(1) expresses its profound sorrow for the deaths and injuries suffered by first responders as a result of their efforts to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001;
(2) expresses its deepest sympathies to the families and loved ones of the fallen first responders;
(3) honors and commends the first responders who evacuated and rescued the innocent people in the World Trade Center and the Pentagon after the terrorist attacks;
(4) encourages the President to issue a proclamation calling upon the people of the United States to pay respect to the first responder community for their service in the aftermath of the terrorist attacks and their continuing efforts to save lives; and
(5) encourages all levels of government to continue to work together to effectively coordinate emergency preparedness by providing the infrastructure, funding, and interagency communication and cooperation necessary to ensure that if an attack occurs, first responders will be as prepared as possible to respond effectively.

Mr. NICKLES, Madam President, it is with great honor that I introduce this concurrent resolution on behalf of Senator INHOFE, Senator SCHUMER, Senator CLINTON, and myself, as well as many other original co-sponsors.

The resolution expresses Congress' profound sorrow for the loss of life and injuries "first responders as a result of their efforts to save innocent Americans in the aftermath of the World Trade Center, Pentagon and Pennsylvania disasters on September 11, 2001. It also expresses our deepest condolences to the families and loved ones of the first responders who will never again return home.

Last Tuesday, in New York City and at the Pentagon, law enforcement, firefighters, and emergency medical personnel (first responders) were the first public-service personnel on the scene. If it were not for their heroic efforts immediately after these attacks, the death toll would be much higher.

We also believe that it is important for America to better understand the daily activities and responsibilities of first responders. Our everyday well-being, safety and security depend upon first responders' official duties. In preparation for these tragedies, first responders around the country plan, train and exercise for mass-casualty incidents. Our resolution recognizes the hard work and dedication of first responders, and thanks them for the long hours of training that many participate in on their own time.

In addition, this resolution recognizes the hard work and dedication of first responders after the 1993 World Trade Center and the 1995 Oklahoma City bombing.

First Responders exemplify great courage and patriotism in the darkest of hours and for this we are most grateful.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1587. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions 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.

SA 1588. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1589. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1590. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1591. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1592. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1593. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1594. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1595. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1596. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1597. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1598. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1599. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1600. Mr. LOTT (for himself, Mr. HUTCHINSON, Mr. COCHRAN, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1601. Mr. LOTT (for himself, Mr. BUNNING, Mr. HUTCHINSON, Mr. COCHRAN, Mr. FAVENA, Mr. HUTCHINSON) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1602. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1603. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1604. Mr. TORRICELLI (for himself, Mr. CARPER, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1605. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1606. Mr. ALLARD (for himself and Mr. SMITH, of New Hampshire) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1607. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1608. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1609. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1610. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1611. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1612. Mrs. HUTCHINSON submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1613. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1614. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1615. Mr. REID (for Mr. BARRANES (for himself and Mr. GRAMM)) proposed an amendment to the bill H.R. 2510, to extend the expiration date of the Defense Production Act of 1990, and for other purposes.

SA 1616. Mr. REID (for Mr. HOLLINGS (for himself and Mr. GREGG)) proposed an amendment to the bill H.R. 2560, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

TEXT OF AMENDMENTS

SA 1587. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

SEC. 908. POSITION OF DEPUTY UNDER SECRETARY OF DEFENSE (DEPUTY COMPTROLLER).

(e) Establishment of Position.—Chapter 4 of title 10, United States Code, is amended by inserting after section 135 the following new section:

"135a. Deputy Under Secretary of Defense (Deputy Comptroller)."

"(a) There is a Deputy Under Secretary of Defense (Deputy Comptroller) appointed from civilian life by the President, by and with the advice and consent of the Senate.

..."
"(b) The Deputy Under Secretary of Defense (Deputy Comptroller) shall assist the Under Secretary of Defense (Deputy Comptroller) in the performance of his duties. The Deputy Under Secretary of Defense (Deputy Comptroller) shall act for, and exercise the powers of, the Under Secretary when the Under Secretary is absent or disabled.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 135 following new item: "135a. Deputy Under Secretary of Defense (Deputy Comptroller)."

SA 1588. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 335. REAUTHORIZATION OF WARRANTY CLAIMS RECOVERY PILOT PROGRAM.


(b) Reporting Requirements.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking "January 1, 2000" and inserting "January 1, 2003"; and

(2) in paragraph (2), by striking "March 1, 2000" and inserting "March 1, 2001".

SA 1589. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

At the end of subtitle D of title III, add the following:

SEC. 336. COMPLIANCE OF THE DEFENSE AUTOMATED PRINTING SERVICE WITH FEDERAL PRINTING REQUIREMENTS.

(a) Repeal of Requirement.—Section 193(a)(1) of title 10, United States Code, is amended—

(1) by striking "January 1, 2000" and inserting "January 1, 2003"; and

(2) by redesignating subparagraph (A) as subparagraph (C); and

(b) Clerical Amendment.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 228.

SA 1591. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1027. CONTENT OF PERIODIC REPORT ON COMBAT SUPPORT AGENCIES.

Section 193(a)(1) of title 10, United States Code, is amended—

(1) by striking "and" at the end of subpara- graph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) a determination with respect to the effectiveness and efficiency of each such agency to support the armed forces; and"

SA 1592. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

At the end of title IX, add the following:

SEC. 908. REPEAL OF LIMITATION ON NUMBER OF PERSONNEL IN THE OFFICE OF THE SECRETARY OF DEFENSE.

(a) Repeal.—Section 149 of title 10, United States Code, is repealed.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended by striking the item relating to section 149.

SA 1593. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1217. AUTHORITY TO WAIVE SANCTIONS.

(a) Authority.—Notwithstanding any other provision of law, the President is au- thorized to waive any sanction imposed against 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.

(b) 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.

(c) Sanction Defined.—In this section, the term "sanction" means any prohibition or restriction with respect to a foreign country or government or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the sanction pursuant to—

(1) a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures; or

(2) a mandatory decision of the United Nations Security Council.

SA 1594. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

At the end of subtitle D of title III, add the following:

SEC. 335. REVISION OF AUTHORITY TO WAIVE LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

Section 2466(c) of title 10, United States Code, is amended to read as follows:

(c) Waiver of Limitation.—(1) The President may waive the limitation in subsection (a) for a fiscal year if—

"(A) the President determines that—

"(i) the waiver is necessary for reasons of national security; and

"(ii) compliance with the limitation cannot be achieved through effective management of depot operations consistent with those reasons; or

"(B) the President submits to Congress a notification of the waiver together with—

"(i) a discussion of the reasons for the waiver; and

"(ii) the plan for terminating the waiver and complying with the limitation within two years after the first exercise of the waiver authority under this subsection.

"(2) The President may delegate only to the Secretary of Defense authority to exer- cise the waiver authority of the President under paragraph (1).

SA 1595. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department

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At the end of subtitle B of title XII, add the following:
of Defense, for military constructions, 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; as follows:

On page 380, after line 15, insert the following:

**SEC. 1066. CLOSURE OF VIEQUES NAVAL TRAINING RANGE.**

(a) **CONDITIONAL AUTHORITY.**—Title XV of the Fiscal Year 2001 Continuing Appropriations Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A–388) is amended by striking sections 1503 and 1504 and inserting the following new section:

"SEC. 1503. CONDITIONS ON CLOSURE OF VIEQUES NAVAL TRAINING RANGE."

The Secretary of the Navy may close the Vieques Naval Training Range on the island of Vieques, Puerto Rico, and discontinue live-fire training at that range only if the Chief of Naval Operations and the Commandant of the Marine Corps jointly certify that the training range is no longer needed for the training of units of the Navy and the Marine Corps deployed or deployed in the eastern United States."

(b) **ACTIONS RELATED TO CLOSURE.**—(1) Section 1505 of such Act (114 Stat. 1654A–353) is amended—

(i) by striking subsection (d)(1), the Secretary of the Navy may close the Vieques Naval Training Range on the island of Vieques, Puerto Rico, and discontinue live-fire training at that range only if the Chief of Naval Operations and the Commandant of the Marine Corps jointly certify that the training range is no longer needed for the training of units of the Navy and the Marine Corps deployed or deployed in the eastern United States."

(ii) by striking "pending the enactment of a law that addresses the disposition of such properties";

(iii) by inserting "the referendum under section 1505 of the above Act providing for the disposition of such properties," and "the"; and

(iv) by striking the table; as follows:

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 represented in the House Report on August 2, 2001, are enacted into law.

**SEC. 1507(c).** The Secretary of the Navy may close the Vieques Naval Training Range on the island of Vieques, Puerto Rico, and discontinue live-fire training at that range only if the Chief of Naval Operations and the Commandant of the Marine Corps jointly certify that the training range is no longer needed for the training of units of the Navy and the Marine Corps deployed or deployed in the eastern United States."

"(A) in subsection (b)(1), by striking "Not later than May 1, 2003, the" and inserting "The";

(C) in subsection (d)(1), by striking "pending the enactment of a law that addresses the disposition of such properties";

(D) in subsection (e)(2), "the referendum under section 1505 of the above Act providing for the disposition of such properties," and "the"; and

(E) by adding at the end the following new subsection—

"(f) **MILITARY USE OF TRANSFERRED PROPERTY DURING WAR OR NATIONAL EMERGENCY.**—

(1) **TEMPORARY TRANSFER BY SECRETARY OF THE INTERIOR.**—Upon a declaration of war by Congress or a declaration of a national emergency by the President or Congress, the Secretary of the Interior shall transfer the administrative jurisdiction of the Live Impact Area to the Secretary of the Navy notwithstanding the requirement to retain the property under subsection (d)(1).

(2) **TRAINING AUTHORIZED.**—Training of the Armed Forces may be conducted in the Live Impact Area while the property is under the administrative jurisdiction of the Secretary of the Navy pursuant to a transfer made under that paragraph (1). The training may include live-fire training. Subsection (b) shall not apply to training authorized under this paragraph.

(3) **RETURN OF PROPERTY TO SECRETARY OF THE INTERIOR.**—Upon the termination of the war or emergency, the Secretary of the Interior shall transfer the administrative jurisdiction of the property to the Secretary of the Interior, who shall assume responsibility for the property and administer the property in accordance with subsection (d)."

"SEC. 1505. ACTIONS UPON CLOSURE OF THE VIEQUES NAVAL TRAINING RANGE."

(c) **COMPRESSOR AMENDMENT.**—Section 1505(c) of such Act is amended by striking "the issuance of a proclamation described in section 1504(a) or"

"SA 1596. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

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"

**SEC. 4002. FINDINGS AND PURPOSES.**

(a) **FINDINGS.—**

(1) increasing dependence on foreign sources of oil causes systemic harm to all sectors of the United States economy, undermines national security, diminishes the ability of Federal, State, and local units of government to provide essential services, and jeopardizes the peace, security, and welfare of the American people;

(2) dependence on imports of foreign oil was 46 percent in 1992, rose to more than 55 percent by the beginning of 2000, and is estimated by the Department of Energy to rise to 65 percent by 2020 unless current policies are altered;

(3) even with increased energy efficiency, energy supplies in the United States is expected to increase 27 percent by 2020;

(4) the United States lacks a comprehensive national energy policy and has taken actions that limit the availability and capability of the domestic energy sources of oil and gas, coal, nuclear and hydroelectric;

(5) a comprehensive energy strategy must be developed to combat this trend, decrease the United States dependence on imported oil supplies and strengthen our national energy security;

(b) **ENERGY EFFICIENCIES**

(6) this comprehensive energy strategy must decrease the United States dependence on foreign oil supplies to not more than 50 percent by the year 2011;

(7) this comprehensive energy strategy must be multi-faceted and enhance the use of renewable energy resources (including hydroelectric, solar, wind, geothermal and biomass), conserve energy resources (including improving energy efficiencies), and increase domestic supplies of conventional energy resources (including oil, natural gas, coal, and nuclear);

(8) conservation efforts and alternative fuels alone will not enable America to meet this goal as conventional energy sources supplied 96 percent of America's power at this time; and

(9) immediate actions must also be taken to mitigate the economic effects of recent increases in the price of crude oil, natural gas, and electricity and the related impacts on American consumers, including the poor and the elderly.

(b) **PURPOSES.—** The purposes of this division are to protect the energy security of the United States by decreasing America's dependence on foreign oil sources to not more than 50 percent by 2010, by enhancing the use of renewable energy resources, conserving energy resources (including improving energy efficiencies), and increasing domestic production of energy resources; which was ordered to lie on the table; as follows:

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".

**SEC. 4002. FINDINGS AND PURPOSES.**

(a) **FINDINGS.—**

(1) increasing dependence on foreign sources of oil causes systemic harm to all sectors of the United States economy, undermines national security, diminishes the ability of Federal, State, and local units of government to provide essential services, and jeopardizes the peace, security, and welfare of the American people;

(2) dependence on imports of foreign oil was 46 percent in 1992, rose to more than 55 percent by the beginning of 2000, and is estimated by the Department of Energy to rise to 65 percent by 2020 unless current policies are altered;

(3) even with increased energy efficiency, energy supplies in the United States is expected to increase 27 percent by 2020;

(4) the United States lacks a comprehensive national energy policy and has taken actions that limit the availability and capability of the domestic energy sources of oil and gas, coal, nuclear and hydroelectric;

(5) a comprehensive energy strategy must be developed to combat this trend, decrease the United States dependence on imported oil supplies and strengthen our national energy security;

(b) **ENERGY EFFICIENCIES**

(6) this comprehensive energy strategy must decrease the United States dependence on foreign oil supplies to not more than 50 percent by the year 2011;

(7) this comprehensive energy strategy must be multi-faceted and enhance the use of renewable energy resources (including hydroelectric, solar, wind, geothermal and biomass), conserve energy resources (including improving energy efficiencies), and increase domestic supplies of conventional energy resources (including oil, natural gas, coal, and nuclear);

(8) conservation efforts and alternative fuels alone will not enable America to meet this goal as conventional energy sources supplied 96 percent of America's power at this time; and

(9) immediate actions must also be taken to mitigate the economic effects of recent increases in the price of crude oil, natural gas, and electricity and the related impacts on American consumers, including the poor and the elderly.

**SEC. 4101. CONSULTATION AND REPORT ON FEDERAL AGENCY ACTIONS AFFECTING DOMESTIC ENERGY SUPPLY.**

Prior to taking or initiating any action that are likely to have a significant adverse effect on the availability or supply of domestic energy resources or on the domestic capability to distribute or transport such resources, the head of a Federal agency proposing or participating in such action shall notify the Secretary of Energy in writing of the nature and scope of the action, the need for such action, the potential effects of such actions on energy resource supplies, price, distribution, and transportation, and any alternatives to such action or options to mitigate the effects of such action. The head of a Federal agency with adequate time to review the proposed action and make recommendations to avoid or minimize the adverse effect of the proposed action shall provide the Secretary of Energy with adequate time to review the proposed action and make recommendations to avoid or minimize the adverse effect of the proposed action.

The provisions of H.R. 4 of the 107th Congress, as represented in the House Report on August 2, 2001, are enacted into law.

**SEC. 4102. ANNUAL REPORT ON UNITED STATES ENERGY RESOURCE SUPPLIES AND THEIR DEVELOPMENT STATUS.**

The Secretary of Energy shall provide an annual report to the 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 his 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 resource supplies, their development status, and related impacts; and shall provide the Secretary of Energy with adequate time to review the proposed action and make recommendations to avoid or minimize the adverse effect of the proposed action. The provisions of H.R. 4 of the 107th Congress, as represented in the House Report on August 2, 2001, are enacted into law.

**SEC. 4103. REPORT ON IMPACT OF UNITED STATES ENERGY SUPPLY AND DISTRIBUTION ON GLOBAL EMISSIONS AND HEALTH OUTCOMES.**

(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 to the President and Congress which evaluates the progress the United States has made toward obtaining the goal of not more than 50 percent reduction in dependence on foreign oil sources by 2010.

(b) **ALTERNATIVES.** — The report shall specify legislative or administrative actions that must be implemented to meet this goal and set forth a range of options and alternatives.
with a benefit-cost analysis for each option or alternative together with an estimate of the completion or commission or cost and could make to reduce foreign oil imports. The Secretary shall solicit information from the public and request information from the Energy Information Agency and other agencies to develop the report. The report shall indicate, in detail, options and alternatives to (1) increase the use of renewable domestic energy sources, including conventional and non-conventional sources such as, but not limited to, increased hydroelectric generation at existing Federal facilities, (2) conserve energy resources, including improving efficiencies and decreasing consumption, and (3) increase domestic production and use of oil, natural gas, nuclear, and coal, including any actions necessary to provide access to, and transportation of, these energy resources.

(c) Refinery Capacity.—As part of the reports submitted in 2001, 2005, and 2006, the Secretary shall examine and report on the condition of the domestic refinery industry and the extent of domestic storage capacity for various petroleum products and make such recommendations as he believes will enhance domestic capabilities to respond to short-term shortages of various fuels during 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 on a regional or national basis, he shall immediately notify Congress of the situation and shall make 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 price and availability of petroleum products and make such recommendations as he believes will enhance domestic capabilities to respond to short-term shortages of various fuels during supply interruptions and ensure long-term supplies on a reliable and affordable basis.

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 for the transmission 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 House Committee on Energy and Commerce of the Congress of the United States, including any recommendations that the Secretary deems advisable to increase such production, reduce costs, and improve efficiencies and decreasing consumption, and not limited to, use of lease of power privilege and contracting with non-Federal entities for operation and maintenance.

SEC. 4107. DEVELOPMENT OF A NATIONAL 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 conserved for future use that is needed to meet future energy requirements.

(b) Office of Spent Nuclear Fuel Research.—(1) There is hereby established an Office of Spent Nuclear Fuel Research (referred to in this section as the “Office”) within the Office of Nuclear Energy Science and Technology of the Department of Energy. The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology and compensated at a rate determined by applicable law.

(c) Associate Director.—The Associate Director of the Office of Spent Nuclear Fuel Research shall carry out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal 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. The first such Associate Director shall be appointed not later than 90 days after the date of enactment of this Act.

(d) Grant and Contract Authority.—In carrying out his responsibilities under this section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in (e)(2).

(e) Duties.—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, and

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

(f) Require research on both reactor- and accelerator-based transmutation systems.

(g) Conduct research on advanced processing and separations;

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

(i) prioritize and fund international collaborations when the project capabilities not available in the United States and their host country is unable to provide for these efforts;

(j) ensure that research efforts with the Office are coordinated with research on advanced fuel cycles and reactors conducted within the Office of Nuclear Energy Science and Technology.

(1) Report.—The Associate Director of the Office of Spent Nuclear Fuel Research shall annually prepare and submit a report to Congress on the activities and expenditures of the Office, including the progress that has been made to achieve the objectives of subsection (c).

SEC. 4108. STUDY AND REPORT ON STATUS OF DOMESTIC REFINING INDUSTRY AND PRODUCT DISTRIBUTION.

(a) Annual Report.—The Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, the States, the National Petroleum Council, and the congressionally authorized international petroleum refining, distribution and retailing industries, shall submit a report to Congress on the condition of the domestic petroleum refining industry and the petroleum product distribution system. The first such report shall be submitted not later than January 1, 2002, and revised annually thereafter.

(b) Recommendations.—Each annual report shall include any recommendations that...
the Secretary believes should be implemented either through legislation or regulation to achieve adequate domestic refining capacity and motor fuel supplies to meet the economic, social, and security requirements of the United States.

(c) The Department, in preparing each annual report, the Secretary shall—

(1) 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;

(2) examine the reliability and cost of feedstocks and energy supplied to the refining industry as well as the reliability and cost of products manufactured by such industry;

(3) provide an assessment of the collective effect of current and future motor fuel requirements on—

(A) the ability of the domestic motor fuels refining, distribution, and retailing industries to reliably and cost-effectively supply fuel to the Nation’s consumers and businesses;

(B) gasoline (reformulated and conventional) and diesel fuel (on-highway and off-highway) supplies; and

(C) retail motor fuel price volatility;

(4) explore opportunities to streamline permitting procedures, and regulations for expanding existing and/or building new domestic refining capacity;

(5) recommend actions that can be taken to reduce unnecessary motor fuel supply concerns; and

(6) provide an assessment of whether uniform, regional, or national performance-based fuel specifications would reduce supply disruptions.

(d) CONFIDENTIALITY OF DATA.—Any information requested by the Secretary to be submitted by industry for purposes of this section shall be treated as confidential and shall be used only for the preparation of the annual report.

SEC. 4109. REVIEW OF FEDERAL ENERGY REGULATORY COMMISSION NATURAL GAS PIPELINE CERTIFICATION PROCEDURES.

The Federal Energy Regulatory Commission shall, in consultation with other appropriate Federal agencies, immediately undertake an inventory of policies, procedures, and regulations for the certification of natural gas pipelines to determine how to reduce the cost and time of obtaining a certificate. The Commission shall report its findings not later than 180 days after the date of enactment of this Act to the Senate Committee on Energy and Natural Resources and the appropriate committees of the United States House of Representatives, including any recommendations for legislative changes.

SEC. 4110. ANNUAL REPORT ON AVAILABILITY OF DOMESTIC ENERGY RESOURCES TO MEET THE ELECTRICITY GRID OF THE UNITED STATES.

(a) Beginning on October 1, 2001, and annually thereafter, the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission and the North American Electric Reliability Council, States, and appropriate Federal agencies, shall submit a report to the President and Congress which evaluates the availability and capacity of domestic sources of energy generation to maintain the electricity grid in the United States. Specifically, the Secretary shall evaluate each region of the country with regard to grid stability during peak periods, the availability and options for improving grid stability.

(b) The report shall specify specific legislative or administrative actions that could be implemented to maintain the electricity grid in the United States.

(c) 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 permitting of interstate natural gas pipeline projects. The task force shall include the Bureau of Land Management, 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 as the Office and the Federal Energy Regulatory Commission deem appropriate. The interagency agreement shall restrength the agencies’ commitment to review 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 develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program shall include materials inspection techniques, risk assessment, methodology, and information systems.

(b) PURPOSE.—The purpose of the cooperative research program shall be to promote research and development that:

(1) ensure long-term safety, reliability and service life for existing pipelines;

(2) expand capabilities of internal inspection devices to identify accurately measure defects and anomalies;

(3) develop inspection techniques for pipeline projects that cannot accommodate the internal inspection devices available on the date of enactment;

(4) develop innovative techniques to measure structural integrity of pipelines to prevent pipeline failures;

(5) develop improved materials and coatings for use in pipelines;

(6) improve the capability, reliability, and practicability of external leak detection devices;

(7) identify underground environments that lead to shortened service life;

(8) enhance safety for pipeline sitting and land use;

(9) minimize the environmental impact of pipeline projects;

(10) demonstrate technologies that improve pipeline safety, reliability, and integrity;

(11) provide risk assessment tools for optimizing risk mitigation strategies; and

(12) provide highly secure information systems for controlling the operation of pipelines.

(c) AREAS.—In carrying out this section, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil, and petroleum product pipelines for—

(1) early crack, defect, and damage detection, including real-time damage monitoring;

(2) automated internal pipeline inspection sensor systems;

(3) enhanced 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 of pipelines;

(8) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;
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SEC. 4115. RESEARCH AND DEVELOPMENT FOR NEW NATURAL GAS TECHNOLOGIES. 

(a) The Secretary of Energy shall conduct a comprehensive 5-year program for research, development, and demonstration to improve the reliability, efficiency, safety, and integrity of the natural gas transportation and distribution infrastructure and for distributed energy resources (including microturbines, fuel cells, advanced engine-generators, gas turbines, reciprocating engines, hybrid power generation systems, and ancillary equipment for dispatch, control, and maintenance). 

(b) The Secretary may be authorized to appropriate such sums as may be necessary for the purposes of this section.

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 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; 

(3) implement a research, development, and demonstration program to develop and demonstrate, in commercial-scale applications, advanced clean coal technologies for coal-fired power plants constructed before the date of enactment of this title.

SEC. 4202. COST AND PERFORMANCE GOALS. 

(a) IN GENERAL.—The Secretary shall perform a cost and performance analysis 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) CONSULTATION.—In establishing cost and performance goals, the Secretary shall consult with representatives of—

(1) the United States coal industry; 

(2) State coal development agencies; 

(3) the electric utility industry; 

(4) railroads and other transportation industries; 

(5) manufacturers of equipment using advanced coal technologies; 

(6) organizations representing workers; and 

(7) organizations formed to—

(A) further the goals of environmental protection; 

(B) promote the use of coal; or 

(C) promote the development and use of advanced coal technologies. 

(c) TIMING.—The Secretary shall—

(1) not later than 180 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 received, 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 Transportation, 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 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 technologies. 

(b) COOPERATION.—In carrying out this section, the Secretary shall consult with the appropriate representatives from the entities described in section 4111(b). 

SEC. 4204. TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM. 

(a) IN GENERAL.—The Secretary shall carry out a program of research 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. 5961 et seq.); 

(3) the Energy Reorganization Act of 1974 (42 U.S.C. 5961 et seq.); and 


(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. 

(c) AUTHORIZATION OF APPROPRIATIONS. 

(1) IN GENERAL.—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—

(2) 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 

(3) recommendations for additional authorities required to achieve the cost and performance goals. 

SEC. 4205. AUTHORIZATION OF APPROPRIATIONS. 

(a) IN GENERAL.—There is authorized to be appropriated to carry out the provisions of sections 4202, 4203, and 4204, $100,000,000 for each of fiscal years 2002 through 2012, to remain available until expended. 

(b) CONDITIONS OF AUTHORIZATION.—The authorization of appropriations under subsection (a) is conditioned on—

(1) being in addition to authorizations of appropriations in effect on the date of enactment of this Act; and 

(2) not being in addition to or a cap on Department of Energy fossil energy research and development and clean coal technology appropriations.

SEC. 4206. POWER PLANT IMPROVEMENT INITIATIVE.

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

(b) Not later than 120 days after the date of enactment of this title, 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 units having at least 50 MWe net nameplate rating including improving permits to allow the units to achieve either—

A. An overall design efficiency improvement of not less than 3 percentage points as compared with the efficiency of the unit as operated on the date of enactment of this title and before any retrofit, repowering, re-placement or installation;
B. A significant improvement in the environmental performance related to the control of sulfur dioxide, nitrogen oxide or mercury in levels that are 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. 4202. 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 the development of an exploratory program to demonstrate—

1. The reduction of emissions of 1 or more pollutants; or
2. The production of coal combustion by-products that have 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 diversification of fuel choices 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 25 percent of the electricity generating facilities that use coal as the primary fuel stock 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.

(e) EXEMPTION FROM NEW SOURCE REVIEW PROVISIONS.—A project funded under this section shall be exempt from the new source review provisions of the Clean Air Act (42 U.S.C. 7401 et seq.).
regard to fiscal year limitation, or may utilize royalty production, to pay the cost of—
(A) treating, processing, or gathering oil or gas;
(B) processing the gas; or
(C) disposing of the oil or gas; and
(5) the Secretary may not use revenues from oil and gas resources owned by the United States in kind to pay for personnel, travel or other administrative costs of the Federal Government.

(c) REIMBURSEMENT OF COST.—If the lessee, pursuant to an agreement with the United States or as provided in the lease, processes the 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 transport (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 transportation or processing costs in reporting and paying royalties in value for other Federal oil and gas leases.

(d) BENEFIT TO THE UNITED STATES.—The Secretary shall administer any program taking oil or gas in kind only if the Secretary determines that the program is providing benefits to the United States greater than or equal to those which would be realized under a comparable royalty in value program.

(e) REPORT TO CONGRESS.—For every fiscal year, beginning in 2002 through 2006, in which the United States takes oil or gas in kind within any State or from the outer Continental Shelf in kind, excluding royalties taken in kind and sold to refiners under subsection (f) of this section, the Secretary of the Interior shall provide a report to Congress that describes—
(1) the methodology or methodologies used by the Secretary to determine compliance with subsection (d), including performance standards for comparing to amounts likely to have been received had royalties been taken in kind;
(2) an explanation of the evaluation that led the Secretary to take royalties in kind from a lease or group of leases, including the expected revenue effect of taking royalties in kind;
(3) actual amounts realized from taking royalties in kind, and costs and savings associated with taking royalties in kind; and
(4) an evaluation of other relevant public benefits or detriments associated with taking royalties in kind.

(f) DEDUCTION OF EXPENSES.—
(1) Prior to making disbursements under section 35 of the Mineral Leasing Act (30 U.S.C. 132)(g) or other applicable provision of law, 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 incurred under paragraphs (b)(3) and (c), and shall deposit such amounts to miscellaneous receipts.

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

(g) CONSULTATION WITH STATES.—The Secretary of the Interior will consult with the State prior to conducting a royalty in kind program within the State and may delegate management of any portion of the Federal royalty in kind program to such State except as otherwise prohibited by Federal law.

The Secretary shall also consult annually with any State from which Federal royalty oil or gas, or each portion of oil or gas, would be taken in kind to the maximum extent practicable that the royalty in kind program provides revenues to the State greater than or equal to those which would be realized under a comparable royalty in value program.

(h) PROVISIONS FOR SMALL REFINERIES.—
(1) If the Secretary of the Interior determines that the sufficient supplies of crude oil are not available in the open market to refiners not having their own source of supply for crude oil, the Secretary may grant preferential to such refinery in the sale of any royalty oil accruing or reserved to the United States under Federal oil and gas leases issued under any mineral leasing law, for processing or use in such refinery at private sale at not less than fair market value.

(2) In selling oil under this subsection, the Secretary of the Interior shall at his discretion prorate such oil among such refineries in the area in which the oil is produced.

(i) DISPOSITION TO FEDERAL AGENCIES.—
(1) Any oil or gas taken in kind from onshore oil and gas leases may be sold at not less than the fair market value to any department or agency of the United States.

(2) In selling oil under this subsection, the Secretary of the Interior may at his discretion prorate such oil among such refineries for processing or use in such refineries at private sale at not less than fair market value.

(3) OIL AND GAS CONSERVATION AUTHORITY.—The term ‘oil and gas conservation authority’ means the agency or agencies in each State responsible for regulating for conservation purposes operations to explore for and produce oil and natural gas.

(4) Authority.—The term ‘Authority’ means an activity by a lessee, an operator, or an operating rights owner to explore for, develop, produce, or transport oil or gas resources.

(5) Secretary.—The term ‘Secretary’ means—
(A) the Secretary of the Interior, with respect to such leases or groups of leases, and
(B) the Secretary of Agriculture, with respect to such leases or groups of leases for oil and gas leases on Federal land within the United States.

SEC. 4332. NO PROPERTY RIGHT.
Nothing in this subtitle gives a State a property right or interest in any Federal leases and the Secretary of the Interior shall take all actions necessary to ensure that such leases remain with the United States.

SEC. 4333. TRANSFER OF AUTHORITY.
(a) NOTIFICATION.—Not before the date that is 180 days after the date of this Act, a State may notify the Secretary of its intent to accept authority for regulation of operations, as described in subparagraphs (A) through (K) of subsection (h)(2), under oil and gas leases on Federal land within the United States.

(b) TRANSFER OF AUTHORITY.—
(1) IN GENERAL.—Effective 180 days after the date on which the Secretary receives the State's notice, the Secretary shall transfer to the State the authority described in subparagraphs (A) through (K) of subsection (h)(2), under oil and gas leases on Federal land within the United States.

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 lands.

(b) STATE AGENCY.—
(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 resources.
lease operations and related operations with due regard to the national interest in the ex-peditious and orderly development of oil and gas resources. The decision shall not be deemed to have been made not less frequently than every quarterly.

SEC. 4333. COMPENSATION FOR COSTS.
(a) IN GENERAL.—The Secretary shall ensure that unwarranted denials and stays of lease issuance and unwarranted restrictions on lease operations are eliminated from the administration of oil and gas leasing on Federal land.
(b) LAND DESIGNATED FOR MULTIPLE USE.—
(1) IN GENERAL.—Land designated as available for leasing on the ground that the land is not available for leasing, and the decision approving the management plan or leasing analysis a written explanation why more stringent stipulation shall be administered under the laws (including regulations) and requirements.
(c) REJECTION OF OFFER TO LEASE.—
(1) IN GENERAL.—If the Secretary rejects an offer to lease on the ground that the land is not available for leasing, and the decision approving the management plan or leasing analysis a written explanation why more stringent stipulation shall be administered under the laws (including regulations) and requirements.
(d) DISAPPROVAL OR REQUIRED MODIFICATION OF SURFACE USE PLANS OF OPERATIONS AND APPLICATION FOR PERMIT TO DRILL.—The Secretary shall provide a written, detailed explanation of the reasons underlying the previous decision are still unresolved under the laws (including regulations) and requirements.

SEC. 4335. TIMELY ISSUANCE OF DECISIONS.
(a) IN GENERAL.—The Secretary shall make an appeal of any related operations on Federal land pending before the Secretary on the date on which authority is transferred under section 4333. The Secretary shall provide a written, detailed explanation of the reasons underlying the previous decision are still unresolved under the laws (including regulations) and requirements.

(b) OFFER TO LEASE.—
(1) DEPOSIT.—The Secretary shall accept or reject an offer to lease not later than 90 days after the filing of the offer.
(2) FAILURE TO MEET DEADLINE.—If an offer is not acted upon within that time, the offer shall be deemed to have been accepted.

(c) APPLICATION FOR PERMIT TO DRILL.—
(1) DEADLINE.—The Secretary and a State that has accepted a transfer of authority under section 4333 shall 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 on within the time prescribed by paragraph (1), the application shall be deemed to have been approved.

(d) SURFACE USE PLAN OF OPERATIONS.—
The Secretary shall approve or disapprove a surface use plan of operations not later than 30 days after receiving a complete plan.

(e) ADMINISTRATIVE APPEALS.—
(1) DEADLINE.—From the time that a Federal oil and gas lessee or operator files a notice of appeal with the Department of the Interior or the Forest Service respecting a Federal oil and gas lease, the Secretary shall have 2 years in which to issue a final decision in the appeal.
(2) FAILURE TO MEET DEADLINE.—If no final decision has been issued within the time prescribed by paragraph (1), the appeal shall be deemed to have been granted.

SEC. 4336. 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, 1784) and section 301 of title 31, United States Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating to Federal oil and gas leasing.
(b) COMPLETION OF PLANNING DOCUMENTS AND ANALYSES.—
(1) IN GENERAL.—The Secretary shall complete all 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.
(2) PREPARATION BY APPLICANT OR LESSEE.—If the Secretary is unable to complete the document or analysis within the time prescribed by paragraph (1), the Secretary shall notify the applicant or lessee of the opportunity to prepare the required document or analysis for the agency's review and use in decisionmaking.
(c) REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.—
If—
(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. 4332 et seq.) with respect to an oil or gas lease is not appropriated; and
(2) the lessee, operator, or operating rights owner (or their contractors) fund some or all of the required analysis, documentation, or related study;
the Secretary shall reimburse the lessee, operator, or operating rights owner for its costs through royalty credits attributable to the lease, unit agreement, or project area.

SEC. 4341. ROYALTY INCENTIVE PROGRAM.
(a) IN GENERAL.—To encourage exploration and development expenditures on Federal land and the outer Continental Shelf for the development of oil and gas resources when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodity Index chart is less than $2.30 per barrel for 90 consecutive pricing days or when natural gas prices as delivered at Henry Hub, Louisiana, are less than $2.30 per million British thermal units for 90 consecutive days, the Secretary shall allow a credit against the payment of royalties on Federal oil and gas leases.
(b) NO CREDITING AGAINST ONSHORE FEDERAL Royalty Obligations.—In no case shall such capital expenditures made on exploration and development activities on Federal oil and gas leases be credited against offsite 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 OF NRC LICENSORS.
(a) INDEMNIFICATION OF NRC LICENSORS.—Section 710c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended by striking “engineerings” each place it appears and inserting “engineers” each place it appears.
(b) INDEMNIFICATION OF DOE CONTRACTORS.—Section 710d.1(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking “engineerings” each place it appears and inserting “engineers” each place it appears.
place it appears and inserting "August 1, 2012".

SEC. 4403. DOD 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) The amount of any performance fee paid by the Secretary to such contractor, subcontractor, or supplier under the contract under which the violation occurred shall be subject to the availability of appropriations, incentive payments to the owner or operator of such facility. The amount of any such payment made to any such owner or operator shall be as determined under subsection (e) of this section. Payments under this section may only be made upon receipt by the Secretary of an incentive payment application, which establishes that the applicant is eligible to receive such payment and which satisfies such other requirements as the Secretary determines necessary. Such application shall be in such form, and shall be submitted at such time, as the Secretary shall establish.
(b) CONTRACT AMENDMENTS.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following:
"(3) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification entered into under paragraph (1), the Secretary shall determine to be appropriate to cover any applicable financial protection of such a type and in such amounts 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 grants to be competitively awarded and subject to peer review for research relating to nuclear energy.
(c) CIVIL PENALTY PROVISIONS.—The amendments made by section 4407 to section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) are amended by striking paragraph (2) and inserting the following:
"(2) The amount of the payment made to any person under this section to any nuclear energy facility after the expiration of the period of 15 years (referred to in this section as the "incentive period").
(d) AMOUNT OF PAYMENT.—(1) Payments made by the Secretary under this section to the owner or operator of a nuclear energy facility shall be based on the increased volume of electricity generated by the qualified nuclear energy facility during the incentive period. The amount of such payment shall be 1 mill for each kilowatt-hour produced in excess of the amount generated during the most recent calendar year prior to the first fiscal year in which payment is sought. Such payment may be in whole or in part in the form of a non-cash deduction which is the availability of appropriations under subsection (f), except that no facility may receive more than $2,000,000 in one fiscal year.
(2) The amount of the payment made to any person under this section as provided in paragraph (1) shall be adjusted for inflation for each fiscal year beginning after calendar year 2001 in the same manner as provided in the provisions of section 29(d)(2)(B) of the Internal Revenue Code of 1986, except that in applying such provisions, the calendar year 2001 shall be substituted for the calendar year 1979.
(e) SUNSET.—No payment may be made under this section to any nuclear energy facility after the expiration of the period of 20 fiscal years beginning with fiscal year 2001, and no payment may be made under this section to any such facility after a payment has been made with respect to such facility for a fiscal year after fiscal year 2015.
(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2002 through 2015.
(a) IN GENERAL.—The Secretary of Energy shall make incentive payments to the owners or operators of qualified nuclear energy facilities to be used to make capital improvements in the facilities that are directly related to improving the electrical output efficiency of such facilities by at least 1 percent.

(b) LIMITATIONS.—

(1) Incentive payments under this section shall not exceed 10 percent of the costs of the capital improvements concerned and not more than 1 payment may be made with respect to improvements at a single facility.

(2) No payments in excess of $1,000,000 in the aggregate may be made with respect to improvements at a single facility.

(3) Payments may be made by the Department or used by a facility to offset the costs of NRC-permitting fees for a capital improvement.

(4) Payments made by the Department to the Nuclear Regulatory Commission for permitting fees required to establish and implement a competitive oil and gas leasing program that will ensure the receipt of fair market value by the public for the mineral resources, and the environment, and shall require the application of the best commercial technology from sites on leases located outside the designated Special Areas.

(c) COMPATIBILITY.—Congress hereby determines that the oil and gas leasing program and activities authorized by this section in the 1002 Area are compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further finding or finding required to implement this determination.

(d) SOLE AUTHORITY.—This title shall be the sole authority for leasing on the 1002 Area. Provided, That nothing in this title shall be deemed to affect or limit State and local regulatory authority.

(e) FEDERAL LAND.—The 1002 Area shall be considered “Federal land” for the purposes of the Federal Lands and Gas Royalty Management Act of 1982.

(f) SPECIAL AREAS.—The Secretary, after consultation with the State of Alaska, City of Kaktovik, and the North Slope Borough, is authorized to designate up to a total of 45,000 acres of the 1002 Area as Special Areas and close such areas to leasing if the Secretary determines that such areas are of such unique character and interest so as to require special management and regulatory protection. The Secretary may, however, permit the use of horizontal drilling technology from sites on leases located outside the designated Special Areas.

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

(h) CONVERSION.—To maximize Federal revenues by removing clouds on title of lands and clarifying land ownership patterns within the 1002 Area, the Secretary, notwithstanding the provisions of section 303(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 312(h)(2)), is authorized and directed to convey (1) to the Kaktovik Inupiat Corporation the subsurface estate of the lands described in paragraph 2 of Public Land Order 6959, to the extent necessary to fulfill the Corporation’s unique cultural and subsistence rights under the Alaska Native Claims Settlement Act (43 U.S.C. 1611), and (2) to the Arctic Slope Regional Corporation the subsurface estate beneath such surface estate pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 4504. RULES AND REGULATIONS.

(a) PROMULGATION.—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 nineteen months after the nomination of a lease sale under this title and shall, as of their effective date, apply to all operations conducted under a lease issued or other action taken under this title, including but not limited to all nominations for any area in the 1002 Area for which the Arctic National Wildlife Refuge is included from, a lease sale.

(b) REVISIOn 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.
issue of such leases would have on competition and the Attorney General shall advise the Secretary of such with respect to any antitrust review, including any recommendation for the nonacceptance of any bid or the imposition of terms or conditions on any lease, as may be appropriate to prevent any situation inconsistent with the antitrust laws.

(c) SUBSEQUENT TRANSFERS.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

(d) IMMUNITY.—Nothing in this title shall be deemed to convey to any person, association, corporation, or other business organization immunity from civil or criminal liability, or to create defenses to actions, under any antitrust law.

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

(1) “antitrust review” shall be deemed an “antitrust investigation” for the purposes of the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.); 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 exceeding 5,760 acres, or 9 surveyed or protracted sections which shall be as compact in form as possible;

(2) be for a 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 are conducted, as approved by the Secretary, are conducted on the lease or unit area;

(3) require the payment of royalty as provided for in section 4507 of this title;

(4) require that exploration activities pursuant to any lease issued or maintained under this title 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 activities pursuant to the lease issued or maintained pursuant to 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 4509 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, proration, and the Secretary may prescribe at the time of offering the area for lease;

(9) provide that the Secretary may direct or assent to the suspension of operations and production under any lease granted under the terms of this title in the interest of conservation of the resource or where there is no assurance that the title will be adequate to sustain production from the resource. If such a suspension is directed or assented 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 the term of the lease shall be extended by adding any such suspension period thereto;

(10) provide that whenever a lessee or the lessor of a nonproducing lease fails to comply with any of the provisions of this title, or of any applicable provision of Federal or State environmental law, 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 notice is given by registered letter to the lease owner at the lease owner's post office address of record;

(11) require that whenever the owner of any producing lease fails to comply with any of the provisions of this title, or of any applicable provision of Federal or State environmental law, or of any regulation issued under this title, such lease may be forfeited and canceled by any appropriate proceeding brought by the Secretary in any United States district court having jurisdiction under the provisions of this title;

(12) provide that cancellation of a lease under this title shall in no way release the owner of the lease from the obligation to provide for reclamation of the lease site;

(13) allow the lessee, at the discretion of the Secretary, to make written relinquishment of all rights 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 such 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, to the extent necessary to prevent unnecessary duplication of facilities, to protect the environment of the 1002 Area, and to protect the cumulative rights, the Secretary shall require the lessee to construct, or to permit the lessee's cooperators or contractors to construct, a reclaiming system; or to construct, in the discretion of the Secretary, a reclaiming and processing system.

(15) provide that if the holder of a lease or leases on lands within the 1002 Area shall be unable to meet the reclamation or exploration requirements of this section, or if the Secretary shall determine that the lessee is incapable 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;

(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 shall include, as a result of activities conducted on the lease, one or more of the following:

(a)恢复 percolation of water to the land; (b) provision for oil and gas spills; (c) provisions for water quality; (d) water quality standards; (e) provisions for drainage of water; (f) provisions for water quality standards; (g) provisions for water quality standards; (h) provisions for water quality standards; (i) provisions for water quality standards; (j) provisions for water quality standards; (k) provisions for water quality standards; (l) provisions for water quality standards; (m) provisions for water quality standards; (n) provisions for water quality standards; (o) provisions for water quality standards; (p) provisions for water quality standards; (q) provisions for water quality standards; (r) provisions for water quality standards; (s) provisions for water quality standards; (t) provisions for water quality standards; (u) provisions for water quality standards; (v) provisions for water quality standards; (w) provisions for water quality standards; (x) provisions for water quality standards; (y) provisions for water quality standards; (z) provisions for water quality standards.

(18) provide that for the purpose of conserving the natural resources of any oil or gas pool, field, or like area, or any part thereof, to the extent consistent with the protection of the United States environment of the 1002 Area, and to protect the cumulative rights, the Secretary shall require the lessee to construct, or to permit the lessee's cooperators or contractors to construct, a reclaiming system; or to construct, in the discretion of the Secretary, a reclaiming and processing system.

(19) provide that for the purpose of conserving the natural resources of any oil or gas pool, field, or like area, or any part thereof, to the extent consistent with the protection of the United States environment of the 1002 Area, and to protect the cumulative rights, the Secretary shall require the lessee to construct, or to permit the lessee's cooperators or contractors to construct, a reclaiming system; or to construct, in the discretion of the Secretary, a reclaiming and processing system.

(20) provide that the Secretary, in determining that there has been compliance with the provisions of this title and the regulations issued under this title, shall—

(a) REQUIREMENT.—The Secretary shall, by rule or regulation, establish such standards as may be necessary to ensure that an 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 timely reclamation of any natural resource adversely affected by lease operations after the abandonment or cessation of oil and gas operations on the lease. Such bond, surety, financial arrangement, or other financial arrangement required by any other regulatory authority or required by any other provision of law.

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

(1) to be determined by the Secretary to provide a fair share, as determined by the Attorney General, of the costs of reclamation 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,, toxic substances, or fire caused by oil and gas activities.

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

(d) DURATION.—The responsibility and liability of the lessee and its surety under the bond, surety, or other financial arrangement 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 consultation with affected Federal and State agencies, shall notify the lessee that the period of liability under the bond, surety, or other financial arrangement has been terminated.

SEC. 4509. OIL AND GAS INFORMATION

(a) IN GENERAL.—(1) Any lessee or permittee conducting any exploration for, or development of, oil or gas pursuant to this subtitle or section shall notify the Secretary of the terms and conditions of the lease and all applicable laws.

(2) Any lessee or permittee conducting any exploration for, or development of, oil or gas pursuant to this subtitle or section shall provide the Secretary with all data and information from any lease granted pursuant to this title (including any leases and any other leases obtained from such activity and shall provide copies of such data and information as the Secretary may request. Such data and information shall be provided in accordance with regulations which the Secretary shall prescribe.
SEC. 4509. NOTICE AND DUE DATES OF FILING.

SEC. 4515. REGULATIONS UNDER THIS TITLE.

SEC. 4516. RIGHTS-OF-WAY ACROSS THE 1002 AREA.

SEC. 4517. EXPANSION OF RESEARCH AND DEVELOPMENT FUNDS.

SEC. 4518. NEW REVENUES.

SEC. 4519. DEDICATION OF REVENUES.

SEC. 4520. EXTENSION OF LOW INCOME HOME ENERGY ASSISTANCE PROGRAM.

SEC. 4521. SECURITY AND ASSISTANCE TO LOW-INCOME FAMILIES.

SEC. 4522. ENERGY EFFICIENT SCHOOLS PROGRAM.

SEC. 4523. GRANTS TO ASSIST SCHOOL DISTRICTS.

SEC. 4524. OTHER GRANTS.

SEC. 4525. SECURITY COMPLIANCE WITH TERMS AND CONDITIONS OF LEASE.

SEC. 4526. RESPONSIBILITY OF THE SECRETARY.

SEC. 4527. SECRECY.

SEC. 4528. OFFICIALS AND PERSONNEL.

SEC. 4529. MISCELLANEOUS.

SEC. 4530. AUTHORIZATION OF APPROPRIATIONS.

SEC. 4531. PAYMENTS TO STATES.

SEC. 4532. ENFORCEMENT OF SAFETY AND ENVIRONMENTAL PROTECTION COMPLIANCE WITH TERMS AND CONDITIONS OF LEASE.

SEC. 4533. RESPONSIBILITY OF THE SECRETARY.

SEC. 4534. SECURITY.

SEC. 4535. OFFICIALS AND PERSONNEL.

SEC. 4536. MISCELLANEOUS.

SEC. 4537. AUTHORIZATION OF APPROPRIATIONS.

SEC. 4538. PAYMENTS TO STATES.

SEC. 4539. ENFORCEMENT OF SAFETY AND ENVIRONMENTAL PROTECTION COMPLIANCE WITH TERMS AND CONDITIONS OF LEASE.
SEC. 4603. AMENDMENTS TO WEATHERIZATION ASSISTANCE PROVISIONS.
(a) ELIGIBILITY.—Section 412(c) of the Energy Conservation and Production Act (42 U.S.C. 6822(c)) is amended—
(1) in paragraph (7)(A), by striking "125" and inserting "150"; and
(2) in paragraph (7)(B), by striking "125" and inserting "150".
(b) AUTHORIZATION OF APPROPRIATIONS.—
Section 422(a) of the Energy Conservation and Production Act (42 U.S.C. 6872(a)) is amended—
(1) by striking "$300,000,000" and inserting "$350,000,000"; and
(2) by striking "1991" and all that follows through "1994," and inserting "2002, $325,000,000 for fiscal year 2003; $450,000,000 for fiscal year 2004, $500,000,000 for fiscal year 2005, and such sums as are necessary for each fiscal year thereafter.".

SEC. 4604. AMENDMENTS TO STATE ENERGY PROGRAM.
(a) STATE ENERGY CONSERVATION PLANS.—Section 364 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, revise the energy conservation plan of such State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions carried out in pursuit of common energy conservation goals.".
(b) STATE ENERGY EFFICIENCY GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended—
(1) by striking "October 1, 1991" and inserting "January 1, 2001";
(2) by striking "10" and inserting "25"; and
(3) by striking "2000" and inserting "2010".
(c) AUTHORIZATION OF APPROPRIATIONS.—Section 365(f)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6325(c)) is amended by striking "and" and all that follows through "1993," and inserting "(B) as clauses (i) and (ii), respectively; and (C) in the case of an energy savings performance contract or contract term designed for cost-effective electricity demand management, energy efficiency, or water conservation.

SEC. 4605. ENHANCEMENT AND EXTENSION OF AUTHORITY RELATING TO 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—
(1) in paragraph (2)—
(A) by redesignating subparagraphs (A) and (B) as clauses (1) and (2), respectively;
(B) by inserting "(A) after ")2"; and
(C) by adding at the end the following:
"(B) The term "energy savings" also means a reduction in the cost of energy, from such a base cost established through a methodology set forth in such a contract, that would otherwise be utilized in 1 or more federally owned buildings or facilities for such building or 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, including savings resulting from reduced costs of operation and maintenance at new and/or additional buildings or facilities, when compared with the costs of operation and maintenance at existing buildings or facilities.".
(b) COST SAVINGS FROM OPERATION AND MAINTENANCE EFFICIENCIES IN REPLACEMENT FACILITIES.—Section 803 of the National Energy Conservation Policy Act (42 U.S.C. 8287a) is amended by adding at the end the following:
"In the case of an energy savings contract or energy savings performance contract providing for energy savings through the construction and operation of 1 or more buildings or facilities to replace 1 or more existing buildings or facilities, benefits ancillary to the purpose of such contract under paragraph (1) may include savings resulting from reduced costs of operation and maintenance at new and/or additional buildings or facilities, from a base cost of operation and maintenance established through a methodology set forth in the contract.

"(2) Notwithstanding paragraph (2)(B), aggregate annual payments by an agency under an energy savings contract or energy savings performance contract referred to in subparagraph (A) may take into account (through the procedures developed pursuant to this section) savings resulting from reduced costs of operation and maintenance as described in such subparagraph.
"(3) 5-YEAR EXTENSION OF AUTHORITY.—Section 601(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287c) is amended by striking "October 1, 2003" and inserting "October 1, 2008".
"(4) DEPARTMENTAL PERFORMANCE REPORTS.—Section 5(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287c) is amended by striking paragraph (3) and inserting the following:
"(3) Each agency shall annually report to the President and Congress on its progress in meeting the requirements of this section with respect to contracts entered into under this section.
"(4) ANNUAL REPORT.—The Secretary of Energy, in consultation with the Administrator of..."
the Energy Information Administration, shall develop and issue guidelines for agencies' purchase of their annual report, including guidance on how to measure energy consumption in Federal facilities.

(d) EXEMPTION OF CERTAIN FACILITIES.—A facility is exempt from this order 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 from date of enactment, 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 tactical aircraft, ships, weapons systems, combat training, and border security).

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

(1) "agency" means an executive agency as defined in 5 U.S.C. 101.

(2) "facility" means any individual building or collection of buildings, grounds, or structures, and any fixtures or part thereof, including the associated energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part with Federal funds.

(3) "federal agency" means any agency that has authorized the use of Federal funds for the construction, renovation, or purchase of a building or collection of buildings, grounds, or structures.

(4) "federal facility" means any building or collection of buildings, grounds, or structures, and any fixtures or part thereof, including the associated energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part with Federal funds.

(5) "infrastructure" means any building or collection of buildings, grounds, or structures, and any fixtures or part thereof, including the associated energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part with Federal funds.

(6) "Secretary" means the Secretary of Energy.

(7) "state" means each of the several States of the United States of America.

(8) "local government" means each city, county, town, or other political subdivision of any State or any combination thereof.

(9) "Federal agency" means any agency of the Federal Government.

(10) "Federal facility" means any building or collection of buildings, grounds, or structures, and any fixtures or part thereof, including the associated energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part with Federal funds.

(11) "Federal facility or equipment" means any building, structure, or equipment that is owned, leased, or otherwise controlled by the Federal Government.

(12) "leased facility" means any building or collection of buildings, grounds, or structures, and any fixtures or part thereof, including the associated energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part with Federal funds.

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, but not to exceed $50,000,000 in any fiscal year. Through cost-effective measures, each agency shall increase the average energy efficiency of its fleet by 20% and 30%, respectively, for these fiscal years. The Energy Efficiency Science Initiative is authorized under subsection (a) of this section. Each Federal agency operating 20 or more alternative fueled vehicles shall develop and submit an implementation plan that meets its unique fleet configuration and fleet requirements.

Title VII—Alternative Fuels and Renewable Energy

Subtitle A—Alternative Fuels

SEC. 701. EXCEPTION TO HOV PASSENGER REQUIREMENTS FOR ALTERNATIVE FUEL VEHICLES.

Section 102(a)(1) of title 23, United States Code, is amended by inserting "unless, at the discretion of the State transportation department, the vehicle operates on, or is fueled by, an alternative fuel (as defined in subsection (b) of section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211))", after "required".

SEC. 702. ALTERNATIVE FUEL VEHICLE CREDITS FOR INSTALLATION OF QUALIFYING INFRASTRUCTURE.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended by adding at the end the following:

"(e) CREDITS FOR ACQUISITION OR INSTALLATION OF QUALIFYING INFRASTRUCTURE.—The Secretary shall allocate an infrastructure credit for the acquisition or installation of the fuel or the needed infrastructure, including the supply and delivery systems, necessary to operate or maintain the alternative fueled vehicle. Such necessary infrastructure shall include—

(1) equipment required to refill 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 activity to provide the public with 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 ‘‘infrastructure credit’’ shall mean—

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

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

(3) 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 facility as defined in subsection (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 equivalent of 1/2 of the alternative fueled vehicle acquired per annum.

SEC. 703. STATE AND LOCAL GOVERNMENT USE OF FEDERAL ALTERNATIVE FUEL VEHICLES.

Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13213) is amended by adding at the end the following:

"(c) STATE AND LOCAL GOVERNMENT OWNED VEHICLES.—Federal agencies may include any alternative fueled vehicles owned by States or local governments in any commercial arrangements for the purpose of fueling Federal alternative fueled vehicles as authorized under subsection (a) of this section. The Secretary may allocate equivalent infrastructure credit for the acquisition or installation of the fuel or the needed infrastructure, including the supply and delivery systems, necessary to operate or maintain such vehicles in any such commercial fueling arrangements."

SEC. 704. FEDERAL FLEET FUEL ECONOMY AND USE OF ALTERNATIVE FUELS.

(a) FUEL ECONOMY.—Through cost-effective measures, each agency shall increase the average fuel economy of its fleet of passenger cars and light trucks acquired for use by the end of fiscal year 2005, or as determined by the Secretary, by 25 miles per gallon. Each Federal agency shall report to the Secretary annually on the progress it has made in meeting the requirements of this section. Each agency shall develop and submit to Congress and the President an implementation plan that meets its unique fleet configuration and fleet requirements.

(b) CRITERIA.—In deciding to whom grants shall be made under this subsection, the Secretary shall consider the goal set forth in subsection (a), the incremental cost of qualified alternative fueled vehicles, and the state of the state of the art of alternative fueled vehicles.

SEC. 705. LOCAL GOVERNMENT GRANT PROGRAM.

(a) ESTABLISHMENT.—Within 1 year after date of enactment of this section, the Secretary of Energy shall establish a program for making grants to local governments for the purchase and installation of alternative fueled vehicles and the infrastructure necessary to support such vehicles.

(b) CRITERIA.—In deciding to whom grants shall be made under this subsection, the Secretary shall consider the following:

(1) the incremental cost of qualified alternative fueled vehicles;

(2) the cost-effectiveness of alternative fueled vehicles;

(3) the rate of return to the local government of funds recouped through cost-effective measures; and

(4) the needs of each local government with respect to energy conservation.
would have a significant beneficial effect on energy security and the environment.

(4) 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 on an alternative fuel.

(e) INCREMENTAL COST.—For purposes of this section, the incremental cost of any qualified alternative fuel motor vehicle is equal to the amount of the excess of the manufacturer’s suggested retail price for such vehicle over such price for a gasoline or diesel motor vehicle of the same model.

(f) AUTHORIZATION OF APPROPRIATIONS.—

For the purposes of this section, there are authorized to be 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 renewable energy systems.

(b) ELIGIBILITY.—Grants may be awarded—

(1) for the installation of an eligible residential renewable energy system for an existing dwelling unit;

(2) for 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) for the installation of a renewable energy system that uses a form of renewable energy to create electricity, heat, or other useful energy;

(4) for 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, the term ‘total cost’ means expenditure of such corporation.

(2) ELIGIBILITY.—Grants may be awarded—

(A) 30 percent of the total cost of the energy system; or

(B) $3.00 per watt of system electricity output;

(3) 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.

(4) 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 after the date of the effective date of this section; and

(2) such property is certified for performance and safety by a nonprofit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed.

(f) RENEWABLE ENERGY.—

(1) DEFINITIONS.—In this subsection:

(A) a solar thermal system;

(B) a solar photovoltaic system;

(C) a wind energy system;

(D) a biomass energy system;

(E) a geothermal energy system;

(F) a renewable energy system; and

(G) a solar panel.

(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, and an estimate of the costs needed to develop each resource. The report shall also include other information as the Secretary of Energy believes would be useful in siting renewable energy generation, such as appropriate terrain, population and load centers, nearby energy infrastructure, and location.

(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.—

(3) For the purposes of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal years 2002 through 2006.

ConGRESSIONAL RECORD—SENATE
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) While the alternative licensing procedures applicable to applicants for hydroelectric power projects provide important opportunities for the collaborative resolution of many of the issues in hydroelectric project licensing, those procedures are not appropriate in every case and cannot substitute for statutory reforms of the hydroelectric 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 by adding at the end the following:

"SEC. 33. PROCESS FOR CONSIDERATION BY FEDERAL AGENCIES OF CONDITIONS TO LICENSES.

"(a) Definitions.—In this section:

"(1) