For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed $1,300) for official-type use and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration, $1,300,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $123,799,000.

For necessary expenses of the Treasury Inspector General in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed $1,300) for official-type use and hire of passenger motor vehicles; for expenses for student interns; uniforms without regard to the gender use; and purchase of commercial insurance policies, $44,879,000.

That the following sums are appropriated, and shall be used available, until expended:

For necessary expenses of the Treasury Inspector General in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed $1,300) for official-type use and hire of passenger motor vehicles; for expenses for student interns; uniforms without regard to the gender use; and purchase of commercial insurance policies, $44,879,000.

That none of the funds appropriated in this account shall be available to reimburse any Department of the Treasury office for expenses incurred in the performance of duties by Federal law enforcement personnel for travel expenses, for the fiscal year ending September 30, 2002, and for other purposes; namely:

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed $1,300) for official-type use and hire of passenger motor vehicles; for expenses for student interns; uniforms without regard to the gender use; and purchase of commercial insurance policies, $44,879,000.

That none of the funds appropriated in this account shall be available to reimburse any Department of the Treasury office for expenses incurred in the performance of duties by Federal law enforcement personnel for travel expenses, for the fiscal year ending September 30, 2002, and for other purposes; namely:

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALES AND EXPENSES

That the following sums are appropriated, and shall be used available, until expended:

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed $1,300) for official-type use and hire of passenger motor vehicles; for expenses for student interns; uniforms without regard to the gender use; and purchase of commercial insurance policies, $44,879,000.
Department law enforcement violations such as money laundering, violent crime, and smuggling of which $18,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

For necessary expenses of the Financial Management Service, $212,315,000, of which not to exceed $2,500,000 shall be available for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canine dogs for explosives and fire accelerant detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and the National Testing and Evaluation Center, and provision of laboratory assistance to State and local agencies, with or without reimbursement, $321,421,000, of which $3,500,000 shall be available for retrofitting and upgrading of the National Tracing Center Facility in Martinsburg, West Virginia, of which not to exceed $1,000,000 shall be available for the purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and some additional vehicles, including purchase of new, used, or existing, reconditioned or new, used, or existing, reconditioned, of which not to exceed $150,000 shall be available for payment for rental space in connection with clearance operations; not to exceed $1,500,000 for research; of which not less than $100,000 shall be available to promote public awareness of the child pornography time line; of which not less than $100,000 shall be available for Project Alert; not to exceed $5,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; and not to exceed $1,000,000 shall be available until expended for repairs to Customs facilities: Provided, That uniforms may be purchased without regard to the general procurement and demand reduction policies for the current fiscal year: Provided further, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection (1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103-182, $3,000,000, to be derived from the Harbor Maintenance Fee Trust Fund and to be transferred and merged with the Customs ‘‘Salaries and Expenses’’ accounts.

OPERATION, MAINTENANCE AND PROCUREMENT

AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment; for training and associated programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs patrols, and the Department of the Treasury, and law enforcement agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the Department of Homeland Security, and local agencies in other law enforcement and emergency humanitarian efforts, $172,637,000, which shall remain available until expended.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for, $357,000,000, to remain available until expended, of which $5,400,000 shall be for the Information Trade Data System, and not less than $230,000,000 shall be for the Automated Commercial Environment: Provided, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the Committee on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A-11, part 3; (2) complies with the Customs Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: Provided further, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the expenditure plan has been approved by the Committee on Appropriations.

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $191,718,000, of which not to exceed $15,000 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: Provided, That the sum appropriated herein from the General Fund for fiscal year 2002 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Directions to the extent that the security issue fees are collected, so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at $191,318,000.

LACK OF LIQUIDITY TRUST FUND

For expenses necessary for the operation of the United States Customs Service, including purchase of not to exceed $212 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles, hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees necessary for the performance of their official duties, or training an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canine dogs for explosives and fire accelerant detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and the National Testing and Evaluation Center, and provision of laboratory assistance to State and local agencies, with or without reimbursement, $321,421,000, of which $3,500,000 shall be available for retrofitting and upgrading of the National Tracing Center Facility in Martinsburg, West Virginia, of which not to exceed $1,000,000 shall be available for the purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and some additional vehicles, including purchase of new, used, or existing, reconditioned or new, used, or existing, reconditioned, of which not to exceed $150,000 shall be available for payment for rental space in connection with clearance operations; not to exceed $1,500,000 for research; of which not less than $100,000 shall be available to promote public awareness of the child pornography time line; of which not less than $100,000 shall be available for Project Alert; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 1454, or act upon applications filed by State or other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2002 without the prior approval of the Committee on Appropriations.

CONGRESSIONAL RECORD—SENATE

September 19, 2001

17280
Reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidance, and systems acqui-
imposition management practices of the Federal Government.

ADMINISTRATIVE PROVISIONS—INTERNATIONAL
REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any ap-
propriation made available in this Act to the
Internal Revenue Service may be transferred to
any other Internal Revenue Service appro-
priation upon the advance approval of the
Committee on Appropriations.

SEC. 102. The Internal Revenue Service
shall maintain a training program to ensure
that Internal Revenue employees are trained in taxpayers' rights, in dealing cour-
teously with the taxpayers, and in cross-cul-
natural relations.

The Internal Revenue Service shall institute and enforce policies and pro-
cedures that will safeguard the confiden-
tiality of taxpayer information.

For necessary expenses of the Internal
Revenue Service, $1,563,249,000 which shall re-
 exist at such rates as may be determined by the
Commissioner, $3,535,198,000, of which not to
exceed 745 vehicles for police-type use,
and of which not to exceed $25,000 shall be for
official reception and representation ex-
penses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal
Revenue Service for determining and estab-
lishing tax liabilities; providing litigation
support; conducting criminal investigation
and enforcement activities; securing unfiled
tax returns; collecting unpaid accounts; con-
ducting a document matching program; re-
solving taxpayer problems through prompt
identification, referral and settlement; col-
piling statistics of income and conducting
compliance research; purchase (for police-
type use, not to exceed $650) and hire of pas-
enger motor vehicles (31 U.S.C. 1343(b)); and
services as authorized by 5 U.S.C. 3109, at
such rates as may be determined by the
Commissioner, $3,535,198,000, of which not to
exceed $1,000,000 shall remain available until
September 30, 2004, for research.

EARNED INCOME TAX CREDIT COMPLIANCE
INITIATIVE

For funding purposes, earned income tax
credit compliance and error reduction initia-
tives pursuant to section 5702 of the Bal-
canced Budget Act of 1997 (Public Law 105-33),
$146,000,000, of which not to exceed $10,000,000
may be used to reimburse the Social Secu-
rity Administration for the costs of imple-
menting section 1090 of the Taxpayer Relief

INFORMATION SYSTEMS

For necessary expenses of the Internal
Revenue Service for information systems
and telecommunications support, including
developmental information systems and operat-
ing systems; the hiring of passenger motor
vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at
such rates as may be determined by the
Commissioner, $3,535,198,000, of which not to
exceed $1,000,000 shall remain available until
September 30, 2004, for research.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal
Revenue Service, $149,593,000, to remain
available until September 30, 2004, for the
capital asset acquisition of information
technology systems, including management
and related contractual costs of said acqui-
sitions, in lieu of maintaining an accounting blue-
Treasury certifies that the purchase by the respective Treasury bureau is consistent with the Government’s management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. The Secretary of the Treasury may transfer funds from “Salaries and Expenses”, Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection. Provided, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 118. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence and intelligence-related activities of the Department of the Treasury are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 1141) in this Act and in the Intelligence Authorization Act for fiscal year 2002.

SEC. 119. Section 227(a) of Public Law 105–115, as amended by Public Law 105–257, is further amended in paragraph (a)(1), by striking “three years” and inserting “four years”;

and by striking “the United States Customs Service, and the United States Secret Service”.

SEC. 120. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

This title may be cited as the “Treasury Departments Appropriation Act, 2002”.

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue foregone on free and reduced rate mail, pursuant to subsections (a) and (d) of section 101 of Title 39, United States Code, $76,619,000: Provided, That mail for overseas and rural delivery of mail shall continue to be free:

Provided further, That none of the funds made available for official expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section, hire of passenger motor vehicles, including electric power and fixtures, of the official residence of the Vice President, unless not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for as provided for by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall be required to maintain all money on deposit until expended, of which $1,306,000 is for projects for required maintenance, and continued preventative maintenance; and of which $7,319,000 is for 3 projects for required maintenance and continued preventative maintenance in connection with the General Services Administration, the United States Secret Service, the Office of the President, and other agencies charged with the administration and operation of the White House.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $3,806,000.

OPERATING EXPENSES

(Including Transfer of Funds)

For the care, operation, refurbishing, improvement, heating, and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $314,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISORS

SALARIES AND EXPENSES


OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,119,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $7,447,000.
OFFICE OF ADMINISTRATION
SALARIES AND EXPENSES
For necessary expenses of the Office of Administration, including services as authorized by 3 U.S.C. 107, and hire of passenger motor vehicles, $46,032,000, of which $11,775,000 shall be available until September 30, 2003 for a capital investment plan which provides for the continued modernization of the information technology infrastructure.

OFFICE OF MANAGEMENT AND BUDGET
SALARIES AND EXPENSES
For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $70,519,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 36 of title 44, United States Code, and of which not to exceed $3,000 shall be available for official representation expenses: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds made available in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or programs of the Federal Crop Insurance Corporation or the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the alteration of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY
SALARIES AND EXPENSES
(Including Transfer of Funds)
For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105-277); not to exceed $8,000 for official representation and reception expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $25,096,000, of which $2,350,000 shall remain available until expended, consisting of $1,350,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model State Drug Laws: Provided, That, as provided in 5 U.S.C. 3101(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That, as provided in 5 U.S.C. 3109, $26,378,000: Provided further, That no funds for the purpose of administering such program or for making such grants shall be made available until the date of enactment of an act appropriating funds and making the expenditure of funds for such a purpose.

CONGRESSIONAL RECORD—SENATE 17283
This title may be cited as the "Executive Office Appropriations Act, 2002".

TITLE IV—INDEPENDENT AGENCIES
COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED
SALARIES AND EXPENSES
For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 62-28, $4,968,000.

FEDERAL ELECTION COMMISSION
SALARIES AND EXPENSES
For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $34,953,000, of which no less than $1,453,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses of which $2,000,000 shall be available for administering a program to award Federal matching grants to States and localities to improve election systems and election administration and for fund recipients: Provided, That no funds for the purpose of administering such program or for making such grants shall be made available until the date of enactment of an act appropriating the expenditure of funds for such a purpose.

FEDERAL LABOR RELATIONS AUTHORITY
SALARIES AND EXPENSES
For necessary expenses to carry out functions of the Federal Labor Relations Authority: pursuant to Reorganization Plan Number 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $26,378,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and congressional management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION
REAL PROPERTY ACTIVITIES
FEDERAL BUILDINGS FUND
LIMITATIONS ON AVAILABILITY OF REVENUE
(Including Transfer of Funds)
To carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 105), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; provision of facilities for governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation, or lease of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, appurtenances; care and safeguarding of sites;
maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase or condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate $19,060,000.

Remediation, $5,000,000

$6,595,000

New Construction:

Alabama:
Mobile, U.S. Courthouse, $11,290,000

Arkansas:
Little Rock, U.S. Courthouse Annex, $5,022,000

California:
Fresno, U.S. Courthouse, $121,225,000
District of Columbia:
Washington, U.S. Courthouse Annex, $5,956,000

Washington, Southeast Federal Center Site Remediation, $5,000,000

Florida:
Pt. Pierce, Courthouse, $4,314,000
Miami, Courthouse, $15,392,000

Illinois:
Rockford, Courthouse, $4,935,000

Iowa:
Cedar Rapids, Courthouse, $14,795,000

Maine:
Jackman, Border Station, $388,000

Maryland:
Montgomery County, FDA Consolidation, $19,060,000

Suitland, U.S. Census Bureau, $2,813,000

Suitland, National Oceanic and Atmospheric Administration II, $34,085,000

Massachusetts:
Springfield, U.S. Courthouse, $6,473,000

Mississippi:
Gulfport, U.S. Courthouse, $3,000,000

Jackson, Mississippi, $13,231,000

Michigan:
Detroit, Ambassador Bridge Border Station, $4,000,000

Montana:
Raymond, Border Station, $693,000

New Mexico:
Las Cruces, U.S. Courthouse, $4,110,000

New York:
Brooklyn, U.S. Courthouse Annex—GPO, $3,361,000

Buffalo, U.S. Courthouse Annex, $716,000

New York, U.S. Mission to the United Nations, $4,617,000

Oregon:
Eugene, U.S. Courthouse, $4,470,000

Pennsylvania:
Erie, U.S. Courthouse Annex, $30,739,000

Tennessee:
Nashville, Courthouse, $20,700,000

Texas:
Del Rio, Border Station, $1,969,000

Eagle Pass, Border Station, $2,256,000

El Paso, U.S. Courthouse, $11,193,000

Fort Hancock, Border Station, $2,183,000

Houston, Federal Bureau of Investigation, $6,268,000

Utah:
Salt Lake City, Courthouse, $5,000,000

Virginia:
Norfolk, U.S. Courthouse Annex, $11,609,000

Nationwide:
Judgment Fund Repayment, $68,406,000

Non-prospectus construction, $5,900,000:

Provided, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance notice is transmitted to the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2003, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $848,880,000 shall remain available until expended for repairs and alterations which include associated design and construction services: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to an amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance notice is transmitted to the Committees on Appropriations of a greater amount: Repairs and Alterations:

Alabama:
Montgomery, Frank M. Johnson, Jr. Federal Building-Courthouse, $4,000,000

California:
Laguna Niguel, Chet Hollifield Federal Building, $13,711,000

San Diego, Edward J. Schwartz Federal Building-U.S. Courthouse, $13,070,000

Colorado:
Lakewood, Denver Federal Center, Building 67, $8,484,000

District of Columbia:
Washington, 320 First Street, Federal Building, $8,260,000

Washington, Internal Revenue Service Main Building, Phase 2, $30,391,000

Washington, Main Interior Building, $22,739,000

Washington, Main Justice Building, Phase 3, $45,974,000

Florida:
Jacksonville, Charles E. Bennett Federal Building, $23,552,000

Tallahassee, U.S. Courthouse, $4,394,000

Illinois:
Chicago, Federal Building, 536 South Clark Street, $60,073,000

Chicago, Harold Washington Social Security Center, $24,992,000

Chicago, John C. Kluczynski Federal Building, $12,725,000

Iowa:
Des Moines, 210 Walnut Street, Federal Building, $11,992,000

Missouri:
Kansas City, Federal Building, 811 Grand Boulevard, $23,654,000

St. Louis, Federal Building, 104/105 Goodfellow, $20,212,000

New Jersey:
Newark, Peter W. Rodino Federal Building, $5,295,000

Newark, Raymond Loewy Federal Building, $5,295,000

New York, 320 First Street, Federal Building, $21,760,000

Ohio:
Cleveland, Anthony J. Celebrezze Federal Building, $22,986,000

Cleveland, Edward M. Metzenbaum Courthouse, $27,856,000

Oklahoma:
 Muskogee, Federal Building-U.S. Courthouse, $5,815,000

Oregon:
Portland, Pioneer Courthouse, $16,629,000

Pennsylvania:
Pittsburgh, Post Office-Courthouse, $12,600,000

Rhode Island:
Providence, Federal Building and Courthouse Annex, $4,360,000

Wisconsin:
Milwaukee, Federal Building-U.S. Courthouse, $10,015,000

Note: Design Program, $33,657,000

Heating, Ventilation and Air Conditioning Modernization—Various Buildings, $6,650,000

Federal Building-U.S. Courthouse Projects—Various Buildings, $15,588,000

Basic Repairs and Alterations, $370,000,000:

Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance notice is transmitted to the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for “Repairs and Alterations” may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading “Repairs and Alterations”, may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2003, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading “Repairs and Alterations” or used to fund authorized increases in prospectus projects: (3) $196,227,000 for installation acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $4,959,550,000 for rental space which shall remain available until expended; and (5) $1,748,949,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance notice is transmitted to the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(h)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(h)(6)) and amounts to provide such reimbursable fencing, lighting, signage, or other protective structures pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2002, excluding reimbursements under...
SEC. 401. The appropriate appropriation or fund available for expenditure except as authorized in appropriations Acts.

