past that. We have broken into that. Our former mayor, Dennis Archer, is president-elect of the American Bar Association. A doctor and former health department head of Washington, D.C., is now a vice president of the American Medical Association.

So we have started making these kinds of movements, but it is important for us to understand that, even as we do, so we will be meeting tomorrow, a meeting that I invite everyone to, where we will be dealing with the subject of people of African descent in Latin America who have been largely ignored, notwithstanding there are 150 million of them, and they are moving forward in a very important way.

So this kind of refreshes our minds as to where we are, what the struggles are. Reparations is still more than a dozen years old in the Congress, but it is many, many more years old, and we are still struggling to get a fair hearing here.

The criminal justice system speaks for itself. Racial profiling, even though outlawed, is still practiced widely; and with the terrorist activity, there are those that argue that we should relax racial profiling because Arab Americans should be subject to different criteria than other people, while law enforcement has repeatedly stated that racial profiling is a poor police technique.

Mr. Speaker, we have a health system in which the discrepancy of health statistics between people of color and not of color are widely known, and the Congressional Black Caucus is working very hard on that.

Our unemployment statistics are double everybody else's, have been and still are.

I cannot help but raise the question: How long are we going to tolerate African American slums and ghettoes in the major cities of America? They could have been wiped out in one fell swoop generations ago, and yet they are allowed to persist with Band-Aid programs.

The AIDS crisis is a question of color because many people of color have no way of getting any assistance whatsoever, or the prevention techniques are not made available.

Haiti is a question, and I always am intrigued by Americans who say, why are you so interested in Haiti? Haiti is the place where African slaves were transported, the indigenous people were eliminated, and this is the closest black country on the Western Hemisphere, the only black country in the Western Hemisphere and is the nearest you can get to Africa without leaving the Western Hemisphere.

We have the problem of the disparities in the treatment by our own State Department of the 48 States that compromise the continent of Africa, and that is even though we have an African American Secretary of State. We are struggling just as we always have.

Affirmative action has been under constant legal threats, and I am not proud to say that in the Eastern District of Michigan we had a decision that came out so badly that it is almost unbelievable, and it is going to make its way up to the courts.

These are some of the concerns that I have.

I will be in Philadelphia celebrating Black History Month. I want to read other Members' remarks. I think they would make a very interesting paper, document or book, and I would volunteer to work with the gentlewoman on that kind of activity. I congratulate all of my colleagues who have chosen to participate this evening.

Ms. LEE. Mr. Speaker, I thank the gentleman. Listening to the gentleman from Michigan is like listening to a history book. The gentleman reminds us how far we have come and how far we have to go.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE), a great woman who fights every day on behalf of her constituents.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California for participating in

leading us in this effort, along with the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the chairperson of the Congressional Black Caucus, particularly allowing for us to focus on revisiting The Color Line: Is Racism Still Alive?

In listening to my colleagues, each have offered a different perspective; and I might, in the moments that I have, and I would like to be able to come back to the floor tomorrow to elaborate on the system of justice that concerns me greatly.

It is important to note that we have made progress, and I do believe that all of us who have come here have indicated that we know that slavery in its technical sense is over. The Jim Crowism of the early 1900s is over. Segregation of the deep South is claimed to be over.

I am reminded of 1901 when the last African American Congressperson was drawn out of this Congress. In fact, there was no African American who sat in the House of Representatives, similar to what we have in the other body, where no African American sits now in the United States Senate, and we now enter into the 21st century.

Although we can say to our colleagues and to all of America that there have been strides, we do have a knowledge of African American history. We can cite W.E.B. Dubois and Booker T. Washington. We can cite the work of George Washington Carver. We know that the street light was designed by an African American. We are quite familiar with some of the military generals, particularly General Davis. We are familiar, of course, with the men and women who fight in the United States military and the strides they have made.

We are familiar with the new millionaires and CEOs like Dick Parsons of AOL, Ken Chenault of American Express, Franklin Raines of Fannie Mae Corporation, and Stanley O'Neal of Merrill Lynch; and many people would cite that as a fact that we have made great progress. But I would just bring some attention to some of the cancerous sores that continue in this system that really should bear attention and ask the question: Is it because of color?

Is it because of color that we go to inner city schools and find the inequities in the funding systems where our children are not learning?

Is it because of color that we find that if we have what we call alternative school systems where you put children who have been designated as troublesome that you will find, go there and find a large percentage of those being minority children?

Is it the issue of color where you are not finding male role models in the public school systems or a multitude of them as principals in the administration where we are teaching our children?

When we look at our juvenile justice system, and we have looked at it across the country. When I first came to Congress, I traveled around the country to visit with various States about the juvenile justice system. That was at the end of the time or maybe at the beginning of the time when our mind-set was to lock up juveniles and throw away the key. It was interesting when we looked at those percentages, the high percentage of incarcerated juveniles were African American young people and in large part African American males.

In Harris County, Texas, we find a large percentage of those in courts who do not go home. When the judge gets to ruling, he would say, you go home with your parents. We are putting you on probation. We are giving you a warning, if you will. A large number of those are not African American young people. A large percentage of African American young people are sent to the Texas Youth Council.

We do have an inequitable system that points to the need to address the issue of color. I believe as we look at the incarcerated persons in our Nation we will find a higher number on death row who happen to be African Americans who did not get a high school education. Those are systemic problems that point to the issue: Is race an issue?

As I applaud the success that we have had, applaud the number of lawyers and physicians who have graduated from our schools, I want to point to the fact that those numbers have gone down.

Lastly, I would say what we need to entertain, we need to have an overall, wide national discussion on this word called reparations so it is not stigmatized by the lack of understanding what it means. At the ending of slavery, it was announced that those who were freed would get 40 acres and a mule. Some people view that as a joke, but it was economic compensation for the 400 years of slavery. That was never fulfilled.

And although people will say I did not cause slavery, it was not me, I grant you that, but it is extremely important that we as a Nation not only express the apology to seek forgiveness for what happened to throngs of African Americans who are the ancestors of those who suffered the brutality of slavery, but it is necessary for us to have a fair, calm, generous discussion about what reparations really mean and how we can move this country forward as we did for the Japanese that were interned, as we did for those in the experiment.

□ 1830

Let us do that, and I believe then we will answer the question whether racism is alive and as well we will heal this Nation and come together as a unified Nation as we should.

Mr. Speaker, I rise today to pay homage to all those great African American pioneers who made it possible for me to stand today. It is truly on their shoulders that I stand, and I am honored to carry their legacy of justice, freedom and equality into future generations.

The question often arises in contemporary society, "Is racism still alive?" After all, as many would point out, African Americans and other minorities in this country have achieved greatness despite centuries of slavery, decades of discrimination, and an attitude of hatred that continues to permeate our society.

The number of African American elected officials has increased by 3,000 percent since 1963, the year of the historic March on Washington. Black college graduates have increased by 400 percent, and African American consumer power is equal to that of more than 200 countries, including Australia, Belgium and Hong Kong.

And stories like Newsweek's coverage of the four extraordinary black men who head multi-national corporations—Dick Parsons of AOL Time Warner; Ken Chenault of American Express; Franklin Raines of Fannie Mae; and Stanley O'Neal of Merrill Lynch, who control 300 billion dollars worth of market capital and employ 300,000 people—these are extraordinary success stories and extraordinary statistics.

Mr. Speaker, that might be the end of the story, but it is not. Today, African Americans are still under-represented in business, government, and higher education. African Americans are the largest growing AIDS population, and represent a disproportionate percentage of all major illnesses. Twenty-five percent of all young black males are, or are predicted to be, under the jurisdiction of the criminal justice system.

Perhaps these statistics paint a more realistic picture of the status of race in America, but statistics are not enough. While racism no longer hides behind Jim Crow laws and restrictive covenants in housing, racism is unfortunately alive in America.

Today, it hides behind the cover of public policies that disregard the poor; attitudes that deny access with subtlety; and ignorance that blinds the nation. Racism fears the outspoken greatness of academic pioneers like Harvard University's Cornell West, much like it feared the greatness of Harvard's first African American graduate, W.E.B. Dubois.

When America becomes truly committed to ending racism, we will see an immediate end to racial profiling; an end to an educational system that relegates black students to inferior preparation; and a criminal justice policy that judges individuals by their character and their deeds, rather than the color of their skin. The color line must be visited on a regular basis—for as Cornell West reminds us, the color line is too significant to ignore.

Ms. LEE. I want to thank the gentlewoman from Texas for reminding us in a very clear and forthright fashion of the unfinished business of America.

Mr. Speaker, I yield 5 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON), a great woman who constantly and consistently reminds us of the needs of rural America and of all of those issues that America needs to address in each and every one of our policy decisions.

Mrs. CLAYTON. I thank the gentlewoman for yielding and for her leadership in calling to the attention of the American people the history and achievements of blacks, or African

Americans as we label or refer to ourselves.

The history and achievement of blacks or African Americans in the areas of business and wealth creation has been one of great amazement and achievement. I was reminded recently of a book that described the life of a Reverend William Washington Brown who lived in the 1880s. He is a former slave, and coming out of slavery he organized businesses throughout the Northeast and Southeast, from Georgia, Florida, Alabama, Virginia, South Carolina, even up to Massachusetts. He organized banks, he organized insurance companies, stores. This is a former slave himself.

He did it by organizing something called the United Lodge. He was establishing these lodges throughout the States. It was called the United True Reformers. It was the reformers who felt that you could bring dignity to yourself by being industrious and having wealth and working hard and bringing together your collective economy and owning something yourself. What a marvelous idea.

This person learned to read and write after he was an adult. He became a minister, and he wanted to pass that on.

We have a great history in the area of business, and so we have a lot to celebrate in the whole area of business ownership. There are great businesses now, insurance businesses now, a lot of them that we ought to celebrate. African American banks and ownership of those, again we ought to celebrate those. Those are achievements. But there are not enough of those opportunities.

In my own background, my father worked for a black insurance company for more than 42 years. I remember my brother and I saying that we were going to grow up and own an insurance company. That insurance company, of course, we never did, but that insurance company became another insurance company, and now it is called the Atlanta Life Insurance Company. In my own State now, we have the North Carolina Mutual Insurance Company.

I cite that to say there has been progress. We are acknowledging that. But when you examine in the full achievement and expansion and opportunity for business and banks and wealth, it has been minuscule. So the question is, if a former slave could do this early on, if it were not for race, then why is it that that pace has not continued?

By the way, the story on the United True Reformers is that they found a way to break that up. It became too powerful. You can organize banks in Massachusetts and Georgia, you can have insurance companies, you can have people selling things for churches. If you can understand the power of that, the system broke that up.

Well, the system not only breaks up businesses but also breaks up the wealth of land.

I wanted to, in my last few minutes, talk about the land. You remember early on when we moved from slavery to freedom, there was this great promise, but more than that, we as African Americans were people of the land. We owned a lot of land. It is reported that in 1910 we had more than 15 million acres of land. Today, it is reported that we have something less than 2 million acres. I ask the question, what has happened from 1910 to now 2002 that indeed blacks do not have that land? What in the system has allowed this?

So the question of race continues to find us in the opportunities of business and also in the ownership of land, some of the ways obviously that we are found.

By the way, there was a wonderful series of articles by the Associated Press. They had a three-part series, 10 articles, and they examined more than 100 takers of land in 13 southern States and border States. They examined documents and others so that we would know that this was not just anecdotal evidence but really was written evidence. The history shows that there were different methods that were used to defraud or to take land from African Americans. They were, obviously, through intimidation, violence and even murder. That was early on. Now the system is a little less violent, but nevertheless the results are the same.

So the results we use now is in selling the land for taxes, having eminent domain, petitioning the land. All of that finds a way of disenfranchising the many people who own land.

I would say that the question of race is a persistent one. The question of race is not only in individuals but is also corporate. I think we need to find ways where we celebrate the history of everyone, and we need to find ways where this country can make sure that the opportunities for America is celebrated by everyone.

I want to thank the gentlewoman for the opportunity to participate and to acknowledge that we have indeed made great progress. We have reason to celebrate that America has brought opportunity, but also it has many ways we can improve this for everyone.

Ms. LEE. I want to thank the gentlewoman from North Carolina for once again educating us and for all of her work on behalf of everyone in our country.

Mr. Speaker, I yield to the gentleman from Alabama.

Mr. HILLIARD. Mr. Speaker, I have titled my remarks ''The Color Line Revisited, Is Racism Dead?''

Mr. Speaker, I rise to address the question, is there still a color line in America?

Mr. Speaker, when I visit the unemployment office, the persons there are mostly black. When I fly home on the airplanes, the persons there are mostly white. When I go to prisons, Mr. Speaker, most of the prisoners are black. When I visit our inner city schools which are underfunded, overcrowded and often in bad condition, the children are mostly black. When I visit the private academies in my district, the children are mostly white. When I see the victims of police violence, Mr. Speaker, the policemen are mostly white. The victims are mostly black.

Yes, there is a color line in America. This color line is green, the color of money; it is red, the color of the lines drawn through black neighborhoods by banks; it is blue, the color of the skin of the black homeless freezing on side streets; it is gray, the color of prison bars; it is yellow, the color of the eyes of junkies in the inner cities.

Mr. Speaker, yes, there is a color line. It is a line on the soul of America. It is a line on the mind of America. It is a line around our cities, around our neighborhoods and around our banks. No, it is not absolute as was the line of segregation. It is smeared and vague and in most cases denied, but it is there. It is everything except what they call it. But it is real. It is the line that tells the truth on America. It is a line that defines the heartbreak of America. It is the great sin of America. It is the line that splits our Nation. It is what it has always been. It is discrimination. Yes, it is racism.

Yes, Mr. Speaker, there is a line in America. It is a color line. That line is racism. Racism is alive and flourishing.

Mr. CLAY. Mr. Speaker, each year during Black History Month we honor the many great African American men and women, who over the course of our nation's history have made important and lasting contributions to our country and its people.

It is also a time that we, as a people, examine our place in American society. Through this examination, we identify and celebrate our achievements, while also rededicating ourselves to overcoming those obstacles that still confront us.

Here in America, people are born equal and made unequal by their surroundings. These conditions create a socioeconomic gap, where birth and inheritance breed success, while merit and hard work are frequently meaningless.

It is worth noting that, more often than not, the roots of this socioeconomic gap have come from the seeds of racism.

But let's assume for the sake of argument that racism is dead. I certainly will not claim that race makes no difference in society today, but this assumption will help prove a point.

Let me first say one thing: Wealth and poverty are inherited more than they are earned. Because of this fact, we need to do more to resolve race-based inequalities within our system.

The battle over affirmative action has been, more than anything else, an attempt to solve the social inequalities based on race in America.

It is a means by which people who come from poor quality public schools to move up the socioeconomic ladder, whereas without such a mechanism, escaping the lower class is extremely difficult no matter how hard you work.

But assuming racial preferences are dead, there needs to be some kind of remedy to ensure at least equal opportunity at success.

Those opposed to racial preferences claim that it is the way affirmative action actually equalizes the playing field that is unfair. But this argument only works if an alternative solution is proposed and enforced.

This has not happened. So in the absence of affirmative action, the best solution to leveling the playing field in educational opportunity is to equally fund all public schools.

All Americans should want to eliminate any barriers that underprivileged people now face in attempting to educate themselves and make a decent living.

In the meantime, there is still something to be said for hard work. But at the same time, when hard work cannot save a large portion of society from living a lower-class lifestyle, our system of capitalism is failing.

That is why it is imperative that public schools be funded equally and that people who can't afford college tuition can still go to college if they so choose.

Capitalism relies on the theory of competition, and the hardest work and greatest talent paying off the most. Right now, the hardest work and greatest talent can get you nowhere or anywhere depending on where you start from.

For a capitalist system to hold true to its ideals—and to even be efficient—it must allow people from all types of backgrounds to have the same opportunities; or else the best will not always reach the places where they can be most productive.

This will never occur until we have equal funding and equal opportunity at all levels of our educational system.

BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. FLAKE). Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, in harmony with the theme that the 1-hour presentation on Black History Month has set forth, is there a color line, is there racism, emphatically, yes, there is. This does not prevent us from noting the positive achievements that have taken place and the progress that has been made. We are quite pleased that there are now 39 Members of the House of Representatives who are African Americans. We have gotten back what we lost certainly after the Civil War. There were some 30 representatives elected, some in the Senate as well as the House.

All that was lost. Step by step we have seen gains wiped out over the years during reconstruction, and for about a hundred years before the civil rights movement under Martin Luther King we were steadily going backwards and every achievement that was accomplished was accomplished without the help of the mainstream population, just about every achievement. Many of the achievements were accomplished despite a great deal of hostility and animosity from the mainstream population.

I sit on the Committee on Education and the Workforce and, of course, am very interested in all aspects of education. The historically black colleges and universities, fortunately, are in the spotlight and have been the recipients of quite a bit of Federal attention from both parties in the last year or so; and in the last 10 years the Federal Government has stepped up to the plate and provided special assistance to the 113 historically black colleges and universities. They were established and they achieved a very important role, have come to a very important role, achieved a very important place in African American society by educating those who could not get an education anywhere else. Many of our leaders of today still are graduates of historically black colleges and universities.

But the history of those institutions is a history where they got very little help from the mainstream society, and they received a lot of hostility and animosity from the local communities. The southern communities were often very hostile toward the so-called intellectuals who were in the black colleges and universities.

Even after the Morril Act, the Federal act which established land grant colleges in every State, even after that Act was amended to establish a parallel land grant college in the segregated States where blacks were not allowed to attend the land grant colleges, even after that happened, there was tremendous discrimination. The amount of money received by the land grant colleges which blacks attended, were allowed to attend, were allowed to set up and provide a faculty for, et cetera, was much smaller. The amount of money was much smaller. That historically was the case, and even today those same land grant colleges established by the Federal Government are receiving less funding from the States than the land grant colleges that serve primarily the mainstream population, traditionally white land grant colleges.

So every step of the way there have been impediments. Is race a factor? Yes, unfortunately, it is. All over the world you have racism, and certainly you have racism in the United States. But the important thing is to note that we must operate and act and work constantly to make certain that the negative impact of racism is not used to make other people suffer. We must alleviate as much racism as possible, counteract as much racism as possible, pass laws which keep racism in check. That is the best we can do.

History has shown us that the only way we can guarantee that you will be able to make the progress that these institutions have made and be able to cite the positive accomplishments is that some group has to work against the prevailing, ongoing racism. We have had in America a golden opportunity to do that.

□ 1845

What makes America great is that it provides the room, it provides the leeway, to fight; and we have fought and accomplished a great deal, despite the racism.

I would like to look forward to the day when an American President could say that he wants to apologize for slavery and receive the overwhelming support of the American people. Unfortunately, when President Clinton implied that he might want to do that in the last year of his term, he was criticized; and there was a poll taken and the majority of white Americans, 70 percent, said no, there should be no apology for slavery.

We can apologize for the Holocaust. The Germans can apologize for the Holocaust, and the Japanese asked to apologize to the Chinese and Koreans; but there should be no apology for slavery, the majority of American people said.

That is unfortunate, because the opposite of not apologizing is covering up. It does not mean I refuse to apologize; but it means I will cover up, and we will continue to cover it up.

The only way we can break the back of racism and guarantee that racism will not be harmful is to recognize it and jointly, black-white, all minorities, work together to try to alleviate the harsh impact and effect of racism, so everybody in America has an equal opportunity to go forward.

Black History Month is a time to celebrate those positive achievements; it is also a time to remind everybody that we cannot achieve unless we recognize the truth of racism and attempt to combat it.

REQUEST FOR OUT OF ORDER SPECIAL ORDER

Mr. PAYNE. Mr. Speaker, I ask unanimous request to address the House for 5 minutes.

The SPEAKER pro tempore (Mr. FLAKE). Is there objection to the request of the gentleman from New Jersey?

Mr. MCINNIS. Mr. Speaker, reserving the right to object, my understanding from the gentleman's side was that they were, first of all, going to run about a half an hour, but they certainly are entitled to an hour, so I have no objection to that.

But now this is the second 5 minutes, and I would like to know when the speakers are going to end. We have another speaker behind myself, and we would like to stay on schedule. I was assured by the gentleman's side a few moments ago they had one 5-minute request, and now we are into two 5-minute additional requests. They have had an hour.

I guess I would just like to know from the gentleman's side, how much longer it is going to continue.

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

Mr. MCINNIS. I yield to the gentleman from New Jersey.

Mr. PAYNE. Mr. Speaker, I am sorry if there was a misunderstanding. We thought the gentleman was advised there would be two speakers. However, the gentleman certainly has the right to object.

Mr. McINNIS. Mr. Speaker, continuing my reservation, I am going to let the gentleman go if he will just let me know, is this it?

Mr. PAYNE. This is definitely it.

Mr. McINNIS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

THE COLOR LINE REVISITED: IS RACISM DEAD?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

Mr. PAYNE. Mr. Speaker, I thank the gentleman for removing the objection, and we certainly do apologize for the misunderstanding.

Mr. Speaker, I am pleased to have the opportunity to speak this evening on this year's theme for Black History Month, ''The Color Line Revisited: Is Racism Dead?''

While we all wish that we could proclaim the end of racism, we know that we are not there yet. We continue to hear disturbing stories about racial profiling in my State of New Jersey, where it has been admitted by the New Jersey State Police that they were not only doing it, but trained in how to perfect it by disguising numbers and falsifying reports.

We hear the question is racism dead, but we hear about the unequal opportunities in our school system, where the dropout rate continues to soar, where the great author Jonathan Kozol wrote a book, ''Savage Inequalities; Children in America's Schools,'' where he highlighted how race and economics have a great deal to do. In the mis-education of people, we ask, Is racism dead?

We take a look at the whole question of home ownership and employment, where we find that only 45 percent of African Americans own homes in the United States, where 75 percent of other Americans, white Americans, have been able to achieve that level. We find that it is difficult in many instances to get the finances to do that.

We have the question of health care, where African Americans' life expectancy continues to drop about a month or so each year, where the white population's life expectancy increases about 2 months per year, therefore making a disparity in a widening gap in life expectancy in our great Nation.

However, we in the Congressional Black Caucus have worked hard to overcome these obstacles. Despite setbacks along the way, we are making sound progress. We continue working on innovative initiatives at all fronts as we meet weekly to promote our agenda, and we have seen much success and progress as we continue to move forward.

Black History Month offers us an opportunity to honor many African American heroes who have been largely left out of the history books.

When I was growing up, I loved history; and I learned about the midnight ride of Paul Revere who came and warned the colonists that the Redcoats were coming. However, I never was taught about the first man who gave his life for our Nation's independence, who was an African American, Crispus Attucks, who was killed during the Boston Massacre incident the night of March 5, 1770. Today, there is a monument to Crispus Attucks in Boston inscribed with the words of John Adams: ''On that night the foundation of American independence was laid.''

As a student I was taught about Teddy Roosevelt and the Rough Riders and the crucial battle at San Juan Hill during the Spanish-American War. However, I did not discover in school, but later, about the story of the Buffalo Soldiers, who had a very low desertion rate, who had a low alcoholism rate, which were prevalent in the cavalries at that time; and the fact it was the Buffalo Soldiers who prevented the annihilation of Teddy Roosevelt at the battle of San Juan Hill. That was kept out of the history that I learned. The Indians gave the Buffalo Soldiers that name because the buffalo to them were a symbol of courage.

Finally when we were taught about Admiral Peary and told of his skill and courage in reaching the North Pole, I was so proud of that great explorer. However, it was only in recent years that we did learn that much of the credit should have gone to Matthew Henson, an African American who was on the expedition. Admiral Peary became sick, became snow blind, his feet were injured, and he had to slow down and stop. But Matt Henson went forward, provided a camp, and waited for Admiral Peary to come there. At that spot, it was the North Pole, and it was Matt Henson that got there first. However, when Admiral Peary returned home, he was given awards by the White House and the Congress. Mr. Henson was not invited to participate.

So as I conclude, I think we should resolve to teach our children the lessons of history every day, so that they may take pride in their rich heritage. We are all proud to be Americans today, more than ever before; and we are especially proud of our African Americans who have contributed to the growth and development of this great Nation.

THE ISSUE OF WATER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. McINNIS. Mr. Speaker, this evening I wanted to talk about a subject that is near and dear to my heart, obviously a subject that is important to all of us, no matter where you reside or what district you represent in the United States, and that is the issue of water.

Now, water generally is a pretty boring subject, as long as it continues to run out of the tap, or when you turn on the bath water it is there, or when you want to go fishing and the lake is at the right level. But water is a very critical issue for us to keep an eye on.

The United States is very unique in that the geographical layout of this country is such that water is dramatically different and the issues dealing with water are dramatically different in the western portion of the United States than they are in the eastern portion of the United States.

For example, half of the land mass of the United States, half of the land mass, which I will point out a little later on, only has 14 percent of the water. If one draws a line down, say, between Kansas and the State of Missouri, from north to south, that eastern portion has 70-some percent, maybe 72 percent of the water in that smaller portion of the Nation. So we have got a Nation that is large, but the water is not equally divided.

Likewise, the State that I represent, the State of Colorado, is the only State in the Union where it has no inflowing water. No water comes into Colorado for use within the borders of Colorado.

Colorado is a very unique State, and I intend to spend some time this evening talking about the relationship of Colorado to the Nation's water, specifically the Colorado River. The Colorado River, of course, is called the Mother of Rivers.

Colorado is interesting in that Colorado is the highest State in elevation of all 50 States in the country. In fact, there are about 67 mountains in the United States, including Alaska, that are over 14,000 feet, and of those 67 mountains, 56 of them, I think, 56 of the 67, you find in the State of Colorado. Mountains over 13,000 feet, there is like 700 mountains in the United States that are over 13,000 feet; and of those 700, 600 of them are located in the State of Colorado.

That is critical. The reason the elevation is critical because, obviously, at the higher elevations is where you have your massive accumulations of snow and moisture during the winter months. That, of course, is very determinative as to what kind of spring runoff and what kind of water you are going to have for a good portion of the Nation as far as surface water is concerned for your months where you do not have heavy moisture.

Colorado really is a very dry State. In fact, that part of the west of the United States is a very arid portion of the Nation. It gets very little moisture. I will give some statistics as we go on into this conversation we are having this evening.

But when one takes a look at Colorado, it is very arid during most months of the year, which makes it even more dependent on those winter months and that snow accumulation and its relationship to the months that we have very little rain.

By the way, I never really knew what rain was until I came to the East. In the West our droplets are very cold and very little droplets of rain. You come to the East, man, it seems like it rains forever. But out there in Colorado we are very dependent in the months where we have very low rainfall, which are most months of the year. We then have to rely on the water that we have either been able to store or accumulate because of the snow that has come down on those mountains.

What is interesting in history is one of the first dams ever discovered goes back in the Mesa Verde National Park around 1,000 A.D., and there they found an ancient irrigation system. It did not take man very long to figure out that water does not always necessarily flow on where you need it and when you need it. So when you need it, that is when man first began to develop some way to store it, because, obviously, the stream did not stay at the same level all year-round and where you needed it. It led man for the first time to take water and move it from its natural course, to divert it to where the man or animals or agriculture needed it.

Every person in America diverts their water. Every person in America diverts water for their use. That is how you get water diverted from its source into, for example, your house, or onto your farm field, or into your communities, or into the buildings that you visit. So there are a lot of interesting things about water.

But you can start off by looking at the water supply throughout the world. When you notice the water supply in the world, something is very interesting: 97 percent, 97 percent of the water supply in the world, is salt water. And until we are able to come up with desalinization at an economic price, and I am sure the future generations will be able to do that, but for our generation in existence today it is not economically viable to take that salt water and convert it to clear water with any kind of quantity. So 97 percent of the water in this world really right now is pretty much off limits.

Then you take a look what the balance is, and the balance of the 3 percent. You have got 3 percent left of water that is clear water. Most of that 3 percent, most of it, almost all of it, in fact, again 90 percent of that 3 percent, is water that is not salt water, but it is tied up in the iceberg, frozen solid, so we do not have access to that as well. So really the amount of water that is available for consumption that does not have high levels of salinity is very limited when you look at the picture as a whole.

Now, as I mentioned earlier, it is pretty interesting, because a lot of people, including myself, I was stunned when I first saw this poster to my left, and I would like to point out some of it to you, because I think it is pretty interesting.

It is amazing, it is stunning, to see how much water is necessary, how much water the average person uses in their daily consumption. I do not mean just glasses of water or the bottles of water that one may drink during an average day. I am talking about the quantity of water that is necessary for your food, for example, or for your everyday living needs.

I think this chart is one of the best demonstrations that I have seen of what water usage is, so you have a pretty accurate picture of just how dependent you are on water. Water usage. Americans are fortunate. We can turn on the faucet and get all the clean and fresh water we need. Many of us take water for granted.

Have you ever wondered how much water you use each day? Look at this chart. Direct uses of water. Drinking and cooking, 2 gallons. Now, this is per person. Per person. Two gallons of water to drink it and cook with it. Flushing the toilet, 5 to 7 gallons per flush. Now, that has come down just a little with the new toilets we have, but basically that number will probably be accurate going from about 3 to 6 gallons per flush. Washing machine, if you do one load, 20 gallons of water just to do a load of wash. Your dishwasher, 25 gallons per load. Taking a shower, 7 to 9 gallons per minute.

Now, look at this: growing food. That is what is really fascinating. In order to produce one loaf of bread, in other words, prepare the farm field, grow the wheat, et cetera, process the wheat, bake the bread, et cetera, one loaf of bread requires, by the time that loaf of bread is ready for consumption, 150 gallons of water.

□ 1900

Mr. Speaker, 150 gallons of water to prepare one loaf of bread. One egg. One egg. That is not a dozen eggs; one egg requires 120 gallons of water. These are numbers that we have never even imagined. But take a look at it. One quart of milk, 223 gallons of water to produce 1 quart of milk. A pound of oranges, it takes 47 gallons of water. A pound of potatoes takes 23 gallons. It takes more than 1,000 gallons of water to produce three meals a day for one person. For one person to have three meals a day, it takes over 1,000 gallons of water to produce that food product. So clearly we can see that the amount of water that is consumed in our society is primarily consumed for our agricultural needs.

What happens to 50 glasses of water? This chart I think demonstrates what I have just said. If we lined up 50 glasses of water and we begin to move those glasses as to where their consumption was, we would take our first 44 glasses of that 50, scoot that aside, that is just what is necessary for our agricultural requirements in this country. Three glasses are used by industry for production. In other words, even the wheat production, we take the wheat off the farm, we move it into a production facility, say, for example, to bake the bread. Those requirements are about three glasses; three of those glasses would go for those requirements. Two glasses are used by the cities, and one-half of a glass is used out in the country. I think it is a pretty interesting chart. It lets us realize just exactly how important water, how important water is.

Let me move on just a little from there. I think this is a pretty clear map right here to show some of the differences, pretty dramatic differences of the layout of the United States. Remember that when they settled the country in the early days, that most of our population lived on the East Coast. The population in the United States is not evenly spread now. In fact, I heard a statistic the other day that if we took all of the population and put it together like in one large city, it only takes a very, very small fraction of the amount of land that currently exists in the United States. Obviously, our population is not put together like that, it is spread out through the country. But in the early days of the founding of the United States, the population was primarily focused on the East Coast.

As our government began to acquire additional land, to expand this ever-growing Nation, to create the United States of America, as they acquired this land, they had to figure out how to really get control of the land. Now today, in this country, when we buy a piece of property, we do not actually have to be on the property. We can have a piece of paper, a little thing called a deed; and that deed filed at the courthouse protects our rights on that land. But that is not how it was back then. In fact, a piece of paper really was not worth a whole lot. The only way back then, or the primary way back then for one to protect the rights that one had on that land was to possess the land. That is where the old saying came from, that possessions is nine-tenths of the law. That is exactly where that came from.

So in the early days of the founding of this country, as we began to acquire this land, our leaders back on the East Coast said, how do we encourage people, how do we get people to leave the comfort of the East Coast and move to the West? West being maybe only as far as western Virginia, or not very far west at all. How do we get people to move out there? How do we settle this country.

Well, the answer was, look, everybody in America, the American dream, even in its early stages of this country, the American dream was, one, individual rights and, two, the opportunity to own a piece of property. In other words, the land would not be owned by the government. People got to own a piece of property that they could build a home on, that they could farm on; and back then, in excess of 98 percent of our population lived on farms and agriculture and put their hands in the soil. So owning a piece of land back then was just as important as it is today. We all dream of owning our own homes.

So our leaders decided to take advantage of that and say, look, the incentive that we should give to these people is if they will go out and help us settle the West, help us settle this new country, we will give them land, the land grants or the homestead acts. Remember that it was not new. It had already been tested. In fact, our government used it during the Revolutionary War to try and bribe British soldiers to defect and come over to our side; and if they did, we would give them a land grant or we would give them a homestead. That land could be their land that they would individually own.

Well, this worked pretty well. The government began offering, and we can see by this chart entitled ''Government, Lands'' the government began to see the populations become westward and moving to the west. Do we know what happened? We discovered that on 160 acres out in Kansas or Missouri or even in eastern Colorado or up in Nebraska where some of the most fertile land in the country is, all of these people out in Virginia, a family could be supported off of 160 acres, that the soil was so fertile that that was an adequate amount of land to give.

But then word got back to Washington to our leaders. Hey, we are having a problem, because as the population begins to hit those high elevations in Colorado, when the population runs into the mountains, the Rocky Mountains, the Continental Divide, they are not staying there, because they are discovering that with 160 acres, one can not even feed a cow with 160 acres. They cannot possibly support a family off only 160 acres.

So our leaders in Washington sat down and said, How do we persuade people to go ahead and settle in these areas? What is happening is they are going around to the Imperial Valley, as demonstrated here in California where we have this white spot. So they had a lot of debate back in Washington; and the conclusion really was, well, one of the ideas or one of the solutions was, let us give them a proportionate amount of land. If 160 acres is what is necessary in the State of Nebraska to support a family, let us give a family in the Rocky Mountains 3,000 acres. Maybe that is what is necessary to support a family.

Well, during this period of time from a historical basis was also the time when we had the building of the Continental Railroad, for example, and other land grants that were going out there. Washington was under a lot of pressure not to give away so much land.

So the conclusion was, look, giving away 3,000 acres to just one family is too much land to give to just one family. We cannot just give it away like that. So somebody came up with the idea of well, instead of giving the land away, why does the government not go ahead and retain title. The government will continue to be the owner in name of this land, but we will let the people move onto the land. We will let the people use the land. We will come up with a new concept called multiple use. We will let people use the land for many purposes. They can live on it. They can have roads on it. They can recreate on it, fish on it, enjoy it. Let us do that. But for formality purposes, we will just keep it in our names so we do not have the political pressure of giving away too much land. That is exactly what happened in the West.

On this map to my left we will see that all of the colors on this map indicate government-owned land. We will see in the East, it is almost, with the exceptions of the Appalachias down here, a portion of the Everglades, a little up here in the Northeast. But some of these States do not have any government land at all to speak of. Their government land is the local courthouse. But when we hit the West, look at what happens. Big blocks of land.

Now, some people today, I would call them revisionists who like to revise history, would like us to believe that the reason the government owns this land is that that was to be preserved to the extent that human use was to be eliminated, and their goal is to take multiple use and get rid of multiple use. One of their goals too is when people want you off this land, what is the best way to get you off the land? If they cannot get the Congress to go along with it, if they cannot get the population to support it, then go for the most important asset that you have on that land, and that is the water, which brings us to kind of a full circle in our discussion of water.

It is interesting, because right through here we have something called the Continental Divide, and Colorado follows my pointer here as it goes down through this way. The Continental Divide, although most of us know what that is, but it is very interesting; it is a dynamic of nature upon which side of the line we can actually see it in place. The Continental Divide, the water on one side goes towards the Atlantic, the other on the other side goes towards the Pacific. The Continental Divide is really, at those high elevations where the Continental Divide is, that is where water is amongst the purest water; and that water is very important, not just for human consumption, but actually, a lot of that water is important to allow it to flow into the streams so that it can flow down and protect our environment. There is lots of multiple uses, not just on the land, but multiple uses of the water.

Now, Colorado begins to emerge in the country as probably one of the most critical, if not the most critical State in the Union in regards to water. One, as I spoke of earlier, the high mountain ranges and the accumulation of water. Colorado provides water for what, 26, 27 States. Colorado provides water for other foreign countries. The country of Mexico, for example, actually gets water from the State of Colorado from the Colorado River, the Colorado River Compact, the compact that they made with Mexico. It is interesting how Mexico, down in this area, ends up getting water that originates, 70 percent of the water in the Colorado River Basin originates in the high Rocky Mountains of Colorado. Now, how does Mexico end up getting rights out of the Colorado River? Interesting story. Not really the basis of this speech, but interesting enough to bring into these comments this evening.

What happened was, during World War II there was a concern that the Japanese would invade Mexico. So the Mexican Government came to the United States, and we had a mutual meeting. Mexico did not want the Japanese in Mexico. The United States did not want the Japanese right next to them in Mexico, so they made an agreement. And the agreement was that if the Japanese or the Germans or the axis there, the enemies, if they crossed the border or if they attempted an invasion of Mexico, the United States would enter Mexico and defend Mexico. They would fight for Mexico. They would fight to push them back out of Mexico.

Now, of course, the Mexican Government seemed to have a little leverage, I guess we would say. They seemed to be a little smarter in the negotiations. To summarize it, it is accurate to say that the Mexicans said, all right, it would be a good idea, United States, for you could come down and defend us if we are invaded; but you know, for you to come across the borders and come into our country to protect us, it really ought to be worth something to you because you do not want the Japanese in here either, so why do you not give us a part of the Colorado River. So the Colorado River is actually designated for the country of Mexico.

Now, Colorado is the home for four major rivers; four major rivers have their head waters in the State of Colorado. We have the Platte River, we have the Arkansas River, we have the Rio Grande River, and one of the rivers that I am going to focus on today, and that is the Colorado River. The Colorado River really is called the Mother of all Rivers, the Grand River.

Let me talk a little about the water climate in the State of Colorado. I would remind my colleagues that Colorado again is unique as we look at our maps, and the line would be very hard for my colleagues to see, but basically, this is the State of Colorado. This is the only area of the United States right here, the only area of the United States where there is no water that flows into the State for its use. Every other State in the Continental United States, every other State has water that flows into their State for their use. Colorado is the exception.

Keep in mind, also, my earlier comments. If we drew a line here down through Kansas and Missouri out like this, this portion of the country right here has 73 or 74 percent of the water in the country. This portion of the country right up here has about oh, I do not

know, 13 percent or so of the water is right up in this area. And then for the rest of these Western States which consist geographically of half the Nation, only 14 percent of the water in the Nation has to provide for that massive land area, which makes water storage very critical. The Colorado River, that is where, for example, we have Hoover Dam and Lake Mead. That is where we get huge hydropower facilities.

□ 1915

Water storage is absolutely critical for all of us. In the East we need it for flood control, primarily. In the West we not only need it for flood control, but we need it for year-around usage, so we are able to store the water when the water is coming down the mountain, because most of the months the water is not coming down the mountain in the kind of force we need and are able to store it.

Let me give an idea of our statewide climate. Statewide, Colorado gets 16.5 inches of water each year, although that can vary depending on population. Down in this part of Colorado near Durango, Colorado, we have a pass called Wolf Creek Pass. Twenty-some miles from Wolf Creek, it may snow 15 inches of snow a year. Go those few miles up to Wolf Creek Pass, we may get 550 inches of snow a year. So the geographic nature of the State provides for dramatic differences in the moisture and precipitation that follows.

In Colorado's high altitude, the semi-arid climate, 85 percent of the State's precipitation is lost. Eighty-five percent of our water in Colorado is lost to evaporation. Why? Because Colorado as a State is known as the Sunshine State. In the State of Colorado, we have over 300 days of sunshine a year, over 300 days of sunshine a year. At that high altitude, we have to worry about evaporation. There is not much we can do about it, but most of our water that falls in the State of Colorado then is evaporated.

Keep in mind that water, water is the only renewable resource that we have. Now, we have resources that we have not captured the energy from, for example, the sun. But once the sun ray comes down, if we do not capture the energy, the energy disperses and it is gone; a gallon of oil, if we burn it up, it is gone.

But water is a renewable resource. So the key to water is one person's waste may be another person's water. What do I mean by that statement?

For example, on the Colorado River, we may have a diversion into an irrigation ditch. Somebody may say, well, to help conserve on water we ought to line that ditch with concrete so the water does not seep into the soil until it gets to the point we want it. That water seepage into that irrigation ditch may actually provide somebody else's water for a spring.

Today we do not have the technology, although at some point in the future they will have the technology, but today we do not have the technology to look underneath the surface and see all of the different fingers of water and the connections of water underneath our surface that we cannot see above the surface. So our understanding, really, is based on the best science that we have.

That is why we have to be so very careful when we talk about water, about where we put water storage or how we impact the water, what impact that has throughout the rest of that particular water system.

Let me say that when I said earlier that our snow pack is so important, to give an idea of those few months of snow that we get in Colorado, 80 percent of the water, 80 percent of the water in this Rocky Mountain area comes from snow. Only 20 percent of the water that Colorado gets comes from rain. So we are very, very dependent on that snowfall.

In a year like this in Colorado, we are having a dry year this year, and it runs in cycles. We have not been able to time the cycles, we have not figured out the cycles, but we know it runs in cycles. In Colorado, we have a very dry winter. In fact, some of our snow packs are only about 23 percent of normal.

Right now, it does not bother us because we have all the snow, and 23 percent is still a lot of snow. But wait until about June or July. All of a sudden, Colorado and the States that depend on the Colorado River will have a lot of suffering.

There are cities out there that have no water sources at all except massive diversions out of the Colorado River. One of them we know very well: Las Vegas, Nevada. Take a look at Las Vegas. At the Bellagio, that beautiful water show, that is Colorado River water. The same thing with the State of Arizona, same thing with the State of California, same thing with the State of New Mexico, same thing with Utah, and the same thing with the country of Mexico. A lot of States are very dependent on that high snow in those Colorado Rockies.

Some of these States add to it. For example, the State of Utah, the State of New Mexico, they add a little water to the Colorado River Basin. But, basically, the State of Colorado puts 70 percent of that water into that basin. By the way, of the 70 percent of the water that comes from the State of Colorado into the Colorado River Basin, only 25 percent of it goes back to the people of the State of Colorado. The rest of it is utilized in other States.

In the State of Colorado, as similar to our chart that I was showing earlier, 85 percent of the water that we use in Colorado, 85 percent of it is used for agricultural purposes.

Let me just real quickly go over some kind of fun statistics, interesting things. Ninety percent of our naturally-occurring lakes in Colorado, and we are not a lake State, we do not have massive lakes, but the lakes that we do have in Colorado, 89 percent of them that are natural are above 9,000 feet. Imagine that, 9,000 feet. That is where 90 percent of our lakes are.

Colorado has 13 different streams that we call Clear Creek, to give an idea how pure and how good that water is. As I said, Colorado is the only State in the Continental U.S. with all major waterways originating within its boundaries.

Water flowing out of the State travels to the Atlantic or Pacific Oceans, depending on which side of the Continental Divide it originates on. On average, 10,400,000 or 10,500,000 acre feet of water leave the State every year. An acre foot is how much water it takes to form an acre I think 1 foot high over a 1-year period of time. Most of the water that leaves the State of Colorado, about 45 percent of it is in the Colorado River Basin.

And 87 percent of the water in Colorado, when we take a look at Colorado, 87 percent of the water in the State is on the western portion of the State. Eighty some percent of the population in the State of Colorado is on the eastern portion of the State, so we can see just because of the dispersement of the population in the State of Colorado, most of our population is not located where the water is; most of the population is located away from the water.

Denver, for example, has no water that originates in Denver. It is the beneficiary of all that water that runs off the mountains. Or in the case of the Continental Divide, Denver, for example, or the cities on the eastern portion of the State, have decided to go over on the other side of the divide where the water runs this direction and redirect the diversion of that water, or the direction of that water, so it flows in reverse order and comes back to the cities.

It is often said that water flows not downhill but flows towards the direction of money. That is exactly what has transpired over the years. Water has been impacted a great deal from what its original intent was.

Let me just go over a few other statistics that I think are interesting. As I said, water sometimes can be a pretty boring subject; but I find it pretty fascinating. Now, all of the Members would be pretty interested in water if they turned on the tap tonight when they went home, they went to take a shower or cook dinner, and there was no water there. Then all of a sudden Members would become real interested in it.

I think tonight the purpose of tonight's comments are to give kind of a basic education and talk really where kind of the apex of water in the United States is and how critical the State of Colorado is for the supply of that water.

The largest reservoir that we have in the State of Colorado is the Blue Mesa. The amount of water, for example, throughout the country in the public water systems, if we have a city water system, do Members know what percentage of that is actually used to cook

and drink? About 1 percent of the city water system. The rest of it is used for all of the other needs one has with water. I thought that was a pretty interesting statistic.

Kentucky bluegrass uses 18 gallons of water per square foot. I do not have the actual statistic here, but it is amazing how many thousands of gallons of water are necessary for just one oak tree, for example. We do not even envision the huge quantity of water that is necessary to support one of those big cottonwood trees or a great big oak tree.

Water and its recirculation through our society, and its recycling, and I do not mean man-made recycling, I mean recycling by nature, is really a feat, and pretty amazing, just to the extent that we know. My guess is that we have only tapped a small knowledge of how our water system in this Nation works.

At any rate, back to my points, here. The Platte River was named, which of course ''platte'' means ''flat,'' and the water that is used in the Platte River was first used, of course, by the Native Americans. One of the interesting things that the Native Americans used early on in the State of Colorado were the hot springs located in Glenwood Springs, Colorado.

Some may have been to Glenwood Springs. It is a community near Aspen, Colorado. Actually, it is my birth home. But there we have hot springs, and I think the water there comes in at about 180 degrees Fahrenheit. The spring I think puts between 2 million or 6 million gallons a day of water at 180 degrees that comes out of the springs. We use it. We have a huge pool there. Anybody who has been to Glenwood Springs knows exactly what I am talking about.

The Indians used to use that because they thought it was the gods that put it there for health care. We later used it, in fact the Navy used it in World War II for recuperation of its wounded sailors. They would ship them from the oceans into the middle of the country for recovery in Glenwood Springs with the hot waters.

We have a lot of interesting things about the streams that we have in Colorado. We have about 2,000 lakes in Colorado. That seems like a lot, but our lakes are not very big. Our lakes really, in proportion, if we take a look at Minnesota or some of these States that really are States with huge lakes, we do not have much comparison there.

But within the boundaries of Colorado, within the four corners of that State, we have over 9,000 miles of streams, 9,000 miles of streams. So we know we have the highest elevation in the country in Colorado with the Rocky Mountains. We have by far the largest number of mountains over 14,000 feet; and by far the largest number of mountains over 13,000 feet are in Colorado.

Now, we know between all of these mountains, and coming down all of those mountains, we have 9,000 miles of streams that go through and circulate that water. It is pretty interesting when we take a look at the different diversions that we have.

We have 48 million people in the United States that divert their water off wells. That is below-surface water. The rest of the people in the country depend on surface water. Go back to the Colorado River Basin, here. That river kind of goes like my pointer, down through here, out like this, out into here, and then kind of like that, and out into the country of Mexico.

It is incredible to take a look, and I think I have a chart here. Hydroelectric power. Hydroelectric power from the Colorado River, again, coming back to the Colorado River, where our focus is, hydropower from the Colorado River keeps the lights burning in many parts of the West, including Phoenix, Arizona, pictured here. Phoenix also obtains water from the Colorado River via the Central Arizona Project canals.

There is Phoenix, Las Vegas, and all of those small communities, and many of the cities in California. The Colorado River, we do not really realize the importance of that water, the importance of it not only for the human population, not only for the agricultural population, not only for the energy needs, but for the environment, as well.

The more we know about water, the more deep our appreciation becomes for that miracle matter that the good Lord gave for us to use.

Let me kind of leave the charts here for a minute and wrap up my comments. I am going to do a series of speeches to my colleagues about the resources, the natural resources, we have over there. We have lots of debates on this House floor in regard to natural resource issues, in regard to the environment, in regard to energy and conservation of energy.

I am going to give a number of different speeches to my colleagues, not just focusing entirely on natural resources, but talking about the energy demands that we have in this country, the future for alternative energy that we have in this country, the necessity for conservation of energy that we have in this country; the need to protect our environment, protect it in such a way that it is balanced; the importance of multiple use on our public lands.

I intend to have a very thorough discussion here on public lands. In the East, because they do not have any government lands to speak of, many people do not know what public lands are. I do not hold that critically. I am not saying that critically. I am just saying that they do not deal with them.

In the West, for example, in my district, I have a huge congressional district. I probably have approximately 120 different communities, and 119 of those 120 communities are completely surrounded by public lands. In other words, everything we do in our communities is totally dependent upon the government's lands. For our water that comes across it, our water that is stored upon it, our water that originates on it, our power lines, our highways, our recreation areas, our agriculture, we are totally dependent on that.

□ 1930

In the East, you do not have that handicap. In the West, it is in fact a handicap; and I intend to spend a few moments with you discussing that, in future moments, when we are here together on the floor. My purpose here tonight is to kind of break the ice, you might say, coming back to water, to talk a little about water.

If you ever have a moment to go to Denver, Colorado, and you go through the State Capitol there, you will find in their rotunda, every painting in that rotunda, in their murals somewhere in that painting has the subject of water, whether it is an irrigation canal, whether it is somebody fishing, whether it is animals drinking from the stream. Water is a critical, critical factor. In fact, the State of Colorado, as I said earlier, is the apex in this country. Four major rivers have their headwaters there. It is the mother of rivers. It is an interesting subject.

I appreciate the moments I have been able to spend with you this evening.

AMERICAN STEEL INDUSTRY CRISIS

The SPEAKER pro tempore (Mr. KIRK). Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 60 minutes.

Mr. ENGLISH. Mr. Speaker, America is at a critical moment. The domestic steel in its industry and the current workforce retirees and their dependents are clearly at a vital crossroad. Without strong relief under the section 201 action that this administration has called forth utilizing that section of our trade laws, the future of the industry is clearly grim. Thousands of steelworkers already have lost their jobs, and thousands more jobs are at stake. Beyond that, pension and health care benefits are in jeopardy for hundreds of thousands of retirees. Now is the time to provide relief for this beleaguered domestic industry.

The Bush administration took the vital first step by initiating the 201 investigation, and now the results are in. The investigation demonstrated what the industry and its workers have known all along, the rest of the world is not playing by the same set of rules. Meaning, the steel score sheet has long been skewed to provide foreign competitors with an unfair handicap, making it unnecessarily difficult for U.S. producers to compete. That has to stop.

Mr. Speaker, this may be hard for people to see up here, but let me assure you that the subsidies our domestic

steel companies have received since 1980 are dwarfed by the subsidies that foreign steel makers receive.

Looking at this graphic, this minuscule yellow bar down here represents the U.S. government subsidies, while this tower next to it represent the $90 billion in subsidies our leading competitors have received since 1980 in the steel sector. The amount of subsidies to foreign producers have outnumbered and outshone by those in the U.S. by a factor of more than 8 to 1. Substantial relief under section 201 is a move toward eliminating that handicap as well as others, putting the U.S. on a level playing field and staving off a permanent liquidation of this strategic industry.

Inaction or weak action would silence many steel plants, while destroying the livelihood, the good-paying jobs of the workers, their families and communities, and dealing a blow to our national economy and to our national security.

I applaud the Bush administration for stepping up to the plate for the American steel industry and its workers, something that previous administrations had been reluctant to do.

With that, I urge the Bush administration in the next week in making a decision on this steel 201 to knock the ball out of the park by imposing credible tariffs over the next 4 years.

There will be a number of speakers joining me tonight. The first of these is the gentleman from Illinois (Mr. SHIMKUS), and I yield to him.

Mr. SHIMKUS. Mr. Speaker, I want to thank my colleague, the gentleman from Pennsylvania (Mr. ENGLISH), for his work on this and for his work for his constituents in Pennsylvania.

We have would not be here if the President had not invoked section 201; and we would not be here if the ITC, the International Trade Commission, had not found in essence in our favor that there has been some illegal dumping.

We hear a lot on trade, and a lot of the debate stems around free and fair trade. I think it is pretty clearly evident that when trade is not fair then we need to do just what we did in this case so far. What we have done so far is asked for a section 201 hearing that has been found in our favor, and now the administration has to finish the deal. They have a deadline of March 6 in which they are going to recommend the type of penalties that this country would like to see to get our steel industry back on sound footing; and, as with every other issue, there is always a debate of what those penalties should be.

Well, the Steel Caucus, which the gentleman chairs and which we have many members of, have tried to weigh in on this. We have sent a letter to President Bush asking for a minimum of 40 percent tariff to be implemented over 4 years on all imported steel products. That is what we can do now, and I am glad to have signed that letter and sent that.

But I also had a chance to personally speak with Secretary Evans on this issue and reiterate the importance of some strong, strong penalties, not only to help our domestic steel industry, but it sends a signal to the rest of the countries that we want to trade and do business with. We can compete with them. We cannot compete with them if they have subsidized their production, and that is what they do by a term called dumping, which means foreign countries are selling steel to us at below-market prices, usually subsidized by their own government.

The International Trade Commission's ruling, they said that we in our domestic steel industry suffered serious injury due to the surge in imports. So that is why we need a substantial tariff for a maximum length of time, because the majority of steel that is making its way to America from off shore is being heavily subsidized.

The imposition of tariffs over a 4-year period will demonstrate to foreign producers and governments that this administration is serious about addressing the problem of foreign excess steel capacity. And it is kind of ironic that our European allies, from what I understand, are not supportive of our heavy tariffs because they fear that if we are successful then they will be the target for the illegal dumping of steel and then they will have to deal with this issue.

So we need to make sure that our allies and friends understand that steel is also a national security issue and it is important for us to have that domestic capability.

The administration must take this lead in developing a plan to address the critical legacy costs which are preventing the industry from restructuring. The progress of the President's comprehensive steel strategy demonstrates once again his strong, decisive leadership on behalf of America, American workers and American families. It is now time to take the next step and implement a remedy that would be advantageous to the U.S. steel industry. I am confident that this Congress working with this President will provide help for those who have lost their jobs and benefits as a result of the bankruptcy of the steel industry.

The 40 percent tariff that we suggest would bring the domestic steel industry back to a level playing field with foreign competitors and hopefully bring an end to the steel crisis in our country, not only for the factory itself, but for the workers, and not just for the current day workers but for the retirees.

I appreciate all the gentleman from Pennsylvania (Mr. ENGLISH) has done on this behalf since the day he arrived here. We have made great inroads in working it together across the party lines and the caucus. And I am really proud of what the President has done with this issue. Now we want to him finish the job and get the work done.

Mr. ENGLISH. Mr. Speaker, I want to thank the gentleman, and I want to thank him for his personal involvement, for his work with the administration, for helping to bring there issue to the fore, at a very, very critical time when we can still save our domestic steel industry. I thank him for being involved in the Steel Caucus.

Mr. Speaker, I yield to another gentleman from Illinois (Mr. PHELPS), who is also a member of the Steel Caucus.

Mr. PHELPS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. ENGLISH).

I first want to commend the gentleman on his firm leadership in bringing this issue to the forefront of the American people. Those who are not associated with the steel industry may not be aware just how serious this situation is, and I want to associate my remarks with my friend and colleague, the gentleman from Illinois (Mr. SHIMKUS). We are fighting the same battle.

Let me state, Mr. Speaker, I rise to discuss the crisis the steel industry faces. The American steel industry and the steelworkers are in the midst of possibly the worst crisis ever due to the continued illegal dumping into this country of foreign-made steel.

Thousands of steelworkers have lost their jobs, and countless more are in jeopardy. In my congressional district in Central and Southern Illinois the effects have been devastating. Yesterday, I attended a steel rally in Greenwich City, Illinois, and was able to hear firsthand the effects this has had on the local economy.

Now is the time to institute the highest tariff levels of at least 40 percent if the steel industry is to recover.

Last year, the President directed the International Trade Commission to undertake one of the most extensive and complex investigations into the section 201 history. I applaud the President for this leadership, very much needed assistance for an ailing industry. The International Trade Commission ruled unanimously that nearly 80 percent of the product lines of the American steel industry have been seriously damaged by surges of low-priced foreign imports. The most severe violations of U.S. trade laws have taken place since 1998.

The devastating impact that low-priced steel imports have had on American steel companies is amply evident; and, as a result of foreign dumped steel since 1998, 31 steel companies have filed for bankruptcy nationwide. Of these, four are located in my home State, Illinois, which has caused over 5,000 Illinois steelworkers to lose their jobs.

The International Trade Commission has recommended the President impose tariffs of up to 40 percent on a broad variety of steel products over a 4-year period. I strongly urge the President to impose the highest tariff rate for 4 years on all subject steel categories as the first step in saving our American steel industry and the jobs and the health insurance of Illinois steel makers and over 50,000 retirees in Illinois.

The domestic steel industry has invested billions of dollars in upgrading

and modernizing its facilities and, as a result, is among the most productive makers of high-quality steel in the world. No industry, no matter how productive, however, can compete against the onslaught of low-priced and often unfairly traded steel imports. It is imperative we send the strongest possible message to deter our trading partners from further illegal dumping and to give the domestic steel industry the time it needs to recover from its injury. Anything less would be a disservice to those working men and women who are counting on government to stand up for them.

In this body last year we have deliberated several trades issues and even this year. Some are disagreed upon and some have total agreement, and it is not even by party lines. Unfortunately, it is by geographical, cultural differences, many times, rather than party line.

And we have a healthy debate. One was such as permanent normal trade relations with China. The reason I resisted that proposition and opposed it is that in my 19th District in Illinois we are exporting jobs because of trade policies such as free trade and the P.N.T.R. motion that we looked at and debated on this floor.

□ 1945

I know that many people have stock in the fact that this will help us, our country; but I say right now, in the 19th district, that is just the opposite case.

We had 10 years of China breaking their word, violating their contracts with this country on items that left us $82 billion in trade deficit. Now, the reason I mention that is in this context. One blow after another to the American worker is adding to a serious situation not only of our economy but the quality of products that we produce even for our defense system; and that borders on compromising our national security.

I yield back to the gentleman and thank him for his courtesy.

Mr. ENGLISH. I thank the gentleman, and I will resume making some of the points I had been making; and then, in a few minutes, I will recognize another member of the steel caucus, the gentleman from Ohio (Mr. BROWN), who has been a leading advocate of this cause.

Summarizing the last two speakers, it is clear that the International Trade Commission has given the Bush administration the tool that it needs to get action. Tariffs in the range of 40 percent are clearly needed if the industry is to recover. But, Mr. Speaker, we recognize the March 6 decision is only the first inning; 201 action must be followed by a concrete commitment from our trading partners to reduce inefficient global overcapacity.

Again, I have to congratulate the President for his understanding of the issue and his foresight in initiating the OECD talks. Beyond that, we must look at ways to address the industry's legacy costs, clearing the way for a domestic steel renaissance. Continued cooperation between Congress and the Bush administration is the only way of ensuring the viability of the domestic steel industry.

Let us think a minute about the fundamental causes of this crisis. In my view, one of the underlying causes is a massive foreign inefficient overcapacity. Looking at this graphic, as my colleagues can see, from 1998 to 2000 the United States consumed 131 million metric tons of steel, while the former Soviet Union, which is NIS on that graphic, alone produced 114 million metric tons. The entire foreign excess raw steelmaking capacity averaged 268 metric tons, which is more than twice the level of average U.S. steel consumption. Massive foreign steel overcapacity, created and sustained by abusive government subsidies, protected markets and anticompetitive practices, resulting in a diversion of excess steel products into the U.S. market.

Going to the next graphic, it is obvious that raw steelmaking capacity has greatly exceeded steel consumption in many areas of the world during the last 3 years. Again, the former Soviet Union is producing more than 120 million metric tons of steel than it needs. Even Brazil is producing almost 20 million more metric tons of steel than it needs for domestic consumption. And make no mistake, the excess production is being dumped in our domestic market. And they say it is our fault.

Mr. Speaker, a key point to understand is that American steel companies and their workers have already done their part to create a world-class competitive industry during recent years. They have invested more than $60 billion in steel plant modernization since 1980 to become among the most productive steel producers in the world with as few as 1½ man hours needed per ton of steel produced. To achieve these advances in productivity, the U.S. steel industry reduced capacity by more than 23 million tons, closed numerous inefficient mills, and significantly cut jobs. The workers have endured their fair share of economic pain and sacrifice as the workforce was reduced by hundreds of thousands of workers in an effort to become the most efficient producers of steel.

As this graphic reflects, U.S. productivity measured as output-per-worker has nearly tripled since 1980, according to the U.S. Commerce Department. These are the official statistics. The industry average has gone from using 10 man-hours to produce a ton of steel to just 4, all the while the net shipments of steel have grown from just over 90 million tons to 110 million tons. That is extraordinary. But when competing with the unfair trading practices of our foreign competitors, it is simply not enough. Much of the world's major steel markets have formal steel import barriers to foreign steel or are subject to international market-sharing arrangements by foreign steel exporters. These cartels are aimed at us.

Obviously, Mr. Speaker, the steel industry is the victim of predatory trade practices, and we desperately need strong relief under section 201 of the U.S. trade laws. This is allowable under the WTO rules. In this case, the International Trade Commission determined damage has occurred and made recommendations for tariffs to the President. The March 6 deadline for the Bush administration to make a decision is fast approaching. I call upon the President to recognize the needs of our domestic industry. Significant relief is necessary in order to return steel prices to their normal precrisis levels and allow American steel companies to make the necessary investments to remain viable and competitive in the future while providing good paying jobs.

Tariff rates must be substantial in order to ensure that import prices return to market-based levels. The section 201 remedy must be enforced for at least 4 years to allow the domestic steel industry to make the necessary adjustments to be competitive. A shorter duration, I feel, will simply be ineffective.

Section 201 relief must not replace existing orders under the antidumping and countervailing duty laws. If these orders are set aside, hard won as they are, any remedy will be perversely rewarding those foreign producers that engage in unfair trade. That is something that I would think we all would agree we do not want.

To further these remarks, I would like to yield to the gentleman from Ohio (Mr. BROWN), a member of our caucus, a gentleman who has been very involved in the steel issue from the get-go.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman for yielding to me and for his leadership on steel issues as American workers and corporations try to fight back against this terrible situation that we have seen coming for the last 3 or 4 years.

The U.S., as we know, has become the world's steel dumping ground, costing U.S. jobs, hurting U.S. families, and damaging the U.S. economy. During the 1998 steel crisis, the trade deficit in steel was almost $12 billion, accounting for nearly 7 percent of our overall trade imbalance. We have known from other Special Orders in this body and from other debates in this body that legislation like NAFTA, GATT, which formed the World Trade Organization, PNTR, giving special trading privileges to China, and Fast Track legislation, which passed this body by one vote last year, that this body of trade law that this Congress in my mind has wrongly passed, has damaged this country and that has put us in this situation where we have these huge trade deficits. And our steel deficit is one of the major parts of that.

That means that we are buying a lot more steel in this country than we are exporting, $11.7 billion worth. The bulk

of these imports in steel were subsidized by foreign governments and illegally dumped below market prices in the United States. Under Federal trade law, and international trade law too, it is illegal to subsidize a product through a variety of different means that governments do and then sell it under cost into another country, thereby undercutting that domestic industry's products.

Today, we import 39 million tons of steel, more than double the amount we imported in 1991, and steel prices are below 1998 levels. The surge in illegally dumped steel has obviously been incredibly damaging to the domestic steel industry. Since 1998, 26 steel companies have filed for bankruptcy, 17 in the last year. That includes three in my State, including LTV in Cleveland, including RTI in Lorain, where there is a major plant in Lorain and the community which I call home.

Steelworkers from LTV and RTI are learning firsthand how unfair competition is destroying America's ability to make steel. The White House and the Congress must respond. Congress must pass H.R. 808, the Steel Revitalization Act. It has bipartisan cosponsors, the gentleman from Pennsylvania (Mr. ENGLISH), the gentleman from Illinois (Mr. PHELPS), who was here earlier, and 200-plus Members of this body who have cosponsored that bill.

The Republican leadership, the gentleman from Texas (Mr. DELAY), and others, have refused to schedule it for a floor vote. It would make all the difference in the world in revitalizing this Nation's steel industry. Because this Congress has failed to act, because the Republican leadership in this Congress has not given the means to even allow us to have a vote on these very crucial issues to protect American steel, it is up to the President.

On March 6, the President will announce his decision on the recommendation of the International Trade Commission for tariffs on illegally dumped steel. We need a strong response. As the gentleman from Illinois (Mr. PHELPS) and others have said, we need a 40 percent tariff, which is what the ITC has recommended, if the President goes along.

A year and a half ago we heard Vice President Cheney, while in Weirton, West Virginia, say we will never lie to you. If our trading partners violate trade laws, he told steelworkers, we will respond swiftly and firmly. We need the administration's swift response; we need their firm response on steel dumping now more than ever.

If they are sincere about helping steel, and I take them at their word, although there has been a pretty big delay in the President acting, he was originally supposed to act in mid-February, and every day the President fails to act, every day of delay causes more duress to the American steel industry, more layoffs, more bankruptcies, and more likely failed steel companies; but taking the President at his word, we call for him to do the 40 percent tariffs for 4 years. Anything less simply will not cut it.

It does not mean 40 percent with hundreds of exceptions, as steelworker president Mr. Leo Gerard told the gentleman from Pennsylvania (Mr. ENGLISH) and me and some others this afternoon. We must protect the 700,000 hard-working families who rely on this industry for their salary, for their pensions, for their health benefits, and all of us who rely on this industry for our national security.

The steelworkers at Weirton Steel, where then Vice Presidential candidate Cheney made, I hope, a genuine promise, and to the workers at RTI in Lorain, in Canton, in Madison, Ohio, the workers at LTV in Cleveland, and all over this country, are absolutely counting on the President to do the right thing to stop these unfair trade practices. Since this President took office, we have lost a million industrial jobs in this country. I wonder how many workers must file for unemployment before President Bush and Vice President Cheney honor their campaign pledge, not to do this half-baked, but to do the full 40 percent. More and more Americans are joining the ranks calling for Washington to assist this industry.

Again, we ask for Republican leadership here to move on H.R. 808. It clearly will pass this Congress. It has plenty of cosponsors. We ask the President to move on section 201 on implementing it and calling in these tariffs.

Now, in addition, it is important that this Congress do something about so-called legacy costs. Legacy costs are what is left for those workers who are retired; who, when these companies go out of business, lose at least 20 percent, sometimes as much as 40 or 50 percent of their pensions, and who lose all of their health care benefits. In virtually every other steel producing country in the world, especially Western Europe, we are seeing companies, as President Leo Gerard told us today, we are seeing more and more companies joining together in larger companies; and we are seeing government help with these legacy costs, with social costs, with health care benefits, with retirement. And we have to compete with those companies.

The only way for Congress to do that is for us to deal with these legacy costs for these workers who simply do not have anywhere to turn at the age of 58 or 62 or 64, or even before they are eligible for Medicare. And there are hundreds of thousands of American steelworkers whose companies have gone bankrupt, who are about to lose their medical care, who are about to lose up to half, at least a quarter, a fifth or a quarter of their pensions.

It is important the President do the right thing on or before March 6. We need the 40 percent tariff. We need that tariff in effect for 4 years until this industry gets back on its feet and American steel can have a level playing field from which to compete. It is important that Congress move on section H.R. 808 and override the Republican leadership to stop it. It is important that Congress stop passing legislation like Fast Track and NAFTA and the World Trade Organization, the way it was created, and PNTR for China, and all the trade agreements that have put us behind the 8-ball.

It is important that this Congress and this President finally do the right thing for American workers. I thank my friend from Pennsylvania for his good work and I yield back to him.

□ 2000

Mr. ENGLISH. Mr. Speaker, I congratulate the gentleman for his great advocacy for the cause of steel.

Mr. Speaker, this administration has done more than the last administration did so far; and that is very, very encouraging. Also, a bill like H.R. 808 was brought up by this House Republican leadership, passed the House overwhelmingly, and was killed in the Senate. This is not so much a partisan issue. The importance is that we need to move now the strong remedies necessary to put this critical, strategic industry back on an even keel.

We also know an effective remedy is the only way to stimulate foreign governments and steel producers to make the difficult decisions that U.S. producers have already made to modernize, eliminate inefficient capacity and rationalize, bringing stability and balance to the global steel market.

Looking at this next graphic, we know that a 40 percent tariff would provide more than $1.4 billion of operating revenue for our domestic producers. A substantial tariff-based remedy is the only way to prevent the loss of thousands of additional steel-related jobs and will send a clear message to foreign producers that the United States is not a dumping ground for excess steel product.

Going to the next graphic, even with the 40 percent tariff, people need to understand prices would still be well below the 20-year average on hot-rolled, cold-rolled, hot-dipped galvanized steel and coil plated.

Even with the 40 percent tariff, prices would still be below the 20-year average. So much for the dramatic price increase as a result of tariffs that some opponents of relief for the domestic industry have been arguing; and comparing the pricing trends of steel to other industries, going to the next graphic, according to the Bureau of Labor Statistics, the price of construction machinery and equipment has increased about 60 percent during the last 20 years. I realize that this graphic is confusing and looks like something that Washington would conceive of, but if Members look at the actual details, if Members know that the price of products such as motor vehicles have risen by about 45 percent since 1981, paper has risen 55 percent, food has risen 40 percent, steel prices during

that same time have increased less than 5 percent. That shows that steel has managed to maintain a relatively low cost and has actually declined as a cost in relative terms. Anything that we do as part of this remedy is not going to create a problem with the relative price of steel.

Tariff-based remedies will not harm U.S. consumers. Increases in steel prices have minimal effect on the price of end products because steel constitutes only a small share of the total cost of most products that contain steel. Think about it. For a typical family car, the increase caused by the imposition of a 40 percent tariff would be about $60, $60 on the cost of an automobile. For a refrigerator, the increase would be a cost of about $3. That is not enough to affect consumer decisions.

On this graphic, as measured by the Department of Commerce, steel's share of total costs is 0.8 percent for construction, 3.4 percent for motor vehicles and parts, 5.4 percent for other transport equipment, 6.8 percent for household appliances, 4.6 percent for electrical industrial apparatus, and for the highest of Commerce's categories, fabricated metal products, steel's share of total cost is less than 16 percent.

That clearly indicates that by seeking this remedy, we are not going to create a problem for the domestic economy. Since 1995, the price of finished goods has risen 11 percent while the cost of steel mill products has declined 16 percent. The steel-consuming industries have been running around Washington suggesting that relief under section 201 will not return profitability to the domestic steel industry by raising prices while at the same time arguing that relief will raise consumer prices to prohibitive levels.

According to a study by Professor Jerry Hausman, an economist at the prestigious Massachusetts Institute of Technology, MIT, the tariffs would actually have a minimal effect on prices, costing the average consumer $2 a year, and having no negative effect on the U.S. economy.

We can reach out and successfully impose 40 percent tariffs, and it will have a minimum impact on consumer prices. Hausman said the assumptions from the consuming industry's trade action coalition are fundamentally flawed. Using the same model, but with accurate assumptions that truly reflect the current steel market, the studies show that the section 201 remedies would provide a net benefit of about $9 billion to the U.S. economy. The same consuming industries that are saying that they will be placed at a severe disadvantage because of these tariffs on steel have not had to endure the same stagnated prices on their products during the last 20 years. My previous graphic, those steel-intensive industries such as construction machinery, equipment and motor vehicles, have seen the price of their product increase 60 and 40 percent respectively since 1981. I will say it again: steel prices have increased less than 5 percent.

Entire American communities have been devastated by this import crisis, and I would like my colleagues to consider that regions already experiencing hardship as a result of the current recession are being dealt a devastating blow by the massive levels of low-priced imports. The loss of good-paying steel industry jobs directly impacts thousands of workers in other sectors that depend on the steel industry.

The U.S. manufacturing sector, including the steel industry, has one of the highest multiplier effects. For every $1 of a manufactured product sold to an end user, an additional $1.19 of intermediate activity is generated. The steel industry is a major consumer of computers and other high-tech equipment. It is also a major user of transportation industries such as rail, trucking, and shipping.

Steel-generated demand for key raw materials, coal, coke, iron ore and limestone provides employment in a number of regions where, frankly, other jobs are scarce. The steel industry is also a major contributor to the U.S. tax base, including the tax base of State and local governments.

There is another dimension that I would encourage my colleagues to think about, and that is a healthy domestic steel industry is a cornerstone of our national defense. Steel is an indispensable component of many weapons and weapon systems, as well as the ships, tanks and other vehicles that carry these systems and our dedicated troops. In my district, Erie Forge and Steel is the sole producer of propeller shafts that are used in Navy ships, and they are just coming out of Chapter 11 bankruptcy with a new buyer.

The President and many other U.S. government leaders recognize that steel and national security go hand in hand. At a time when we are trying to enhance our national security and we are thinking anew about the need to have a strong defense, defending the steel industry should be a top priority. It is vital to U.S. national economic security and to our homeland security that America does not become dangerously dependent on offshore sources of supply for, among other things, the steel that goes into our transportation security infrastructure such as highways, bridges, railroads and airports; the steel, that goes into our health and public safety infrastructure, such as waste and sewage treatment facilities and the public water supply; the steel that goes into our commercial, industrial and institutional complexes such as schools, hospitals, retail stores, hotels, churches and government buildings. We must maintain a viable domestic steel industry if our country and our economy is truly to be secure.

The gentleman from Ohio brought up the issue of legacy costs, and we need to recognize that 2 decades of downsizing have created a domestic steel industry that is highly efficient with modern facilities; but the downsizing that has occurred to achieve this goal has placed an enormous burden on the industry, and that burden is these legacy costs: health and pension liabilities for steelworkers who lost their jobs as a result of the massive industry downsizing which occurred especially during the period of the 1980s through the present as a result of injurious, unfair trade.

Legacy costs have put the industry overall at a significant competitive disadvantage versus foreign competitors whose governments have assumed these same costs. Congress, the administration, and the industry must continue to work together to address these costs that serve as a critical barrier to industry consolidation. While this is a time of enormous crisis for the industry, we need to recognize it is also a time of unique opportunity. This is a chance to facilitate an important, long-term restructuring to allow for significant capacity reduction and help create an industry poised to compete over the long run with any competitor in the world.

Mr. Speaker, we have reached a pivotal point in stabilizing the American steel industry and ensuring good-paying jobs for its workers. The Bush administration took a monumental first step. I encourage the administration to follow through by enacting tough tariffs that will truly provide relief for a besieged industry and its struggling employees.

Many of our manufacturers face growing and cumulative competitive disadvantages in the international market. While the European Union may loudly voice their objections to strong tariffs as not necessary to fix America's problem, the percentage of steel dumped into their market is significantly lower than that dumped on our shores, and I would like to demonstrate that with another graphic.

As Members can see, not since 1960 have we been on a relatively even keel with the Europeans when it comes to receiving excess foreign steel. The foreign excess steel dumped in the United States has steadily grown since then, topping off at 30 percent while the EU hovers at 15 percent. The EU's argument simply does not hold water.

Mr. Speaker, the plight of the steel industry is grim, but both Congress and the administration are working hard to give employers the tools that they need to be competitive in the global market. Nothing will solve today's steel crisis in this sense: the damage is already done. Instead, we must seek to apply the lessons learned in today's crisis, put reforms into place so nothing like this will happen again.

We need to have substantial tariffs to begin this process. We must do this in order to provide some security for the 62,000 American steelworkers as well as 600,000 retirees and their dependents. Without this action, the future of our domestic steel industry as well as our economy and our national security will remain very much in question.

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With that, I would like to yield to another of my colleagues, a great member of the Steel Caucus, the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. I thank the gentleman for his leadership in this area and for yielding.

Madam Speaker, I rise today in support of America's steel industry, steelworkers and steel communities.

Just 7 days remain for the President to issue his decision on the future of our domestic steel industry. To his credit, the President requested that the International Trade Commission conduct a section 201 investigation to determine if steel imports injured the domestic steel industry. Last year, the ITC held a lengthy hearing process in which it heard testimony about, and concluded that, serious injury had been caused to the steel industry by imports. The ITC ruled that sharp increases in 16 product categories have injured, or could seriously injure, U.S. steel companies. Various tariff levels were recommended by the ITC. Now we await the President's response and the President's action.

For 4 years now, our domestic steel industry has been engaged in a brutal fight for survival. Foreign steelmakers have flooded our markets with their products, much of it illegally subsidized. These imports have pushed 31 of our steelmakers into bankruptcy and forced our workers into the unemployment lines. We desperately need relief that restores prices to reasonable levels. This decision that we await from the President is our domestic steel industry's last chance for survival.

As my colleagues know, the overwhelming majority of commissioners at the ITC recognized that substantial tariffs of 20 to 40 percent must be imposed in order to address the steel import problem and return prices to their normal, pre-crisis levels. In this market environment, however, 20 percent tariffs simply will not be enough. I join my colleagues in asking the President to impose the highest level of tariffs, 40 percent, because it is the only way to ensure the future of our steel industry. And, further, any section 201 remedy must be enforced for at least 4 years to demonstrate the seriousness of the administration in addressing excess capacity.

Lastly, a tariff-based remedy must be applied across all flat products, including slab. If the remedy is different for different products, the imports will just shift to the product with the lowest tariff, and the remedy will be gutted.

I would like to take a moment to address one particular problem, tinplate. The district that I serve is home to Weirton Steel and Wheeling-Pittsburgh Steel. Both have a significant stake in tinplate production. In fact, probably no district in the Nation has a higher concentration of tin mill production than the First District of West Virginia. Unfortunately, it is one of the many segments that has been staggered by rising imports and falling prices.

Imports of tin mill products have increased by 200,000 tons. Prices have fallen by $65 per ton. Imported tin mill products jumped 50 percent from December, 2001, to January, 2002, a monthly record.

The ITC's vote on tin mill products was a three-to-three tie. Of the three who voted that the domestic industry was injured by imported tin mill products, two voted for tariffs of 40 percent, 38 percent, 36 percent and 31 percent; and one voted for tariffs of 20 percent, 17 percent, 14 percent and 11 percent. Because of the tie, the law states that no remedy recommendation can be made to the President.

However, even without a tin mill products recommendation, the President can still enact a remedy if he so chooses. If the President provides tariff relief on other products but not on tin mill products, other nations will likely offset their losses and flood the U.S. tin mill products market. This is called product shifting. I urge the President, in the strongest terms, to include tariff remedies for tin mill products in his remedy decision.

We are truly at a crossroads in the steel industry. The cause of our steel crisis is, simply put, massive foreign overcapacity. The ITC's section 201 investigation provided overwhelming evidence that the industry is seriously injured. Six commissioners unanimously agreed that the increase in imports was a substantial cause of serious injury. In fact, last Tuesday, the U.S. Bureau of Census released preliminary data showing that all steel imports rose from 2 million net tons in December to 2.5 million tons in January. So even in the face of possible tariffs, foreign countries continue to dump steel in our market.

More than 325,000 American jobs are at risk if serious, swift and decisive action is not taken. According to calculations based on measurements by the Bureau of Labor Statistics, the U.S. Department of Labor and independent economic analysts, every job in the basic steel industry supports at least three other jobs in other industries.

Without significant tariff remedies, our steel industry, our steelworkers, and our steel communities will be decimated. I join my colleagues in asking the President to issue strong tariff remedies for our steel industry.

Mr. ENGLISH. I want to thank the gentleman for his involvement in our Steel Caucus. One of the things that has made being chairman of the Steel Caucus such an extraordinary pleasure is the involvement of people like him and like you, Madam Speaker, both of you from West Virginia, and also from our last, final speaker of the evening, the gentlewoman from Pennsylvania (Ms. HART), to whom I will yield.

Ms. HART. I thank the chairman of the Steel Caucus, the gentleman from Pennsylvania (Mr. ENGLISH), for his great leadership on this issue and for actually having this administration be so well educated to actually file the 201 investigation and really to have gotten us to the point where we are today.

It is an honor for me to speak here on behalf of those in my district and throughout this Nation who have made the steel industry what it was and what it should be today, very strong and a very highly mechanized, very technical and very much improved industry over the last many years.

Unfortunately, we have not been reaping the benefits that that industry has earned over the last several years. As I know has been discussed by several other Members earlier this evening, we have not reaped the benefits because of foreign nations subsidizing their steel and dumping it at below market costs here in this country.

I had the opportunity to speak with the President, as I know many of my colleagues have, about this issue. We were instrumental in making the decision to file that 201 investigation. I am pleased that once the ITC had the opportunity to review the issue that they did agree with us that foreign steel dumping, in a 6–0 decision, in fact, that those products being imported into the United States are being imported below cost and also in increased quantities, that they are the substantial cause of the injury to the United States steel industry, not the lack of mechanization and modernization of our industry.

I want to say, I represent a part of western Pennsylvania that has been known for being very strong in the steel industry. Unfortunately, we have lost many, many jobs over the last several years. Not only did we have a very difficult time in the 1970s and 1980s, but once again, since 1986, for example, we have lost over 20,000 steelworker jobs and five major plants in Beaver County alone, Babcock & Wilcox, Crucible, LTV, Armco and American Bridge.

The problems, though, did not get better once the industry did modernize and consolidate. It has gotten worse. Allegheny County, where I live, Butler County, Fayette County, Washington County in western Pennsylvania and Westmoreland County where I represent have all lost jobs, not again because of their lack of technology but because of steel dumping. It is the unfair trade that has caused these problems.

I would urge everyone involved who has the opportunity to have some input now with the administration to encourage them to stand along with my colleagues in the Steel Caucus and our chairman, the gentleman from Pennsylvania (Mr. ENGLISH), and push for a very effective remedy. It appears that that will happen next week. We have the opportunity to actually help our steel industry survive. We need to have a serious and effective remedy. What we are asking for, what the industry

has been asking for, is a strong remedy, 40 percent tariffs, something along that line, for a period of time that will allow our industry to recover, something that they have earned because of the good faith they have shown in modernizing and moving the industry forward.

Unfortunately, for too long, the administrations that ran this country did not pay attention to the steel industry. It was completely ignored, in fact, under the previous administration. I must credit President Bush, I must credit his trade ambassador and some of the folks who work with him who have listened to us, who have discussed with us the issue and I believe understand that it is important for us to take this step now so that we will continue to have a steel industry in this country at all. Because otherwise I think we are in jeopardy of losing it completely.

Between 1997 and 2000, steel imports from China increased by 212 percent. From the former Soviet Union area, they increased by 167 percent. That is mostly from the Ukraine. From Taiwan, by 558 percent. I do not think anybody could say with a straight face that the quality of the steel or the process that they used was that much better than ours, and in fact it probably was not better at all.

So I stand here along with my colleagues and I ask that we together, and I ask the administration, to work with us together to make sure that our steel industry and those who have worked in it and built it and built a large part of this Nation be rewarded for their hard work, be given the opportunity to continue to be a strong industry, that they can rebuild themselves, that they only ask that they be given a level playing field with other countries that are steel producers, and that we make sure that given this opportunity now, that the ITC has given us a decision showing that they have been injured by dumping, that they get the opportunity again to get back on their feet.

Because not only is it important to my region, the regions that many of my colleagues represent, it is important to our entire Nation that we have a strong steel industry, not only for the automobile industry, not only for the appliance industry, but for the defense industry, for the defense of this Nation, and for our future.

I thank the gentleman from Pennsylvania for his leadership.

Mr. ENGLISH. I thank the gentlewoman. I congratulate her particularly on serving within the Steel Caucus, already as a member of the executive committee and one of the effective leadership, helping us shape the strategy to bring this issue to the point where it has arrived today, where there is an opportunity for the President, through his action, to put this steel industry on a much more level playing field.

It is worth noting, since he initiated the 201, already it has had a substantial effect on imports and already it is having some effect on steel prices, forcing foreign competitors to rethink their strategies and rethink their dumping.

I also want to congratulate the steelworkers unions, the United Steelworkers Union, the Independent Steelworkers Union, and the industry which is so diverse yet has come together behind the notion that this 201, coupled with a 40 percent tariff through the President's initiative, is ultimately going to lead to a strong, competitive, world-class American steel industry for the future.

Mr. STUPAK. Madam Speaker, the health of the domestic steel industry is vital to our nation, and it is the lifeblood of my district of northern Michigan. Without meaningful comprehensive relief, 40% tariffs over 4 years for all segments of the steel industry, including slab steel we will not recover from the current crisis.

Only the strongest of remedies can offer any hope for our nation's steel and iron ore industries to survive. Over 30 steel companies are in bankruptcy, including the LTV Corporation, a part owner and customer of the Empire Mine in northern Michigan. Michigan's iron ore mines have felt the impact of these bankruptcies as the steel companies that have been their customers go out of business one by one. Most recently as a result of LTV's bankruptcy, the Empire Mine has been shut down, and over 800 employees are currently out of work.

With the Empire Mine shut down, Michigan has only one remaining iron ore mine, the Tilden Mine which is located in Marquette County. The Empire and the Tilden Mines have been a vital part of the economies of the Upper Peninsula and the state of Michigan. In addition to the 2,000 employees of these mines, our citizens have been employed in the transportation of ore from the mines, to the ports, to the steel mills along the Great Lakes, as well as in the power plants that supply these mines, and many other related industries.

I was very pleased by the unanimous finding of injury by the U.S. International Trade Commission. However, I was troubled by the relief recommended by a majority of the board in the form of a tariff-rate quota on slabs, beginning in the first year with a 20% tariff on slab imports over 7 million tons. This will be insufficient relief to the iron ore industry and to the steel companies whose blast furnance operations must compete with the cheap slab steel that is flooding our country.

Rather, the relief for semi-finished steel slab must be equivalent to that recommended for the other covered industry products: there must be a tariff on each and every ton that enters this country. We need tariffs of at least 40% on steel slabs. Without such a tariff, millions of tons of slab steel will continue to enter the U.S. market at artificially low prices, and will continue to harm our domestic industry.

Now is the time to act to save the steel industry. Our national security, our manufacturing base, our workers, our communities depend upon a strong domestic steel industry. Now is the time to stand up for steel!

Ms. DELAURO. Madam Speaker, I want to thank Representatives VISCLOSKY and ENGLISH for organizing tonight's special order on the crisis facing the hardworking men and women in the U.S. steel industry, and for their dedication and leadership on this crucial issue.

Since the late 1990's, the steady increase in imported steel into our country has put the U.S. steel industry and the future of U.S. steelworkers and their families in serious jeopardy. To date, 28,000 steelworkers across the country have lost their jobs.

These losses have ripple effects throughout their communities. When steel mills close, businesses around them close, people leave their towns and neighborhoods. Bonds and traditions built over years are broken.

We must take action immediately. Now, more than ever, we must unite in defense of meaningful protection. It is time to stand firm against illegal dumping by foreign competitors.

In December, the International Trade Commission called on the President to impose tariffs on foreign steel—to protect American families. Since then, three steel companies have collapsed, leaving hundreds of steelworkers without jobs—men and women who have dedicated years to making the highest quality steel available.

By March 6th—just a week away—the deadline arrives for the President to act. He will have to decide whether to protect steelworkers and their families or to protect foreign interests. I strongly urge him to do the right thing and stand with our nation's steelworkers.

I am proud to stand shoulder-to-shoulder with the men and women who are coming to the Capitol tomorrow to rally for meaningful relief, for their jobs, for the highest quality steel in the world, for a safe future for their families.

Mr. DINGELL. Madam Speaker, the crisis facing the American steel industry not only jeopardizes thousands of jobs in Michigan and the industrial Midwest, but also threatens the long-term stability and strength of the American economy. We must commit ourselves as Americans to making sure our trade laws have teeth and our country never becomes dependent on foreign steel.

The events of the last few months should also remind us that the steel crisis also jeopardizes our national defense capabilities. If we no longer have the mills and workers to produce steel, the strength of our armed forces—which today are the world's most powerful—will be dependent upon our ability to import foreign steel. This is an unnecessary gamble and a grave concern. During World War II it was our ability to out-produce our foes in the factory that led to our victory on the battlefield.

Twenty steel makers have filed chapter 11 bankruptcy protection since 1998. Steel prices are at their lowest point in 20 years. Some 20,000 steelworkers have lost their jobs since 1998. Since 1980, the number of American steelworkers has fallen from 460,000 to 140,000. Statistics have not measured the job and economic losses that have been absorbed by those whose work is tied to the steel industry.

Great Lakes Steel once operated with nearly 12,000 employees; today they employ less than a third that number. During the second quarter of 2001 alone, their parent company lost over $110 million. Rouge Steel is also struggling to survive; Rouge finished 1999 and 2000 with net losses.

These plants, like many across the nation, have been periodically hit by hard times and have survived. The industry has always gritted its teeth and survived by relying on what

makes it competitive in the world market: quality. It has continually improved productivity and product. In fact, the steel industry has invested nearly $35 billion in steel plant modernization since 1995. The productivity of the American steel industry has improved 180 percent since 1980.

For the last few decades, we have world economies becoming more interdependent. Some job losses in the industry could not be avoided, but American steel regrouped and made itself competitive on the world marketplace. All the industry and workers asked in return was for a level playing field with foreign competitors, and that trade laws be enforced.

We all know this has not happened, particularly over the last five years. Subsidized foreign steel from Russia, China, Japan, and Brazil has been dumped into the United States at prices so low that there is no way the unsubsidized American steel industry can compete. Last year, steel import levels were 83 percent higher than the annual import average for the last eight years.

Hopefully the playing field will soon be leveled, as it must be. On October 22, the International Trade Commission voted that imports have been a substantial cause of serious injury to the U.S. steel industry in affirmative decisions covering nearly 80 percent of total import tonnage. The decision was a significant step that set the stage to provide a temporary period of strong, effective steel import relief. Such relief would provide a period of time to allow U.S. steel producers to recover and to address long-term structural problems in the U.S. and global steel sector.

It is now up to the President to determine what measures will be taken. The Congressional Steel Caucus, of which I am a proud member, has pressed the President to implement real, meaningful sanctions. On December 7, the ITC voted remedy recommendations; 5 of 6 Commissioners voted for four years of tariffs ranging from 20% to 40% on major categories of finished carbon and alloy steel imports. The President will make his decision March 6. Words alone will not suffice. I have already weighed in with the White House on this matter, and have sent the President—along with my colleagues in the steel caucus—three letters in the past week alone.

High tariffs for four years—at or near the 40 percent advocated by the industry and proposed by two Republican ITC Commissioners—are essential if the industry is to recover. Experts have projected that the industry needs to invest $7-9 billion over the next four years to stay competitive and adjust to import competition. This can only happen with the near-term price relief and market stabilization that would come from significant tariffs. Substantial tariffs will do the following: have immediate but modest price effects; allow domestic producers to significantly increase sales quantities; provide certainty in the market; will distort trade less than quantitative measures; and, allow the industry to generate the revenue needed for investments.

Inadequate tariffs, such as the 20 percent recommended by the ITC plurality, will likely be absorbed and will have little or no effect in the market. So-called ''tariff rate quotas,'' which apply an additional duty only after a certain volume of imports comes in at low or zero duty rates, will provide no benefits and might well be worse than nothing at all. Relief on slab is also critical. Without an effective remedy on slab, the pressure for domestic producers to shut down their hot-ends and stop making steel will be unstoppable.

Regardless of the President's decision, Congress' job is not finished. We must examine other ways to assist the steel industry, including addressing the problem associated with legacy costs. If nothing is done, and the federal government does not intervene, 600,000 retirees will lose their hard-earned health care benefits.

I implore my colleagues to join me in urging the President to enforce our trade laws, follow the recommendations of the ITC, and stand up for American industry and American workers. Now is the time to level the playing field and end illegal foreign steel dumping, and save the American steel industry.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. EDDIE BERNICE JOHNSON of Texas) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. BONIOR, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

Mr. GANSKE, for 5 minutes, March 6.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

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.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on February 27, 2002 he presented to the President of the United States, for his approval, the following bill.

H.R. 2998. To authorize the establishment of Radio Free Afghanistan.

ADJOURNMENT

Mr. ENGLISH. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 29 minutes p.m.), the House adjourned until tomorrow, Thursday, February 28, 2002, at 10 a.m.

OATH OF OFFICE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 107th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable JOHN SULLIVAN, 1st Oklahoma.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5647. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Slovakia and Slovenia Because of BSE [Docket No. 01–122–1] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5648. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Japan With Regard to Foot-and-Mouth Disease [Docket No. 01–010–2] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5649. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Greece Because of BSE [Docket No. 01–065–1] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5650. A letter from the Congressional Review Coordinator, Animal and Plant Health

Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of the Czech Republic Because of BSE [Docket No. 01–062–1] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5651. A letter from the Secretary, Department of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 2000, pursuant to 46 U.S.C. app. 1118; to the Committee on Armed Services.

5652. A letter from the Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting the Department's final rule—Risk-Based Capital (RIN: 2550–AA23) received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5653. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's annual financial report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA) for fiscal year 2001, pursuant to 21 U.S.C. 379g nt; to the Committee on Energy and Commerce.

5654. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicaid Program; Modification of the Medicaid Upper Payment Limit for Non-State Government-Owned or Operated Hospitals (RIN: 0938–AL05) received February 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5655. A letter from the Administrator, Environmental Protection Agency, transmitting a report entitled, ''Visibility in Mandatory Federal Class I Areas (1994–1998)''; to the Committee on Energy and Commerce.

5656. A letter from the Chairman, Consumer Product Safety Commission, transmitting the report from the Inspector General covering the activities of the Office for the period April 1 through September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5657. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General ending September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5658. A letter from the President, James Madison Memorial Fellowship Foundation, transmitting the annual report under the Federal Managers' Financial Integrity Act of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5659. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2003, pursuant to 45 U.S.C. 231f(f); to the Committee on Government Reform.

5660. A letter from the Chair, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2001, through September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5661. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kansas Regulatory Program [KS–022–FOR] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5662. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Louisiana Regulatory Program [LA–021–FOR] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5663. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ending June 30, 20010, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

5664. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Special Monthly Compensation for Women Veterans Who Lose a Breast as a Result of a Service-Connected Disability (RIN: 2900–AK66) received February 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KLECZKA (for himself, Mr. SHAW, Mr. MATSUI, Mr. BRADY of Texas, Mr. DOGGETT, Mr. SAM JOHNSON of Texas, Mr. POMEROY, Mr. RANGEL, Mr. RYAN of Wisconsin, and Mr. LAHOOD):

H.R. 3799. A bill to amend title 36, United States Code, to repeal the Federal charter for Retired Enlisted Association, Incorporated; to the Committee on the Judiciary.

By Mr. DINGELL (for himself and Mr. MARKEY):

H.R. 3800. A bill to amend the Federal Power Act to reform the hydroelectric licensing process, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself, Mr. BOEHNER, Mr. UPTON, Mr. FLETCHER, Mrs. BIGGERT, Mr. KELLER, and Mr. TANCREDO):

H.R. 3801. A bill to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HAYWORTH:

H.R. 3802. A bill to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act; to the Committee on Resources.

By Mr. BOSWELL (for himself, Mr. POMEROY, and Mr. SHOWS):

H.R. 3803. A bill to amend the Packers and Stockyards Act, 1921, to prohibit livestock packers from owning or feeding livestock intended for slaughter for more than 14 days before such slaughter; to the Committee on Agriculture.

By Mr. BROWN of Ohio (for himself, Mr. WAXMAN, and Ms. SLAUGHTER):

H.R. 3804. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that use of certain antibiotic drugs in animal agriculture does not compromise human health by contributing to the development of antibiotic resistance; to the Committee on Energy and Commerce.

By Ms. HART (for herself, Mr. PITTS, Mr. BROWN of South Carolina, Mr. RYUN of Kansas, Mr. GRUCCI, Mr. SMITH of New Jersey, Mr. BRADY of Texas, Mr. SHIMKUS, Mr. DEMINT, Mr. PICKERING, Mr. FORBES, Mr. BURTON of Indiana, Mr. SCHAFFER, Mr. BARTLETT of Maryland, Mr. SHOWS, Mr. SHADEGG, Mr. TANCREDO, Mr. MANZULLO, Mr. TIAHRT, Mr. STEARNS, Mr. WELDON of Florida, Mr. PAUL, Mr. TERRY, Mr. VITTER, Mr. ARMEY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. AKIN, Mr. SOUDER, Mr. BOOZMAN, Mr. LINDER, Mr. DOOLITTLE, Mr. CHABOT, Mr. WILSON of South Carolina, Mr. HOSTETTLER, Mr. GOODE, Mr. FLAKE, Mr. HOEKSTRA, Mr. ADERHOLT, Mr. GUTKNECHT, Mr. ISTOOK, Mr. TOOMEY, Mr. FLETCHER, and Mr. SENSENBRENNER):

H.R. 3805. A bill to amend the General Education Provisions Act to prohibit Federal education funding for elementary or secondary schools that provide access to emergency postcoital contraception; to the Committee on Education and the Workforce.

By Mr. ISRAEL (for himself, Mr. GILMAN, Mr. MARKEY, and Mrs. MORELLA):

H.R. 3806. A bill to amend title 5, United States Code, to protect those who defend the United States by exercising their duty as patriots to warn against the existence of threats to weaknesses created by institutional failures that should be identified and corrected in a timely manner, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JONES of Ohio:

H.R. 3807. A bill to protect home buyers from predatory lending practices; to the Committee on Financial Services.

By Mr. MCINNIS:

H.R. 3808. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of the public lands, National Park System lands, and National Forest System lands, to clarify the purposes for which collected fines may be used, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEKS of New York:

H.R. 3809. A bill to amend the Internal Revenue Code of 1986 to stimulate economic development by enhancing the availability and benefits of small issue bonds; to the Committee on Ways and Means.

By Mr. NUSSLE (for himself and Mr. THUNE):

H.R. 3810. A bill to prohibit livestock packers from owning or feeding livestock intended for slaughter for more than 14 days before such slaughter, to prohibit excessive concentration resulting from mergers among certain purchasers, processors, and sellers of livestock, poultry, and basic agricultural commodities, to require the Attorney General to establish an Office of Special Counsel for Agriculture, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 3811. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a system independent of the Food and Drug Administration for the review of health claims, to define health claims, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 3812. A bill to sunset the Bretton Woods Agreements Act; to the Committee on Financial Services.

By Mr. RAHALL (for himself and Mr. NEY):

H.R. 3813. A bill to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund; to the Committee on Resources.

By Mr. RODRIGUEZ (for himself and Mr. UPTON):

H.R. 3814. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Energy and Commerce.

By Mr. ROSS (for himself, Mr. KANJORSKI, Mrs. MALONEY of New York, Mrs. CHRISTENSEN, Mr. WYNN, Mr. SERRANO, Mr. ISRAEL, Ms. LEE, Mr. BOOZMAN, Mr. SNYDER, Mr. THOMPSON of Mississippi, Mr. BERRY, Mr. DINGELL, Mr. CLAY, Mr. MCNULTY, Mr. FATTAH, Mr. TOWNS, Mr. SHERMAN, Mr. JACKSON of Illinois, Mr. CUMMINGS, Ms. WATSON, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Mrs. CLAYTON, Mr. BISHOP, Mr. CARSON of Oklahoma, Ms. ROYBAL-ALLARD, and Mr. RANGEL):

H.R. 3815. A bill to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing a Presidential National Historic Site, in Hope, Arkansas, and for other purposes; to the Committee on Resources.

By Mr. SHERMAN (for himself and Mr. DAVIS of Illinois):

H.R. 3816. A bill to amend section 19 of title 3, United States Code, to allow the President to choose between possible successors in case of the event that, by reason of certain circumstances, there is neither a President nor Vice President to discharge the powers and duties of the office of President; to the Committee on the Judiciary.

By Mr. VISCLOSKY:

H.R. 3817. A bill to amend the Act entitled ''An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes'' to clarify the authority of the Secretary of the Interior to accept donations of lands that are contiguous to the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Resources.

By Mr. WATTS of Oklahoma:

H. Con. Res. 335. Concurrent resolution recognizing the significance of Black History Month and the contributions of Black Americans as a significant part of the history, progress, and heritage of the United States; to the Committee on Government Reform.

By Mr. FARR of California (for himself, Mr. BACA, Mr. DOOLITTLE, Ms. SANCHEZ, Ms. LEE, Ms. KAPTUR, Ms. DELAURO, Mr. FROST, Mr. HONDA, Ms. WATSON, Mrs. DAVIS of California, Mr. CONDIT, Mr. BERMAN, Mr. THOMPSON of California, Mrs. CAPPS, Mr. STARK, Ms. HARMAN, Mr. SHERMAN, and Ms. ESHOO):

H. Con. Res. 336. Concurrent resolution expressing the sense of Congress regarding the life and works of John Steinbeck; to the Committee on Government Reform.

By Mr. WATTS of Oklahoma (for himself and Mr. DAVIS of Illinois):

H. Con. Res. 337. Concurrent resolution recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation; to the Committee on Government Reform.

By Mr. ISRAEL:

H. Res. 352. A resolution providing for consideration of the bill (H.R. 3341) to provide a short-term enhanced safety net for Americans losing their jobs and to provide our Nation's economy with a necessary boost; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. MICA.

H.R. 250: Mr. LAMPSON and Mr. BARRETT.

H.R. 257: Mr. KERNS and Ms. PRYCE of Ohio.

H.R. 336: Mr. HINCHEY.

H.R. 537: Mr. LUTHER.

H.R. 760: Mr. BAIRD and Mr. ROHRABACHER.

H.R. 781: Mr. LYNCH.

H.R. 831: Mr. BARR of Georgia, Mr. VITTER, Mr. LUCAS of Kentucky, Mr. RILEY, and Mr. FALEOMAVAEGA.

H.R. 840: Ms. DELAURO, Mr. SNYDER, and Mr. BOEHLERT.

H.R. 968: Mr. TERRY.

H.R. 1181: Mr. SCHROCK.

H.R. 1262: Mr. OLVER.

H.R. 1460: Mr. INSLEE.

H.R. 1475: Mr. SWEENEY and Mr. JOHNSON of Illinois.

H.R. 1609: Mr. BLUNT and Mr. THORNBERRY.

H.R. 1624: Mr. FORBES, Mr. LARSON of Connecticut, and Mr. ISSA.

H.R. 1705: Mr. TERRY.

H.R. 1795: Mr. BONILLA, Mr. EDWARDS, Mr. UDALL of Colorado, Mr. KINGSTON, Mr. SKELTON, and Mr. PITTS.

H.R. 1822: Mr. CONYERS.

H.R. 1904: Mr. RUSH, Ms. KAPTUR, Mr. NEAL of Massachusetts, Mr. GUTIERREZ, and Mr. RODRIGUEZ.

H.R. 1935: Mr. COSTELLO, Mr. KING, Mr. WYNN, Mr. SHIMKUS, Mr. UNDERWOOD, Mr. WHITFIELD, Mr. FALEOMAVAEGA, Mr. DINGELL, Mr. CUMMINGS, Mr. OWENS, Mr. RODRIGUEZ, and Mr. DEUTSCH.

H.R. 1979: Mr. BROWN of South Carolina.

H.R. 2014: Mr. BARR of Georgia.

H.R. 2020: Mr. PICKERING, Mrs. JONES of Ohio, Ms. BROWN of Florida, and Mr. FOLEY.

H.R. 2125: Mr. GILLMOR, Mr. COSTELLO, Mr. HALL of Ohio, Mr. SANDERS, Mr. NEAL of Massachusetts, Mrs. EMERSON, and Mr. DAVIS of Illinois.

H.R. 2146: Mr. KELLER and Mr. CHABOT.

H.R. 2148: Ms. DELAURO.

H.R. 2163: Mr. BROWN of Ohio and Ms. RIVERS.

H.R. 2237: Mr. STUPAK.

H.R. 2254: Mr. PLATTS, Mr. SHUSTER, and Mr. SENSENBRENNER.

H.R. 2339: Mr. MATSUI and Ms. PRYCE of Ohio.

H.R. 2349: Ms. DEGETTE.

H.R. 2426: Mrs. CAPITO.

H.R. 2569: Mr. KINGSTON.

H.R. 2570: Mrs. TAUSCHER.

H.R. 2625: Mrs. MORELLA.

H.R. 2638: Mr. MARKEY, Mr. GONZALEZ, and Mr. NEAL of Massachusetts.

H.R. 2692: Mr. ORTIZ.

H.R. 2735: Mr. DEAL of Georgia.

H.R. 2820: Mr. EVANS, Mr. MOORE, Mr. SANDLIN, and Mr. SAWYER.

H.R. 2835: Mr. SCHAFFER.

H.R. 2868: Ms. ROS-LEHTINEN.

H.R. 2908: Mr. LANGEVIN, Mr. UDALL of New Mexico, Mrs. JOHNSON of Connecticut, and Mr. HONDA.

H.R. 2929: Mr. HONDA.

H.R. 2953: Mr. ENGLISH, Mr. CAMP, Mr. DREIER, and Mr. ROHRABACHER.

H.R. 3017: Mr. FOLEY.

H.R. 3105: Mrs. NORTHUP.

H.R. 3113: Ms. KAPTUR and Mr. SCOTT.

H.R. 3175: Mr. SENSENBRENNER.

H.R. 3231: Mr. WICKER.

H.R. 3259: Mr. HANSEN, Mr. GIBBONS, Mr. SCHAFFER, Mr. SIMPSON, Mr. DOOLITTLE, Mr. CANNON, Mr. DUNCAN, Mr. HERGER, Mr. HEFLEY, Mr. TANCREDO, Mr. OTTER, Mr. PETERSON of Pennsylvania, Mr. BARR of Georgia, Mrs. BONO, Mr. RADANOVICH, Mr. REHBERG, and Mr. SOUDER.

H.R. 3285: Mrs. KELLY.

H.R. 3321: Mr. BLUNT.

H.R. 3333: Mr. SOUDER.

H.R. 3358: Mr. STENHOLM.

H.R. 3375: Mr. RANGEL, Mrs. MORELLA, and Mr. DELAHUNT.

H.R. 3389: Mrs. MORELLA, Mr. FRANK, Mr. TOWNS, Mr. PALLONE, Mr. LANGEVIN, Mr. MARKEY, Mr. BLUMENAUER, Mr. CALLAHAN, Mr. WICKER, Mr. DAVIS of Florida, Mr. KING, Mr. OWENS, Mr. HINCHEY, Mr. DELAHUNT, and Mr. WILSON of South Carolina.

H.R. 3424: Mr. HONDA, Mr. LEVIN, and Mr. MEEKS of New York.

H.R. 3443: Mr. FOLEY.

H.R. 3465: Mr. PLATTS, Mr. BAIRD, Mr. OWENS, and Mr. PASCRELL.

H.R. 3478: Mr. MCNULTY.

H.R. 3479: Mr. REYES and Mr. BERRY.

H.R. 3482: Mr. WELLER.

H.R. 3659: Mr. ROSS, Mr. DICKS, Mr. GREENWOOD, Mr. MATSUI, Mr. ABERCROMBIE, Mr. WICKER, and Ms. LEE.

H.R. 3673: Mr. FALEOMAVAEGA.

H.R. 3677: Mr. FALEOMAVAEGA.

H.R. 3687: Mr. PLATTS, Mr. SHUSTER, and Mr. UPTON.

H.R. 3733: Ms. WOOLSEY and Mr. KLECZKA.

H.R. 3782: Mr. BAIRD, Mr. LATHAM, Mr. MATSUI, Mr. POMEROY, Mr. MICA, Mr. HOLDEN, Mr. HILL, Mr. HUNTER, and Mr. CUNNINGHAM.

H.R. 3792: Ms. HART.

H.J. Res. 23: Mr. UPTON.

H.J. Res. 40: Mr. SCHIFF, Mr. LARSON of Connecticut, and Ms. WATSON.

H.J. Res. 54: Mr. SHIMKUS.

H.J. Res. 81: Mr. SESSIONS.

H.J. Res. 83: Mr. MICA, Mr. LIPINSKI, Mr. FOSSELLA, Mr. STUMP, Mr. CROWLEY, Mr. TANCREDO, Mr. BAKER, Mr. MCNULTY, Mr. BEREUTER, and Mr. OXLEY.

H. Con. Res. 20: Mr. FOLEY.

H. Con. Res. 255: Mrs. TAUSCHER.

H. Con. Res. 317: Mr. DOOLEY of California, Mr. MORAN of Kansas, Mr. GILMAN, Mr. DICKS, Mr. ROYCE, Ms. WOOLSEY, Mr. CUNNINGHAM, Mr. GALLEGLY, and Mr. HUNTER.

H. Con. Res. 318: Mr. RADANOVICH and Ms. MCCOLLUM.

H. Con. Res. 329: Mr. WEXLER.

H. Con. Res. 334: Mr. MORAN of Virginia.

H. Res. 281: Mr. UDALL of Colorado.

H. Res. 295: Mr. NEAL of Massachusetts and Mr. PAYNE.

H. Res. 339: Mr. UDALL of Colorado and Mrs. JONES of Ohio.

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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, WEDNESDAY, FEBRUARY 27, 2002 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 signature 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 became 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 November 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 ofttimes, 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 Lan 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 complint 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 wherever 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 Gainsville, 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@dmiindustries.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 turbines—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 his 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 rehired 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 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 Sardinas, 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 apprisal 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-American 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 a 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 Relations 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 Endowment, 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 not withstanding, 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 politica 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 keyb 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 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 cohesion 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 though 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. INOUYE. 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 distinguished 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 matress 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 conservation, 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 21th; 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 Senator 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 company 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, ''standalone'' 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 an 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 restrictions 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 noncompliance 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 before 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 noncompliance 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)(ii) 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 nonelective 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 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.

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 RERCORD, 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

(ii) 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. Biegman, 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. WERGOWSKE, 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. ABBLITT, 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.
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.
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.
Sec. 609. Strategic Petroleum Reserve.
TITLE VII—NATURAL GAS PIPELINES
Subtitle A—Alaska Natural Gas Pipeline
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.
Sec. 707. Judicial review.
Sec. 708. Loan guarantee.
Sec. 709. Study of alternative means of construction.
Sec. 710. Savings clause.
Sec. 711. Clarification of authority to amend terms and conditions to meet current project requirements.
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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. 8251) 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 examination 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 nonregulated 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 1,000,000,000 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 rancheria,

''(B) any land not within the limits of any Indian reservation, pueblo or rancheria title to which was on the date of enactment of this paragraph either held by the United States for the benefit of any Indian tribe or 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.

''(l) 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 licensing process under part I of the Federal Power Act (16 U.S.C. 791 et seq.). Such data shall be published regularly, but no less frequently than every three years.

TITLE IV—INDIAN ENERGY

SEC. 401. COMPREHENSIVE INDIAN ENERGY PROGRAM.

Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501–3506) is amended by adding after section 2606 the following:

''SEC. 2607. COMPREHENSIVE INDIAN ENERGY PROGRAM.

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'Director' means the Director of the Office of Indian Energy Policy and Programs established by section 217 of the Department of Energy Organization Act, and

''(2) the term 'Indian land' means—

''(A) any land within the limits of an Indian reservation, pueblo, or rancheria;

''(B) any land not within the limits of an Indian reservation, pueblo, or rancheria whose title on the date of enactment of this section was held—

''(i) in trust by the United States for the benefit of an Indian tribe,

''(ii) 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 planning, education, management, conservation, and delivery programs of the Department that—

''(1) promote tribal energy efficiency and utilization;

''(2) modernize and develop, for the benefit of Indian tribes, tribal energy and economic infrastructure related to natural resource development and electrification;

''(3) preserve and promote tribal sovereignty and self determination related to energy matters and energy deregulation;

''(4) 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 reassume 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 reassumption 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_3O_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 Secretary 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 toB

(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 transportation 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 includes—

''(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 byproducts 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, nonprofit 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, Executives 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 multifamily high rise residential buildings be constructed so as to achieve the applicable Energy Star building energy performance ratings or energy consumption levels at least 30 percent below those of the most recent ASHRAE Standard 90.1, whichever results in the greater increase in energy efficiency;

''(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 cofunding 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 President, in consultation with the Secretary and the Secretary of the Treasury.

''(ii) WAIVER OR REDUCTION OF INTEREST.—The Secretary may waive or reduce the rate of interest required to be paid under clause (i) if the Secretary determines that payment of interest by a Federal agency at the rate determined under that clause is not required to fund the operations of the Bank.

''(iii) 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 energy savings accrued as a result 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 'torchiere' 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 of 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 warming 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 declined 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 appropriate 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).–

TITLE1 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) hydrofluororcarbons;

(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 efficiency 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''; 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, nonproprietary information and technology developed under this title among industry, academia, and Federal, State, and local governments, to help the United States economy attain the economic benefits of the information and technology.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated, for activities under this title—

''(1) $25,000,000 for fiscal year 2003;

''(2) $30,000,000 for fiscal year 2004;

''(3) $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) 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, development, demonstration, and technology deployment program to enhance nuclear energy.

(b) PROGRAM GOALS.—The program shall—

(1) support research related to existing United States nuclear power reactors to extend their lifetimes and increase their reliability while optimizing their current operations 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 collaboratory 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''; 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-Wydler 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 NONNUCLEAR 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)''; and

(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''; 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 a 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 (l) and inserting the following:

''(l) 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 institution 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 tsunami, 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 projects'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 GRANTEES.—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 National 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 recognized apprenticeship programs and other employee-based training organizations as the Secretary considers appropriate.

(c) DEFINITION.—For purposes of this section, the term ''skilled technical personnel'' means 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-SERVICING 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 disruptive incidents affecting critical energy infrastructure.

(b) REQUIREMENTS.—A program established under this section shall—

(1) be undertaken in consultation with the advisory committee established under section 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 necessary 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 resubmit a revised State plan to the Secretary for approval.

(4) AVAILABILITY OF PLANS.—The Secretary shall provide to Congress a copy of each approved State plan.

(5) CONSULTATION AND PUBLIC COMMENT.—

(A) CONSULTATION.—The Governor of an OCS Production State shall develop the State plan in consultation with Federal, State, and local law enforcement and public safety officials, industry, Indian tribes, the scientific community, and other persons as appropriate.

(B) PUBLIC COMMENT.—The Governor of an OCS Production State may solicit public comments on the State plan to the extent 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.

(l) 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. DESMOND, 0000
DAVID J. DUSSEAU, 0000
STEVEN J. EHLENBECK, 0000
RUPINDER S. GILL, 0000
THOMAS J. HELGET, 0000
TERESA K. HOLLINGSWORTH, 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. FAIRCHILD, 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. WISHTISCHIN, 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
LISTA 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. BRUNNER, 0000
MARLA D. BUCKLES, 0000
RALPH T. BUDDEMEYER JR., 0000
ELAINA L. CAMPBELL, 0000
JEANNE L. CAMPSIE, 0000
LILLY B. CHRISMAN, 0000
LESLIE M. CLARAVALL, 0000
DEBORAH A. CLEARY, 0000
STEPHANIE A. CONDRON, 0000
GRETCHEN A. CUSACK, 0000
JUDITH M. DALY, 0000
TAMY 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 ELAIHO, 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. ADLER, 0000
DAVID J. AIROLA, 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. ANGELL, 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
LAWRENCE M. AVERBECK, 0000
DAVID P. AVERY, 0000
JOHN F. AX, 0000
JAY C. BACHHUBER, 0000
FREDERICK C. BACON, 0000
PETER C. BAHM, 0000
THOMAS M. BAILEY, 0000
CALVIN D. BALL, 0000
LLOYD A. BALLARD, 0000
MARTIN P. BALUS, 0000
JOHN D. BANSEMER, 0000
CHRIS BARGERY, 0000
CASSIE B. BARLOW, 0000
BRADFORD R. * BARNETT, 0000
EDWARD C. BARON, 0000
SAM C. BARRETT, 0000
SUMMER E. BARTCZAK, 0000
RICHARD C. BARTON, 0000
RICHARD M. BASAK, 0000
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
WILLIAM P. BEDESEM, 0000
DAVID B. BEEN, 0000
TODD P. BEER, 0000
MARK T. BEIERLE, 0000
JAMES J. BEISSNER, 0000
ANDREW E. BELKO II, 0000
DAVID E. BELL, 0000
RICHARD L. BELL, 0000
LYLE A. BELLEQUE, 0000
RONALD A. BELYAN, 0000
ERNESTO V. BENAVIDES, 0000
GARY D. BENEDETTO, 0000
FRANK K. BENJAMIN, 0000
JOHN T. BENJAMIN, 0000
MARK R. BENZ, 0000
CHRISTOPHER J. BERGER, 0000
ANDERS P. BERGMANN, 0000
JOHN R. BERNIER, 0000
JAMES C. BERRES, 0000
JUAN R. BERRIOSVAZQUEZ, 0000
BRIAN D. BERRY, 0000
HARRY A. BERRY, 0000
JOSEPH J. BESSELMAN III, 0000
MARY E. BIGGS, 0000
JOHN D. BIRD II, 0000
GEORGE W. BIRSIC IV, 0000
JEB S. BISHOP, 0000
SCOTT C. BISHOP, 0000
WILLIAM W. BISHOP JR., 0000
ROBERT C. BLACK, 0000
STEVEN G. BLACKWELL, 0000
JAMES E. BLACKWOOD, 0000
JAMES N. BLAIR, 0000
JEFFREY A. BLANK, 0000
ANTHONY L. BLAYLOCK, 0000
SCOTT C. BLUM, 0000
JOHN V. BODE II, 0000
JAMES T. BOLLES, 0000
RICHARD W. BOLTZ, 0000
JOSEPH M. BOND, 0000
GARY J. BONTLY, 0000
JEFFREY EUGENE BORG, 0000
STACY M. BOUDREAUX, 0000
SCOTT C. BOWEN, 0000
VICTORIA L. BOWENS, 0000
LARRY D. BOWERS, 0000
GARY W. BRANDSTROM, 0000
MARTIN C. BRAUN, 0000
RANDY S. BRAWLEY, 0000
MICHAEL G. BREAKEY, 0000
KENNETH C. BRENNEMAN, 0000
KEVIN N. BREWER, 0000
GORDON D. BRIDGER, 0000
KAREN M. BRIDGES, 0000
GREGORY J. BROARDT, 0000
WILLIAM K. BROGAN JR., 0000
PETER J. BROLL, 0000
KIM R. BROOKS, 0000
TODD A. BROOKS, 0000
JOSEPH E. BROUILLARD, 0000
RANDY P. BROUSSARD, 0000
DAVID W. BROWN, 0000
DOUGLAS M. BROWN, 0000
EUGENE A. BROWN JR., 0000
KELLEY A. BROWN, 0000
LAWRENCE M. BROWN, 0000
ROGER A. BROWN, 0000
RUSS J. BROWN, 0000
STANLEY L. BROWN, 0000
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. BUHLER, 0000
GEORGE R. BUMILLER, 0000
LAURA L. BUNKER, 0000
BONNIE R. BURCKEL, 0000
THORNTON W. BURGESS, 0000
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
CRAIG P. CAMPBELL, 0000
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
PATRICIA M. CARPENTER, 0000
MARK T. CARROLL, 0000
AARON G. CARTER, 0000
JOHN A. CARTER, 0000
RICKY E. CARTER, 0000
SUSAN M. CASTRO, 0000
RICHARD R. CASTROP, 0000
GREG M. CAYON, 0000
MICHAEL J. CHANDLER, 0000
DAVID A. CHAPMAN, 0000
THOMAS N. CHEATHAM, 0000
JOHN A. CHERREY, 0000
BRIAN K. CHESHER, 0000
THOMAS J. CHIAVACCI, 0000
CATHERINE M. CHIN, 0000
GREGORY M. CHRIST, 0000
KEL O. CHRISTIANSON, 0000
GREGORY A. CHURCH, 0000
DAVID P. CIENSKI, 0000
SCOTT A. CILLEY, 0000
STEVEN E. CLAPP, 0000
AARON J. CLARK, 0000
JOSEPH M. CLARK, 0000
KAREN S. CLARK, 0000
MICHAEL P. CLARK, 0000
PAUL CLARKE, 0000
ROBERT S. CLARKE, 0000
ALISON E. CLAY, 0000
BYRON K. CLAY, 0000
JAMES J. CLAY, 0000
BRUCE A. CLAYPOOL, 0000
TED B. CLEMENTS JR., 0000
SARAH B. CLIATT, 0000
MARK E. CLINE, 0000
JONATHAN C. CLOUGH, 0000
JERRY R. COATS, 0000
ALFORD C. COCKFIELD, 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
DOUGLAS C. COMBS, 0000
JAMES P. COMBS, 0000
EDWARD S. CONANT, 0000
CHRISTOPHER CONAWAY, 0000
DAVID H. CONN, 0000
LYNN F. CONNETT, 0000
KEVIN D. CONRAD, 0000
STANLEY K. CONTRADES, 0000
SEBASTIAN M. CONVERTINO, 0000
CHRISTOPHER D. COOK, 0000
DAVID LYNN COOPER, 0000
DEANNA L. COOPER, 0000
GLEN F. COPELAND JR., 0000
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
SEAN M. CUNNEEN, 0000
GREGORY D. CUNNINGHAM, 0000
THOMAS W. CURBYLUCIER, 0000
DONALD P. CURRAN, 0000
CHESTER R. CURTIS JR., 0000
RUSSELL N. CUTTING, 0000
CHARLES H. CYNAMON, 0000
RICHARD E. CZYZEWSKI, 0000
ROBERT J. DAGUE, 0000
WILLIAM J. DALONZO, 0000
SCOTT A. DALRYMPLE, 0000
PAUL S. DALY JR., 0000
RODNEY B. DAVIDSON, 0000
RICARDO C. DAVILA, 0000
CHARLES E. DAVIS III, 0000
EDGAR F. DAVIS II, 0000
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. DEAVER, 0000
JON CHASE DECLERCK, 0000
JEFFREY D. DEEM, 0000
MARK P. DEGROODT, 0000
MONTGOMERY C. DEIHL, 0000
CARL T. DEKEMPER, 0000
ROGER A. DELLINGER, 0000
DAVID F. DEMARTINO, 0000
EDWARD B. DENHOLM, 0000
JOHN P. DENN, 0000
DAVID R. DENNING, 0000
STERLING P. DEPEW, 0000
MARK R. DETCHEVERRY, 0000
DEBORAH A. DETERMAN, 0000
PHILIP R. DEVOE, 0000
JOHN P. DEWINE, 0000
CRAIG D. DEZERN, 0000
KEVEN B. DIAMOND, 0000
VICTOR J. DIAZ JR., 0000
DONALD A. DICKERSON, 0000
STEVEN C. DIETZIUS, 0000
MARK W. DILLON, 0000
ROBERT A. DISTAOLO, 0000
WILLIAM A. DODD, 0000
BERNARD DODSON JR., 0000
BRIAN M. DODSON, 0000
JOHN L. DOLAN, 0000
TIMOTHY S. DONOHUE, 0000
PATRICK H. DONOVAN, 0000
RICHARD M. DORAN, 0000
PAUL E. DORCEY, 0000
STEVEN N. DORFMAN, 0000
MARK R. DOTSON, 0000
DAVID D. DOUGHERTY, 0000
CHARLES A. DOUGLASS, 0000
KEVIN H. DOYLE, 0000
BERT L. DREHER, 0000
DEBORAH Y. DRENTH, 0000
JEFFREY J. DRUESSEL, 0000
EMMETT W. DRUMHELLER JR., 0000
DARRELL A. DUBOSE, 0000
JOHN A. DUCHARME JR., 0000
TRENT O. DUDLEY, 0000
PATRICK D. DUGAS, 0000
TODD M. DUGO, 0000
DAWN M. DUNLOP, 0000
PATRICK A. DUNN, 0000
LARRY J. DUVALL, 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
DEBORAH A. ELLIOT, 0000
JANON D. ELLIS, 0000
DANIEL J. ELMORE, 0000
RALPH W. EMERSON III, 0000
CHARLES D. ENGEL, 0000
JOSEPH M. ENGLE, 0000
HAROLD W. ENNULAT, 0000
SAMUEL H. EPPERSON JR., 0000
GREGORY A. ESSES, 0000
DANIEL S. EUCKER, 0000
DAVID R. EVANS, 0000
ROBERT D. EVANS, 0000
KRAIG A. EVENSON, 0000
JASON G. EVGENIDES, 0000
FREDERICK L. FAHLBUSCH, 0000
TODD J. FALKENSTEIN, 0000
FREDERICK W. FALLMAN III, 0000
ROBERT J. FALVEY, 0000
HARLAN B. FANGMEYER, 0000
FRANKLIN J. FANNING, 0000
MICHAEL R. FARRAR, 0000
TAMMY E. FARROW, 0000
JOSEPH G. FAWCETT, 0000
TIMOTHY G. FAY, 0000
PAUL E. FEATHER, 0000
VINCENT J. FECK, 0000
MATTHEW R. FENTON II, 0000
MICHAEL C. FERGUSON, 0000
TIMOTHY D. FERGUSON, 0000
RALPH D. FERO, 0000
BARBARA A. FERRA, 0000
THOMAS W. FESSENDEN, 0000
GLENN P. FETTER, 0000
TOD R. FINGAL, 0000
JAMES D. FISHER, 0000
JOHN A. FISHER, 0000
KEVIN J. FITCH, 0000
MICHAEL F. FLECK, 0000
SHAWN R. FLEMING, 0000
WALTER C. FLINT, 0000
MATTHEW W. FLOOD, 0000
JOHN J. FODEN III, 0000
LOUIS A. FOEHRKOLB, 0000
PATRICK F. FOGARTY, 0000
ELDRED 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
BRIAN S. FRATUS, 0000
BRIAN E. FREDRIKSSON, 0000
TODD M. FREECE, 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
MARK P. GAGNON, 0000
JOSEPH M. GAINES, 0000
KENNETH A. GAINES, 0000
KEVIN P. GALLAGHER, 0000
MICHAEL E. GANTT, 0000
DANIEL C. GARD, 0000
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
GREGORY P. GILETTI, 0000
JENNINGS F. GILLEM, 0000
DAVID L. GILLESPIE, 0000
TERENCE J. GIVEN, 0000
KEITH M. GIVENS, 0000
ALAN R. GLADFELTER, 0000
THOMAS L. GLARDON, 0000
JOHN A. GLAZE, 0000
ALAN C. GNANN, 0000
LEAH F. GOERKE, 0000
ROBERT V. GOERKE, 0000
JAMES R. GOFF, 0000
BRUCE A. GOLDSTEIN, 0000
PAULA A. GOODE, 0000
MARK R. GOODELL, 0000
PATRICK A. GOODMAN, 0000
DAVID J. GOOL, 0000
MICHAEL L. GOOLSBY, 0000
DANIEL B. GORDON, 0000
MICHAEL F. GOSNELL, 0000
TODD W. GOSSETT, 0000
KENNETH A. GOTSKI, 0000
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. GREETAN, 0000
DOUGLAS E. GREGORY JR., 0000
MICHAEL S. GRENKE, 0000
KENNETH C. GRIER, 0000
THOMAS C. GRIESBAUM, 0000
THOMAS A. GRIFFIN, 0000
JAMES L. GRIFFITH, 0000
KEVIN H. GRILL, 0000
DARRYLE 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
WILLIAM E. HAMPTON, 0000
DAVID T. HANAWAY, 0000
THOMAS O. HANFORD, 0000
ELIGAH HANKS, 0000
BRIAN J. HANLEY, 0000
WILLIAM C. HANNA, 0000
JENNIFER M. HARALSON, 0000
MICHAEL A. HARBISON, 0000
JAMES W. HARDIN, 0000
PHILLIP C. HARDING III, 0000
ROBERT E. HARDWICK, 0000
BRUCE E. HARDY, 0000
GERALD J. HARRIS, 0000
JOHN N. HARRIS, 0000
ROBERT A. HARRIS, 0000
WILLIAM C. HARRIS, 0000
HARRY M. HARRISON, 0000
SHAWN D. HARRISON, 0000
ANDREW E. HART, 0000
SCOTT A. HARTFORD, 0000
DANIEL J. HARTIGAN, 0000
TIM D. HARTJE, 0000
JAMES P. HARVEY, 0000
WINIFORD L. HARVEY, 0000
DAVID C. HATHAWAY, 0000
DANIEL J. HAUSAUER, 0000
WALTER E. HAUSSNER, 0000
DOUGLAS L. HAVEN, 0000
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
JAMES P. HENDRICKS, 0000
MASAO HENDRIX, 0000
ROBERT J. HENNING, 0000
JEFFREY S. HENRY, 0000
STEVEN L. HENRY, 0000
LISA L. HENRYHAMILTON, 0000
DENNIS F. HENSLEY, 0000
JOHN D. HENSON, 0000
THOMAS A. HENWOOD, 0000
JEFFREY A. HERD, 0000
MARK A. HERING, 0000
SEAN R. HERR, 0000
SCOTT M. HERRICK, 0000
DONALD M. HERRING, 0000
NORMAN B. HETZEL, 0000
PHILIP L. HEZELTINE, 0000
DANIEL P. HICKEY, 0000
JOSEPH C. HICKOX, 0000
JAMES T. HICKS, 0000
ANTHONY C. * HIGUERA, 0000
THOMAS H. HILDERBRANDT, 0000
NATHAN E. HILL, 0000
PETER J. HILL, 0000
JONATHAN C. HINES, 0000
WARREN D. HINES, 0000
ANTHONY G. HINGLE, 0000
ANTHONY K. HINSON, 0000
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
JONATHAN A. HOLDAWAY, 0000
EDGAR M. HOLLANDSWORTH, 0000
PATRICK R. HOLLRAH, 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
KEVIN R. HOUDEK, 0000
GERALD L. HOUNCHELL, 0000
RICKEY L. HOUSTON, 0000
RANDALL B. HOWARD, 0000
SCOTT J. HOWER, 0000
KENNETH R. HUBBARD, 0000
DONALD L. HUDSON, 0000
PAUL E. HUFFMAN, 0000
PETER W. HUGGINS, 0000
RONALD C. HUGGINS JR., 0000
JOHNATHAN B. HUGHES, 0000
MICHAEL P. HUGHES, 0000
STEVE D. HUGHES, 0000
HAROLD HUGULEY III, 0000
DOUGLAS W. HUMERICK, 0000
KERRY S. HUMPHREY, 0000
JORJI R. HUNNICUTT, 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. IBINSON, 0000
PETER W. INGENLOFF, 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
DOUGLAS D. * JACKSON, 0000
KEITH A. JACKSON, 0000
MICHIEL D. JACKSON, 0000
ROBERT E. JACOBSON, 0000
BYRON L. JAMES, 0000
DOUGLAS E. JAMES, 0000
JONATHAN E. JAMES, 0000
THOMAS J. JAMES, 0000
AUSTIN D. JAMESON, 0000
JAMES D. JEFFERS, 0000
CHRISTOPHER B. JELLA, 0000
MARILYN H. JENKINS, 0000
JIM E. JENNINGS, 0000
GREGORY A. JERRELL, 0000
THOMAS W. JETT, 0000
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JANICE R. JOHNSON, 0000
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LEIF C. JOHNSON, 0000
MARK K. JOHNSON, 0000
ROBERT E. JOHNSON, 0000
ROGER G. JOHNSON, 0000
NICHOLAS G. JOHNSTON, 0000
WESLEY R. JOLLY, 0000

CHARLES D. JONES, 0000
CHARLES M. JONES, 0000
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GARY A. JONES, 0000
KEITH R. JONES, 0000
SOREN K. JONES, 0000
BRIAN T. JORDAN, 0000
WILLIAM G. JORDAN JR., 0000
BARBARA J. JORGENSEN, 0000
DAVID A. * JORGENSEN, 0000
JEFFREY J. JORGENSEN, 0000
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. KIEKLAK JR., 0000
WESLEY J. KIEL, 0000
MICHAEL KIFER, 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
JAMES A. KIRK JR., 0000
KURT JAY KITTI, 0000
GARY R. KLETT, 0000
MICHAEL T. KLOENNE, 0000
BRETT W. KNAUB, 0000
CLETE W. KNAUB, 0000
CHRISTOPHER G. 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
GEORGE J. KRAKIE, 0000
KEITH R. KREEGER, 0000
JOHN C. KRESS, 0000
NEAL F. KRINGEL, 0000
OLGA M. KRIPNER, 0000
MICHAEL J. KUCHTA, 0000
CHRISTOPHER T. KUGEL, 0000
GARRY L. KUHN, 0000
KYLE W. KUHN, 0000
MARK L. KUNZ, 0000
RUSSELL D. KURTZ, 0000
CARL A. KUTSCHE, 0000
ROBERT D. LABRUTTA, 0000
PETER A. LADEN, 0000
ERIC M. LAGIER, 0000
MICHAEL L. LAKOS, 0000
GEORGE H. LAMONT, 0000
RICHARD A. LANE, 0000
MARK G. LANGENDERFER, 0000
BILLY R. LANGFORD, 0000
JAMES C. LANGFORD II, 0000
TROY V. LANIER, 0000
DAVID N. LARSON, 0000
ERIK S. LARSON, 0000
KELLY J. LARSON, 0000
JON A. LARVICK, 0000
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TIMOTHY J. LEA, 0000
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GARY J. LEAVY, 0000
LUCY LEE, 0000
PETER A. LEE, 0000
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ANTONE L. LEFEVRE, 0000
DAVID R. LEHOSIT, 0000
MICHAEL E. LEIGHTON, 0000
ERIC L. LEININGER, 0000
BARRY P. LEISTER, 0000
SCOTT P. LEMAY, 0000
NICHOLAS C. LENTO, 0000
ANDREW W. LESTER, 0000
ROBERT M. LETOURNEAU, 0000
WILLIAM K. LEWIS, 0000
MARK J. LINDHORST, 0000
JEFFERY R. LINSKENS, 0000
STEVEN M. LIPSCOMB, 0000
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
PATRICK A. LOPARDI, 0000
JOHN A. LOPES, 0000
ERIC C. LORRAINE, 0000
GEORGE E. LOUGHRAN, 0000
MARTIN E. LOVATO JR., 0000
RICKY A. LOVE, 0000
THOMAS J. LOWRY, 0000
MICHAEL J. B. LUCIER, 0000
PATRICK P. LUDFORD, 0000
KYLE C. LUNDBERG, 0000
STEVEN R. LUSK, 0000
JEFFREY E. LUTES, 0000
ALLISON G. LYNCH, 0000
MICHAEL S. LYNCH, 0000
BOBBY J. LYONS JR., 0000
JAMES L. MACFARLANE, 0000
JACQUELINE M. MACH, 0000
JEAN MACINTYRE, 0000
RUSSELL L. MACK, 0000
MARTIN L. MACNABB, 0000
DAVID D. MADDOX, 0000
MICHAEL E. MADISON, 0000
JAMES A. MAESTAS, 0000
DAVID H. MAHARREY JR., 0000
DEIRDRE A. MAHON, 0000
TERRENCE W. MAKI JR., 0000
ROBERT L. MANESS, 0000
VICTOR J. MANGES, 0000
THOMAS J. MANGNER, 0000
STEVEN S. MANLEY, 0000
SCOTT E. MANNING, 0000
STEPHEN L. MANSPEAKER, 0000
TIMOTHY H. MARBURGER, 0000
ANTHONY J. MARCHESANO, 0000
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MICHAEL J. MARES, 0000
KURT M. MARISA, 0000
PETER A. MARKLE, 0000
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LINDA K. MATTHEWS, 0000
KYLE H. MATYI, 0000
CHARLES C. MAU, 0000
JEFFREY W. MAXWELL, 0000
KEITH H. MAXWELL, 0000
DANIEL K. MAY, 0000
SIDNEY F. MAYEUX, 0000
KIRK M. MAYS, 0000
THOMAS J. MAZAIKA, 0000
GREGORY P. MAZZARELLA, 0000
ROBERT S. MCALLUM, 0000
TIMOTHY S. MCARTHUR, 0000
TERRANCE J. MCCAFFREY II, 0000
CHRISTOPHER B. MCCAMMANT, 0000
MICHAEL J. MCCARTHY, 0000
EDWARD A. MCCARTY, 0000
GEOFFREY MCCLENDON, 0000
VICKY L. MCCLENDON, 0000
GARY L. MCCOLLUM, 0000
PATRICK E. MCCORMACK, 0000
BRADLEY K. MCCOY, 0000
ROBERT T. MCCREADIE, 0000
TODD W. MCCULLOUGH, 0000
DENNIS P. MCDEVITT JR., 0000
JOHN F. MCDEVITT JR., 0000
MAURICE D. MCDONALD, 0000
KEVIN A. MCFADDEN, 0000
JOHN P. MCGARRITY, 0000
KEVIN P. MCGLAUGHLIN, 0000
FRANCIS M. MCGUIGAN, 0000
DUNCAN D. MCKENZIE, 0000
JAMES K. MCKENZIE, 0000
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FLOYD A. MCKINNEY, 0000
CHRISTOPHER C. MCLANE, 0000
MICHAEL T. MCLAUGHLIN, 0000
JOHN S. MCLAURIN JR., 0000
JAMES K. MCMAHON, 0000
BENJAMIN S. MCMULLEN, 0000
DEBORAH A. MCMURTREY, 0000
ROGER A. MCNEAL, 0000
MARY E. MCNEELY, 0000
DONALD D. MCQUOWN, 0000
MARY E. MCRAE, 0000
STEVEN E. MCTIER, 0000
CARL G. MCVICKER III, 0000
CECIL A. MEDINA, 0000
MARK S. MEDVEC, 0000
MICHAEL R. MEIER, 0000
ERIC W. MEIERS, 0000
STEPHEN P. MELROY, 0000
GARY R. MELUSEN, 0000
ROBERT K. MENDENHALL, 0000
GEORGE T. MENKER JR., 0000
RODNEY C. MERANDA, 0000
SEAN R. MERCADANTE, 0000
SCOTT C. MERRELL, 0000
ROBERT C. MEYER, 0000
STEPHEN L. MEYER, 0000
GEORGE A. MEYERS, 0000
LEONARD MEYERS, 0000
CHRISTOPHER MICELI, 0000
ROBERT E. MIGLIONICO, 0000
STEPHEN J. MIHALIK, 0000
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VINCENT B. MILLER, 0000
DENNIS W. MILLSAP, 0000
JOSEPH A. MINIOR, 0000
PATRICK G. MINTO, 0000
RAUL T. MIRELES, 0000
SCOTT J. MISCHO, 0000
MICHAEL J. MISENHIMER, 0000
DARRYL G. MITCHELL, 0000
JAMES L. MITCHELL, 0000
MARIAMNE R. MITCHELL, 0000
ROBERT E. MITCHELL, 0000
KURT H. MITTMANN, 0000
PETER H. MIYARES, 0000
THOMAS B. MIZELLE, 0000
DAVID B. MOBLEY, 0000
JOHN E. MOCHOWSKI, 0000
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. MORDENTE, 0000
ALBERTO MORENOBONET, 0000
DAVID A. MORGAN, 0000
JEFFREY W. MORGAN, 0000
ROBERT A. MORIARTY, 0000
MANSON O. MORRIS, 0000
MICHAEL L. MORRIS, 0000
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
CHRISTOPHER S. MOSS, 0000
NORBERT A. MOTZ, 0000
SCOTT K. MUESSIG, 0000
ROBERT A. MULHERAN, 0000
KENNETH B. MULLIGAN, 0000
BRIAN J. MULLIN, 0000
ANTHONY J. MURCH, 0000
COLLEEN R. MURPHY, 0000
RICHARD M. MURPHY, 0000
RICKY R. MURPHY, 0000
TIMOTHY J. MURPHY, 0000
KENNETH M. MURRAY, 0000
TODD A. NADING, 0000
GARY J. NANFITO, 0000
TRACY J. NASH, 0000
JEFFREY S. NELSON, 0000
LARRY S. NELSON, 0000
JOHN N. NERI, 0000
RUSSELL A. NERO JR., 0000
EDWARD J. NEVERA, 0000
JOHN D. NEWBERRY, 0000
JOHN NICASTRI, 0000
CHRISTOPHER A. NICELY, 0000
DONNA C. NICHOLAS, 0000
CARL W. NICHOLSON, 0000
TIMOTHY P. NICKERSON, 0000
RICHARD A. NOBBS, 0000
SALMAN M. NODJOMIAN, 0000
DANIEL A. NOLLETTE, 0000
THOMAS J. NOON, 0000
PARKER W. NORTHRUP 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
EDWARD J. ONEAL JR., 0000
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. OVERMAN, 0000
JONATHAN H. OWENS, 0000
PATRICK J. OWENS, 0000
SABRINA T. S. OZISIK, 0000
HENRY P. PANDES, 0000

KEITH J. PANNABECKER, 0000
MARK W. PAPEN, 0000
CHARLES H. PAPPAS, 0000
GUY E. PARKER, 0000
GEOFFREY S. PARKHURST, 0000
GEORGE E. PARROTT III, 0000
DAVID W. PARSONS, 0000
GREGORY D. PARSONS, 0000
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 F. 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
BRIAN C. PIERSON, 0000
MICHAEL D. PIETRYGA, 0000
JOHN S. PIGEON, 0000
CHRISTOPHER A. PIKE, 0000
WILLIAM B. PILCHER JR., 0000
ALEXANDER S. PILIPOWSKYJ, 0000
MICHAEL D. PILKENTON, 0000
MARC L. PINCINCE, 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
MICHAEL J. POOLE, 0000
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 R. PRINCE, 0000
JERRY W. PRITCHARD, 0000
ROBERT W. PROUHET, 0000
BRADFORD A. PROVENCAL, 0000
PAASHKA E. PROWELL, 0000
MARK D. PRUITT, 0000
MARTHA S. PRUITT, 0000
DAVID C. PTAK, 0000
MARY M. PULLIAM, 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. RATTELL, 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
STEVEN M. ROBINSON, 0000
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. ROUTT, 0000
MARK E. ROVERSE, 0000
MARBEL 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
PATRICK T. RYAN, 0000
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 P. 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. SCHAAB, 0000
MICHAEL K. SCHAEFFER, 0000
JOHN GEORGE SCHAEUFELE IV, 0000
MARK R. SCHAIBLE, 0000
STANLEY M. SCHALCK, 0000
VALERIE L. SCHALK, 0000
GEORGE P. SCHAUB, 0000
LUKE J. SCHAUB, 0000
WALTER R. SCHENBERGER JR., 0000
TIMOTHY J. SCHEPPER, 0000
BRADLY A. SCHERER, 0000
TODD C. SCHIFF, 0000
MARK E. SCHLICHTE, 0000
RHONDA D. SCHLUMPBERGER, 0000
STEVEN J. SCHLUMPBERGER, 0000
CHARLES R. SCHMETZER, 0000
JOEL B. SCHMICK, 0000
CHARLES L. SCHNARR, 0000
KEVIN B. SCHNEIDER, 0000
ROBERT H. SCHRINK, 0000
JOHN J. SCHULDHEISS, 0000
JIMMIE D. SCHUMAN JR., 0000
DIANA K. SCHUMICK, 0000
MARK D. SCHWALM, 0000
GREGORY J. SCHWARTZ, 0000
KAREN F. SCHWARTZ, 0000
RICHARD P. SCHWING, 0000
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. SEELING, 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. SHARP, 0000
CHRISTOPHER C. SHARPE, 0000
JOHN S. SHATTUCK, 0000
DAVID SHELIKOFF, 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
SCOTT W. SIMMONS, 0000
DANIEL J. SIMONSEN, 0000
MARK H. SIMPSON, 0000
ETHEL E. SINGLETON, 0000
ROBERT S. SITTON, 0000
TIMOTHY D. SKINNER, 0000
STEPHEN J. SKOTTE, 0000
DAVID S. * SLONE, 0000
TIMOTHY W. SMART, 0000
ANDREW J. SMITH, 0000
GREGORY C. SMITH, 0000
JAMES K. SMITH, 0000
JEFFREY J. SMITH, 0000
KARI L. SMITH, 0000
LEROY D. SMITH, 0000
MARK R. SMITH, 0000
MARVIN W. SMITH JR., 0000
MICHAEL P. SMITH, 0000
MICHAEL S. SMITH, 0000
MICHAEL V. SMITH, 0000
PAUL F. SMITH, 0000
SHANE R. SMITH, 0000
STEPHEN C. SMITH, 0000
MICHAEL C. SNEEDER, 0000
JEFFERY S. SNELL, 0000
DANIEL R. SNY, 0000
DAVID G. SNYDER, 0000
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. SPEIGHT, 0000
CHARLES F. SPENCER JR., 0000
JEFFREY D. SPENCER, 0000
LANCE H. SPENCER, 0000
LESLEY D. SPRAKER, 0000
JIMMY B. STANDRIDGE, 0000
GREGORY S. STANLEY, 0000
THOMAS R. STANLEY, 0000
CLIFFORD B. STANSELL, 0000
MICHAEL P. STAPLETON, 0000
SHERRY L. STEARNSBOLES, 0000
ROBERT L. STEPHENSON, 0000
WILLIAM B. STEVENSON IV, 0000
ERIC J. STEWARD, 0000
DAWN L. STEWART, 0000
ERIC J. STEWART, 0000
JAMES A. STEWART, 0000
JAMES M. STEWART, 0000
DOUGLAS R. STICKLE, 0000
JILL E. STIGLICH, 0000
HAROLD R. STILLINGS, 0000
MICHAEL J. STINSON, 0000
MICHAEL E. STOCKSDALE, 0000
RICHARD C. STOCKTON, 0000
MARK A. STOKES, 0000
CRISTINA M. STONE, 0000
FERDINAND B. 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. SUMMERS, 0000
DAVID E. SWANSON, 0000
PHILLIS J. SWANSON, 0000
ESTHER S. SWARTZ, 0000
STEPHEN M. SWARTZ, 0000
DANIEL L. SWAYNE, 0000
JEFFREY R. SWEGEL, 0000
GLENN B. SWIFT, 0000
MICHAEL D. SWIFT, 0000
THOMAS S. SZVETECZ, 0000
STEVEN C. TANNER, 0000
ERNEST S. TAVARES JR., 0000
DOUGLAS J. TAYLOR, 0000
JOHN B. TAYLOR, 0000
MICHAEL K. TAYLOR, 0000
RUSSELL E. TAYLOR, 0000
WILLIAM J. TAYLOR, 0000
DAVID L. TEEL, 0000
CRAIG J. TEFT, 0000
JOHN G. TERINO, 0000
TERRY W. TERWEE, 0000
THOM H. TERWILLIGER, 0000
DAVID H. THARP, 0000
MICHAEL L. THERIANOS JR., 0000
KURT E. THIELEN, 0000
ANTHONY C. THOMAS, 0000
GAYLORD Z. THOMAS, 0000
JAMES P. THOMAS, 0000
TIMOTHY M. THOMAS, 0000
BILLY D. THOMPSON, 0000
BRADLEY P. THOMPSON, 0000
JOSEPH J. THOMPSON III, 0000
ROBERT T. THOMPSON JR., 0000
RONALD E. THOMPSON JR., 0000
WILLIAM A. THOMPSON, 0000

DAVID A. THOMSON, 0000
ERIC M. THOMTON, 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. VANCLEAVE, 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. VILLARREAL, 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
ANDREAS 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. WEEKS, 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. WELP, 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. WHIDDON, 0000
MARK S. WHINNERY, 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. WITHAM, 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
PAULETTE 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 * HERNDON, 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 * MASTERSON, 0000
JOHN F * 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 J. 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 28, 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 28, 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 28, 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 28, 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 28, 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 29, 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 29, 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. ABBLITT 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.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. WEINER. Mr. Speaker, I was unavoidably detained in my district on Tuesday, February 26, 2002, and I would like the record to indicate how I would have voted had I been present.

For rollcall vote No. 39, the bill 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, I would have voted ''yea.''

For rollcall vote No. 40, the 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, and supporting an increase in the amount of assistance provided by the United States to the people of the Democratic Republic of the Congo I would have voted ''yea.''

RETAINING A STRONG AND HEALTHY STEEL INDUSTRY IN U.S. IS A MUST

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. REGULA. Mr. Speaker, I would like to commend the President for initiating his three-prong program to address the steel import crisis. This crisis, caused by a worldwide over capacity of steel making is slowly destroying our domestic steel industry. The increased level of imports, often subsidized by foreign governments, keeps driving steel prices down. Not even the most efficient steel mills in the U.S. are able to make money when steel is priced so low. As of this week, thirty-one steel companies have declared bankruptcy and over fifty steel-making and related plants had been shut down.

The President's steel plan includes the Section 201 investigation initiated last June and efforts to negotiate a reduction of worldwide steel making capacity with foreign nations. The key element in the President's plan is the 201 investigation. The International Trade Commission (ITC), which completed the 201 investigation last fall, unanimously found that the level of steel imports coming into the U.S. was injuring the domestic steel industry. Now it is up to the President to implement a meaningful remedy. The industry and its workers are asking for at least 40 percent tariffs across the board. Tariffs would provide the most immediate relief to the industry allowing prices to recover. Tariffs would also send a clear message to our trading partners that this U.S. is not the dumping ground for all the world's excess steel.

Our steel companies need a ''time-out'' from the constant flow of low-priced imports. Strong tariffs will provide such a ''time-out.'' Domestic steel companies and their workers have downsized and restructured and they continue to do so. One example is Republic Technologies International, which has facilities in my Congressional District. Republic had to file for bankruptcy protection. In order to keep operating in this very difficult market, all workers had to take a 15 percent pay reduction and additional cost cutting measures are being implemented to reduce costs another 20 percent. Overall employment has fallen by 20 percent recently. The type of 201 remedy will directly impact how Republic will be able to restructure and come out of bankruptcy. If the President implements a strong remedy, investor confidence will increase and Republic will be able to preserve more jobs as it restructures. If the President imposes a weak remedy, Republic may face significant job cuts during its restructuring.

As steel mills close, it is not just the steelworkers and their families that suffer. Steel company retirees will lose their retiree health benefits in many instances. Furthermore, every steelworker supports more than three jobs in other industries, from workers who make production equipment to those who process raw materials and move the steel products to market. Steel communities are also impacted by the loss of steelworker jobs because people buy less groceries and use less services. It is imperative that we retain a strong and healthy steel industry in the U.S. not only for our economic well-being but also to supply our national defense needs.

IN SUPPORT OF INTERNATIONAL FAMILY PLANNING FUNDING

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Ms. HARMAN. Mr. Speaker, I rise in strong opposition to the Administration's decision to withhold funds already appropriated for the United Nations Population Fund (UNFPA).

Last year, after extensive negotiations between Congress and the Bush Administration, Congress passed and the President signed the FY02 Foreign Operations Appropriations bill, including $34 million for UNFPA.

The decision to withhold funding from this vital program was founded on the mistaken belief that UNFPA supported forced abortion in China.

This decision is part of a disturbing trend of anti-choice opposition within the Administration to any type of family planning funding. This funding is vital to women's health and vital to sustainable international development, and the President should reverse this decision immediately.

I would like to remind my colleagues that since 1973 no U.S. dollars have been used to pay for the performance of an abortion as a method of family planning or for involuntary sterilizations overseas—none.

Turning UNFPA funding into a debate about abortion does a disservice to the millions of women throughout the world who do not have access to the health care and reproductive services, education and treatment that is available to women in this country.

The World Health Organization estimates that close to 600,000 women die each year of causes related to pregnancy or childbirth. Three hundred fifty million women in developing countries don't have access to safe and effective family planning methods. More than 600,000 infants become infected with HIV each year worldwide. These statistics are appalling. How can we possibly claim to be working to prevent the spread of HIV if we do not offer counsel and education in family planning?

UNFPA is the largest international source of population assistance to developing countries, often working in countries where few others go, such as Vietnam. UNFPA does not fund abortion in China and its program there is rigorously monitored to ensure that it does not support coercion in any form.

We cannot allow yet another issue to get caught up in abortion politics. We have the chance to really make a difference for millions of women worldwide. Let's give women the opportunity to make informed and educated decisions about their reproductive health. Mr. President, reverse the decision to withhold UNFPA funds.

INTRODUCTION OF THE PAUL REVERE FREEDOM TO WARN ACT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. ISRAEL. Mr. Speaker, on the evening of April 18, 1775, Paul Revere bravely went out into the Massachusetts night to warn his fellow patriots of a threat they faced.

The tyranny of the time dictated that if caught, Paul Revere would be hanged; he rode that night knowing that if caught, he would die.

Today we have other Americans who take risks that are just as real to preserve our liberty. These brave men and women risk their jobs, their livelihoods, to ensure our safety. They are fighting for us. And so the least we can do is fight for them.

I didn't come here to Washington to fight for the special interests. I came here to make sure the little guy was protected.

In today's climate, we face new threats, threats of life and death. And despite these threats, there are still powerful interests that

try to hide their mistakes and negligence rather than protect the public.

When there are powerful interests trying to hide what they are doing, we have found that there is always a brave soul willing to step up and take the heat. We have seen that with the FAA and airline security. We have seen some of that with Enron. And yes, we saw that with the brave whistleblowers I met with this morning. They each stood up and fought for what was right and just.

And all of them faced real heat and the intimidation that too often comes along with doing the right thing. All too often that heat isn't fair, and in fact, isn't even legal.

The law is clear: according to the Lloyd-LaFollette Act, employers can't interfere with whistleblowers. Unfortunately, while the law is clear, it doesn't have any penalties if the act is violated. It has no teeth; it is like Paul Revere without a voice. The Paul Revere Freedom to Warn Act, which I will be introducing later today, protects employees who blow the whistle by allowing them to bring a civil action in federal courts with jury trials.

These people have three years to bring these actions for lost wages and benefits, reinstatement, costs and attorney fees, compensatory or punitive damages, and any other relief that the courts believe are appropriate.

This is just common sense; if something is against the law, then there has to be a price to pay if you violate the law.

Mr. Speaker, it is time for us all to stand up for the whistleblowers. They are the true patriots, and I want to thank them, salute them, and help them by introducing and passing the Paul Revere Freedom to Warn Act.

I would like to thank the Government Accountability Project (GAP). In particular I want to thank Tom Devine and Doug Hartnett, for constantly keeping the issue of whistleblower protection before Congress.

The price of liberty is eternal vigilance, and even though they only represent whistleblowers, they too serve as modern Paul Reveres through their work.

The Government Accountability Project has been a very effective partner in laying the groundwork for this necessary legislation.

TRIBUTE TO THE HONORABLE JOHN W. GARDNER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Ms. ESHOO. Mr. Speaker, I rise to pay tribute today to a distinguished Californian and a great American, John W. Gardner, who died at the age of eighty-nine on February 16, 2002. He leaves his wife of 67 years, Aida, and his two daughters, Stephanie Gardner Trimble and Francesca Gardner. He also leaves two granddaughters, two grandsons, two great-grandchildren and a brother, Louis.

John W. Gardner was born in California in 1912. A true American hero, he devoted his life to public service, pioneering the modern movement for citizen activism, campaign finance reform and healthcare for the needy.

A 1935 graduate of Stanford University, John Gardner went on to earn a doctorate in psychology from the University of California, Berkeley. He taught psychology at Connecticut College and Mount Holyoke and was later named Haas Centennial Professor of Public Service at Stanford.

John Gardner served under six U.S. Presidents including President Lyndon B. Johnson who named him Secretary of Health, Education and Welfare. A Republican, Mr. Gardner believed good ideas transcended partisanship, and as Secretary, he initiated and implemented many of the programs in President Johnson's War on Poverty. He developed many of these innovative ideas during his decade as President of the Carnegie Corporation.

After leaving government service, Mr. Gardner continued to serve the public. In 1970 he founded Common Cause, a prominent citizens' watchdog organization that remains a powerful political force today. John Gardner was also cofounder of Independent Sector, a philanthropic coalition of over six hundred corporate and nonprofit organizations.

Inspired by his commitment to public service, both Stanford and U.C. Berkeley have established a successful public service fellowship in his honor. Modeled after the White House Fellows Program which Gardner designed, the John Gardner Fellowship in Public Service serves as a critical launching pad for graduating seniors looking to pursue a career in public service.

When the House passed Campaign Finance Reform in the early hours of February fourteenth, it was John Gardner whom I thought of first because no one did more or spoke more eloquently about the need for this critical reform. Frequently referred to as the ''father of campaign finance reform,'' he was appointed by President Clinton as co-chairman of the Campaign Finance Reform Commission. The American people owe an enormous debt of gratitude to this extraordinary individual for his leadership, his commitment and his vision.

Mr. Speaker, I ask my colleagues to join me in paying tribute to this exceptional man and extend our condolences to his wife and family. We are a better community, a better country and a better people because of John W. Gardner.

IN HONOR OF MOTHERS' VOICES—UNITED TO END AIDS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. NADLER. Mr. Speaker, I rise today to congratulate Mothers' Voices on the occasion of its 10th anniversary. Mothers' Voices is an organization of mothers and supporters, based on Manhattan's West Side, that works to educate our families about the prevention of HIV/AIDS and to advocate for creative and effective public policy to stem the tide of this devastating epidemic.

While the rate of HIV/AIDS infection among young people under 25 continues to climb, it is increasingly necessary to mobilize our entire community to expand education and prevention programs. Despite the advancements in research and treatment of AIDS, the statistics on the rate of infection are disheartening. The Centers for Disease Control recently announced that the HIV/AIDS infection rate for the U.S. has risen by 8 percent in the last year alone. New York had the highest rate of increase, at 47 percent. Approximately half of the 40,000 new HIV infections occurring annually in America are in young people under the age of 25. Every hour of every day, two Americans between the ages of 13 and 24 become infected with HIV. The CDC report recommends the need for community-based outreach and education, like the programs offered by Mothers' Voices. As an organization of parents, Mothers' Voices has the unique ability to educate young people about the devastating consequences of HIV/AIDS. Under the leadership of President Suzanne Benzer and Executive Director Carol Henry, Mothers' Voices has worked to inform the public about the deadly effects of HIV/AIDS and how to properly prevent infection.

As the toll of HIV/AIDS on our families and communities mounts higher and higher, it is imperative that Mothers' Voices keeps working to provide educational outreach and advocacy. I wholeheartedly congratulate Mothers' Voices for ten successful years of educating our families, raising awareness and advocating for our children's health and well being.

A TRIBUTE TO THE RECIPIENTS OF THE FIRST ANNUAL CHILDREN AND FAMILIES HEROES AWARD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. FARR of California. Mr. Speaker, I rise today to honor the recipients of the First Annual Children and Families Heroes Award from Santa Cruz County. These men and women have all invested time and energy in numerous endeavors designed to improve the welfare of children. Along with the Children & Families Commission, I would like to recognize them for their commitment and service to our community.

The Santa Cruz County Board of Supervisors established this commission in 1998 to determine the best practices to promote the welfare of children. The commission has strived ''to ensure that family-friendly services and education are available so that each child reaches the fifth year of life healthy, ready and able to learn, and emotionally well developed.'' Through promoting the ideas healthy and school ready children, as well as strong families in combination with facilitating community discussions, task forces, surveys and data analysis, the commission continues to preserve the future viability of the nation.

I applaud the commission for its work and for its recognition of individuals in the community who promote the welfare of children. In honoring these individuals we realize that the goals of the commission could not be met without the support and leadership of countless members of the Santa Cruz County community.

I join the Children and Families Commission in congratulating the following recipients for their commitment to improving the lives of children in Santa Cruz County: Dr. Salem Margarian, Laurie Hester, Mountain Community Resources, Terry Jimenez, The Beck Family, Sara Wood Smith, Maria Cristina Negrete, Special Parents Information Network, Rita Mori, Marcia Meyer, Una Baer, Ana

Granados, Catherine and Martin Newman, Julie Olsen Edwards, and Luis Villacreces. These individuals and organizations demonstrate the ongoing need to promote child welfare programs.

NATIONAL CENTER FOR SOCIAL WORK RESEARCH ACT

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. RODRIGUEZ. Mr. Speaker, I rise today to acknowledge the hard work and dedication of social workers across the nation. This Friday, March 1st, marks the start of the National Professional Social Work Month. I encourage Members to take this opportunity to reach out to social workers in their local communities.

Social workers are an integral part of the safety net fabric woven to support the most vulnerable in our community—children, senior citizens, victims of violence. Every day, social workers are on the front lines coordinating services and ensuring individuals have their basic needs of food, shelter, and health care met. On the local level, they can be found in elementary schools, nursing homes, children's and veteran's hospitals, and a variety of service agencies. On the national level, they advocate for better social welfare policy through organizations like the National Association of Social Workers.

Through their work, social workers promote healthier and stronger communities, and their experience puts them in a unique position to provide valuable research information on how to address societal challenges. However, the bulk of research addressing these complex social issues has produced clinical and empirical data that is difficult to translate into effective policy solutions. The Social Work Research Center would provide a venue for this research to be coordinated and disseminated to Congress and the public.

While the Federal Government provides funding for various social work research activities through the National Institutes of Health and other Federal agencies, it is difficult to coordinate or consolidate these critical activities. Furthermore, for the data we do have, there has been neither an overall assessment of need nor the opportunity to translate the data into effective policy recommendations. For this reason, I strongly believe in the creation of a National Center for Social Work Research within the National Institutes of Health. This proposal has received wide-spread support from the community and bipartisan support in Congress.

Mr. Speaker, the establishment of a National Center for Social Work Research would result in improved behavioral and mental health care policy proposals for our nation's children, families, and elderly.

I urge my colleagues to support the establishment of this Center and cosponsor the National Center for Social Work Research Act.

REMEDY SELECTION FOR THE 201 STEEL INVESTIGATION

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. CALLAHAN. Mr. Speaker, within the next few days the President will make a decision on the appropriate course of action in response to the International Trade Commission (ITC) findings on steel imports. I am grateful to the President for addressing this matter and hope he will stay the course on the issue of steel imports and keeping our trading partners interested in negotiations on global overcapacity reductions.

Steel is an important part of the economy in Alabama. There are over 20,000 jobs directly tied to steel in our state. Alabama is home to some of the most efficient steel makers in the world. A mill in my district can turn scrap into high grade steel in a matter of hours. It can supply steel for ship building as well as a number of other products from street lights to bridges.

All the steel companies in the U.S. are suffering. The accepted reason for this downturn is the overproduction of steel world-wide. The ITC and our trading partners agree there is a real problem. Everyone recognizes that global over capacity is the root cause, and we are meeting with other steel producing nations to do something about it.

But the solution will take years to develop, and in the meantime the open borders of the U.S. are drawing a lot of this overcapacity and damaging our domestic industry. In the short run we need to stabilize the domestic market, while continuing global trade talks.

A four-year time out, is not a lot of time to correct this situation. The steel industry has asked for a four-year tariff starting at 40 percent. Each year that tariff will be reduced. This tariff will do two things, first it will send a message that we are very serious about this problem, and second it will demonstrate that these trade talks are not for show. I am reasonably certain that the talks would not be so well attended without the threat of tariffs.

This tariff will allow the U.S. market to stabilize and provide time to see if these global talks will bear fruit. The President should provide this assistance, which is perfectly legal under the WTO, and which is necessary to bring some stability to the steel markets.

The U.S. steel industry underpins our basic manufacturing base. We need to be very careful about allowing an industry that is so essential to our infrastructure and security to be unjustly damaged. I hope the President will do the right thing and use the tools provided in the WTO to give some breathing room to the domestic industry. I will support him in a strong action.

PAYING TRIBUTE TO CHRIS PARMETER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. McINNIS. Mr. Speaker, it is with a great deal of pride that I pay tribute today to Chris Parmeter, a Colorado Division of Wildlife officer, whose courageous act of capturing two dangerous fugitives went above and beyond the call of duty, and displayed a measure of heroism worthy of being brought before this body of Congress. During his tenure as a Division of Wildlife officer, Chris has embodied the ideals of integrity, honesty and courage that we, as Americans, have come to expect from the men and women who serve in our state parks. I, along with the citizens of Colorado, am both grateful and proud of Chris' extraordinary act of valor, and believe it appropriate to pay tribute to him for his courage and bravery.

Though not typically in the job description, Chris' extraordinary efforts to apprehend two armed killers near Salida, Colorado on September 29, 2001 are a testament to his relentless dedication to his job, to his community and to his state. While manning a roadblock in the area where the fugitives were believed to be, Chris became involved in the search for the two killers. When they were finally flushed from hiding, it was Chris, along with other state wildlife employees, who apprehended the two suspects, and ultimately brought them into custody. Because of his incredible bravery, these criminals are now in the hands of law enforcement officials, and of no threat to anyone else in the area. His courage in the face of both fear and adversity is truly remarkable, and I applaud him for his actions.

Mr. Speaker, I am honored today to rise and pay tribute to a man whose actions are the very essence of all that makes this country great, and I am deeply honored to be able to bring them to the attention of this body of Congress. It is in times of great need that true heroes emerge, and I am proud to say Chris Parmeter is a hero not only to me, but to his family, his friends and to this country. It is with a great deal of pride that I stand to honor him today, and wish him all the best in his future endeavors.

TARIFF-BASED SECTION 201 RELIEF

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. HOUGHTON. Mr. Speaker, I rise today along with many of my fellow colleagues to urge the President to implement a strong, effective remedy for the U.S. steel industry as a result of the ITC's recent Section 201 investigation, even if I speak from a somewhat different perspective than many of these colleagues.

While I am well aware of the importance of a stable domestic steel industry to the financial security and national defense of this country, I do not represent a district with an extensive steel industry presence that has been devastated by the recent steel crisis. However, I do have a steel specialty company that closed last year, laying off many individuals. The plant was recently purchased by a new owner and is in the process of reopening. In addition, I have many constituents in the district with steel-related jobs that have been hurt by the steel imports. In New York State, the number of employees in the New York steel industry dropped by 27 percent from January

1998 to July 2001. I also represent thousands of hard-working Americans who want to know that America's trade laws are going to be enforced if their own livelihoods ever come under a similar attack. That is why I stand before you today.

I applaud the President for his recognition that the domestic steel industry is in the midst of a crisis and for initiating a Section 201 investigation. That investigation has culminated in a unanimous agreement at the ITC that the U.S. steel industry has been significantly injured by the unfair trade practices of foreign producers and nations. Our laws now put the ball back in the President's court and call on the Administration to implement a remedy that will give the domestic industry a real opportunity to recover from years of unfair trade and to compete in today's ever-changing marketplace. This remedy must come in the form of strong, tariff-based relief.

An effective tariff-based remedy would help return steel prices to their normal pre-crisis levels and allow American steel companies to make the necessary investments to remain viable and competitive in the future. It would also stimulate foreign governments and steel producers to make the difficult decisions that U.S. producers have already made—to bring stability and balance to the global steel market. In order to be effective, this remedy must meet certain criteria.

The first key to an effective tariff-based remedy is that it must be substantial in order to ensure that import prices return to market-based levels. To that end, the domestic industry has determined that a 40 percent tariff rate on flat-rolled products is warranted. In the Section 201 investigation, two of the ITC Commissioners fully agreed with this determination.

An effective remedy also must be comprehensive and must be imposed for a substantial period of time. Applying a consistent tariff-based remedy across all flat steel products is the only fair way to impose relief, and the only way to ensure that foreign producers don't simply shift their excess production to other areas. Further, in order for a remedy to have any real effect on the domestic and global marketplace, it must be enforced for at least four years. This will allow the domestic industry to make the necessary adjustments to import competition, and the President to achieve his objective of repairing the global steel trading system.

In endorsing the use of an effective, tariff-based remedy, I strongly urge the President to steer clear of quota-based relief. Such a remedy would further distort the global marketplace by providing an artificial incentive for foreign producers to ship substantial amounts of low-priced steel into our borders as quickly as possible in order to ''get in under the quota.'' The last thing U.S. producers need at this time is another uncontrolled flood of under-priced steel.

The Administration has promised on a number of occasions to be tough on unfair trade, and now is the time to live up to that promise. The President must implement this effective tariff-based relief in order to demonstrate to foreign producers and governments that the Administration is serious about addressing not just the problem of foreign excess steel capacity, but also the problem of unfair trade practices in general. Our laws are consistent with international law and designed to ensure that our industries have somewhere to turn for relief when they fall victim to unfair trade. These laws are only effective to the extent they are enforced, and their enforcement is a duty that we owe to the American people.

ON THE FIRST ANNIVERSARY OF THE ENACTMENT OF THE CHILD CITIZENSHIP ACT OF 2001

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. DELAHUNT. Mr. Speaker, for all our colleagues in this chamber, the days are long and the rewards often intangible. Once in a great while, however, the results of our work together are so compelling that it's worth stopping for a moment to take notice.

In this spirit, I rise today to celebrate the first anniversary of the implementation of the Child Citizenship Act of 2001. With the help of a remarkable bipartisan coalition—Congressmen HENRY HYDE and LAMAR SMITH; Senators DON NICKLES, MARY LANDRIEU and TED KENNEDY, to name just a few—we made history for tens of thousands of American families, and for the scores of overseas orphans they have embraced as their own.

On February 27, 2001, United States citizenship was conferred automatically on every young child under age 18 adopted by American parents. By the most conservative estimates, more than 150,000 children woke up that morning as American citizens.

The joy of that sunny morning brimmed on the faces of adoptive families, their relatives and neighbors from coast to coast. Spontaneous commemorations, public and private, sprouted up in dozens of communities across the country, from Atlanta to Alaska.

It was a special pleasure to help host the national celebration one year ago today, in Boston's historic Fanueil Hall. Since its construction in 1742, that hall has occupied a hallowed place on our nation's trail toward freedom. It witnessed the revolutionary speeches of Samuel Adams, the anti-slavery oratory of Frederick Douglass, and the stirring call of Susan B. Anthony for women's suffrage. Last February 27, we gathered in that cradle of liberty to mark another step forward.

The new law lives not only in the bright eyes of these children and the pride in their parents' hearts, but also in the story of human compassion. In addition to those ''overnight citizens'' of last February 27, the Child Citizenship Act has conferred automatic U.S. citizenship upon the lawful completion of each international adoption since. In 2001 alone, U.S. parents adopted over 4600 orphans from China and 4200 from Russia, 1700 from South Korea, 1600 from Guatemala, 1200 from Ukraine, 700 from each of Romania, Vietnam and Kazakhstan; 500 from India; 400 from Cambodia; and hundreds more from Bulgaria, Colombia, the Philippines, Haiti, Ethiopia, Poland, Thailand, Mexico, Jamaica, Liberia, and dozens of other nations—altogether, more than 19,000 overseas children since the new law took effect.

Each is now a United States citizen. Not one had to struggle with the red tape or expense of the naturalization process. No federal agency was saddled with reams of paperwork to process their cases.

The real meaning, of course, cannot adequately be measured in statistics. The deepest gratification lies in the strengthening of the family—the American family and the universal, extended family of which we are all a part. During the Faneuil Hall celebration, my own daughter Kara, herself a beneficiary of the Saigon Babylift 26 years ago and a naturalized citizen, stressed that U.S. citizenship is not a rejection of one's country of origin, but rather an opportunity to weave a new, deeply personal heritage.

The enactment of the Child Citizenship Act was a model of bipartisan legislative collaboration. I still hope to build on this success to address, either administratively or through additional legislation, a number of questions that remain about the Act's application to children of American citizens living abroad.

My only real disappointment—last February and still today—is the reluctance of the U.S. Immigration and Naturalization Service to streamline its protocols for issuing certificates of citizenship.

Many of the 150,000 who assumed citizenship last year, and those since adopted, naturally desire official affirmation of their new status. Thousands have taken advantage of the new State Department procedures to acquire United States passports. The process is so straightforward that Senator KENNEDY was able to hand-deliver the first such passport in the nation on the stage at the Fanueil Hall celebration, within two hours of the legislation taking effect.

Inexplicably, however, the INS still has not followed suit. If an adoptive child who is now a U.S. citizen seeks an INS certificate, he or she must undergo the same lengthy, expensive and cumbersome process that faces a non-citizen seeking naturalization. This procedure is irrationally burdensome for both the applicant and the agency; and it offends nearly everyone who has the misfortune to have to undergo it.

These children are already American citizens. All adoptive parents want is a piece of paper affirming that fact. It should be no harder than getting a driver's license—or a passport.

Fortunately, this problem cannot negate the enormous benefits the law has conferred on adoptive families and our entire community. Especially in the wake of September 11, as we all struggle against global misunderstanding, this new law helps fulfill the lifelong dream of thousands of families and shows enormous respect to the compassion of our own great, diverse and generous nation.

IN HONOR OF GRAND MARSHAL MARYANN CONNELLY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor and acknowledge the many accomplishments of Grand Marshal Maryann Connelly. The St. Patrick's Parade Committee honored her on Sunday, February 24th, 2002, at the annual brunch at the Hi-Hat Caterers in Bayonne, New Jersey.

Maryann Connelly is the Principal at the Philip G. Vroom Elementary School in Bayonne, New Jersey. She has been employed

by the Bayonne Board of Education for the past ten years as a teacher and guidance counselor.

She is an active volunteer in a variety of organizations: she was the first female President of Ireland's 32 in 1992; elected by Ireland's 32 as the first ''Irishwoman of the Year'' in 1985; elected to Bayonne St. Patrick's Parade Committee and was the first female Chairperson elected in 1991; and is currently serving her eighth consecutive term as the General Chairperson. She raised funds for the Hudson County March of Dimes; is a member of the Art Auction Committee for the Bayonne Hospital Foundation; and co-hosts a weekly Irish-American radio show.

Mrs. Connelly received the State of New Jersey Governor's Teacher Recognition Award in 1992; became a member of Who's Who Among American Teachers in 1996; was recognized as Outstanding Community Leader from Ireland's Civic Organization in 1999; and was awarded the New Jersey Heritage Award in 2001.

Maryann Connelly earned her Bachelors and Masters of Arts degree from New Jersey City University.

She is married to Philip Connelly and is the proud mother of Kevin Patrick.

Today, I ask my colleagues to join me in honoring Grand Marshal Maryann Connelly for her contributions towards cultural understanding and the education of our youth. We are pleased to have her play such an important and positive role in the community of Bayonne, New Jersey.

HONORING DR. A.B. FALCONE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the memory of Dr. A.B. Falcone on the occasion of the one year anniversary of his passing, February 20, 2001. Dr. Falcone's resume is full of academic, professional and community service accolades which reveal his dedication to bettering the society in which he lived. Dr. Falcone's memory and work are alive and continue his legacy of service.

In December of 1953, as a medical researcher in biochemistry, Dr. Falcone co-discovered the phosphate exchange reactions of the mitochondrial ATP Synthetase of Oxidative Phosphorylation. He has been widely published, recognized by the International Who's Who of Intellectuals and Who's Who in the World and invited to participate in numerous seminars and scientific meetings.

Dr. Falcone had a number of professional memberships including the American Medical Association, the American Diabetes Association and the American Federation for Clinical Research. His community organization memberships included the Archeological Society of America, the Association for Academic Excellence, the Marines Memorial Association and the California Association for the Gifted. The Falcone Foundation has established an endowment for undergraduate research in chemistry at the College of Chemistry at the University of California, Berkeley.

Mr. Speaker, I rise today to honor Dr. Falcone for his unending support of and contributions to academia, his community, our nation and the entire world. I invite my colleagues to join me in commemorating his life and wishing his family well.

IN RECOGNITION OF THE HONORABLE JACK McNULTY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. ACKERMAN. Mr. Speaker, I rise today in recognition of the Honorable Jack McNulty, on the occasion of his 80th birthday today. Mr. McNulty is the father of our esteemed colleague, Congressman Mike McNulty.

The Honorable Jack McNulty has had a long and distinguished career in public service. He was first elected to office in 1949 and has been re-elected to serve the people of his community in every decade since. Just this past November, he was re-elected as Mayor of Green Island, a village in New York which his son, Mike, represents with distinction in Congress.

Jack McNulty is an upstanding citizen, dedicated public servant, and devoted father. I ask my colleagues to rise and Join with me in honoring Jack McNulty and wishing him a happy 80th birthday, and many, many more to come.

WELCOMING THE CITY AND COUNTY OF BROOMFIELD

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. UDALL of Colorada. Mr. Speaker, I rise today to recognize the ''First 100 Days'' of Colorado's newest county.

At midnight on November 15, 2001, the City of Broomfield, Colorado, became the City and County of Broomfield, and as such became Colorado's 64th county. It represents the culmination of years of difficult and tireless work the results of which will benefit Broomfield residents with enhanced and more efficient services—not to mention a higher profile.

The success of these efforts is illustrated in an article from the Rocky Mountain News that I am attaching for the information of our colleagues.

It all started in 1994 when a citizen group first publicly broached the idea due to the inconveniences of a city spread across four separate counties. This resulted in a fractured community that had to depend on four different seats for basic services and property taxes that varied throughout the city. After four years of organizing and diligence on the part of many Broomfield officials, Colorado's voters took the necessary step of agreeing to amend Colorado's Constitution to allow the city to become a city and county.

But this was only the beginning of the work that lay ahead. As many in Broomfield County can now attest, creating a new county from scratch is a monumental task.

In order to prepare the new county for business, a city and county building, a courthouse and a county jail had to be located and constructed. In addition to these and other physical changes, an entirely new administrative system had to be developed, which included the complex and daunting county health care program. In the political arena, rather than conduct elections for county commissioners, Broomfield elected to have their town council and mayor perform the task of the county commission. This innovative system will ensure a smooth transition and ensure those city services and county services are coordinated, assuring the best possible results to residents.

The people and the government of Broomfield are to be commended for such an innovative and far-sighted task. Their years of hard work have at last come to fruition and their success will be measured by a better quality of life for their citizens. I hope my colleagues will join me in recognizing this accomplishment and in wishing the people of Broomfield City and County continued success and much prosperity in the years to come.

[From Rocky Mountain News, Feb. 22, 2002]

100-DAY-OLD BROOMFIELD HAPPY AS A LARK

(By Berry Morson)

BROOMFIELD—Greg Young was turned away at the motor vehicle department in this newly formed county when he tried recently to register a used Subaru.

He didn't have the right paper-work, Young was told.

But it's what happened next that surprised Young.

The clerk who turned him away, Darlene Yengich, picked up the phone and politely, but firmly explained to the car's former owner which papers must be turned over to Young for the vehicle to get plates.

''It stunned me that she just called the person.'' Young said, He had made numerous calls to the previous owner in a vain quest for the magic papers.

Thanks to Yengich's call, Young is now legally driving the streets of Broomfield in his '92 gray Subaru wagon.

That's the kind of personal service community leaders were hoping to achieve when they campaigned for a 1998 ballot proposal to make Broomfield a county, as well as a city.

Today, Broomfield is quietly celebrating its 100th day as Colorado's 64th county, which took effect Nov. 15. No speeches or parades are planned.

But Young is taking plenty about the benefits of being able to register his car in the community where he's lived for 12 years. He showed up recently at a City Council meeting to tell City leaders about how helpful Yengich had been.

''I said, 'You must have gotten her from Planet Wonderful,' '' Young said.

Before Nov. 15, Broomfield was divided among four counties—Adams, Boulder, Jefferson and Weld. Conducting business such as registering a car or applying for a marriage license meant a drive to a distant county seat.

Transition from a city of a city-and-county has been smooth, partly because citizens are behind the changes, said Russ Ragsdale, the county clerk and Yengich's boss.

''They all, as a majority, were behind this county thing, and they want to see us succeed, and they've helped,'' Ragsdale said. ''I can see it when I sit in the motor vehicle office, and watch the customers as they come in. They're glad to have us here, and they make it easy on us.''

Transfer of records from the previous counties to Broomfield went with few hitches, Ragsdale said.

Among the people most happy that Broomfield is now a county are police officers.

Before Nov. 15, arrests meant transporting a prisoner to jail in one of the other counties, said police Chief Tom Deland. They are resting officer was off the street for hours.

Now the county has its own 80-bed jail.

Under a unique system, prisoners are booked at the arrest scene via computer hook-up. The prisoner is taken to jail in a van, while the arresting officer goes back on patrol, Deland said.

Never a high-crime area, the daily jail population at the new jail has not broken the low 20s, Deland said.

The number will increase in coming months—probably to the 50s—as more people begin serving sentences imposed by Broomfield County court. Most Broomfield crimes now before courts were committed before Nov. 15, and so they are being heard in the previous counties.

So far, the most serious crime committed in the city or county of Broomfield was assault on a police officer with a knife, Deland said. No murders or sexual assault reports have occurred.

Yengich, the motor vehicle clerk who helped Young register his Subaru, said she would have gone out of her way to help a customer at the Jefferson County motor vehicle office, where she previously worked.

But, she said, the Broomfield office ''is smaller and not quite as busy as the Jefferson County office. . . . It seems like everybody is closer knit here.''

Yengich said she's in the process of selling her house in Lakewood. She plans to move to Broomfield.

PAYING TRIBUTE TO J.W. WILDER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. McINNIS. Mr. Speaker, it is with a great deal of pride that I pay tribute today to senior Colorado State Parks ranger J.W. Wilder, whose courageous act of capturing two dangerous fugitives went above and beyond the call of duty, and displayed a measure of heroism worthy of being brought before this body of Congress. It takes a truly special person to put himself in harm's way, not out of duty or obligation, but out of simple benevolence and civic responsibility. I, along with the citizens of Colorado, am both grateful and proud of J.W.'s extraordinary act of valor, and believe it appropriate to pay tribute to him for his courage and bravery.

Though not typically in the job description, J.W.'s extraordinary efforts to apprehend two armed killers near Salida, Colorado on September 29, 2001 are a testament to his relentless dedication to his job, to his community and to his state. After checking on a colleague who was manning a roadblock, J.W. became involved in the search for the two killers. When the two fugitives were finally flushed from hiding, it was J.W., along with other state wildlife employees, who apprehended the two suspects, and ultimately brought them into custody. Because of his incredible bravery, these criminals are now in the hands of law enforcement officials, and of no threat to anyone else in the area. His courage in the face of both fear and adversity is truly remarkable, and for his efforts, J.W. was named the outstanding ranger of the year by the Colorado State Parks.

Mr. Speaker, I am honored today to rise and pay tribute to a man whose actions are the very essence of all that makes this country great, and I am deeply honored to be able to bring them to the attention of this body of Congress. It is in times of great need that true heroes emerge, and I am proud to say J.W. Wilder is a hero not only to me, but to his family, his friends and to this country. It is with a great deal of pride that I stand to honor him today, and wish him at the best in his future endeavors.

HEALTH INFORMATION INDEPENDENCE ACT OF 2002

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. PAUL. Mr. Speaker, I rise to introduce the Health Information Independence Act of 2002. This act takes a major step toward restoring the right of consumers to purchase the dietary supplements of their choice and receive accurate information about the health benefits of foods and dietary supplements. The Health Information Independence Act repeals the Food and Drug Administration's (FDA) authority to approve health claims of foods and dietary supplements. Instead, that authority is vested in an independent review board. The board is comprised of independent scientific experts randomly chosen by the FDA. However, anyone who is, or has ever been, on the FDA's payroll is disqualified from serving on the commission. The FDA is forbidden from exercising any influence over the review board. If the board recommends approval of a health claim then the FDA must approve the claim.

The board also must consider whether any claims can be rendered non-misleading by adopting a disclaimer before rejecting a claim out of hand. For example, if the board finds that the scientific evidence does not conclusively support a claim, but the claim could be rendered non-misleading if accompanied with a disclaimer then the board must approve the claim provided the claim is always accompanied by an appropriate disclaimer. The disclaimer would be a simple statement to the effect that ''scientific studies on these claims are inconclusive'' and/or ''these claims are not approved by the FDA.'' Thus, the bill tilts the balance of federal law in favor of allowing consumers access to information regarding the health benefits of foods and dietary supplements, which is proper in a free society.

The procedures established by the Health Information Independence Act are a fair and balanced way to ensure consumers have access to truthful information about dietary supplements. Over the past decade, the American people have made it clear they do not want the federal government to interfere with their access to dietary supplements, yet the FDA continues to engage in heavy-handed attempts to restrict access to dietary supplements.

In 1994, Congess responded to the American people's desire for greater access to information about the benefits of dietary supplements by passing the Dietary Supplements and Health and Education Act of 1994 (DSHEA), which liberalized rules regarding the regulation of dietary supplements. Congressional offices received a record number of comments in favor of DSHEA.

Despite DSHEA, FDA officials continued to attempt to enforce regulations aimed at keeping the American public in the dark about the benefits of dietary supplements. Finally, in the case of Pearson v. Shalala, 154 F.3d 650 (DC Cir. 1999), reh'g denied en banc, 172 F.3d 72 (DC Cir. 1999), the United States Court of Appeals for the DC Circuit Court reaffirmed consumers' First Amendment right to learn about dietary supplements without unnecessary interference from the FDA. The Pearson court anticipated my legislation by suggesting the FDA adopt disclaimers in order to render some health claims non-misleading.

In the more than two years since the Pearson decision, members of Congress have had to continually intervene with the FDA to ensure it followed the court order. The FDA continues to deny consumers access to truthful health information. Clearly, the FDA is determined to continue to (as the Pearson court pointed out) act as though liberalizing regulations regarding health claims is the equivalent of ''asking consumers to buy something while hypnotized and therefore they are bound to be misled.'' Therefore, if Congress is serious about respecting the First Amendment rights of the people, we must remove FDA authority to censor non-misleading health claims, and those claims which can be rendered non-misleading by the simple device of adopting a disclaimer, by passing my Health Information Independence Act.

In conclusion, I urge my colleagues to help establish an objective process that respects consumers' First Amendment rights to non-misleading information regarding the health benefits of foods and dietary supplements by cosponsoring the Health Information Independence Act.

FAMILY AND MEDICAL LEAVE EXPANSION ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. GREEN of Texas. Mr. Speaker, I rise today to introduce legislation which would expand the Family and Medical Leave Act so that individuals can take time off when disaster strikes.

Each year, disasters such as hurricanes, floods, wildfires, earthquakes, and other tragedies strike thousands of families and businesses throughout the United States. In the last year alone, the Federal Emergency Management Agency (FEMA) responded to forty-five declared disasters and ten emergencies in thirty-two states, the District of Columbia, Guam and Puerto Rico. More than 49,500 affected families and businesses sought assistance after the September 11th attacks.

Following a disaster, families often have no home, belongings, clothing, or transportation. They struggle to deal with insurance companies, government officials, the Red Cross, and other organizations so that they can get the assistance they need to get back to normal. For many individuals this process can take several weeks, if not months.

While most employers are sympathetic and compassionate people, they sometimes will not allow employees to take the time they need to manage a disaster and get their lives

in order again. As a result, these individuals are left with no home, no belongings and no job. This situation can often create a downward spiral for some families, where they cannot recover.

The legislation I have introduced would expand the successful Family and Medical Leave Act (FMLA) so that individuals can take time off from work to resolve their situations during a natural disaster. Dealing with a natural disaster is as trying an ordeal as a health crisis, and amending the FMLA to include this change will ensure that workers are protected in times of family crisis.

I urge my colleagues to support this legislation.

H.R.—

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 ''Family Medical Leave Expansion Act''.

SEC. 2. LEAVE IN CASE OF STATE OR FEDERALLY DECLARED DISASTER.

(a) NON-FEDERAL EMPLOYEES.—Section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) is amended by adding at the end the following new subparagraph:

''(E) Because of a State or Federally declared disaster occurring in the geographical area in which the employee resides, works, or through which the employee must travel to get to work or as a part of the employee's work duties.''.''

(b) FEDERAL EMPLOYEES.—Section 6382(a)(1) of title 5, United States Code, is amended by adding at the end the following new subparagraph:

''(E) Because of a State or Federally declared disaster occurring in the geographical area in which the employee resides, works, or through which the employee must travel to get to work or as a part of the employee's work duties.''.

CONGRATULATIONS ON 25TH ANNIVERSARY OF FOUNDING OF AARP CHAPTER 2840 IN FALLING SPRING, PENNSYLVANIA

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate the members of AARP chapter number 2840 of Falling Spring, Pennsylvania, on the 25th Anniversary of the chapter's founding. The AARP is dedicated to enhancing the quality of life for its members and for members of the community through education, advocacy, and service.

This very active chapter is comprised of nearly 650 members and 100 honorary members. The members of this chapter focus on community service and strive to live by their motto ''To Serve and Not to be Served.'' To that end, this chapter has served as the longtime sponsor and supporter of the Chambersburg Toy Mission, which help bring the Christmas spirit to children in Franklin County. The members also participate in the Adopt-a-Highway program and the ''Meals on Wheels'' program. The chapter even has its own chorus that tours the area performing for residents of nursing and retirement homes.

The Falling Spring chapter of the AARP is a wonderful example of an organization that is making a difference in the lives of the people of central Pennsylvania. I enthusiastically congratulate them on their anniversary and wish them another successful 25 years.

IN FOND MEMORY OF JUDY BOGGS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. SCHIFF. Mr. Speaker, I rise today in great sorrow to remember the life of Judy Boggs. Judy passed away suddenly on Monday, February 25th. She will be greatly missed, not only by my staff and me, but by countless members of the community which she served so thoughtfully over the past 30 years.

Judy grew up in Portland, Oregon and graduated from the University of Washington. She had a passion for the university's football team, and it was in 1961 when the Huskies played in the Rose Bowl that Judy was introduced to Pasadena and the surrounding areas which she grew to love. After marrying Mr. Dale Boggs, she moved from the Pacific Northwest to La Cañada Flintridge in the mid-1960s and was a resident of that community for over 30 years.

Judy will long be regarded as one of the most influential Democratic political activists in the foothills communities of my Congressional District. She began her political career by volunteering for the 1972 presidential campaign of George McGovern, but her involvement in local politics began in 1973 when she cofounded ACT, a non-partisan action group which over the years has supported campaigns for elected leaders serving the foothill communities in the California state Assembly and Senate, and the U.S. House of Representatives.

Most recently Judy served as a Senior Field Deputy to State Senator Jack Scott. It is in this capacity that my staff and I grew to respect Judy for her wealth of experience and knowledge, and to love her for her charm, grace and dignity. She possessed an unmatched spirit, and brought joy and laughter to all who had an opportunity to work with her.

I believe the former mayor of Pasadena, the Honorable Kathryn Nack, said it best when she commented, ''You don't meet a Judy Boggs in this world and not . . . want to see her all the time.'' Judy's bright smile and quick wit were adored by all who were lucky enough to have Judy in their lives, and we will always carry a terrific fondness and love for her.

I ask all Members of the United States House of Representatives to pause and join me today in honoring the life of Judy Boggs, for her many gifts, most especially her friendship. She will be missed by many people.

FAMILY SPONSOR IMMIGRATION ACT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. SMITH of New Jersey. Mr. Speaker, yesterday, the House overwhelmingly passed H.R. 1892, The Family Sponsor Immigration Act, a bill that will help keep the American Dream alive for immigrants whose hopes have been crushed by the sudden or unexpected death of their American sponsors.

We know that hundreds of thousands of immigrants throughout the world go through the immigration process each year for the chance to share in the promise of America. And what a wonderful promise it is—the opportunity to share in the freedom and blessings of a nation born out of ideals.

In many ways, our immigration process is unique. President Reagan often remarked, ''You can go to Turkey and live there your whole life, but never really become a Turk. You can go to Japan and live there, but never really become Japanese. You can go to Germany, but never become German. But, you can come from any place in the world and become an American.''

This process is often lengthy and many times even tedious. But our laws are designed to provide for the fairest and most just system possible, a system that will not only allow others access to our society, but that will also help foster their success. Integral to the success of immigrants are their American sponsors—proven citizens with established roots and financial security. American sponsors provide the support necessary to help an immigrant begin their journey in America.

We know, however, that under current law, in the rare case that an immigrant's American sponsor passes away, so too dies the promise of America for the immigrant. Imagine the case of an immigrant who applies to become a permanent resident, who plays by all the rules and waits patiently in hope, perhaps to be united with a long separated loved one, but who at the last minute is hit by the death of this loved one. Not only is the loss of this person a tragedy to be overcome, but the hopes and dreams of the immigrant are thwarted as well.

According to reports from INS, this scenario became part of the September 11 tragedy. As the towers crumbled and thousands of lives were lost, so too was lost the chance for immigrants in-waiting to continue on the road to become Americans. Thankfully, the Patriot Act which the President signed last fall included important provisions to extend visas and filing deadlines for the alien relatives of those killed in the World Trade Center already involved with the immigration process. However, more needs to be done to accommodate future scenarios.

HR 1892 will help correct this glitch in our immigration law. It says if a qualifying relative of the deceased sponsor exists, they can act as a replacement. As an immigrant you don't have to start the whole process over again.

Remember, we want to reward those who have played by the rules—those who attempt to go through the process we have designed, seeking justice and fair treatment. Let's correct this unfair technicality in our immigration law to help keep the American Dream a reality for those who lose their sponsors. The hope of freedom should not die because of the untimely death of a sponsor. I thank my colleagues for supporting HR 1892.

PAYING TRIBUTE TO ESTHER MASH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Esther Mash and thank her for her extraordinary contributions to the children of Mesa County and the State of Colorado. Her life-long dedication to her job as a schoolteacher and now as a volunteer at her local elementary school is matched only by the level of integrity and honesty with which she has conducted herself each and every day. The children whose lives she has touched are eternally grateful for all that she has taught them in her lifetime of public service.

At age ninety-one, Esther is the oldest volunteer in the Mesa County Retired Senior Volunteer Program. Every weekday, Esther walks to Taylor Elementary to volunteer her mornings and afternoons to tutor needy children. Known to the children as ''Grandma Mash,'' Esther brings to the classroom the rare gift of a lifetime of experience gained as a teacher for over 20 years with District 51, located in southeast Colorado. She retired in 1975, after providing countless children with the gift of learning.

Esther continued to dedicate her efforts to children when she moved to Palisade, Colorado in 1995. There, she began to volunteer at Taylor Elementary, and continues to enjoy the respect and adulation from colleagues and children throughout the school. The school community, from the principal and teachers to the children and parents, has repeatedly expressed their gratitude for Esther's volunteer efforts. Taylor Elementary recently awarded her efforts with the title of ''extraordinary volunteer.''

Mr. Speaker, it is with great pride that I bring to the attention of this body of Congress, and this nation, the life and spirit of such an incredible woman. Throughout her life, Esther has managed to enrich and improve the lives of those around her. She continues to dedicate her time and energy to bring the gift of learning to children throughout the community. Esther Mash is truly an inspiration to all of us and I am honored to recognize her passion for life and indomitable human spirit that sets an example of charity to us all.

IN HONOR OF MAYOR PATRICIA SIANO-GILLIGAN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Mayor Patricia Siano-Gilligan of Keansburg, New Jersey, who was honored on February 22, 2002, at the First Annual Keansburg Mayor's Ball.

Mayor Gilligan was born in Hoboken, New Jersey, and lived in Union City and Carteret before moving to Keansburg sixteen years ago.

In 1994, Mayor Gilligan was elected to the Keansburg City Council, where she served until 1998, becoming the youngest councilperson ever elected to office in the Bayshore area of New Jersey. Following her tenure as councilperson, she focused her efforts on reorganizing the Keansburg Democratic Party preparation for the General Election of 2000.

Patricia Siano-Gilligan was sworn-in as the Mayor of Keansburg in 2000, becoming the only female mayor in the Bayshore area, as well as the youngest mayor in the area. Mayor Gilligan was a founding member of ''Save the Bay'' Committee, which successfully stopped a proposed waste site off the coast of Keansburg.

For several years, she has been a dedicated basketball and softball coach, and is active with such veterans' organizations as the American Legion and VFW, as well as various senior citizen organizations.

Today, I ask my colleagues to join me in honoring Mayor Patricia Siano-Gilligan of Keansburg, New Jersey, for her many accomplishments and her dedication to public service.

HONORING DON OLSEN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Don Olsen on the occasion of the completion of his term as President of the Eastern Madera County Chamber of Commerce. Mr. Olsen provided valuable leadership during his tenure and has an exemplary record of career and civic leadership. He served as the Chamber's President from January 1, 2001, until December 31, 2001.

Mr. Olsen has been a member of the Eastern Madera County Chamber of Commerce for five years. As President, he coordinated the effort of the organization's many officers, directors, and committee chairpersons to create an effective mechanism to organize and sponsor many successful projects that benefited the local community, the business community, and local civic organizations.

In addition to his responsibilities with the Eastern Madera County Chamber of Commerce, Mr. Olsen has been a member of the Oakhurst Sierra Sunrise Rotary for seven years, Director for the Boys and Girls Club of Oakhurst, and Senior Coach of Sierra Little League for three years.

Mr. Speaker, I rise today to honor Don Olsen for his service as President to the Eastern Madera County Chamber of Commerce. I invite my colleagues to join me in thanking him for his community service and wishing him many more years of continued success.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 28, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 1

10 a.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine U. S. policy in Iraq.
SD–342

MARCH 5

9:30 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense and the Future Years Defense Program, focusing on unified and regional commanders, military strategy and operational requirements.
SH–216

10 a.m.
Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 2003 for Indian programs.
SR–485

Banking, Housing, and Urban Affairs
To hold oversight hearings to examine accounting and investor protection issues raised by Enron and other public companies.
SD–538

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Judiciary.
SD–138

Judiciary
To hold hearings on pending executive branch nominations.
SD–226

2:30 p.m.
Veterans' Affairs
To hold hearings on the nomination of Robert H. Roswell, of Florida, to be Under Secretary for Health, and Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits, both of the Department of Veterans Affairs.
SR–418

Governmental Affairs
To hold hearings on the nomination of Jeanette J. Clark, to be an Associate Judge of the Superior Court of the District of Columbia.
SD–342

Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003, focusing on Marine Corps modernization programs.
SR–222

Health, Education, Labor, and Pensions
To hold hearings to examine the dangers of cloning and the promise of regenerative medicine.
SD–430

MARCH 6

9:30 a.m.
Governmental Affairs
To hold hearings to examine the monitoring of accountability and competition in the Federal and Service Contract Workforce.
SH–216

Agriculture, Nutrition, and Forestry
To hold hearings to examine the nominations of Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation, and to be Under Secretary of Agriculture for Rural Development, Nancy Southard Bryson, of the District of Columbia, to be General Counsel of the Department of Agriculture, and Grace Trujillo Daniel, of California, and Fred L. Dailey, of Ohio, each to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation, Farm Credit Administration.
SD–106

10 a.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine financial management issues of the Department of Defense.
SR–222

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Army budget.
SD–192

Foreign Relations
To hold hearings to examine the terrorist nuclear threat, focusing on dirty bombs and basement nukes.
SD–419

Budget
To hold hearings to examine the President's proposed budget request for fiscal year 2003, focusing on analysis of the Congressional Budget Office.
SD–608

Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine the improvement of surveillance of chronic conditions and potential links to environmental exposures.
SD–430

Banking, Housing, and Urban Affairs
To hold oversight hearings to examine accounting and investor protection issues raised by Enron and other public companies.
SD–538

10:30 a.m.
Judiciary
Antitrust, Competition and Business and Consumer Rights Subcommittee
To hold hearings to examine cable competition, focusing on the Echostar-Direct TV merger.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine wireless communications infrastructure in the United States.
SR–253

Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold oversight hearings to examine the proposed reauthorization of the HUD McKinney-Vento Homeless Assistant Act Programs.
SD–538

Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on nonproliferation programs of the Department of Energy and the Cooperative Threat Reduction program of the Department of Defense.
SR–222

Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

MARCH 7

9:30 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, and the Future Years Defense Program.
SH–216

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Paralyzed Veterans of America, Jewish War Veterans, Blinded Veterans Association, the Non-Commissioned Officers Association, and the Military Order of the Purple Heart.
345, Cannon Building

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Securities and Exchange Commission and the Federal Communications Commission.
SR–253

Indian Affairs
To resume hearings on the President's proposed budget request for fiscal year 2003 for Indian programs.
SR–485

Banking, Housing, and Urban Affairs
To hold oversight hearings to examine the semi-annual report on Monetary Policy of the Federal Reserve.
SD–106

Health, Education, Labor, and Pensions
To hold hearings on proposed legislation authorizing funds for national service programs.
SD–430

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 1069, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers from the majority of the trails in the System; S. 213, to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails; H.R. 1384, to amend the National Trails System Act to designate the Navajo Long

Walk to Bosque Redondo as a national historic trail; and S. 1946, to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail.

SD–366

MARCH 12

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of State.

SD–138

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense and the Future Years Defense Program, focusing on special operations military capabilities, operational requirements, and technology acquisition.

SR–222

MARCH 13

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Commerce.

SD–116

MARCH 14

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Gold Star Wives of America, the Fleet Reserve Association, the Air Force Sergeants Association, and the Retired Enlisted Association.

345, Cannon Building

MARCH 19

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the National Oceanic and Atmospheric Administration and the Small Business Administration.

SD–138

MARCH 20

10 a.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine identity theft and information protection.

SD–226

2 p.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of American Ex-Prisoners of War, the Vietnam Veterans of America, the Retired Officers Association, the National Association of State Directors of Veterans Affairs, and AMVETS.

345, Cannon Building

MARCH 21

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Federal Bureau of Investigation, Immigration and Naturalization Service, and the Drug Enforcement Administration, all of the Department of Justice.

SD–116

APRIL 10

10:30 a.m.
Judiciary
Antitrust, Competition and Business and Consumer Rights Subcommittee
To hold hearings to examine cable competition, focusing on the ATT-Comcast merger.

SD–226

Daily Digest

HIGHLIGHTS

The House passed H.R. 1542, Internet Freedom and Broadband Deployment Act.

Senate

Chamber Action

Routine Proceedings, pages S1223–S1326

Measures Introduced: Three bills were introduced, as follows: S. 1970–1972. **Pages S1251–52**

Measures Passed:

Read Across America Day: Committee on the Judiciary was discharged from further consideration of S. Res. 211, designating March 2, 2002, as ''Read Across America Day'', and the resolution was then agreed to. **Page S1260**

Election Reform: Senate continued consideration of S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, and to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, taking action on the following amendments proposed thereto: **Pages S1223–41**

Pending:

Clinton Amendment No. 2906, to establish a residual ballot performance benchmark. **Page S1223**

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. **Page S1223**

Dodd (for Kennedy) Amendment No. 2916, to clarify the application of the safe harbor provisions. **Page S1223**

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. **Page S1223**

Hatch Amendment No. 2936, to make the provisions of the Voting Rights Act of 1965 permanent. **Page S1223**

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. (By 46 yeas to 51 nays (Vote No. 38), Senate failed to table the amendment.) **Pages S1223–28**

Smith (NH) Amendment No. 2933, to prohibit the broadcast of certain false and untimely information on Federal elections. **Page S1223**

Bond Amendment No. 2940 (to Amendment No. 2937), to permit the use of signature verification programs to verify the identity of individuals who register to vote by mail. **Pages S1228–32**

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, the cloture vote will occur on Friday, March 1, 2002. **Page S1241**

A unanimous-consent agreement was reached providing for further consideration of the bill at 11 a.m., on Thursday, February 28, 2002. **Page S1241**

National Laboratories Partnership Improvement Act: A unanimous-consent agreement was reached modifying the pending Daschle/Bingaman Amendment No. 2917 to S. 517, to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006. **Pages S1262–S1320**

Messages from the President: Senate received the following 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. (PM–71) **Page S1251**

Nominations Confirmed: Senate confirmed the following nominations:

3 Air Force nominations in the rank of general.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S1325–26**

Nominations Received: Senate received the following nominations:

Deborah Matz, of New York, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2005.

Lawrence E. Butler, of Maine, to be Ambassador to The Former Yugoslav Republic of Macedonia.

J. Russell George, of Virginia, to be Inspector General, Corporation for National and Community Service.

Victoria A. Lipnic, of Virginia, to be an Assistant Secretary of Labor.

Naomi Shihab Nye, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006. (Reappointment)

John Leonard Helgerson, of Virginia, to be Inspector General, Central Intelligence Agency.

Routine lists in the Air Force, Army. **Pages S1320–25**

Messages From the House: **Page S1251**

Measures Referred: **Page S1251**

Enrolled Bills Presented: **Page S1251**

Additional Cosponsors: **Page S1252**

Statements on Introduced Bills/Resolutions: **Pages S1252–58**

Additional Statements: **Page S1250**

Amendments Submitted: **Pages S1258–59**

Authority for Committees to Meet: **Pages S1259–60**

Record Votes: One record vote was taken today. (Total–38) **Page S1228**

Adjournment: Senate met at 9:30 a.m., and adjourned at 6:15 p.m., until 10:30 a.m., on Thursday, February 28, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1320).

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—AGRICULTURE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies held hearings to examine proposed budget estimates for fiscal year 2003 for the Department of Agriculture, receiving testimony from Ann M. Veneman, Secretary of Agriculture, who was accompanied by several of her associates.

Hearings continue on Wednesday, March 13.

APPROPRIATIONS—DEFENSE

Committee on Appropriations: Subcommittee on Defense concluded hearings to examine proposed budget estimates for fiscal year 2003 for the Department of Defense, after receiving testimony from Paul Wolfowitz, Deputy Secretary, and Dov S. Zakheim, Under Secretary/Comptroller, both of the Department of Defense.

APPROPRIATIONS—HIGHWAY SAFETY

Committee on Appropriations: Subcommittee on Transportation concluded hearings to examine proposed budget estimates for fiscal year 2003 for the Department of Transportation, focusing on highway safety programs, after receiving testimony from Jeffrey W. Runge, Administrator, National Highway Traffic Safety Administration, Department of Transportation; Marion C. Blakey, Chairman, National Transportation Safety Board; James W. McMahon, New York State Police, Ballston Lake, on behalf of the International Associations of Chiefs of Police; and Millie I. Webb, Mothers Against Drunk Driving, Houston, Texas.

FEMA TERRORISM RESPONSE

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded hearings to examine the role of the Federal Emergency Management Agency (FEMA) concerning terrorism response, including funding for first responder and live agent training facilities such as the Center for Domestic Preparedness, the impact of the proposed transfer of the Office of Emergency Preparedness from the Department of Justice to FEMA, and U.S. chemical weapons stockpiles protection, after receiving testimony from Joe M. Allbaugh, Director, Federal Emergency Management Agency.

WEAPONS OF MASS DESTRUCTION

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities concluded hearings to examine the status of Iraq's current holdings of weapons of mass destruction, after receiving testimony from Anthony H. Cordesman and Charles A. Duelfer, both of the Center for Strategic and International Studies, Washington, D.C.

Also, subcommittee met in closed session on the aforementioned, after receiving testimony from officials of the intelligence community.

DEFENSE ACQUISITION POLICY

Committee on Armed Services: Subcommittee on Readiness and Management Support concluded hearings to examine the Department of Defense acquisition policy, focusing on proposals to change the military environment, reduce cycle time, improve processes including greater use of competition, link human resources to requirements, and monitor progress with metrics, after receiving testimony from Michael W. Wynne, Principal Deputy Under Secretary for Acquisition, Technology and Logistics, and Deidre A. Lee, Director, Defense Procurement, both of the Department of Defense; and Angela B. Styles, Administrator for Federal Procurement Policy, Office of Management and Budget.

CORPORATE GOVERNANCE

Committee on Banking, Housing, and Urban Affairs: Committee concluded oversight hearings to examine issues related to corporate governance raised by Enron Corporation, focusing on abuse of stock options, auditor independence, and compensation issues, after receiving testimony from John H. Biggs, Teachers' Insurance and Annuity Association—College Retirement Equities Fund (TIAA-CREF), and Ira M. Millstein, Weil, Gotshal, and Manges, on behalf of the Blue Ribbon Committee on Improving the Effectiveness of Corporate Audit Committees, both of New York, New York.

BUDGET OUTLOOK

Committee on the Budget: Committee concluded hearings to examine the long-term budgetary outlook of the United States, focusing on demographic trends, the impact of the aging baby boom generation, and creating a balance between current needs and wants against known long term pressures, after receiving testimony from David M. Walker, Comptroller General of the United States, General Accounting Office.

DIGITAL NETWORK TECHNOLOGY PROGRAM

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings on S. 414, to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, focusing on the digital divide and minority serving institutions, after receiving testimony from Antonio Flores, Hispanic Association of Colleges and Universities, San Antonio, Texas; William H. Gray III, United Negro College Fund, Inc., Fairfax, Virginia; Frederick S. Humphries, National Association for Equal Opportunity in Higher Education, Silver Spring, Maryland; Gerald Monette, Turtle Mountain Community College, Belcourt, North Dakota, on behalf of the American Indian Higher Education Consortium; Juliet V. Garcia, University of Texas and Texas Southmost College, Brownsville; Marie V. McDemmond, Norfolk State University, Norfolk, Virginia; George Sandoval, Dine College, Tsaile, Arizona; and Louis W. Sullivan, Morehouse School of Medicine, Atlanta, Georgia, on behalf of the Atlanta University Center Council of Presidents.

PRIVATE PENSION SYSTEM SECURITY

Committee on Finance: Committee held hearings to examine potential vulnerability issues of employer-sponsored defined contribution and benefits retirement plans, otherwise known as pension plans, including the importance of investment diversification, investor education issues, information disclosure, fiduciary rules needed to safeguard employee pension assets, and related issues associated with the Enron Corporation's defined benefit pension plans, receiving testimony from David M. Walker, Comptroller General of the United States, General Accounting Office; William F. Sweetnam, Jr., Benefits Tax Counsel, Office of Tax Policy, Department of the Treasury; Steven A. Kandarian, Executive Director, Pension Benefit Guaranty Corporation; Jack L. VanDerhei, Temple University, Philadelphia, Pennsylvania, on behalf of the Employee Benefit Research Institute; R. Bradford Huss, Trucker Huss, San Francisco, California, on behalf of the American Society of Pension Actuaries.

Hearings recessed subject to call.

FUTURE SECURITY

Committee on Foreign Relations: Committee concluded hearings to examine the development of a secure future, focusing on democratization, poverty alleviation, and human rights, after receiving testimony from Madeleine K. Albright, National Democratic Institute for International Affairs, former Secretary of State, and Richard N. Perle, former Assistant Secretary of Defense for International Security, on behalf of the American Enterprise Institute, both of Washington, D.C.

UN POPULATION FUND

Committee on Foreign Relations: Subcommittee on International Operations and Terrorism concluded hearings to examine U.S. contributions toward the United Nation's Population Fund and how it affects the lives of women, after receiving testimony from Arthur E. Dewey, Assistant Secretary of State for Population, Refugees, and Migration; Nicolaas H. Biegman, Amsterdam, the Netherlands, former Netherlands Ambassador to the United Nations and NATO; Phyllis E. Oakley, Johns Hopkins School of Advanced International Studies, former Assistant Secretary of State for Intelligence and Research/Population, Refugees, and Migration, and Nicholas Eberstadt, American Enterprise Institute, both of Washington, D.C.; and Josephine Guy, America 21, Louisville, Kentucky, on behalf of the Population Research Institute.

WALL STREET'S ENRON SILENCE

Committee on Governmental Affairs: Committee concluded hearings to examine the fall of the Enron Corporation and the inaccuracies and independence of Wall Street research analysts ratings of Enron, after receiving testimony from Richard Gross, Lehman Brothers, Inc., Jersey City, New Jersey; Anatol Feygin, J.P. Morgan Securities, Inc., Curt N. Launer, Credit Suisse First Boston, Raymond C. Niles, Salomon Smith Barney, all of New York, New York; Howard M. Schilit, Center for Financial Research and Analysis, Inc., Rockville, Maryland; Robert R. Glauber, National Association of Securities Dealers, Inc., and Frank C. Torres, Consumers Union, both of Washington, D.C., former Under Secretary of the Treasury for Finance; Thomas A. Bowman, Association for Investment Management and Research, Charlottesville, Virginia; and Charles L. Hill, Thomson Financial/First Call, Boston, Massachusetts.

EMPLOYMENT NONDISCRIMINATION ACT

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings on S. 1284, to prohibit employment discrimination on the basis of sexual orientation, after receiving testimony from Charles K. Gifford, FleetBoston Financial Corporation, Boston, Massachusetts; Lucy Billingsley, Billingsley Company, Dallas, Texas; Robert L. Berman, Eastman Kodak Company, Rochester, New York; Richard G. Womack, AFL–CIO Department of Civil and Human Rights, Washington, D.C.; Matthew Coles, American Civil Liberties Union, New York, New York; and Lawrence Lane, Long Island, New York.

WORKPLACE SAFETY

Committee on Health, Education, Labor, and Pensions: Subcommittee on Employment, Safety and Training concluded hearings to examine workplace safety and health issues with respect to immigrant and low-wage workers, after receiving testimony from Representative Gutierrez; John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health; Rosemary Sokas, Associate Director for Science, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention Headquarters, Department of Health and Human Services; Arturo S. Rodriguez, United Farm Workers of America (AFL–CIO), Keene, California; Thomas Maier, Newsday Magazine, Melville, New York; Bobby J. Jackson, National Programs for the National Safety Council, Washington, D.C.; and Omar Henriquez, New York Committee for Occupational Safety and Health, and You Di Liao, on behalf of the Chinese Staff and Workers' Association, National Mobilization Against SweatShops and Workers' Awaaz, both of New York, New York.

INDIAN TRIBAL GOVERNMENTS

Committee on Indian Affairs: Committee concluded oversight hearings to examine how the rulings of the United States Supreme Court affect the powers and authorities of Indian tribal governments, after receiving testimony from William C. Canby, Jr., United States Court of Appeals for the Ninth Circuit, Phoenix, Arizona; Robert Yazzie, Navajo Nation Supreme Court, Window Rock, Arizona; John St. Clair, Shoshone and Arapahoe Tribal Court of the Wind River Reservation, Ft. Washakie, Wyoming; David H. Getches, University of Colorado School of Law, Boulder; Robert T. Andersen, University of Washington School of Law, Seattle; and W. Ron Allen, Jamestown S'Klallam Tribe, Sequim, Washington.

INTELLECTUAL PROPERTY PROTECTION

Committee on the Judiciary: Committee concluded hearings to examine the impact of State sovereign immunity on the enforcement of intellectual property rights, focusing on the meaning of related Supreme Court decisions, *Florida Prepaid Postsecondary Education Expense Board* v. *College Savings Bank* and *College Savings Bank* v. *Florida Prepaid Postsecondary Education Expense Board*, and a related measure, S. 1611, to restore Federal remedies for infringements of intellectual property by States, after receiving testimony from James E. Rogan, Under Secretary of Commerce for Intellectual Property and Director of the Patent and Trademark Office; Marybeth Peters, Register of Copyrights, Library of Congress; Michael K. Kirk, American Intellectual Property Law Association, Arlington, Virginia; Keith Schraad, National

Information Consortium, Lawrence, Kansas; William E. Thro, Christopher Newport University, Newport News, Virginia; and Paul Bender, Arizona State University College of Law, Tempe, on behalf of the Property Owners Remedy Alliance.

NOMINATION

Committee on Small Business and Entrepreneurship: Committee concluded hearings on the nomination of Melanie Sabelhaus, of Maryland, to be Deputy Administrator of the Small Business Administration, after the nominee, who was introduced by Hector V. Barreto, Jr., Administrator, SBA, testified and answered questions in her own behalf.

SBA BUDGET

Committee on Small Business and Entrepreneurship: Committee concluded hearings on the President's proposed budget for fiscal year 2003 for the Small Business Administration, focusing on the 7(a) Guaranty Loan Program, 504 Loan Program, and the Microloan Program, after receiving testimony from Hector V. Barreto, Jr., Administrator, Small Business Administration; Anthony R. Wilkinson, National Association of Government Guaranteed Lenders, Inc., Stillwater, Oklahoma; Christopher L. Crawford, National Association of Development Companies, McLean, Virginia; Alan Corbet, Growth Opportunity Connection, Kansas City, Missouri; Amanda C. Zinn, Women Entrepreneurs of Baltimore, Inc., Baltimore, Maryland; and Donald Wilson, Association of Small Business Development Centers, Burke, Virginia.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

GERIATRIC HEALTH CARE SHORTAGE

Special Committee on Aging: Committee concluded hearings to examine the growing lack of medical professionals trained to treat the elderly and a related proposal to expand medical residency training programs in geriatrics, after receiving testimony from Daniel Perry, Alliance for Aging Research, Washington, D.C.; Charles A. Cefalu, Louisiana State University, New Orleans, on behalf of the American Geriatrics Society and the Louisiana Geriatrics Society; Claudia J. Beverly, Donald W. Reynolds Center on Aging, Little Rock, Arkansas; Michael C. Martin, Commission for Certification in Geriatric Pharmacy, Alexandria, Virginia; and Stephen Bzdok, Las Vegas, Nevada.

House of Representatives

Chamber Action

Measures Introduced: 19 public bills, H.R. 3799–3817; and; 4 resolutions, H. Con. Res. 335–337, and H. Res. 352 were introduced.

Pages H633–34

Reports Filed: No reports were filed today.

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Joseph F. Sica, Our Lady of Snows Catholic Church of Clarks Summit, Pennsylvania. Page H563

Journal: Agreed to the Speaker's approval of the Journal of Tuesday, Feb. 26, 2002 by a yea-and-nay vote of 355 yeas to 48 nays with 1 voting "present," Roll No. 41. Page H564

Member Sworn—1st District of Oklahoma: Representative-elect John Sullivan presented himself in the well of the House and was administered the oath of office by the Speaker. Earlier, read a letter from the Honorable Mike Hunter, Secretary of State, State of Oklahoma, who certified the election results of the Special General Election held on January 8, 2002 for the Office of United States House of Representatives District 1 vacated by the resignation of Representative Steve Largent. Page H565

Internet Freedom and Broadband Deployment Act: The House passed H.R. 1542, to deregulate the Internet and high speed data services, by a recorded vote of 273 ayes to 157 noes, Roll No. 45.

Pages H568–H609

Agreed to the Markey motion, as amended by Buyer, to recommit the bill to the Committee on Energy and Commerce with instructions to report it back to the House with an amendment that guarantees access to consumers for Competitive Local Exchange Carriers (CLECs). The amendment consisted of the text of Buyer amendment No. 3 printed in Part B of H. Rept. 107–361 made in order by the

rule as a substitute to amendment No. 2 of the report. Subsequently, Chairman Tauzin reported the bill back with the amendment, and it was agreed to. **Pages H601–07**

Earlier, by a recorded vote of 173 ayes to 256 noes, Roll No. 44, the House failed to order the previous question on the Markey motion to recommit the bill to the Committee on Energy and Commerce with instructions to report it back to the House with an amendment that sought to preserve existing rules relating to the rates, charges, terms, and conditions for the purchasing or leasing of telecommunications services and network elements by competitive telecommunications carriers. The amendment consisted of the text of amendment No. 2 printed in Part B of H. Rept. 107–361 made in order by the rule but not offered by Representative Cannon or his designee. **Page H605**

Pursuant to the rule the amendment in the nature of a substitute printed in Part A of H.Rept. 107–361 was considered as adopted. **Page H594**

Agreed To:

Upton amendment No. 1, printed in Part B of H. Rept. 107–361, that strengthens FCC enforcement authority by increasing the forfeiture penalties cap for all common carriers who violate telecommunications law from $1.2 million to $10 million, increasing the fine per violation cap from $120,000 to $1 million, doubles these amounts for repeat offenders, doubles the statute of limitations for the FCC to bring enforcement actions against carriers from one year to two years and gives it the authority to issue cease and desist orders, and requires the FCC to evaluate the impact of these increased remedies within one year after enactment (agreed to by recorded vote of 421 ayes to 7 noes, Roll No. 43). **Pages H597–H601**

The Clerk was authorized to make technical corrections and conforming changes in the engrossment of the bill. **Pages H608–09**

Agreed to H. Res. 350, the rule that provided for consideration of the bill was agreed to by a yea-and-nay vote of 282 yeas to 142 nays, Roll No. 42. **Page H574**

Presidential Message—National Emergency re Cuba: Read a message from the President wherein he transmitted his notice 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 referred to the Committee on International Relations and ordered printed (H. Doc. 107–182). **Page H613**

Senate Message: Messages received from the Senate today appears on page H564.

Referrals: S. 1857 was held at the desk. **Page H564**

Quorum Calls Votes: Two yea-and-nay votes and three recorded votes developed during the proceedings of the House today and appear on pages H564, H574, H601, H605, H608. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:29 p.m.

Committee Meetings

BUDGET VIEWS AND ESTIMATES

Committee on Agriculture: Approved Committee Budget Views and Estimates for Fiscal Year 2003 for submission to the Committee on the Budget.

AGRICULTURE, RURAL DEVELOPMENT, FDA APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies held a hearing on NRE/Natural Resources Conservation Service. Testimony was heard from the following officials of the USDA: Mark E. Rey, Under Secretary, Natural Resources and Environment; Pearlie S. Reed, Chief, and Brenda Thomas, Acting Director, Budget Planning and Analysis Division, both with Natural Resources Conservation Service; and Dennis Kaplan, Budget Office.

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and Judiciary held a hearing on Secretary of Commerce. Testimony was heard from Donald L. Evans, Secretary of Commerce.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on U.S. Army Corps of Engineers. Testimony was heard from the following officials of the Corps of Engineers, Department of the Army: Mike Parker, Assistant Secretary (Civil Works); Lt. Gen. Robert B. Flowers, Chief; Maj. Gen. Robert H. Griffin, Deputy Commanding General for Civil Works; Rob Vining, Chief, Program Management Division, Directorate of Civil Works; Brig. Gen. Edwin J. Arnold, Jr., and Cecil Bryant, both with Mississippi Valley Division; Brig. Gen. Steven R. Hawkins; and Gerald W. Barnes, both with Great Lakes and Ohio River Division; Brig. Gen. Stephen Rhoades, and Lawrence Petrocino, both with North Atlantic Division; Brig..

Gen. Peter Madsen and Tony Leketa, both with South Atlantic Division; Brig. Gen. Ronald L Johnson and David A. Lau, both with Pacific Ocean Division; Brig. Gen. David F. Melcher and William Dawson, both with Southwestern Division; Brig. Gen. David A. Fastabend and Michael White, both with Northwestern Division; and Brig. Gen. Larry Davis, and Steve Stockton, both with South Pacific Division.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on Secretary of the Interior. Testimony was heard from Gale A. Norton, Secretary of the Interior.

LABOR, HHS, AND EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services and Education held a hearing on Department of Labor—Employment Assistance and Training Activities Panel. Testimony was heard from the following officials of the Department Labor: Emily Stover DeRocco, Assistant Secretary, Employment and Training Administration; and Frederico Juarbe, Jr., Assistant Secretary, Veterans Employment and Training.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on Army. Testimony was heard from the following officials of the Department of the Army: Mario P. Fiori, Assistant Secretary, (Installations and Environment); Maj. Gen. Robert L. Van Antwerp, Jr., Assistant Chief of Staff, Installation Management; Maj. Gen. James R. Helmly, Commander (TPU), 78th Division, (Training Support), Army Reserves; and Brig. Gen. Michael J. Squier, Deputy Director, Army National Guard.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on The Future of AMTRAK. Testimony was heard from the following officials of the Department of Transportation: Allan Rutter, Administrator, Federal Railroad Administration; and Kenneth Mead, Inspector General; George D. Warrington, President and CEO, Amtrak; and Gil Carmichael, Chairman, Amtrak Reform Council.

TREASURY, POSTAL AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service and General Government held a hearing on U.S. Customs, and on Secret Service. Testimony was heard from the following officials of the Department of the Treasury: Jimmy Gurule, Under Secretary, Enforcement; and Robert C. Bonner, Commissioner, U.S. Customs Service; and Brian L. Stafford, Director, U.S. Secret Service.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST

Committee on Armed Services: Continued hearings on the fiscal year 2003 National Defense Authorization budget request. Testimony was heard from the following officials of the Department of Defense: Gen. Tommy R. Franks, USA, Commander in Chief, U.S. Central Command; and Peter Rodman, Assistant Secretary, International Security Affairs.

Hearings continue tomorrow.

MISSILE DEFENSE AGENCY AND NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST

Committee on Armed Services: Subcommittee on Military Procurement and the Subcommittee on Military Research and Development held a joint hearing on the Missile Defense Agency and the fiscal year 2003 National Defense Authorization budget request. Testimony was heard from the following officials of the Department of Defense: Paul Wolfowitz, Deputy Secretary; and Lt. Gen. Ronald T. Kadish, USAF, Director, Ballistic Missile Defense Organization.

ENRON AND BEYOND: LEGISLATIVE SOLUTIONS

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on ''Enron and Beyond: Legislative Solutions.'' Testimony was heard from public witnesses.

ASSESSING THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

Committee on Education and the Workforce: Subcommittee on 21st Century Competitiveness held a hearing on ''Assessing the Child Care and Development Block Grant.'' Testimony was heard from public witnesses.

MONETARY POLICY AND THE STATE OF THE ECONOMY

Committee on Financial Services: Held a hearing on monetary policy and the state of the economy. Testimony was heard from Alan Greenspan, Chairman, Board of Governors, Federal Reserve System.

TERRORISM INSURANCE PROTECTION

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled ''How much are Americans at risk until Congress Passes Terrorism Insurance Protection?'' Testimony

was heard from Mark Warshawsky, Deputy Assistant Secretary, Microeconomic Policy, Department of the Treasury; Richard J. Hillman, Director, Financial Markets and Community Investments, GAO; Gregory V. Serio, Superintendent, Department of Insurance, State of New York; and public witnesses.

JUSTICE DEPARTMENT MISCONDUCT IN BOSTON

Committee on Government Reform: Held a hearing on "Justice Department Misconduct in Boston: Are Legislative Solutions Required?" Testimony was heard from Victor Garo, Attorney for Joseph Salvati; Austin McGuigan, former Chief Attorney, State of Connecticut; and public witnesses.

U.S. SECURITY POLICY—ASIA AND THE PACIFIC

Committee on International Relations: Subcommittee on East Asia and the Pacific and the Subcommittee on the Middle East and South Asia held a joint hearing on U.S. Security Policy in Asia and the Pacific: the View from Pacific Command. Testimony was heard from Adm. Dennis C. Blair, USN, Commander in Chief, U.S. Pacific Command, Department of Defense.

URGE UKRAINE—FAIR ELECTION PROCESS; U.S.-RUSSIAN RELATIONS

Committee on International Relations: Subcommittee on Europe, H. Res. 339, urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections.

The Subcommittee also held a hearing on U.S.-Russian Relations: An Assessment. Testimony was heard from public witnesses.

TWO STRIKES YOU'RE OUT CHILD PROTECTION ACT; BUDGET VIEWS AND ESTIMATES

Committee on the Judiciary: Began markup of H.R. 2146, Two Strikes You're Out Child Protection Act.

The Committee also approved Budget Views and Estimates for Fiscal Year 2003 for submission to the Committee on the Budget.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following measures: H. Con. Res. 275, expressing the sense of the Congress that hunting seasons for migratory mourning doves should be modified so that individuals have a fair and equitable opportunity to hunt such birds; H.R. 706, amended, to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico; H.R. 1712, amended, to authorize the Secretary of the Interior to make minor adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park; H.R. 1870, amended, Fallon Rail Freight Loading Facility Transfer Act; H.R. 1883, Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization Feasibility Study Act of 2001; and H.R. 3389, amended, National Sea Grant College Program Act Amendments of 2001.

NASA'S BUDGET REQUEST

Committee on Science: Held a hearing on NASA's Fiscal Year 2003 Budget Request. Testimony was heard from Sean O'Keefe, Administrator, NASA.

DISASTER LOAN SIZE STANDARDS

Committee on Small Business: Held a hearing on disaster loan size standards. Testimony was heard from Hector Barreto, Administrator, SBA; John D. Graham, Administrator, Office of Information and Regulatory Affairs, OMB; and public witnesses.

MISCELLANEOUS MEASURES; BUDGET VIEWS AND ESTIMATES

Committee on Transportation and Infrastructure: Ordered reported the following measures: H. Con. Res. 255, expressing the sense of the Congress regarding the 30th anniversary of the enactment of the Clean Water Act; H.R. 2804, to designate the United States courthouse located at 95 Seventh Street in San Francisco, California, as the "James R. Browning United States Courthouse"; H.R. 3347, amended, General Aviation Industry Reparations Act of 2001; and S. 1622, to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001.

The Committee also approved the following: three Public Building Resolutions; and Committee Budget Views and Estimates for Fiscal Year 2003 for submission to the Committee on the Budget.

AVIATION SECURITY—PASSENGER PROFILING

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Aviation Security, focusing on Passenger Profiling. Testimony was heard from public witnesses.

CORPS OF ENGINEERS' BUDGET AND PRIORITIES

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on the Corps of Engineers' Budget and Priorities for Fiscal Year 2003. Testimony was

heard from the following officials of the Department of the Army: Mike Parker, Assistant Secretary, Army (Civil Works); and Lt. Gen. Robert B. Flowers, USA, Chief, Corps of Engineers.

MILITARY MEDICAL SURVEILLANCE SYSTEM CHALLENGES

Committee on Veterans' Affairs: Subcommittee on Health held a hearing to consider issues of operational and medical readiness in the active duty force and their relationships to the health status of the veteran population. Testimony was heard from Cynthia Bascetta, Director, Veterans' Health and Benefits Issues, GAO; Ellen Embrey, Deputy Assistant Secretary, Force Health Protection and Health Affairs, Department of Defense; and Frances Murphy, M.D., Acting Under Secretary, Health, Department of Veterans Affairs.

WTO'S EXTRATERRITORIAL INCOME DECISION

Committee on Ways and Means: Held a held a hearing on the WTO's Extraterritorial Income Decision. Testimony was heard from Barbara M. Angus, International Tax Counsel, Office of Tax Policy, Department of the Treasury; Peter B. Davidson, General Counsel, U.S. Trade Representative; and public witnesses.

Joint Meetings

DISABLED AMERICAN VETERANS/ VETERANS OF FOREIGN WARS

Joint Meeting: Senate Committee on Veterans' Affairs concluded joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of certain veteran's programs, receiving testimony from George H. Steese, Jr., Disabled American Veterans, and James N. Goldsmith, Veterans of Foreign Wars, both of Washington, D.C.

COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 28, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, with the *Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, to hold joint hearings to examine what women need to know with respect to mammography, 2:30 p.m., SD–106.*

Committee on Armed Services: to hold hearings to examine the future of the North Atlantic Treaty Organization (NATO), 9:30 a.m., SH–216.

Subcommittee on Readiness and Management Support, to hold hearings to examine the Department of Defense authorization request for fiscal year 2003, focusing on installations and environmental programs, 2:30 p.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: to hold oversight hearings to examine issues with respect to the sending of remittances, 10 a.m., SD–538.

Subcommittee on International Trade and Finance, to hold hearings to examine Argentina's current economic situation, 2:30 p.m., SD–538.

Committee on the Budget: to hold hearings to examine the President's proposed budget request for fiscal year 2003, focusing on winning the war, transformation, and reform issues, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the protection of content in a digital age, focusing on promoting broadband and digital televsion transition, 9:30 a.m., SR–253.

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Water, to hold hearings to examine S. 252, to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds; S. 285, to amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements; S.503, to amend the Safe Water Act to provide grants to small public drinking water system; S. 1044, to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed; and S. 1961, to improve financial and environmental sustainability of the water programs of the United States, 2:30 p.m., SD–406.

Committee on Foreign Relations: to hold hearings on the nomination of Emmy B. Simmons, of the District of Columbia, to be Assistant Administrator for Economic Growth, Agriculture, and Trade, United States Agency for International Development; and the nomination of Robert B. Holland III, of Texas, to be United States Alternate Executive Director of the International Bank For Reconstruction and Development, 2:45 p.m., SD–419.

Committee on Governmental Affairs: to hold hearings on the nomination of Louis Kincannon, of Virginia, to be Director of the Census, Department of Commerce, 2:30 p.m., SD–342.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Public Health, with the Committee on Appropriations, Subcommittee on Labor, Health and Human Services, and Education, to hold joint hearings to examine what women need to know with respect to mammography, 2:30 p.m., SD–106.

Committee on the Judiciary: Subcommittee on Immigration, to hold hearings on S. 121, to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, 2:30 p.m., SD–226.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on Research, Education and Economics, 9:30 a.m., 2362A Rayburn.

Subcommittee on Commerce, Justice, State and Judiciary, on Attorney General, 2 p.m., 2358 Rayburn.

Subcommittee on Defense, executive, on Missile Defense, 9:30 a.m., H–140 Capitol.

Subcommittee on Energy and Water Development, on Bureau of Reclamation, 10 a.m., 2362B Rayburn.

Subcommittee on Interior, on Fossil Energy, 10 a.m., and on Energy Conservation, 11 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services and Education, on Corporation for Public Broadcasting; Institute of Museum and Library Services; and the National Commission on Libraries and Information Science, 9:45 a.m., 2358 Rayburn.

Subcommittee on Transportation, on Federal Highway Administration, 10 a.m., 2358 Rayburn.

Subcommittee on Treasury, Postal Service and General Government, on Bureau of Alcohol, Tobacco and Firearms, 10 a.m., and on IRS, 2 p.m., 2359 Rayburn.

Committee on Armed Services, to continue hearings on the fiscal year 2003 National Defense Authorization budget request, 9:30 a.m., and to hold a hearing on the Export Administration Act of 2001, 1 p.m., 2118 Rayburn.

Committee on the Budget, hearing on Department of Health and Human Services Budget Priorities Fiscal Year 2003, 10 a.m., 219 Cannon.

Committee on Education and the Workforce, Subcommittee on Education Reform, hearing on ''The Reauthorization of the Office of Educational Research and Improvement,'' 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, hearing entitled ''Implementation of the TREAD Act: One Year Later,'' 9:30 a.m., 2322 Rayburn.

Subcommittee on Health, hearing on ''The Uninsured and Affordable Health Care Coverage,'' 10 a.m., 334 Cannon.

Committee on Financial Services, to consider Committee Budget Views and Estimates for Fiscal Year 2003 for submission to the Committee on the Budget, 9:30 a.m., and to hold a hearing on the International Monetary Fund, 1 p.m., 2128 Rayburn.

Committee on Government Reform, hearing on ''Quickening the Pace of Research in Protecting Against Anthrax and Other Biological Terrorist Agents—A Look at Toxin Interference,'' 10 a.m., 2154 Rayburn.

Committee on International Relations, to mark up H. Res. 339, urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections; followed by a hearing on the U.N. Criminal Tribunals for Yugoslavia and Rwanda: International Justice or Show of Justice? 11 a.m., 2172 Rayburn.

Subcommittee on Africa, hearing on Zimbabwe: Are ''Free and Fair'' Elections Possible? 2:30 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, oversight hearing on the Legal Services Corporation, 10 a.m., 2141 Rayburn.

Subcommittee on the Constitution, hearing on H.J. Res. 67, proposing an amendment to the Constitution of the United States regarding the appointment of individuals to serve as Members of the House of Representatives in the event a significant number of Members are unable to serve at any time because of a national emergency, 1 p.m., 2237 Rayburn.

Subcommittee on Immigration and Claims, oversight hearing on ''The Implications of Transnational Terrorism and the Argentine Economic Collapse for the Visa Waiver Program,'' 3 p.m., 2237 Rayburn.

Committee on Science, Subcommittee on Environment, Technology, and Standards, hearing on the NOAA Sea Grant Program: Review and Reauthorization, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, hearing on Perspectives of Governors and Local Elected Officials on Reauthorization of TEA 21, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Health, hearing on the Physician Payments, 9:30 a.m., 1100 Longworth.

Subcommittee on Oversight, hearing on IRS National Taxpayer Advocate Annual Report and IRS Oversight Board Annual Report, 2 p.m., 1100 Longworth.

Subcommittee on Social Security, hearing on Social Security Improvements for Women, Seniors and Working Americans, 11 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism and Homeland Security, executive, hearing on FBI Counterterrorism Issues, 10 a.m., H–405 Capitol.

Next Meeting of the SENATE

10:30 a.m., Thursday, February 28

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of S. 565, Election Reform.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, February 28

House Chamber

Program for Thursday: Consideration of motions to go to conference on:

(1) H.R. 3448, Public Health Security and Bioterrorism Response Act of 2002.

(2) H.R. 2646, Farm Security Act of 2002.

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