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Federal Buildings Fund made available for fiscal year 2002 for Federal Buildings Fund activities may be transferred between programs only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2003 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Civil Works Administration, the Federal Government’s premier project delivery agency; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved multi-year construction plan: Provided, That the fiscal year 2003 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, re- placed, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning service, space enhancements, or other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1991.

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104-106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Governmentwide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent approved by the Committee on Appropriations.

SEC. 407. From funds made available under the heading—“Federal Buildings Fund, Limitations on Availability of Revenue”, claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committee on Appropriations.

SEC. 408. Section 408 of Public Law 106-554 is amended by striking “and the Office of, 2002” and inserting “and the Office of, 2002”.

SEC. 409. Notwithstanding any other provision of law, the General Services Administration is authorized to negotiate rental rates and per mile rates charged for buses used by schools and dormitories funded by the Bureau of Indian Affairs that were in effect on April 30, 2001, until such time as appropriations to the Bureau of Indian Affairs are available.

SEC. 410. Designation of Judge Bruce M. Van Sickle Federal Building and United States Courthouse

SEC. 411. Appropriations for salaries for the Merit Systems Protection Board may not be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

SEC. 412. Funds provided to other Government agencies by the Technology Management Reform Act of 1996, $1,309,000, to compute Resolution Fund to carry out activities relating to conflict resolution, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104-106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Governmentwide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent approved by the Committee on Appropriations.

SEC. 413. From funds made available under the heading—“Federal Buildings Fund, Limitations on Availability of Revenue”, claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committee on Appropriations.

SEC. 414. Section 408 of Public Law 106-554 is amended by striking “and the Office of, 2002” and inserting “and the Office of, 2002”.

SEC. 415. Notwithstanding any other provision of law, the General Services Administration is authorized to negotiate rental rates and per mile rates charged for buses used by schools and dormitories funded by the Bureau of Indian Affairs that were in effect on April 30, 2001, until such time as appropriations to the Bureau of Indian Affairs are available.

SEC. 416. Designation of Judge Bruce M. Van Sickle Federal Building and United States Courthouse

SEC. 417. Appropriations for salaries for the Merit Systems Protection Board may not be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.
by direct payment or the provision of site improvements, from the State of Georgia or Clayton County or some other governmental authority thereof; such Federal site to be located near the campus of Clayton College and State University in Clayton County, Georgia, and designated for construction of the Georgia State Archives facility, with both archival facilities co-located on a combined site. There is hereby appropriated $30,500,000 which shall be available until expended to be used for acquiring the Federal site, construction, and related services for building the new Federal archival facility, other related costs for improvement of the combined site which may also indirectly benefit the Georgia State Archives facility, and other necessary expenses.

**REPAIRS AND RESTORATION**

For the repair, alteration, and improvement on Federal properties, and to provide adequate storage for holdings, $41,143,000, to remain available until expended.

**NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION**

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $6,436,000, to remain available until expended.

**OFFICE OF GOVERNMENT ETHICS**

**SALARIES AND EXPENSES**

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $10,060,000.

**OFFICE OF PERSONNEL MANAGEMENT**

**SALARIES AND EXPENSES**

**(INCLUDING TRANSFER OF TRUST FUNDS)**

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Number 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, for the rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed $3,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management archives the Federal Bureau of Investigation for expenses incurred under Executive Order No. 11422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $59,036,000, of which $3,200,000 shall remain available until expended for the cost of the governmentwide human resources data network project; and in addition $115,928,000 for administrative expenses, to be transferred to the proper appropriation fund of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and annuity programs, of which $21,777,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 834(h)(1)(B), 8909(g), and 9004(1)(A) and (2)(A) of title 5, and that the provisions of title 5 with respect to the publication of the Combined Federal Campaign statement in the Federal Register, the authority to use applicable trust funds of the Office of Special Counsel, and the authority to use applicable trust funds of the Department of the Treasury, shall remain available until expended to be used for salaries and expenses of the Legal Examinining Unit of the Office of Personnel Management pursuant to Executive Order No. 9585 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows is established by Executive Order No. 11185 of October 3, 1964, may, during fiscal year 2002, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

**OFFICE OF INSPECTOR GENERAL**

**SALARIES AND EXPENSES**

**(INCLUDING TRANSFER OF TRUST FUNDS)**

For necessary expenses of the Office of Inspector General that the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, not to exceed $3,200,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General, to the Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by Executive Order No. 11185 of October 3, 1964, may, during fiscal year 2002, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

**GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS**

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefit Act (5 U.S.C. 8909(g)), as amended, such sums as may be necessary.

**GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE**

For payment of Government contributions, with respect to employees, as authorized by chapter 89 of title 5, United States Code, for employee life insurance, to the extent authorized by the Act of May 29, 1944, as amended, such sums as may be necessary.

**PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND**

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by sections 2059, 2053, 2051, 2049, 2047, and 2045 of title 5, United States Code, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771-775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

**OFFICE OF SPECIAL COUNSEL**

**SALARIES AND EXPENSES**

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Number 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-444), the whistleblower Protection Act of 1989 (Public Law 101-12), Public Law 103-424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103-335), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, $11,784,000.

**UNITED STATES TAX COURT**

**SALARIES AND EXPENSES**

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3875, $37,305,000. The travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the “Independent Agencies Appropriations Act, 2002.”

**TITLE V—GENERAL PROVISIONS**

This Act

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2002 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glyncro, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who entered the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has witheld, in accordance with the provisions of section 213 of the Employment and Reemployment Act of 1994 (41 U.S.C. 10a-1c, popularly known as the “Buy American Act”).

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the responsibility of the Congress providing such assistance should, in expanding the assistance, purchase only American-made equipment and products.

(b) PREPAYMENT FOR ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.
S 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing any false marking in America’s® inscription, or any inscription with the same meaning, to any product sold or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, or exclusion proceeding described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

S 509. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2002 from appropriations made available for salaries and expenses for fiscal year 2002 in this Act, shall remain available through September 30, 2003, for such account for the purposes authorized by such appropriations, and be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided, That these requests for reimbursement shall be in compliance with reprogramming guidelines.

S 510. None of the funds made available in this Act for the Emoluments Counsel of the Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(a) such individual has given or her or his express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(b) such request is required due to extraordinary circumstances involving national security.


S 512. For the purpose of resolving litigation and implementing any settlement agreement reached under the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unobligated balances imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

S 513. Not later than July 1, 2001, the Director of the Office of Management and Budget shall submit a report to the Committee on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Government Reform of the House of Representatives that: (1) evaluates, for each agency, the extent to which implementation of title 31, United States Code, as amended by the Paperwork Reduction Act of 1995 (Public Law 104–13), has reduced burden imposed by rules issued by the agency, including the burden imposed by each major rule issued by the agency; (2) includes a determination, based on such evaluation, of the need for additional procedures and scrutiny for major rules as provided in such title; (3) sets forth a list of such rules or major rules that are the subject of review under this section, submitted to the Committees on Appropriations and the Committee on Government Reform of the United States Senate and the Committees on Appropriations and the Committee on Governmental Affairs of the House of Representatives; (4) identifies those agencies, and the burden imposed by each major rule that is the subject of review under this section, that have not reduced burden or identified specific reductions expected to be achieved in each of fiscal years 2001 and 2002 in the burden imposed by all rules issued by such agency that issued such a major rule.

S 514. (a) Prohibition of Federal Agency Monitoring of Personal Information on the Internet. Of the funds made available in the Treasury and General Government Appropriations Act, 2002 may be used by any Federal agency, to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual’s access to or use of any nongovernmental Internet site:

(b) Exceptions.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law;

(4) any action described in subsection (a)(1) that is a system of aggregate data taken by the operator of an Internet site and is necessary incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) Definitions.—For the purposes of this section:

(1) The term ‘‘regulatory’’ means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ‘‘supervised’’ means examinations of the agency’s supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

S 601. Funds appropriated in this or any other Act and not obligated shall be set aside to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee. Such funds shall be used by the agency, or instrumentality of the United States receiving appropriation, to defray reasonable expenses of those expenses of return to the United States, and to temporarily employ of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

S 602. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including expenses for travel and temporary employment of employees, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of removal and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1958 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.
SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to acquire, receive, use, and dispose of assets resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or similar programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies listed in chapter 1 of title 5, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified. In the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted either to confirm or to reject the nomination of such person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for payroll rates or expenses of any employee appointed to a Schedule C position who is paid from a schedule in accordance with the rates in effect on September 30, 2001, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 3603) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the control and charge of the Postal Service, and such guards shall have, with respect to such property, the powers of special police officers provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 3110), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 316a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

The amendment to this section shall not apply during the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office on pay for any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2001, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2002, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2002, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum—

(A) the percentage adjustment taking effect under section 5306 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average of Federal collective bargaining agreements and the overall average percentage of such payments which was effective in fiscal year 2001 under such section.

(b) Notwithstanding any other provision of law, rates of premium pay, described in subparagraphs (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) (applicable to the rates prevailing under section 5306 of title 5), by this section and who is paid from a schedule of rates payable to an employee who is covered by this section not in effect.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule of rates payable to an employee who is covered by this section not in effect, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2001, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to personnel service performed after September 30, 2001.

(f) For the purpose of administering any provision of law (including any rule or regulation promulgated pursuant to such provision) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay applicable to the application of this section shall be treated as the rate of salary or basic pay to which the employee is subject to such requirement or limitation.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 613. (a) None of the funds appropriated by this or any other Act shall be used to purchase surplus personal or real property by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certifying letter from the Office of Personnel Management stating that the acquisition of such property is necessary for the performance of the duties of such office or agency.

SEC. 614. Notwithstanding any other provision of law, the agencies in paragraph (4) of section 12472 (April 3, 1984), the Defense Intelligence Agency, the National Security Agency, and any other agreeement or instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certifying letter from the Office of Personnel Management stating that the acquisition of such property is necessary for the performance of the duties of such office or agency.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement and national security activities, except that the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of property needed for the construction or purchase of training facilities, or other facilities not needed for training which cannot be accommodated in existing Federal buildings.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2002 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certifying letter from the Office of Personnel Management stating that the acquisition of such property is necessary for the performance of the duties of such office or agency.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(f) the Office of the Secretary of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation, the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions;

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act...
for fiscal year 2002 shall obligate or expend any such funds, unless such department, agency, or constitute an expense of the Federal Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement to the request or inquiry of such Member, shall, at a minimum, require that the person who enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 629. Notwithstanding 31 U.S.C. 1346 620 of title 31 of the United States Code, as made available for fiscal year 2002 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program, funds made available in this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the provisions of 19 U.S.C. 3121 or 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or responsibilities defined by Executive Order Nos. 12721 of title 5, U.S.C. (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Personnel and Recognized Executive Protection Act of the United States; section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure to Congress of information that may compromise national security, including sections 641, 739, 749, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 721(d)), espionage, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.". Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the execution of an Intelligence-related activity, other than an employee or officer of the United States Government, may contain appropriate language to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person who enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual’s religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 629. Notwithstanding 31 U.S.C. 1346 620 of title 31 of the United States Code, as made available for fiscal year 2002 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program, funds made available in this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the provisions of 19 U.S.C. 3121 or 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or responsibilities defined by Executive Order Nos. 12721 of title 5, U.S.C. (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Personnel and Recognized Executive Protection Act of the United States; section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure to Congress of information that may compromise national security, including sections 641, 739, 749, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 721(d)), espionage, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.". Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the execution of an Intelligence-related activity, other than an employee or officer of the United States Government, may contain appropriate language to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person who enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual’s religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 629. Notwithstanding 31 U.S.C. 1346 620 of title 31 of the United States Code, as made available for fiscal year 2002 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program, funds made available in this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the provisions of 19 U.S.C. 3121 or 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or responsibilities defined by Executive Order Nos. 12721 of title 5, U.S.C. (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Personnel and Recognized Executive Protection Act of the United States; section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure to Congress of information that may compromise national security, including sections 641, 739, 749, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 721(d)), espionage, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.". Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the execution of an Intelligence-related activity, other than an employee or officer of the United States Government, may contain appropriate language to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person who enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual’s religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 629. Notwithstanding 31 U.S.C. 1346 620 of title 31 of the United States Code, as made available for fiscal year 2002 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program, funds made available in this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.
Committees on Appropriations by the Director of the Office of Management and Budget. Sec. 634. Federal Funds Identified. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to the direct payments, formula funds, and grants received by a State receiving Federal funds.

Sec. 635. Subsection (f) of section 403 of Public Law 103-356 is amended by deleting "October 1, 2001", and inserting "October 1, 2002".

Sec. 636. Section 6 of Public Law 93-346 as amended (3 U.S.C. 111 note) is amended by inserting "be exercised with respect to the employees of an Executive agency (as defined in section 105 of title 5, United States Code, or section 610 of title 31, United States Code, or section 610 of title 31, United States Code, is amended by striking "the Executive Director" and inserting "the office of the Executive Director")", and the authority granted by this subsection shall be in addition to any other authority available in law.

Sec. 637. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the only anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

Sec. 640. (a) Section 1238(e)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398) is amended by adding at the end the following: "The executive director and any personnel who are employees of the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, shall be an increase of 4.6 percent. (b) Funds used to implement this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2002.

Sec. 642. Not later than six months after the date of enactment of this Act, the Inspector General, for each department or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

This Act may be cited as the "Treasury and General Government Appropriations Act, 2002".

SA 1571. Mrs. FEINSTEIN (for herself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by her to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:


(a) Short Title.—This section may be cited as the "Breast Cancer Research Stamp Act of 2001." (b) Reauthorization and Inapplicability of Limitation.—(1) In General.—Section 414 of title 39, United States Code, is amended by striking subsection (g) and inserting the following: "(f) For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage rate authorized by this section shall not apply to any mailing relating to whether more than 1 semipostal may be offered for sale at the same time.

"(g) This section shall cease to be effective after July 29, 2008."
interest as the Secretary of the Treasury may prescribe.

SA 1574. Mr. DORGAN (for Mr. JOHN-
son (for himself and Mr. SMITH of Or-
gon)) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the “Unity Bonds Act of 2001”.

SEC. 2. FINDINGS.
Congress finds that—
(1) a national tragedy occurred on Sep-
tember 11, 2001, whereby certain individuals
tried to steal America’s freedom;
(2) Americans stand together to resist all
attempts to steal their freedom;
(3) united, Americans will be victorious
over their enemies, whether known or un-
known; and
(4) Americans must respond to this tragedy
in a spirit not of revenge, but of justice.

SEC. 3. AUTHORIZATION OF THE ISSUANCE OF
UNITY BONDS.
Section 3102 of title 31, United States Code, is amended by adding at the end the fol-
Lowing:
“(1) ISSUANCE OF UNITY BONDS.—
(i) In general.—The Secretary shall issue
bonds under this section, to be known as
‘Unity Bonds’, in response to the acts of ter-
rorism perpetrated against the United States on
(ii) Use of proceeds.—Proceeds from the
issuance of Unity Bonds shall be used to
raise funds to assist in recovery and relief
operations following the terrorist acts re-
tered to in paragraph (1), including humani-
tarian assistance, and to combat terrorism.
(iii) Form.—The bonds authorized by par-
agraph (e) shall be in the form and denomi-
nations, and shall be subject to such terms
and conditions of issue, conversion, redemp-
tion, maturation, payment, and rate of inter-
test as the Secretary may prescribe.”

SA 1575. Mr. DORGAN (for himself and Mr. CAMPBELL) proposed an amend-
ment to the bill H.R. 2590, making appropri-
tions for the Treasury Department, the United States Postal Ser-
cice, the Executive Office of the Presi-
dent, and certain Independent Agen-
cies, for the fiscal year ending Sep-
tember 30, 2002, and for other purposes; as follows:

At the end of title VI, add the following:

SEC. 1575. Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amend-
ment to the bill H.R. 2590, making appro-
tiations for the Treasury Depart-
mint, the United States Postal Ser-
vice, the Executive Office of the Presi-
dent, and certain Independent Agen-
cies, for the fiscal year ending Sep-
tember 30, 2002, and for other purposes; as follows:

After section 642, insert the following:

SEC. 643. (a) State, regional, or local trans-
portation authorities that are recipients of
Federal Transit Administration assistance or grants may purchase heavy-duty transit
buses through the General Service Admin-
istration.
(b) The Administrator of General Services
shall notify the appropriate congressional
committees if the administrative costs in-
curred by the General Service Administra-
tion in implementing this section are in ex-
cess of funds provided to the General Service
Administration under provisions of existing
contracts for the purchase of heavy-duty transit
buses.

SA 1577. Mr. DORGAN (for Mr. CAMP-
bell (for himself, Mr. FEINGOLD, Mr. GRASSLEY, and Mr. HARKIN)) proposed an amend-
ment to the bill H.R. 2590, making appro-
tiations for the Treasury Depart-
mint, the United States Postal Service, the Executive Office of the Presi-
dent, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other pur-
poses; as follows:

At the appropriate place, insert the follow-
ing:
SA 1578. Mr. DORGAN (for Mr. KOHL) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 26, after line 8 insert the following:

"SEC. 1217. AUTHORITY TO WAIVE SANCTIONS.

(a) Authority.—Notwithstanding any other provision of law, the President is authorized to prescribe, as postage to be paid by the mailers of any shipments covered by subparagraph (A), a reasonable surcharge that the Postal Service determines in its discretion to be necessary additional expense incurred in handling such shipments.

"(b) The authority of the Postal Service under subparagraph (B) shall apply during the period beginning on the date of enactment of this paragraph, and ending September 30, 2005."

SA 1579. Mr. DORGAN (for Mr. HOLINGS) proposed an amendment to the bill H.R. 2590, making appropriations for the Department of the Treasury, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

"(a) Authority.—Notwithstanding any other provision of law, the President is authorized to exercise the waiver, together with an explanation of his reasons for the waiver.

(c) SANCTION DEFINED.—In this section, the term "sanction" means any prohibition or restriction with respect to any foreign country or government (including any agency or instrumentality thereof) or any foreign entity if the President determines that to do so would assist in efforts to combat global terrorism or is otherwise in the national security interests of the United States.

(d) CONGRESSIONAL NOTIFICATION.—Not less than 30 days prior to the exercise of any waiver authorized by subsection (a), the President shall notify Congress of his intention to exercise the waiver, together with an explanation of his reasons for the waiver.

(e) SANCTION DEFINED.—In this section, the term "sanction" means any prohibition or restriction with respect to any foreign country or government (including any agency or instrumentality thereof) or any foreign entity if the President determines that to do so would assist in efforts to combat global terrorism or is otherwise in the national security interests of the United States.

SEC. 1581. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes which was ordered to lie on the table.

At the end of the bill, add the following:

DIVISION D—NATIONAL ENERGY SECURITY

SEC. 4001. ENACTMENT OF ENERGY PROVISIONS.

The provisions of H.R. 4 of the 107th Congress, as passed by the House of Representatives on August 2, 2001, are enacted into law.

SA 1582. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was ordered to lie on the table.

At the end of the bill, add the following:

DIVISION D—NATIONAL ENERGY SECURITY

SEC. 4001. SHORT TITLE.

This division may be cited as the "National Energy Security Act of 2001".
with adequate time to review the proposed action and make recommendations to avoid or minimize the adverse effect of the proposed action. The proposing agency shall consider any such recommendations made by the Secretary of Energy. The Secretary of Energy shall review any recommendations of the Interagency Committee on Energy and Natural Resources of the United States Senate and to the appropriate committees of the House of Representatives on all actions brought to this attention, what mitigation or alternatives, if any, were implemented, and what the short- term, mid-term, and long-term effect of the final action will likely be on domestic energy resources and their development, distribution, or transmission.

SEC. 4102. ANNUAL REPORT ON UNITED STATES ENERGY INDEPENDENCE

(a) REPORT.—Beginning on October 1, 2001, and annually thereafter, the Secretary of Energy, in consultation with the Secretary of Defense and the heads of other relevant Federal agencies, shall submit a report to the President and Congress which evaluates the progress the United States has made toward oil independence or alternatives together with an estimate of the contribution each option or alternative could make to reduce foreign oil imports. The Secretary shall solicit information from the public, Energy Information Agency and other agencies to develop the report. The report shall indicate, in detail, options and alternatives to (1) increase the use of renewable energy sources, including conventional and non-conventional sources such as, but not limited to, increased hydroelectric generation of electricity, (2) conserve energy resources, including improving efficiencies and decreasing consumption, and (3) increase domestic production and use of oil, natural gas, and coal, including any actions necessary to provide access to, and transportation of, these energy resources.

(c) REFINERY CAPACITY.—As part of the reports submitted in 2001, 2005, and 2008, the Secretary shall examine and report on the condition of the domestic refinery industry and the extent of domestic storage capacity for various categories of petroleum products and make such recommendations as he believes will enhance domestic capabilities to respond to short-term shortages of various fuels due to climate or supply interruptions and ensure long-term supplies on a reliable and affordable basis.

(d) NOTIFICATION TO CONGRESS.—Whenever the Secretary determines that stocks of petroleum products have declined or are anticipated to decline to levels that would jeopardize national security or threaten supply shortages or price increases on a national or regional basis, he shall immediately notify Congress and the President of such recommendations for administrative or legislative action as he believes are necessary to alleviate the situation.

SEC. 4103. STRATEGIC PETROLEUM RESERVE STUDY AND REPORT.

The President shall immediately establish an Interagency Panel on the Strategic Petroleum Reserve (referred to in this section as the "Panel") to study oil markets and estimate the extent and frequency of fluctuations in the supply and price of, and demand for crude oil in the future and determine appropriate capacity of, and uses for the Strategic Petroleum Reserve. The Panel may recommend changes in existing authorities to strengthen the ability of the Strategic Petroleum Reserve to respond to any actions necessary to provide access to, and transportation of, these energy resources. The Panel shall complete its study and submit a report containing its findings and any recommendations to the President and Congress not later than 180 days from the date of enactment of this Act.

SEC. 4104. STUDY OF EXISTING RIGHTS-OF-WAY TO DETERMINE CAPABILITY TO SUPPORT NEW PIPELINES OR OTHER TRANSMISSION FACILITIES.

Not later than 1 year after the date of enactment of this Act, the head of each Federal agency that has authorized a right-of-way across Federal lands for transportation of energy supplies or transmission of electricity shall review each such right-of-way and submit a report to the Secretary of Energy and the Chairmen of the Federal Energy Regulatory Commission whether the right-of-way can support, new or additional capacity and what modifications or other changes, if any, would be necessary to accommodate such additional capacity. In performing the review, each agency shall consult with agencies of State or local units of government as appropriate and consider whether safety or other concerns should be considered before concluding the availability of a right-of-way for additional or new transportation or transmission facilities and shall set forth those considerations in the report.

SEC. 4105. USE OF FEDERAL FACILITIES.

(a) The Secretary of the Interior and the Secretary of the Army shall each inventory all dams, impoundments, and other facilities under their jurisdiction that could be used to generate hydroelectric power, whether the facility is currently generating hydroelectric power, whether the facility is currently generating hydroelectric power, and the costs to install, upgrade, modify, or other changes, if any, would be necessary to make such hydroelectric generating capacity of the facility. For each facility that currently has hydroelectric generating equipment, the report shall describe the condition of such equipment, maintenance requirements, and schedule for any improvements as well as the purposes for which power is generated, and (2) describe any alternatives or other plans to increase hydroelectric production from facilities under his jurisdiction and shall include any recommendations the Secretary deems advisable to increase such production, reduce costs, and improve efficiency at Federal facilities, including, but not limited to, use of lease of power privilege and contracts with Federal entities for operation and maintenance.

SEC. 4106. NUCLEAR GENERATION STUDY.

The Chairman of the Nuclear Regulatory Commission shall submit a report to Congress and the President not later than 180 days after the date of enactment of this Act on the state of nuclear power generation and production in the United States and the potential for increasing nuclear generating capacity and production as part of this Nation’s energy mix. The report shall include an assessment of agency readiness to license new advanced reactor technology and research and development of advanced reactors and other technologies that would support such a state of readiness. The report shall also review the status of the reprocessing of high-level radioactive waste, including current and anticipated applications, and recommendations for improvements in the process, including, but not limited to, recommendations for improving the process and ensuring that relicensing is accomplished in a timely manner.

SEC. 4107. DEVELOPMENT OF EMERGENCY SPENT NUCLEAR FUEL STRATEGY AND ESTABLISHMENT OF AN OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

(a) DETERMINATION BY CONGRESS.—Prior to the Federal Government taking any irreversible action relating to the disposal of spent nuclear fuel, Congress must determine whether the spent fuel should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements.

(b) OFFICE OF SPENT NUCLEAR FUEL RESEARCH.—There is hereby established an Office of Spent Nuclear Fuel Research. The Director of the Office of Spent Nuclear Fuel Research shall be appointed not later than 90 days after the date of enactment of this Act in the Office of the Director of Energy Independence and Security within the Department of Energy and shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposition of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary.

(c) ASSOCIATE DIRECTOR.—The Associate Director of the Office of Spent Nuclear Fuel Research shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposition of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Associate Director of the Office shall report to the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

SEC. 4108. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

(a) The President shall immediately establish an Office of Spent Nuclear Fuel Research to develop a research and development program to support the United States’ commitment to decommissioning all nuclear reactors, placing them in dry cask storage, and ensuring that relicensing is accomplished in a timely manner.

(b) OFFICE OF SPENT NUCLEAR FUEL RESEARCH.—There is hereby established an Office of Spent Nuclear Fuel Research. The Director of the Office of Spent Nuclear Fuel Research shall be appointed not later than 90 days after the date of enactment of this Act.

(c) ASSOCIATE DIRECTOR.—The Associate Director of the Office shall—

(1) involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(2) develop a research plan to provide recommendations by 2015;

(3) identify technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(4) conduct research and development activities on such technologies;

(5) ensure that all activities include as key objectives minimization of proliferation concerns and risk to health of the general public or site workers, as well as development of cost-effective technologies;

(6) require research on both reactor- and accelerator-based transmutation systems;

(7) require research on advanced processing technologies;

(8) encourage that research efforts include participation of international collaborators;

(9) be authorized to fund international collaborations when they bring unique capabilities not available in the United States and other countries.

The Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, the first such report on the condition of the domestic petroleum refining industry and the petroleum product distribution system. The report shall be submitted not later than January 1, 2003, and revised annually thereafter.

SEC. 4109. REVIEW OF FEDERAL ENERGY REGULATORY COMMISSION INSPECTION AND SITING DISSUASIONS AND PRICE SPIKES.

The report shall include any recommendations that the Secretary believes should be implemented either through legislation or regulation to ensure that there is adequate domestic refining capacity and motor fuel supplies to meet the economic, social, and security requirements of the United States.

(1) In preparing each annual report, the Secretary shall—

(a) provide an assessment of the condition of the domestic refining industry and the Nation’s motor fuel distribution system, including the ability to make future capital investments necessary to manufacture, transport, and store different petroleum products required by local, State, and Federal statute and regulations;

(b) examine the reliability and cost of feedstocks applied to the domestic refining industry as well as the reliability and cost of products manufactured by such industry;

(c) and set forth a range of options and alternatives to (1) increase the use of nonemitting domestic energy sources, including conventional and nonconventional sources such as, but not limited to, increased nuclear energy generation, and (2) conserve energy resources, including improving efficiencies and decreasing fuel consumption.

(b) REPORT TO CONGRESS.—Not later than eighteen months from date of enactment of this section, the Secretary of Energy shall carry out a review of all regulatory barriers to emerging energy-efficient technologies, and submit a report to Congress and the President detailing all regulatory barriers to emerging energy-efficiency standards, along with actions the Secretary intends to take, or has taken, to remove such barriers.

(c) PERIODIC REVIEW.—Each agency shall subsequently review and update any regulations and standards in this manner no less frequently than every 5 years, and report their findings to Congress and the President. Such reviews shall include a detailed analysis of all agency actions taken to remove existing barriers to emerging energy technologies.

SEC. 4113. INTERAGENCY AGREEMENT ON ENVIRONMENTAL REVIEW OF INTERSTATE NATURAL GAS PIPELINE PROJECTS.

The Secretary of Energy, in coordination with the Federal Energy Regulatory Commission, shall establish an administrative interagency task force to develop an interagency agreement to expedite and facilitate the environmental review and permitting of interstate natural gas pipeline projects. The task force shall include representatives of the Bureau of Land Management and the Fish and Wildlife Service in the Department of the Interior, the United States Army Corps of Engineers, the United States Forest Service, the Environmental Protection Agency, the Advisory Council on Historic Preservation and such other agencies and the Federal Energy Regulatory Commission as the Secretary deems appropriate.

The interagency agreement shall require that agencies complete their review of interstate pipeline projects within a specific period of time after referral of the matter by the Federal Energy Regulatory Commission.

The agreement shall be completed within 6 months after the effective date of this section.

SEC. 4114. PIPELINE INTEGRITY, SAFETY, AND RELIABILITY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines.

(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; and

(9) minimize the environmental impact of pipelines;

(b) ANNUAL REPORT.—Each report shall carry out a review of all its regulations and specifications to determine those that act as a barrier to market entry for emerging energy-efficient technologies, including, but not limited to, fuel cells, combined heat and power, and distributed generation (including small-scale renewable energy).

(b) REPORT TO CONGRESS.—Not later than eighteen months from date of enactment of this section, the Secretary of Energy shall carry out a review of all regulations and specifications to determine those that act as a barrier to market entry for emerging energy-efficient technologies, including, but not limited to, fuel cells, combined heat and power, and distributed generation (including small-scale renewable energy).
（1）provide risk assessment tools for optimizing risk mitigation strategies; and
（2）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 pipeline:
（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 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.—Not later than 120 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:
（1）establish a coal-based technology development program, which the Department of Energy shall include in the annual report required under subsection (b); and
（2）provide an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under this section.

（e）IMPLEMENTATION.—The Secretary of Transportation shall develop a comprehensive 5-year plan for research, development and demonstration to improve pipeline integrity, safety, and the period of time that would be required for, the development and demonstration of technologies that contribute, either individually or in various combinations, to the achievement of cost and performance goals and:
（1）assess costs that would be incurred by, and the period of time that would be required for, the development and demonstration of technologies that contribute, either individually or in various combinations, to the achievement of cost and performance goals;
（2）develop recommendations for technology development programs, which the Department of Energy could carry out in cooperation with industry, to develop and demonstrate such technology;
（3）provide appropriate consideration to the expert advice of representatives from entities described in section 411(b).

TITLE II—TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM FOR ADVANCED CLEAN COAL TECHNOLOGY FOR COAL-BASED ELECTRICITY GENERATING FACILITIES

SEC. 4201. PURPOSE.
The purpose of this title is to direct the Secretary of Energy (referred to in this title as the "Secretary") to—
（1）establish a coal-based technology development program designed to achieve cost and performance goals;
（2）carry out a study to identify technologies that may be capable of achieving, either individually or in combination, the cost and performance goals and for other purposes; and
（3）implement a research, development, and demonstration program to develop and demonstrate, in commercial-scale applications, technologies for coal-fired generating units constructed before the date of enactment of this title.

SEC. 4202. COST AND PERFORMANCE GOALS.
（a）IN GENERAL.—The Secretary shall perform an assessment that identifies costs and associated performance of technologies that would permit the continued cost-competitive use of coal for electricity generation, as chemical feedstocks, and as transportation fuel in 2007, 2015, and the years after 2020.

（b）CONSIDERATION.—In establishing cost and performance goals, the Secretary shall consult with representatives of—
（1）the United States coal industry;
（2）coal-based clean coal technologies;
（3）State coal-based clean coal technologies.

（c）TIMING.—The Secretary shall—
（1）not later than 120 days after the date of enactment of this Act, issue a set of draft cost and performance goals for public comment; and
（2）not later than 180 days after the date of enactment of this Act, and after taking into consideration any public comments, submit to Congress the final cost and performance goals.

SEC. 4203. STUDY.
（a）IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall conduct a study to—
（1）identify technologies capable of achieving cost and performance goals, either individually or in various combinations;
（2）assess costs that would be incurred by, and the period of time that would be required for, the development and demonstration of technologies that contribute, either individually or in various combinations, to the achievement of cost and performance goals; and
（3）develop recommendations for technology development programs, which the Department of Energy could carry out in cooperation with industry, to develop and demonstrate such technology.

（b）COORDINATION.—In carrying out this section, the Secretary shall:
（1）provide appropriate consideration to the expert advice of representatives from entities described in section 411(b).

SEC. 4204. TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.
（a）IN GENERAL.—The Secretary shall carry out a program of research on and development, demonstration, and commercial application of coal-based technologies under—
（1）this division;
（2）the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5801 et seq.); and
（3）the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.).

（b）CONDITIONS.—The research, development, demonstration, and commercial application programs identified in section 4203(a) shall be designed to achieve the cost and performance goals, either individually or in various combinations, in—
（1）not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the President and Congress a report containing—
（1）a description of the programs that, as of the date of the report, are in effect or are to
be carried out by the Department of Energy to support technologies that are designed to achieve the cost and performance goals; and (2) recommendations for additional authorities required to achieve the cost and performance goals.

SEC. 4206. POWER PLANT IMPROVEMENT INITIATIVE.

(a) IN GENERAL.—The Secretary shall carry out a power plant improvement initiative program that will demonstrate commercial application of advanced coal-based technologies applicable to new or existing power plants, including co-production plants, that, either individually or in combination, advance efficiency, environmental performance and cost competitiveness well beyond that which is in operation or has been demonstrated to date.

(b) NOT LATER THAN 120 DAYS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to Congress a plan to carry out subsection (a) that includes a description of—

(1) the program elements and management structure to be used;
(2) the technical milestones to be achieved with respect to each of the advanced coal-based technologies included in the plan; and
(3) the demonstration activities that will benefit new or existing coal-based electric generation and systems at least at a 50-megawatt nameplate rating including improvements to allow the units to achieve either—

(A) an overall design efficiency improvement of at least 2 percentage points as compared with the efficiency of the unit as operated on the date of enactment of title IV and any retrofitted, repowering, replacement, or replacement

(B) a significant improvement in the environmental performance related to the control of sulfur dioxide, nitrogen oxides or mercury in a manner that is well below the cost of technologies that are in operation or have been demonstrated to date; or

(C) a means of recycling or reusing a significant proportion of coal combustion wastes produced by coal-based generating units excluding practices that are commercially available at the date of enactment.

SEC. 4207. FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits to Congress the plan under section 4206(b), the Secretary shall solicit proposals for projects which serve or benefit new or existing facilities and, either individually or in combination, are designed to achieve the levels of performance set forth in section 4206(b)(3).

(b) PROJECT CRITERIA.—A solicitation under subsection (a) may include solicitation of a proposal for a project to demonstrate that—

(1) the reduction of emissions of 1 or more pollutants; or
(2) the production of coal combustion byproducts that are capable of obtaining economic values significantly greater than by-products produced on the date of enactment of this title.

(c) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to projects that—

(1) demonstrate overall cost reductions in the utilization of coal to generate useful forms of energy;
(2) improve the competitiveness of coal among various forms of energy to maintain a diverse energy supply in the United States to meet electricity generation requirements;
(3) achieve in a cost-effective manner, 1 or more of the criteria set out in the solicitation; and
(4) demonstrate technologies that are applicable to at least 25 percent of the electricity generating facilities that use coal as the primary fuel on the date of enactment of this title.

(d) FEDERAL SHARE.—The Federal share of the cost of any project funded under this section shall not exceed 50 percent.

SEC. 4208. FUNDING.

To carry out sections 4206 and 4207, there are authorized to be appropriated such sums as may be necessary.

SEC. 4209. RESEARCH AND DEVELOPMENT FOR ADVANCED SAFE AND EFFICIENT COAL MINING TECHNOLOGIES.

(a) 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 conduct research; develop mining technologies identified by the Mining Industry of the Future Program and in the National Academy of Sciences report on Mining Technologies; establish a process for joint industry-government research; and expand mining research capabilities at universities.

(b) There shall be appropriated to carry out the requirements of this section, $10,000,000 in fiscal year 2002, $12,000,000 in fiscal year 2003, and $15,000,000 in fiscal year 2004. At least 20 percent of any funds appropriated shall be dedicated to research carried out at universities.

SEC. 4210. RAILROAD EFFICIENCY.

(a) The Secretary shall, in conjunction 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 technologies that—

(1) increase fuel economy, reduce emissions, improve safety, and lower costs.
(2) There are authorized to be appropriated to carry out the requirements of this section, $10,000,000 in fiscal year 2002, $60,000,000 in fiscal year 2003, and $70,000,000 in fiscal year 2004.

TITLE III—OIL AND GAS

Subtitle A—Deepwater and Frontier Royalty Relief

SEC. 4301. SHORT TITLE.

This subtitle may be cited as the ‘‘Outer Continental Shelf Lands Act’’.

SEC. 4302. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT (43 U.S.C. 1331 et seq.).
In this title:

(1) Prior to making disbursements under subsection (a), the Secretary of the Interior shall notify the affected States and any other Federal Government, as he may determine, of any specific amount to be paid for personnel, travel or other services that would otherwise be paid for with receipts of revenues derived from the sale of royalty production taken in kind from a lease, the Secretary of the Interior shall deduct amounts paid or deducted under paragraphs (b)(3) and (c), and shall deposit such amounts to miscellaneous receipts.

(2) The Secretary of the Interior shall allow the lessee to deduct transportation or processing costs under paragraph (c), the Secretary of the Interior may not reduce any payments to recipients of revenues derived from any other Federal oil and gas lease as a consequence of that deduction.

(3) The Secretary of the Interior may—

(A) sell or otherwise dispose of any royalty oil or gas taken in kind for not less than fair market value; and

(B) transport or process any oil or gas royalty taken in kind.

(d) BENEFIT TO THE UNITED STATES.—The Secretary of the Interior may, notwithstanding subsection (f) of title 31, United States Code, retain and use a portion of the proceeds from the sale of oil and gas royalties taken in kind that otherwise would be deposited to miscellaneous receipts, without regard to fiscal year limitation, or may use royalty production, to pay the cost of—

(A) transporting the oil or gas;

(B) processing or disposing of the oil or gas; or

(C) disposing of the oil or gas;

and (5) the Secretary may not use revenues from the sale of oil and gas royalties taken in kind to pay for personnel, travel or other administrative costs of the Federal Government.

(e) REIMBURSEMENT OF COST.—If the lessee, pursuant to an agreement with the United States or as provided in the lease, processes the gas or delivers the royalty oil or gas at a point not on or adjacent to the lease area, the Secretary of the Interior shall reimburse the lessee for the reasonable costs of transportation (not including gathering) from the lease to the point of delivery or for processing costs, or, at the discretion of the Secretary of the Interior, allow the lessee to deduct such costs from the proceeds of the sale of oil or gas, in addition to the proceeds from the sale of the oil or gas.

(f) BENEFIT TO THE UNITED STATES.—The Secretary of the Interior may, after any proceeds from the sale of oil and gas royalties taken in kind and sold to refineries under paragraph (e), dispose of the remaining proceeds in any manner prescribed by law.

(g) CONSULTATION WITH STATES.—The Secretary of the Interior shall consult with a State responsible for regulating Federal oil and gas conservation in any State within the United States and may delegate management of any portion of the Federal royalty in kind program to such State except as otherwise authorized by Federal law.

(h) REPORT TO CONGRESS.—The Secretary shall annually report to Congress the revenues derived from the sale and processing of oil and gas royalties taken in kind from leases in the United States, and shall include in such report a point not on or adjacent to the lease area.
(1) retain authority over the issuance of leases and the approval of surface use plans of operations and project-level environmental analyses; and

(2) spend appropriated funds to ensure that timely decisions are made respecting oil and gas leasing and related operations with due regard to the national interest in the expeditious and orderly development of oil and gas resources in a manner consistent with oil and gas conservation principles.

(c) Pending Enforcement Actions.—The Secretary may continue to enforce any pending actions respecting acts committed before the date on which authority is transferred to the State under section 4333 until those proceedings are concluded.

(d) Transfer of Applications.—

(1) Transfer to State.—All applications respecting oil and gas lease operations and related operations on Federal land pending before the Secretary on the date on which authority is transferred under section 4333 shall be immediately transferred to the oil and gas conservation authority of the State in which the application is located.

(2) Action by the State.—The oil and gas conservation authority shall act on the application in accordance with State laws (including regulations) and requirements.

SEC. 4334. ACTIVITY FOLLOWING TRANSFER OF AUTHORITY.

(a) Federal Agencies.—Following the transfer of authority, no Federal agency shall exercise the authority formerly held by the Secretary as to oil and gas lease operations and related operations on Federal land.

(b) State Authority.—

(1) In General.—Following the transfer of authority, each State shall enforce its own oil and gas conservation laws and requirements pertaining to transferred oil and gas lease operations and related operations with due regard to the national interest in the expeditious and orderly development of oil and gas resources in a manner consistent with oil and gas conservation principles.

(2) Appeals.—Following a transfer of authority under section 4333, an appeal of any decision respecting oil and gas lease operations and related operations with due regard to the national interest in the expeditious and orderly development of oil and gas resources in a manner consistent with oil and gas conservation principles.

(c) Adequate Funding.—If the Secretary is unable to complete the documentation or analysis respecting the time prescribed by paragraph (1), the Secretary shall notify the applicant of lessee of the opportunity to prepare the required documentation or analysis respecting the Secretary’s review and use in decisionmaking.

(d) Reimbursement for Costs of NEPA Analyses, Documentation, and Studies.—

(1) If the applicant or lessee pays for the cost of the required documentation, analysis, or study, the Secretary shall reimburse the applicant or lessee for the costs attributable to the lease, unit agreement, or project area.

SEC. 4335. COMPENSATION FOR COSTS.

(1) Adequate funding to enable the Secretary to timely prepare a project-level analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an oil or gas lease is not appropriated; and

(2) Appeals.—Following a transfer of authority under section 4333, an appeal of any decision respecting oil and gas lease operations and related operations on Federal land.

(b) Land Designated for Multiple Use.—

(1) Deadlines.—From the time that a Federal oil and gas lease is issued, the Secretary shall, in response to a petition satisfying the criteria for a stay established by section 4.21(b) of title 43, Code of Federal Regulations (or any successor regulation).

(c) Rejection of Offer to Lease.—

(1) Deadlines.—The Secretary shall accept or reject an offer to lease not later than 90 days after receipt of the offer.

(2) Pendency of Decision.—If an offer is not acted upon within that time, the offer may be accepted if an offer is not acted upon within that time, the offer shall be deemed to have been accepted.

(d) Approval or Rejection of Application for Permit to Drill.—

(1) Deadlines.—The Secretary shall either approve or disapprove an application for permit to drill not later than 30 days after receiving a complete application.

(2) Failure to Meet Deadline.—If the application is not acted upon within the time prescribed by paragraph (1), the application shall be deemed to have been approved.

(e) Effective Decision.—A decision of the Secretary respecting an oil and gas lease shall be effective for the period of administrative appeal to the appropriate office within the Department of the Interior or the Department of Agriculture unless that office grants a stay in response to a petition satisfying the criteria for a stay established by section 4.21(b) of title 43, Code of Federal Regulations (or any successor regulation).

(c) Pendency of Decision.—If the Secretary is unable to complete the documentation or analysis respecting the time prescribed by paragraph (1), the Secretary shall notify the applicant of lessee of the opportunity to prepare the required documentation or analysis respecting the Secretary’s review and use in decisionmaking.

(d) Reimbursement for Costs of NEPA Analyses, Documentation, and Studies.—

(1) If the applicant or lessee pays for the cost of the required documentation, analysis, or study, the Secretary shall reimburse the applicant or lessee for the costs attributable to the lease, unit agreement, or project area.

SEC. 4337. TIMELY ISSUANCE OF DECISIONS.

(1) In general.—The Secretary shall ensure the timely issuance of decisions respecting oil and gas leasing and operations on Federal land.

(2) Deadlines.—From the time that a Federal oil and gas lease is issued, the Secretary shall, in response to a petition satisfying the criteria for a stay established by section 4.21(b) of title 43, Code of Federal Regulations (or any successor regulation).

(c) Payment Schedule.—Payments shall be made not less frequently than every quarter.

(d) Cost Breakdown Report.—Each State seeking compensation shall report to the Secretary a cost breakdown for the authorities transferred.

SEC. 4338. APPLICATIONS.

(a) Limitation on Cost Recovery.—Notwithstanding sections 304 and 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 5901 of title 31, United States Code, the Secretary shall not recover the Secretary’s costs with respect to and other documents relating to oil and gas leases.

(b) Completion of Planning Documents and Analyses.—

(1) In General.—The Secretary shall complete all resource management planning documents and analyses not later than 90 days after receiving any offer, application, or request for which a planning document or analysis is required to be prepared.
shall such capital expenditures made on outer Continental Shelf leases be credited against ongoing Federal royalty obligations.

TITLE IV—NUCLEAR

Subtitle A—Price-Anderson Amendments

SEC. 4401. SHORT TITLE.

This subtitle may be cited as the “Price-Anderson Amendments Act of 2001”.

SEC. 4402. INDEMNIFICATION AUTHORITY.

(a) INDENMIFICATION OF NRC LICENSEE.—Section 170c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended by striking “August 1, 2002” each place it appears and inserting “August 1, 2012.”

(b) INDENMIFICATION OF DOE CONTRACTORS.—Section 170d.(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.”

(c) INDENMIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking “August 1, 2002” each place it appears and inserting “August 1, 2012.”

SEC. 4403. DOE LIABILITY LIMIT.

(a) AGGREGATE LIABILITY LIMIT.—Section 170d. 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 under such agreement for all persons indemnified in connection with such contract and for each nuclear incident, including such legal costs as are approved by the Secretary as are necessary for each fiscal year thereafter for a Nuclear Energy Technology Development Program. The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the Senate, an annual report on the activities of the Nuclear Energy Plant Optimization Program.”

SEC. 4404. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDENMIFICATION.—Section 170d.(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 170e.(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. 4405. REPORTS.

Section 170p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking “August 1, 1996” and inserting “August 1, 2008.”

SEC. 4406. INFLATION ADJUSTMENT.

Section 170t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by striking paragraph (2) as a 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 the date of enactment of the Price-Anderson Amendments Act of 2001, in accordance with the aggregate percentage change in the Consumer Price Index since—

“(A) such agreement is entered into, in the case of the first adjustment under this subsection; or

“(B) the previous adjustment under this subsection.”

SEC. 4407. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A(b). of the Atomic Energy Act of 1954 (42 U.S.C. 2236a(b)) is amended by striking the last sentence.

(b) LIMITATION FOR NONPROFIT INSTITUTIONS.—Section 234A(3) of the Atomic Energy Act of 1954 (42 U.S.C. 2236a) is further amended by striking subsection d. and inserting the following:

“d. Notwithstanding subsection a., no contractor, subcontractor, or supplier considered to be nonprofit or to operate for purposes other than profit shall be subject to a civil penalty under this section in excess of the amount of any performance fee paid by the Secretary to such contractor, subcontractor, or supplier under the contract under which the violation or violations; occur.”

SEC. 4408. EFFECTIVE DATE.

(a) IN GENERAL—The amendments made by this subtitle shall become effective on the date of enactment of this Act.

(b) INDEMNIFICATION PROVISIONS.—The amendments made by sections 4405 and 4406 shall not apply to any nuclear incident occurring under a contract entered into before the date of enactment of this Act.

(c) CIVIL PENALTY PROVISIONS.—The amendments made by section 4407 to section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2236a(b)(2)) shall not apply to any violation occurring under a contract entered into before the date of enactment of this Act.

Subtitle B—Funding from the Department of Energy

SEC. 4410. NUCLEAR ENERGY RESEARCH INITIATIVE.

There are authorized to be appropriated $60,000,000 for fiscal year 2002 and such sums as are necessary for each fiscal year thereafter for a Nuclear Energy Research Initiative to be managed by the Director of the Office of Nuclear Energy, for a joint program with industry cost-shared by at least 50 percent and subject to annual review by the Secretary of Energy's Nuclear Energy Research Advisory Council. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations in the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, an annual report on the activities of the Nuclear Energy Plant Optimization Program.

SEC. 4411. NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.

There are authorized to be appropriated $50,000,000 for fiscal year 2002 and such sums as are necessary for each fiscal year thereafter for a Nuclear Energy Plant Optimization Program to be managed by the Director of the Office of Nuclear Energy, for a joint program with industry cost-shared by at least 50 percent and subject to annual review by the Secretary of Energy's Nuclear Energy Research Advisory Council. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations in the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, an annual report on the activities of the Nuclear Energy Plant Optimization Program.
parish (1) shall be adjusted for inflation for each fiscal year beginning after calendar year 2001, and no payment may be made under this section (c) from, a lease sale; and

(b) LEASE SALES.—Lands may be leased pursuant to the provisions of this title to any person qualified to obtain a lease for development of the mineral resources of the 1002 Area, and the lease sale authorized by this title, and to grant title. The second lease sale shall be held pursuant to the provisions of this title, including rules and regulations promulgated not later than fourteen months after the date of enactment of this title and all operations related to the leasing, exploration, development and production of oil and gas.

(b) REPEAL.—(a) The Secretary shall by regulation, establish procedures for—

SEC. 4504. RULES AND REGULATIONS.

SEC. 4505. LEASING PROGRAM FOR LAN-DS WITHIN THE 1002 AREA.

(a) PROHIBITION.—The Secretary shall prescribe such rules and regulations as may be necessary to carry out the purposes and provisions of this title, including rules and regulations relating to the fish and wildlife, their habitat, subsistence resources, and the environment of the 1002 Area. Such rules and regulations shall be promulgated not later than fourteen months after the date of enactment of this title and all operations related to the leasing, exploration, development and production of oil and gas.

(b) REVERSION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) of this section to reflect any significant biological, environmental, or engineering data which come to the Secretary's attention.

SEC. 4506. ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.

The “Final Legislative Environmental Impact Statement” (April 1987) prepared pursuant to section 1002(a) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(a)(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is hereby found by Congress to be adequate to satisfy the legal and procedural requirements of the National Environmental Policy Act of 1969 with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of the leasing program authorized by this title, to conduct the first lease sale and the lease sale authorized by this title, and to grant rights-of-way and easements to carry out the purposes of this title.

SEC. 4507. SHOWING.

This title may be cited as the “Arctic Coastal Plain Domestic Energy Security Act of 2001”.

TITe V.—ARCTIC COASTAL PLAIN DOMES-TIC ENERGY SECURITY ACT OF 2001

SEC. 4502. DEFINITIONS.

When used in this title the term—

SEC. 4503. LEASING PROGRAM FOR LAN-DS WITHIN THE 1002 AREA.

(1) “1002 Area” means that area identified as “Coastal Plain” in the map entitled “Arctic National Wildlife Refuge”, dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3124(b)(1)), comprising approximately 1,549,000 acres; and

(2) “Designated Special Areas” means areas set aside by the Secretary pursuant to the provisions of this title for the purpose of保护ing the horizontal drilling technology from sites on leases located outside the designated Special Areas.

(g) LIMITATION ON CLOSED AREAS.—The Secretary’s sole authority to close lands within the 1002 Area to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(b) CONVEYANCE.—In order to maximize Federal revenue from mineral leases on the 1002 Area, the Secretary, notwithstanding the provisions of section 1906 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611), and (2) to the Arctic Slope Regional Corporation the subsurface estate beneath such surface estate pursuant to the August 9, 1985, agreement between the Arctic Slope Regional Corporation and the United States of America.
SEC. 4507. GRANT OF LEASES BY THE SECRETARY

(a) In General.—The Secretary is authorized to grant to the highest responsible qualified bidder by sealed competitive cash bonus bid any lands to be leased on the 1002 Area under this title. The Secretary shall conduct the leasing in accordance with a competitive cash bonus lease sale and sale procedures as are necessary or appropriate to ensure full responsibility and liability of the lessee and to provide for reclamation of the lease site in a manner and consistency recognizing a national interest in the protection of the United States natural resources, habitat, and the environment, as required by section 1304(a)(3) of the Alaska National Interest Lands Conservation Act of 1980; and in order to avoid the unnecessary duplication of facilities, to protect the environment of the 1002 Area, and to protect the public interest, the Secretary shall require that, to the greatest extent practicable, lessees unite with each other in collectively adopting and operating under a cooperative arrangement for the protection of the United States natural resources, habitat, and the environment, as required by any other provision of law.

(b) Adjustments.—In the event that an approved or revised exploration or development and production plan is not developed under a cooperative arrangement for the protection of the United States natural resources, habitat, and the environment, as required by any other provision of law, the Secretary may adjust the amount of the bond, surety, or other financial arrangement to conform to such modified plan.

(c) Authorization.—The Secretary or any agent or contractor may perform an antitrust review of the results of any lease sale on the likely effects the issuance of such leases would have on competition and the Attorney General shall consult with, and give due consideration to, the views of the Attorney General.

(d) Nonacceptance of Any Bid.—If a bid or the imposition of terms or conditions on any lease, as may be appropriate to prevent any situation inconsistent with the antitrust laws.

(e) Definitions.—As used in this section, the term—

(1) “antitrust investigation” for the purposes of the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.) shall mean an “antitrust review” conducted in accordance with the antitrust laws; and


SEC. 4508. LEASE TERMS AND CONDITIONS

An oil or gas lease issued pursuant to this title shall—

(1) be for a tract consisting of a compact area not to exceed 40 acres, or of protracted sections which shall be as compact in form as possible;

(2) be for an initial period of 10 years and shall be extended for so long thereafter as oil or gas is produced in paying quantities from the lease or unit area to which the lease is committed or for so long as drilling or reworking operations, as approved by the Secretary, are conducted on the lease or unit area;

(3) provide the payment of royalty as provided for in section 607 of this title;

(4) require that exploration activities pursuant to any lease issued or maintained under this title shall be conducted in accordance with an exploration plan or a revision of such plan approved by the Secretary;

(5) require that all development and production pursuant to a lease issued or maintained under this title shall be conducted in accordance with development and production plans approved by the Secretary;

(6) require posting of bond as required by section 622 of this title;

(7) provide that the Secretary may close, on a seasonal basis, portions of the 1002 Area to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(8) contain such provisions relating to rental and other fees as the Secretary may prescribe at the time of offering the area for lease;

(9) provide that the Secretary may direct or assess to the suspension of operations and production pursuant to the terms of this title in the interest of conservation of the resource or where there is no available system to transport the resources under such lease, or as consented to by the Secretary, any payment of rental prescribed by such lease shall be suspended during such period of suspension of operations and production, and such form of the lease shall be extended by adding any such suspension period thereto;

(10) provide that whenever the owner of a nonperpetual lease fails to comply with any of the provisions of this title, or of any applicable provision of Federal or State environment or labor law, or of the lease, or of any regulation issued under this title, such lease may be canceled by the Secretary if such default continues for more than thirty days after mailing of notice to the lease owner at the lease owner's post office address of record;

(11) provide that whenever the owner of any petroleum pool, field, or like area, or any part thereof, and in order to avoid the unnecessary duplication of facilities, to protect the environment of the 1002 Area, and to protect the public interest, the Secretary shall require that, to the greatest extent practicable, lessees unite with each other in collectively adopting and operating under a cooperative arrangement for the protection of the United States natural resources, habitat, and the environment, as required by any other provision of law.

(12) provide that cancellation of a lease under this title shall in no way release the owner of the lease or any other provision of law.

(13) allow the lessee, at the discretion of the Secretary, to make written relinquishment of all right under any lease issued pursuant to this title. The Secretary shall accept such relinquishment by the lessee of any lease issued under this title where there has not been surface disturbance on the lands covered by the lease;

(14) provide that for the purpose of conserving the natural resources of any oil or gas pool, field, or like area, or any part thereof, and in order to avoid the unnecessary duplication of facilities, to protect the environment of the 1002 Area, and to protect the public interest, the Secretary shall require that, to the greatest extent practicable, lessees unite with each other in collectively adopting and operating under a cooperative arrangement for the protection of the United States against drainage; and

(15) provide that the holder of a lease or leases on lands within the 1002 Area shall be responsible, liable for the reclamation of such lands within and any other Federal lands adversely affected in connection with exploration, development, production or transportation activities on a lease within the 1002 Area by the holder of a lease or as provided under section 305 of the Alaska National Interest Lands Conservation Act of 1980 by any of the lessees' subcontractors or agents;

(16) provide that the holder of a lease may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another party without the express written approval of the Secretary;

(17) provide that the standard of reclamation for lands required to be reclaimed under this title be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(18) contain the terms and conditions relating to protection of fish and wildlife, their habitat, and the environment, as required by section 402(e) of the Alaska National Interest Lands Conservation Act of 1980.

(19) provide that the holder of a lease, its agents, and contractors use best efforts to provide a fair share, as determined by the Secretary, to Alaska Natives and Alaska Native Corporations from throughout the State;

(20) require project agreements to the extent feasible that will ensure productivity and consistency recognizing a national interest in both labor stability and the ability of construction labor and management to meet the needs of the Alaska Native villages, and the particular needs for productivity and other conditions of projects to be developed under leases issued pursuant to this title; and

(21) contain such other provisions as the Secretary determines are necessary to ensure compliance with the provisions of this title and the regulations issued pursuant to this title.

SEC. 4509. BONDING REQUIREMENTS TO ENSURE FINANCIAL RESPONSIBILITY OF LESSEE AND AVOID FEDERAL LIABILITY

(a) REQUIREMENT.—The Secretary shall, by rule or regulation, establish such standards as necessary to ensure the adequate bond, surety, or other financial arrangement will be established prior to the commencement of surface disturbing activities on any lease, to ensure the complete and timely reclamation of the lease tract, and the restoration of any lands or surface waters adversely affected by lease operations or abandonment of lease sites.

(b) AMOUNT.—The bond, surety, or financial arrangement shall be in an amount—

(1) to be determined by the Secretary to provide for reclamation of the lease site in accordance with an approved or revised exploration or development and production plan; plus

(2) set by the Secretary consistent with the type of operations proposed, to provide the means for rapid and effective cleanup, and to minimize damages resulting from an oil spill, the escape of gas, refuse, domestic wastewater, hazardous or toxic substances, or fire caused by oil and gas activities.

(c) ADJUSTMENT.—In the event that an approved exploration or development and production plan is revised, the Secretary may adjust the amount of the bond, surety, or other financial arrangement to conform to such modified plan.

(d) DURATION.—The responsibility and liability shall continue until such time as the Secretary determines that there has been compliance with the terms and conditions of the lease and all applicable laws.

(e) TERMINATION.—Within 60 days after determining that there has been compliance with the terms and conditions of the lease and all applicable laws, the Secretary, after

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consultation with affected Federal and State agencies, shall notify the lessee that the period of production or the duration of any lease under the bond, surety, or other financial arrangement has been terminated.

SEC. 4510. OIL AND GAS INFORMATION.

(a) IN GENERAL.—(1) Any lessee or permittee shall provide the Secretary with such data and information as may be necessary so as not to result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the 1002 Area. Such terms and conditions shall include requirements that facilities be sited or modified so as to avoid adverse impacts on the movement of species and pipelines. The regulations issued as required by section 4504 of this title shall include provisions granting rights-of-way and easements, and the Secretary may request further information to be provided in accordance with regulations which the Secretary shall prescribe.

(b) In providing any information provided pursuant to paragraph (1) is provided in good faith by the lessee or permittee, such lessee or permittee shall not be responsible for any consequence of the use or reliance upon such processed and analyzed information.

(c) When any data or information is provided to the Secretary, pursuant to paragraph (1)—

(1) the Secretary shall diligently enforce all regulations, lease terms, conditions, restrictions, prohibitions, and stipulations promulgated pursuant to this title.

(2) by a lessee or permittee shall be deposited into the Treasury of the United States, and such complaint must be filed in any appropriate district court of the United States, and such complaint must be filed in any appropriate district court of the United States, solely as provided in this section;

(3) demonstrated that the districts do not have adequate funds to respond appropriately to such enrollments or to make major investments in renovation of school facilities.

SEC. 4513. ENFORCEMENT OF SAFETY AND ENVIRONMENTAL REGULATIONS TO ENSURE COMPLIANCE WITH TERMS AND CONDITIONS OF LEASE.

(a) RESPONSIBILITY OF THE SECRETARY.—The Secretary shall diligently enforce all regulations, lease terms, conditions, restrictions, prohibitions, and stipulations promulgated pursuant to this title.

(b) RESPONSIBILITY OF HOLDERS OF LEASE.—It shall be the responsibility of any holder of a lease under this title—

(1) to maintain all operations within such lease area in compliance with regulations intended to protect persons and property on and off fish and wildlife, their habitat, subsistence resources, and the environment of the 1002 Area; and

(2) to allow prompt access at the site of any operations subject to regulation under this title to any appropriate Federal or State inspector, and to provide such documents and records which are pertinent to occupational or public health, safety, or environmental protection, as may be requested.

(c) ON-SITE INSPECTION.—The Secretary may, through the Program, make grants to—

(1) provide to school districts to implement the purpose of this section;

(2) administer the program of assistance to school districts pursuant to this section; and

(3) prome participation by school districts in the program established by this section.

SEC. 4514. NEW REVENUES.

(a) DEPOSIT INTO TREASURY.—Notwithstanding any other provision of law, all revenues received by the Federal Government from competitive bids, sales, bonuses, royalties, rents, fees, or interest derived from the leasing of oil and gas within the 1002 Area shall be deposited into the Treasury of the United States, solely as provided in this section.

(b) USE OF RENEWABLE ENERGY FUND.—Of the amounts in the Renewable Energy Fund, an amount equal to ten percent of the total deposits shall be made available to the Secretary of Energy, without further appropriation, at the beginning of each fiscal year in which amounts are available, and may be expended by the Secretary of Energy for research and development of renewable domestic energy resources of wind, solar, biomass, geothermal, and hydroelectric. Such amounts shall remain available until expended and shall be in addition to amounts provided in the preceding fiscal year to the Secretary of Energy for renewable energy research, development and demonstration programs authorized by section 1903 of the Energy Reorganization Act of 1974 (42 U.S.C. 5813). The Secretary of Energy shall develop procedures for the use of the Renewable Energy Fund that ensure accountability and demonstrated results. Beginning the first full fiscal year after deposits are made into the Renewable Energy Research and Development Account, the Secretary of Energy shall submit an annual report to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives detailing the use of any expenditures.

TITLE VI—ENERGY EFFICIENCY, CONSERVATION, AND ASSISTANCE TO LOW-INCOME FAMILIES

SEC. 4601. EXTENSION OF LOW INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 2602(b) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621), is amended by striking "$600,000,000" and inserting "$1,000,000,000".

(b) PAYMENTS TO STATES.—Section 2602(d) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621) is amended by striking "$600,000,000" and inserting "$1,000,000,000".

SEC. 4602. ENERGY EFFICIENT SCHOOLS PROGRAM.

(a) ESTABLISHMENT.—There is established in the Department of Energy the Energy Efficient Schools Program (referred to in this section as the "Program").

(b) IN GENERAL.—The Secretary of Energy may, through the Program, make grants to—

(1) provide to school districts to implement the purpose of this section;

(2) administer the program of assistance to school districts pursuant to this section; and

(3) promote participation by school districts in the program established by this section.

(c) GRANTS TO ASSIST SCHOOLS DISTRICTS.—Grants under subsection (b)(1) shall be used to achieve energy efficiency at least 30 percent beyond the levels prescribed in the 1998 International Energy Conservation Code as it is in effect for new construction, and existing buildings. Grants under such subsection shall be made to school districts that have—

(1) demonstrated a need for such grants in other programs to respond appropriately to such enrollments or to make major investments in renovation of school facilities.

(2) provided to school districts that have—

(a) demonstrated a need for such grants in other programs to respond appropriately to such enrollments or to make major investments in renovation of school facilities.
buildings in accordance with the plan developed and approved pursuant to subsection (a)(1).

(d) Other Grants.—

(1) Grants for Administration.—Grants under subsection (b)(2) shall be used to evaluate compliance by school districts with the requirements of this section and in addition may be used for—

(A) distributing information and materials to school districts; and

(B) organizing and conducting programs for school district personnel, architects, engineers, and others to advance the concepts of energy efficient school buildings.

(2) Energy Efficient School Building.—The term “energy efficient school building” refers to a design, construction, operation, and maintenance maximizes the use of solar, wind, geothermal, hydroelectric power, and biomass power.

(3) Renewable Energy.—The term “renewable energy” means energy produced by solar, wind, geothermal, hydroelectric power, and biomass power.

SEC. 4603. AMENDMENTS TO WEATHERIZATION ASSISTANCE PROGRAM.

(a) Eligibility.—Section 427 of the Energy Conservation and Production Act (42 U.S.C. 8662(7)) is amended—

(1) in paragraph (7)(A), by striking “159” and inserting “150”;

(b) Other Funds.—The Secretary of Energy may, through the Program established under subsection (b)(2), provide for the construction and operation of 1 or more buildings or facilities to replace 1 or more existing buildings or facilities, benefits achieved under this paragraph may be used for construction and operation of 1 or more new buildings or facilities.

(c) Cost Savings From Operation and Maintenance Efficiencies in Replacement Facilities.—Section 801(a) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by adding at the end the following:

“(3)(A) In the case of an energy savings contract or energy savings performance contract, providing for through the construction and operation of 1 or more buildings or facilities to replace 1 or more existing buildings or facilities, benefits achieved under this paragraph may be used for construction and operation of 1 or more new buildings or facilities, from a base cost established through a methodology set forth in the contract that would otherwise be utilized in 1 or more federal or other federally owned facilities by reason of the construction and operation of 1 or more new buildings or facilities.”.

SEC. 4604. AMENDMENTS TO STATE ENERGY PROGRAM.

(a) State Energy Conservation Plans.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by—

(1) redesignating subsection (f) as subsection (g); and

(2) inserting after subsection (e) the following:

“(f) The Secretary shall, at least once every 3 years, invite the Governor of each State to review and, if necessary, the energy conservation plan of such State submitted under paragraph (7)(A), the review should consider the energy conservation plans of other States within the region, and identify opportunities and actions carried out in pursuit of common energy conservation goals.”.

(b) State Energy Efficiency Goals.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended by—

(1) by striking “October 1, 1991” and inserting “January 1, 2001”;

(2) by striking “19” and inserting “25”;


(d) Utility Incentive Programs.—Section 546 of the National Energy Policy Act (42 U.S.C. 8256(c)) is amended by—

(1) in paragraph (3), by adding at the end the following:

“Such a utility incentive program may include a contract or contract term for a reduction in the cost of energy, from a base cost established through a methodology set forth in such a contract, that would otherwise be utilized in 1 or more federal or other federally owned facilities by reason of the construction or operation of 1 or more buildings or facilities, as well as benefits ancillary to the purpose of such contract or contract term designed to provide for cost-effective electricity demand management, energy efficiency, or water conservation.

Notwithstanding section 201(a)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)(3)), such contracts or contract terms may be made for periods not exceeding 25 years.”.

(2) by adding at the end the following:

“6. A utility incentive program may include a contract or contract term for a reduction in the cost of energy, from a base cost established through a methodology set forth in such a contract, that would otherwise be utilized in 1 or more federal or other federally owned facilities by reason of the construction or operation of 1 or more buildings or facilities, as well as benefits ancillary to the purpose of such contract or contract term designed to provide for cost-effective electricity demand management, energy efficiency, or water conservation.

Notwithstanding section 201(a)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)(3)), such contracts or contract terms may be made for periods not exceeding 25 years.”.

SEC. 4605. ENHANCEMENT AND EXTENSION OF AUTHORITY TO ENTER INTO FEDERAL ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) Energy Savings Through Construction of Replacement Facilities.—Section 804 of the National Energy Conservation Policy Act (42 U.S.C. 8287c) is amended by—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(b) by inserting “(A)” after “(G)”;

(2) and by adding at the end the following:

“(2) The term ‘federal energy savings performance contract’ also means a reduction in the cost of energy, from such a base cost established through a methodology set forth in the contract, that would otherwise be utilized in 1 or more federal or other federally owned facilities by reason of the construction and operation of 1 or more new buildings or facilities.”.

SEC. 4606. FEDERAL ENERGY EFFICIENCY REQUIREMENTS.

(a) In General.—Through cost-effective measures, each agency shall reduce energy
consumption per gross square foot of its facilities by 30 percent by 2010 and 50 percent by 2020 relative to 1990.

(b) IMPLEMENTATION PLAN.—Not later than 1 year after date of enactment of this section, each agency shall develop and submit to the President an implementation plan for fulfilling the requirements of this section.

(c) ANNUAL REPORT.—(1) IN GENERAL.—Each agency shall measure and report annually to Congress and the President its progress in meeting the requirements of this section.

(2) GUIDELINES.—The Secretary of Energy in consultation with the Administrator of the Energy Information Administration, shall develop and issue guidelines for agencies’ preparation of their annual report, including guidance on how to measure energy consumption in Federal facilities.

(d) EXEMPTION OF CERTAIN FACILITIES.—A facility may be deemed exempt when the Secretary determines that compliance with the Energy Policy Act of 1992 is not practical for that particular facility. Not later than 1 year after date of enactment of this section, the Secretary shall, in consultation with the Administrator of the Energy Information Administration, set guidelines for agencies to use in excluding certain facilities to meet the requirements of this section.

(e) APPLICABILITY.—The Department of Defense is subject to this order only to the extent that it does not impair or adversely affect military operations and training, including testing and evaluation activities.

(f) DEFINITIONS.—For the purposes of this section—

(1) “agency” means an executive agency as defined in 5 U.S.C. 105. Military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

(2) “facility” means any individual building or collection of buildings, grounds, or structures, as well as any fixture or part thereof, including the associated energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part with funds from the Federal Government. It includes leased facilities where the Federal Government has a purchase option on the facility planned for purchase. In any provision of this order, the term “facility” also includes any building 100 percent leased for use by the Federal Government where the Federal Government is responsible for the costs directly or indirectly for the utility costs associated with its leased space, and Government-owned contractor-operated facilities.

SEC. 4607. ENERGY EFFICIENCY SCIENCE INITIATIVE.

There are authorized to be appropriated $25,000,000 for fiscal year 2001 and such sums as are necessary for each fiscal year thereafter, not to exceed $50,000,000 in any fiscal year, for an Energy Efficiency Science Initiative to be managed by the Assistant Secretary for Energy Efficiency and Renewable Energy 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, conservation, and renewable energy. Not later than 1 year after date of enactment of this section, the Secretary shall submit a report 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. 4701. ALTERNATIVE FUELS.

TITLe VII—ALTERNATIVE FUELS AND USE OF Alternative Fuels

Subtitle A—Alternative Fuels

SEC. 4701. EXCEPTION TO HOV PASSENGER REQUIREMENTS FOR ANTERNALE FUELS.

Section 322(a)(1) of title 23, United States Code, is amended by inserting “(unless, at the discretion of the transportation department, alternative fueled vehicles or is is propulsion fueled by alternative fuels (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211))” after “required".

SEC. 4702. ALTERNATIVE FUEL VEHICLE CREDITS FOR INSTALLATION OF QUALIFYING INFRASTRUCTURE.

Section 308 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended by adding at the end the following:

“(e) CREDIT FOR ACQUISITION OR INSTALLATION OF QUALIFYING INFRASTRUCTURE.—The Secretary shall allocate an infrastructure credit to a fleet or covered person that is required to acquire an alternative fueled vehicle under this title, or to a Federal fleet as defined by section 301 of this Act, for the acquisition or installation of the fuel or the needed infrastructure, including the supply and delivery systems, necessary operation and maintenance of the alternative fueled vehicle. Such necessary infrastructure shall include—

(1) equipment required to refuel or recharge the alternative fueled vehicle;

(2) facilities or equipment required to maintain, repair or operate the alternative fueled vehicle;

(3) training programs, educational materials or other activities necessary to provide information regarding the operation, maintenance or benefits associated with the alternative fueled vehicle; and

(4) such other activity as the Secretary deems an appropriate expenditure in support of the operation, maintenance or further widespread adoption or utilization of the alternative fueled vehicle.

(f) QUALIFYING INFRASTRUCTURE CREDIT.—The term ‘‘qualifying infrastructure credit’ shall mean—

(1) that equipment or activity defined in subsection (e) above; and

(2) be equivalent in cost to the acquisition of an alternative fueled vehicle for which the expenditure on the infrastructure is made.

(g) LIMITATION ON NUMBER OF INFRASTRUCTURE CREDITS Issued.—Each fleet or covered person that is required to acquire an alternative fueled vehicle under this title, or each Federal fleet as defined by section 303(b)(3) of title III of this Act, shall be limited in the number of infrastructure credits that may be acquired and used to meet the alternative fueled vehicle requirements of this Act to no more than the number of alternative fueled vehicles required per annum.”.

SEC. 4703. STATE AND LOCAL GOVERNMENT USE OF FEDERAL ALTERNATIVE FUELS FACILITIES.

Section 304 of the Energy Policy Act of 1992 (42 U.S.C. 13213) is amended by adding at the end the following:

‘‘(a) LOCAL GOVERNMENT OWNED VEHICLES.—Federal agencies may include any alternative fuel vehicles owned by States or local governments in any commercial or noncommercial use of fueling. Federal alternative fueled vehicles as authorized under subsection (a) of this section. The Secretary may allocate equivalent infrastructure credits to a Federal fleet as defined by section 303(b)(3) of title III of this Act, for the inclusion of such vehicles in any such commercial fueling arrangements.”.

SEC. 4704. FEDERAL FUEL ECONOMY AND USE OF ALTERNATIVE FUELS.

(a) FUEL ECONOMY.—Through cost-effective measures, each agency shall increase the average EPA fuel economy rating of passenger cars and light trucks acquired by at least 3 miles per gallon by the end of fiscal year 2005 compared to acquisitions in fiscal year 2000.

(b) USE OF ALTERNATIVE FUELS.—Through cost-effective measures, each agency shall, by the end of fiscal year 2001, use alternative fuels for at least 50 percent of the total annual volume of fuel used by the agency. No later than 10 years from the effective date, full fueled vehicles owned by State and local governments at federally-owned refueling facilities may be included by an agency in meeting the requirement of this section.

(c) IMPLEMENTATION PLAN.—Not later than 1 year after date of enactment of this section, each agency shall develop and submit to Congress and the President an implementation plan that meets the requirements of this section. Each agency should develop an implementation plan that meets its unique fuel configuration and fleet requirements.

(d) ANNUAL REPORT.—(1) IN GENERAL.—Each agency shall measure and report annually to Congress and the President its progress in meeting the requirements of this section.

(2) GUIDELINES.—The Secretary of Energy, through the Federal Energy Management Program and in consultation with the Administrator of the Energy Information Administration, shall develop and issue guidelines for agencies’ preparation of their annual report, including guidance on how to measure fuel economy and annual reporting of data to demonstrate compliance with the requirements of this section.

(e) APPLICABILITY.—This order applies to each Federal agency operating 20 or more motor vehicles within the United States.

(f) EXEMPTION OF CERTAIN VEHICLES.—Department of Defense military tactical vehicles are exempt from this order. Law enforcement, emergency, and any other vehicle class or type defined by the Secretary, in consultation with the Federal Emergency Management Program, are exempted from the requirements of this section. Not later than 1 year from date of enactment, the Secretary shall provide the Federal Energy Management Program, set guidelines for agencies to use in the determination of exemptions.

(g) DEFINITIONS.—In this section—

(1) AGENCY.—The term “agency” means an executive agency as defined in 5 U.S.C. 105. Military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

(2) ALTERNATIVE FUEL.—The term “alternative fuel” means any fuel defined as an alternative fuel pursuant to section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(h) CONFORMING AMENDMENTS.—Section 409AA of the Energy Policy and Conservation Act (42 U.S.C. 6374) is amended as follows:

(1) in subsection (g)(4)(B), after the words, “solely on alternative fuel”, insert the words “including a 3-wheeled enclosed electric vehicle having a VIN number”;

(2) in subsection (g)(4)(B), after the words, “solely on alternative fuel”, insert the words “including a 3-wheeled enclosed electric vehicle having a VIN number”;

(3) in subsection (g)(4)(B), after the words, “solely on alternative fuel”, insert the words “including a 3-wheeled enclosed electric vehicle having a VIN number”;

(4) in subsection (g)(4)(B), after the words, “solely on alternative fuel”, insert the words “including a 3-wheeled enclosed electric vehicle having a VIN number”;

(5) in subsection (g)(4)(B), after the words, “solely on alternative fuel”, insert the words “including a 3-wheeled enclosed electric vehicle having a VIN number”.;
SEC. 4705. LOCAL GOVERNMENT GRANT PROGRAM.
(a) ESTABLISHMENT.—Within 1 year of date of enactment of this section, the Secretary of Energy shall establish a program for making grants to local governments for covering the incremental cost of qualified alternative fuel motor vehicles.
(b) CRITERIA.—In deciding to whom grants shall be made under this subsection, the Secretary of Energy shall consider the goal of assisting the greatest number of applicants, provided that no grant award shall exceed $1,000,000.
(c) PRIORITIES.—Priority shall be given under this section to those local government fleets where the use of alternative fuels would have a significant beneficial effect on energy security and the environment.
(d) QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE DEFINED.—For purposes of this section, the term "qualified motor vehicle" means any motor vehicle which is capable of operating only on an alternative fuel.
(e) INCREMENTAL COST.—For purposes of this section, the incremental cost of an alternative fuel motor vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle, including any reasonable service for a gasoline or diesel motor vehicle of the same model.
(f) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section, there are appropriated $100,000,000 annually for each of the fiscal years 2002 through 2006.

Subtitle B—Renewable Energy
SEC. 4710. RESIDENTIAL RENEWABLE ENERGY GRANT PROGRAM
(a) IN GENERAL.—The Secretary of Energy shall develop and implement a grant program to offset a portion of the total cost of certain eligible residential renewable energy systems.
(b) ELIGIBILITY.—Grants may be awarded for—
(1) the new installation of an eligible residential renewable energy system for an existing dwelling unit;
(2) the purchase of an existing dwelling unit with an eligible residential renewable energy system that was installed prior to the date of enactment of this section;
(3) the addition to or augmentation of an existing eligible residential renewable energy system installed on a dwelling unit prior to the date of enactment of this section, provided that any such addition or augmentation results in additional electricity, heat, or other useful energy; or
(4) the construction of a new home or rental property which includes an eligible residential renewable energy system.
(c) TOTAL COST.—
(1) IN GENERAL.—For purposes of this section, “total cost” means expenditure of funds for—
(A) any equipment whose primary purpose is to provide for the collection, conversion, transfer, distribution, storage or control of electricity or heat generated from renewable energy;
(B) installation charges;
(C) labor costs properly allocable to the on-site procurement of the equipment, whether originally installed by the property owner or by a rental system provider; and
(D) piping or wiring to interconnect such system to the dwelling unit.
(2) LIMITED SYSTEMS.—In the case of a system that is leased, “total cost” means the principal recovery portion of all lease payments scheduled to be made during the full term of the lease, excluding interest charges and maintenance expenses.
(3) EXISTING SYSTEMS.—In the case of addition to or augmentation of an existing system, “total cost” shall include only those expenditures related to the incremental cost of the addition or augmentation, and not the full cost of the system.
(d) COST-BUY-DOWN.—Grants provided under this section shall not exceed $3,000 per eligible residential renewable energy system, and shall be limited further as follows:
(1) For fiscal years 2002 and 2003, grants provided under this section shall be limited to the smaller of—
(A) 50 percent of the total cost of the energy system; or
(B) $3.00 per watt of system electricity output or equivalent.
(2) For fiscal years 2004 and 2005, grants provided under this section shall be limited to the smaller of—
(A) 40 percent of the total cost of the energy system; or
(B) $2.50 per watt of system electricity output.
(3) For fiscal years 2006 and 2007, grants provided under this section shall be limited to the smaller of—
(A) 30 percent of the total cost of the energy system; or
(B) $2.00 per watt of system electricity output.
(4) For fiscal years 2008 and 2009, grants provided under this section shall be limited to the smaller of—
(A) 20 percent of the total cost of the energy system; or
(B) $1.50 per watt of system electricity output.
(5) For fiscal years 2010 and 2011, grants provided under this section shall be limited to the smaller of—
(A) 10 percent of the total cost of the energy system; or
(B) $1.00 per watt of system electricity output.
(e) LIMITATIONS.—No grant shall be allowed under this section for an eligible residential renewable energy system unless—
(1) such expenditure is made for property installed on or in connection with a dwelling unit which is treated as property described in paragraph (A), the amount of the grant available in the case of any expenditure described in subparagraph (A) shall be limited to the amount of the grant available for such property described in subparagraph (A) of section (b) of subsection (c) of section 2061 of the Energy Policy Act of 1992; or
(2) such system meets appropriate fire and performance and safety by the nonprofit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed; and
(3) such system meets appropriate fire and electric code requirements.
(f) RENEWABLE ENERGY.—
(1) DEFINITIONS.—In this subsection:
(A) FORM OF RENEWABLE ENERGY.—The term “form of renewable energy” means energy produced through the use of—
(i) a solar photovoltaic system;
(ii) a solar thermal system;
(iii) wind;
(iv) biomass;
(v) a hydroelectric system; or
(vi) a source of geothermal energy.
(B) RENEWABLE ENERGY SYSTEM.—The term “renewable energy system” means property that uses renewable energy to create electricity, heat, or any other form of useful energy.
(2) SOLAR PANELS.—No expenditure relating to a solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as property described in paragraph (1) solely because it constitutes a structural component of the structure on which it is installed.
(g) ENERGY STORAGE MEDIUM.—Expeditures which are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage shall not be taken into account for purposes of this section.
(h) SPECIAL RULES.—For purposes of this section:
(1) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING ASSOCIATION.—If a property owner is a tenant-stockholder (as defined in 26 U.S.C. 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder’s proportionate share (as defined in 26 U.S.C. 216(b)(3)) of any expenditures of such corporation.
(2) CONDOMINIUMS.—(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.
(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term “condominium management association” means an organization which meets the requirements of paragraph (2) of section 26 U.S.C. 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.
(i) RENEWABLE ENERGY SYSTEMS FOR MULTIPLE DWELLINGS.—
(1) IN GENERAL.—Any expenditure otherwise qualifying as an expenditure described in paragraph (1) of subsection (c) shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.
(2) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the grant available under subsection (d) shall be computed separately with respect to the amount of the expenditure made for each dwelling unit.
(j) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report on grants distributed pursuant to this section. The report shall include, at minimum—
(1) a summary of the eligible residential renewable energy systems receiving grants in the year just concluded;
(2) an estimate of the renewable energy generation installed as a result of grants awarded, and its distribution by renewable energy source and geographic location; and
(3) evidence that the program is contributing to declining costs for renewable energy technologies; and
(k) DESCRIPTION OF METHODS USED TO AWARD SUCH GRANTS.—
(1) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section, there are appropriated $100,000,000 for each of the fiscal years 2002 through 2006.

SEC. 4711. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.
(a) IN GENERAL.—Not later than twelve months after the date of enactment of this section, the Secretary of Energy shall submit to Congress an assessment of all renewable energy resources available within the United States.
(b) RESOURCE ASSESSMENT.—Such report shall include a detailed inventory describing the available amount and characteristics of solar, wind, biomass, geothermal, hydroelectric and other renewable energy sources, including the geographic distribution of such resources, and shall consider the economic impact of such resources on the national economy.
and an estimate of the costs needed to develop each resource. The report shall also include such other information as the Secretary of Energy believes would be useful in siting renewable energy generation, such as appropriate terrain, population and load centers, existing energy infrastructure, and location of energy and water resources.

(c) AVAILABILITY.—The information and cost estimates in this report shall be updated annually and made available to the public, along with the data used to create the report.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, the Secretary of Energy is authorized to be appropriated $10,000,000 for fiscal years 2002 through 2006.

Subtitle C—Hydroelectric Licensing Reform

SEC. 4721. SHORT TITLE.

This subtitle may be cited as the ‘‘Hydroelectric Licensing Process Improvement Act of 2001’’.

SEC. 4722. FINDINGS.

Congress finds that—
(1) hydroelectric power is an irreplaceable source of clean, economic, renewable energy with the unique capability of supporting reliable electric service while maintaining environmental quality;
(2) hydroelectric power is the leading renewable energy resource of the United States;
(3) hydroelectric power projects provide multiple benefits to the United States, including recreation, irrigation, flood control, water supply, and fish and wildlife benefits;
(4) in the next 15 years, the bulk of all non-Federal hydroelectric power capacity in the United States is due to be relicensed by the Federal Energy Regulatory Commission;
(5) the process of licensing hydroelectric projects by the Commission—(A) does not produce optimal decisions, because the agencies that participate in the process are not required to consider the full effects of their mandatory and recommended conditions on a license; (B) is inefficient, in part because agencies do not always submit their mandatory and recommended conditions by a time certain; (C) is burdened by uncoordinated environmental reviews and duplicative permitting authority; and
(D) is burdensome for all participants and too often results in litigation; and
(6) making other improvements in the licensing process.

SEC. 4723. PURPOSE.

The purpose of this subtitle is to achieve the objective of relicensing hydroelectric power projects to maintain high environmental standards while preserving low cost power by—
(1) requiring agencies to consider the full effects of their mandatory and recommended conditions on a hydroelectric power license and to document the consideration of a broad range of factors;
(2) requiring the Federal Energy Regulatory Commission to impose deadlines by which Federal agencies must submit proposed mandatory and recommended conditions to a license; and
(3) making other improvements in the licensing process.

SEC. 4724. PROCESS FOR CONSIDERATION BY FEDERAL AGENCIES OF CONDITIONS TO LICENSES.

(a) IN GENERAL.—Part I of the Federal Power Act (16 U.S.C. 791a et seq.) is amended—
(1) by adding at the end the following:
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CONGRESSIONAL RECORD—SENATE 17307

September 19, 2001

"(3) DEFALUT.—If a consulting agency does not submit a final action on a project in a timely manner, the Commission may, but shall not be required to, recommend or establish an appropriate condition to the license or permit the dedication of the site for the purposes of:

(a) the consulting agency shall not there- after have authority to recommend or establish a condition to the license; and

(b) the Commission may, but shall not be required to, recommend or establish an appropriate condition to the license that—

(i) furthers the interest sought to be protected by the provision of law that authorizes the consulting agency to propose or estab- lish a condition to the license; and

(ii) conforms to the requirements of this Act.

(4) EXTENSION.—The Commission may make 1 extension, of not more than 30 days, of a deadline set under paragraph (1).

(5) ANALYSIS BY THE COMMISSION.—

(a) ECONOMIC ANALYSIS.—The Commission shall conduct an economic analysis of each project,

(b) CONSULTING AGENCIES.—In connection with the formulation of a condition in accordance with section 33, a consulting agency shall issue a written determination that such a condition is appropriate.

(c) DEADLINES.—

(1) In General.—The Commission shall set a deadline for the submission of comments by Federal, State, and local government agencies in connection with the preparation of any environmental impact statement or environmental assessment required for a project.

(2) Considerations.—In setting a deadline under paragraph (1), the Commission shall take into consideration—

(A) the need of the applicant for a prompt and reasonable decision;

(B) the resources of interested Federal, State, and local government agencies; and

(C) any other factor that the Commission determines to be relevant.

SEC. 4725. COORDINATED ENVIRONMENTAL REVIEW PROCESS;

SEC. 4725. COORDINATED ENVIRONMENTAL REVIEW PROCESS.

Part I of the Federal Power Act (16 U.S.C. 791a et seq.) is amended by adding at the end the following:

"SEC. 34. COORDINATED ENVIRONMENTAL REVIEW PROCESS.

(a) LEAD AGENCY RESPONSIBILITY.—The Commission, as the lead agency for environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for projects licensed under this part, shall conduct a single consolidated environ-
Standards, guidances, or practices in effect, or of a new or modified organization standard, and which standards and the exercise of oversight of bulk-power system reliability;
"(E) Notwithstanding any other provision of this subsection, a proposed organization standard or amendment shall take effect according to its terms if the Electric Reliability Organization determines that an emergency exists requiring that such proposed organization standard or amendment take effect without notice or comment. The Electric Reliability Organization shall notify the Commission immediately following such determination that file such emergency organization standard or amendment with the Commission not later than 5 days following such determination and shall include in such filing an explanation of the need for such emergency standard. Subsequently, the Commission shall provide notice of the organization standard or amendment for comment, and shall follow the procedures set out in paragraphs (2) and (3) for review of the new or modified organization standard. Any such organization standard that has gone into effect shall remain in effect unless and until suspended or disapproved by the Commission. If the Commission determines at any time that the emergency does not exist, the Commission may suspend such emergency organization standard or amendment.

"(4) Changes to the electric interconnection that is not necessary for commerce that is not necessary for reliability; and

"(iv) in the case of a variance, is based on legitimate differences between or between subregions within the affiliated re- gional reliability entity or entities.

The Electric Reliability Organization shall approve or disapprove such proposal within 120 days, or the proposal shall be deemed approved. If an organization standard or amendment under this paragraph, the Electric Reliability Organization shall seek Commission approval pursuant to the procedures prescribed under subsection (e)(5). Affiliated regional reliability entities shall file applications for approval directly to the Commission except pursuant to subsection (e)(3)(D).

If a proposed regional reliability entity, or entities, consistent with paragraph (1) of this subsection, that the Electric Reliability Organization delegate authority to, but is unable within 180 days to reach agreement with the Electric Reliability Organization with respect to such requested delegation, such entity may seek relief from the Commission. If, following notice and opportunity for comment, the Commission determines that a delegation to the entity would meet the requirements of paragraph (1) above, and that the delegation would be just, reasonable, not unduly discriminatory or preferential, and in the public interest, that the Electric Reliability Organization has unreasonably withheld such delegation, the delegation may only be made by the Electric Reliability Organization to make such delegation.

(5) The Commission may, upon its own motion or upon complaint, and with notice to the appropriate affiliated regional reliability entity or entities, direct the Electric Reliability Organization to propose a modification to an agreement entered into under this subsection if the Commission determines that—

"(i) the affiliated regional reliability entity no longer has the capacity to carry out effectively the reliability or enforcement responsibilities under that agreement, has failed to meet its obligations under that agreement, or has violated any provision of this section;

"(ii) the rules, practices, or procedures of the affiliated regional reliability entity no longer provide for fair and impartial discharge of its interconnection or enforcement responsibilities under the agreement;

"(iii) the geographic boundary of a transmission service approved by the Commission is not wholly within the boundary of the affiliated regional reliability entity and such difference is inconsistent with the effective and efficient implementation and administration of bulk power system reliability; or

"(iv) the agreement is inconsistent with another delegation agreement as a result of actions taken under paragraph (4) of this subsection.

(B) Following an order of the Commission issued under paragraph (A), the Commission may suspend the affected agreement if the Electric Reliability Organization finds that the affiliated regional reliability entity or entities making the proposal demonstrate that it—

"(i) was developed in a fair and open process that provided an opportunity for all interested parties to participate;
The Commission shall allow the Electric Reliability Organization and the affiliated regional entity an opportunity to appeal the suspension.

“(1) ORGANIZATION MEMBERSHIP.—Every system operator shall be required to be a member of the Electric Reliability Organization and shall be required also to be a member of any affiliated regional reliability entity operating under an agreement effective pursuant to subsection (b) applicable to the region in which the system operator operates or is responsible for the operation of bulkpower system facilities.

“(2) INJUNCTIONS AND DISCIPLINARY ACTION.—

“(1) Consistent with the range of actions approved by the Commission under subsection (d)(4)(F), the Electric Reliability Organization may impose a penalty, limitation of activities, functions, operations, or other disciplinary action the Electric Reliability Organization finds appropriate against a user of the bulk power system if the Electric Reliability Organization, after notice and an opportunity for interested parties to be heard, issues an order finding that the user of the bulk power system has violated an organization standard. The Electric Reliability Organization shall immediately notify the Commission of any disciplinary action imposed with respect to an act or failure to act of a user of the bulk power system that affected or threatened to affect bulk power system facilities located in the United States, and the sanctioned party shall have the right to seek modification or rescission of such disciplinary action by the Commission. If the Commission finds it necessary to prevent a serious threat to reliability, the organization may seek injunctive relief in a Federal court in the district in which the affected facilities are located.

“(2) A disciplinary action taken under paragraph (1) may take effect not earlier than the 30th day after the Electric Reliability Organization files with the Commission its written finding and record of proceedings before the Electric Reliability Organization and the Commission posts its written finding, except that the Commission may, in its own motion or upon application by the user of the bulk power system which is the subject of the action, suspend the action. The action in effect when suspended shall not be suspended unless and until the Commission, after notice and opportunity for hearing, affirms, sets aside, modifies, or reinstates the action, but the Commission shall conduct such hearing under procedures established to ensure expedited consideration of the action taken.

“(3) The Commission, on its own motion or on complaint, may order compliance with an organization standard and may impose a penalty, limitation of activities, functions, operations, or other disciplinary action as the Commission finds appropriate, against a user of the bulk power system with respect to actions affecting or threatening to affect bulk power system facilities located in the United States if the Commission finds, after notice and opportunity for hearing, that the user of the bulk power system is an affiliated regional reliability entity and is responsible for the reliable operation of only the bulk power system.

“(4) Within 90 days of the application of the Electric Reliability Organization or any other affected party, the Commission shall issue a final order determining whether a State action is inconsistent with an organization standard or an organization organization's obligation to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

“(5) Nothing shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any Organization Standard.

“(6) The Commission may take such action as is necessary against the Electric Reliability Organization or any affiliated regional reliability entity to ensure compliance with an organization standard, or any Commission order affecting the Electric Reliability Organization or an affiliated regional reliability entity.

“(7) The Commission shall allow the Electric Reliability Organization and the affiliated regional entity an opportunity to appeal the suspension.

“(k) RELIABILITY REPORTS.—The Electric Reliability Organization shall conduct periodic assessments of the reliability and adequacy of the interconnected bulk power system in North America and shall report annually to the Secretary of Energy and the Commission its findings and recommendations for monitoring or improving system reliability and adequacy.

“(l) ASSESSMENT AND RECOVERY OF CERTAIN COSTS.—The reasonable costs of the Electric Reliability Organization, and the reasonable costs of each affiliated regional reliability entity that are related to implementation and enforcement of organization standards or other requirements contained in a delegation agreement approved under subsection (h), shall be assessed by the Electric Reliability Organization and each affiliated regional reliability entity, respectively, taking into account the relationship of costs to each region and based on an allocation that reflects an equitable sharing of the costs among all end users. The Commission shall provide by rule for the review of such costs and allocations, pursuant to the standards in this subsection (l), after approval of a reliability standard under section (e)(3)(B).
change and the change becomes effective. If the Commission finds that the tariff, rate schedule, or other matter needs to be changed, the regional transmission organization must expeditiously make a section 205 filing to reflect the change. If the Commission finds that an organization standard needs to be changed, it shall order the electric reliability organization to develop and submit a modified organization standard under subsection (e)(3).

"(4) An affiliated regional reliability entity and a regional transmission organization operating in the same geographic area shall cooperate to avoid conflicts between implementation and enforcement of organization standards by the affiliated regional reliability entity and implementation and enforcement by the regional transmission organization of tariffs, rate schedules, and agreements accepted, approved or ordered by the Commission. In areas without an affiliated regional reliability entity, the electric reliability organization shall act as the affiliated regional reliability entity for purposes of this paragraph."

"(5) "(1) In applying subsection (h)(3) procedures, any reliability standard, guidance, or practice contained in Commission-accepted tariffs, rate schedules, and agreements accepts, approved or ordered by the Commission, and any amendment thereto adopted by the Commission or by the applicable entity, or on a petition thereto and, if the petition is denied, on an opportunity for a hearing on the petition, shall be enforceable in accordance with this subsection."

"(a) SEC. 4803. PURPA MANDATORY PURCHASE AND USE OF ELECTRIC ENERGY.—Nothing in this subsection affects the right of the electric utility from, or sell electric energy under this section, including—"

"(A) the right to recover costs of purchases or sales of electric energy or capacity from or to a facility subject to subsection (a), including the right to recover costs of purchases of electric energy or capacity on the date of enactment of this subsection, including—"

"(B) in States without competition for retail electric service, 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;"

"(C) the term "reliability organization" means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale;

"(D) the term "electric utility company" means any company that owns or operates facilities used for distribution at retail (other than the transmission only in the case of customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this title upon holding companies;"

"(E) the term "holding company system" means a holding company, together with its subsidiary companies;"

"(F) 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;"

"(G) 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; and"

"(H) the term "person" means an individual or company;"

"(I) the term "public utility" means any person who owns or operates facilities for the generation of electric energy in interstate commerce or sells electric energy at wholesale in interstate commerce;"

"(J) the term "public utility company" means an electric utility company or a gas utility company;"
SEC. 4813. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

The Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.) is repealed, effective 1 year after the date of enactment of this Act.

SEC. 4814. 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 affiliate of such holding company, and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates of a public utility or natural gas company that is an affiliate of such holding company, and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates of a public utility or natural gas company that is an affiliate of such holding company.

(b) AFFILIATE COMPANIES.—Each affiliate of a holding company or of any subsidiary company of a holding company shall maintain, and 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 affiliate of such holding company.

(c) HOLDING COMPANY SYSTEMS.—The Commission may examine the books, accounts, memoranda, and other records of any company (other than 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 any other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

SEC. 4815. 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 subsidiary company of such 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 in a proceeding before the State commission;

(2) the State commission deems to be 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.—(a) does not apply to any person that is a holding company solely by reason of ownership of 1 or more qualifying facilities under the Public Utility Regulatory Policies Act.

(c) CONFIDENTIALITY OF INFORMATION.—The production of books, accounts, memoranda, and other records under subsection (a) shall be subject to the 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 production of books, records, or any other information, or in any way limit the rights of any State to obtain books, records, or any other information under any other Federal law, contract, or otherwise.

(e) COURT JURISDICTION.—Any United States court in which the State commission to which the State commission referred to in subsection (a) is located shall have jurisdiction to enforce compliance with this section.

SEC. 4816. RULEMAKING.

(a) RULEMAKING.—Not later than 90 days after the effective date of this subtitle, the Commission shall promulgate a final rule to carry out this subtitle.

(b) OTHER AUTHORITY.—If, upon application by a State commission, the Commission determines that is necessary or appropriate to implement this subtitle, the Commission shall—

(1) the United States; and

(2) any foreign governmental authority not exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 4817. AFFILIATE TRANSACTION.

(a) R ULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Commission shall promulgate a final rule to carry out the functions transferred to the Commission under otherwise applicable law to protect utility customers.

(b) EFFECT ON OTHER COMMISSION AUTHORITY.—Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 4818. APPLICABILITY.

Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 4819. EFFECT ON OTHER REGULATIONS.

Nothing in this subtitle shall preclude the provision of this Act or the Public Utility Regulatory Policies Act of 1978; and

SEC. 4820. ENFORCEMENT.

The Commission shall have the same powers as set forth in section 301 of the Federal Power Act (16 U.S.C. 791a et seq.) and the Natural Gas Act (5 U.S.C. 717 et seq.) to enforce the provisions of this subtitle.

SEC. 4821. 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.) or the Natural Gas Act (15 U.S.C. 717 et seq.) to carry out this subtitle.

SEC. 4822. IMPLEMENTATION.

Not later than 180 days after the date of enactment of this subtitle, the Commission shall—

(1) promulgate such regulations as may be necessary or appropriate to implement this title; and

(2) submit to Congress its recommended provisions.

SEC. 4823. 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. 4824. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out the functions transferred to the Commission under this subtitle.

SEC. 4825. CONFORMING AMENDMENT TO THE FEDERAL POWER ACT.

Section 318 of the Federal Power Act (16 U.S.C. 825p) is repealed.

Subtitle D—Emission-Free Control Measures Under State Implementation Plans

SEC. 4830. EMISSION-FREE CONTROL MEASURES UNDER A STATE IMPLEMENTATION PLAN.

Actions taken by a State to support the continued operation of existing emission-free electricity sources, or the construction or operation of new emission-free utility sources, shall be considered control measures necessary or appropriate to meet applicable requirements under section 110(a) of the Clean Air Act (42 U.S.C. 7410(a)) and shall be included in a State Implementation Plan.
TITLE IX—TAX INCENTIVES FOR ENERGY PRODUCTION AND CONSERVATION

SEC. 4901. SENSE OF CONGRESS REGARDING TAX INCENTIVES FOR ENERGY PRODUCTION AND CONSERVATION.

It is the sense of Congress that certain Federal programs, including those contained in title IX of S. 389 as introduced in the First Session of the 107th Congress should be enacted into law to encourage energy production and conservation in the United States.

SA 1583. Mr. DORGAN (for Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. DORGAN, Mr. EDWARDS, Mr. BIDEN, Mr. BAYH, Mr. SARBANES, Mr. LEAHY, Mr. SHELEY, Ms. STabenow, Mr. CLELAND, Mr. BREAUX, Mr. JOHNSON, Mr. CRAPO, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. ALLARD, Mr. CHAFEE, Ms. CANTWELL, Mr. INHOFE, Mr. KERRY, Mr. MCCAIN, Mr. FEINGOLD, Mr. MURKOWSKI, Mr. WYDEN, Ms. SNOWE, and Mr. WARNER) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SECTION 1. SHORT TITLE.

This title may be cited as the “The 9/11 Heroes Stamp Act of 2001.”

SEC. 2. REQUIREMENT THAT A SPECIAL COMMEMORATIVE POSTAGE STAMP BE DESIGNED AND ISSUED.

(a) IN GENERAL.—In order to afford the public a direct and tangible way to provide assistance to the families of emergency relief personnel killed or permanently disabled in the line of duty in connection with the terrorist attacks against the United States on September 11, 2001, the United States Postal Service shall issue a semipostal in accordance with section 416 of title 39, United States Code.

(b) REQUIREMENTS.—The provisions of section 416 of title 39, United States Code, shall apply to the semipostal under this section with respect to the semipostal described in subsection (a), subject to the following:

(1) RATE OF POSTAGE.—Section 414(b) of title 39, United States Code, shall apply with respect to the semipostal described in subsection (a).

(2) DISPOSITION OF AMOUNTS.—All amounts becoming available from the sale of the semipostal (as determined under such section) shall be transferred to the Federal Emergency Management Agency under such arrangements as the Postal Service considers necessary and appropriate, in order to carry out the purposes of this Act.

(3) COMMENCEMENT AND TERMINATION DATES.—Stamps under this section shall be issued—

(A) beginning on the earliest date practicable; and

(B) for such period of time as the Postal Service considers necessary and appropriate, but in no event less than 2 years.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term “emergency relief personnel” means firefighters, law enforcement officers, paramedics, emergency medical technicians, members of the clergy, and other individuals (including employees of legally organized and recognized volunteer organizations, whether compensated or not) who, in the course of professional duties, respond to fire, medical, hazardous, or material, or other similar emergencies; and

(2) the term “semipostal” has the meaning given such term by section 416 of title 39, United States Code.

SA 1584. Mr. DORGAN (for Mr. HATCH) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, D.C.

The purpose of the hearing is to receive testimony on the science and implementation of the Northwest Forest Plan including its effect on species restoration and timber availability.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, D.C.

For further information, please contact Kira Finkler of the committee staff at (202) 224-8164.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, October 2, 2001, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the interaction of old-growth forest protection initiatives and national forest policy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, D.C.

For further information, please contact Kira Finkler of the committee staff at (202) 224-8164.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Matt King, a

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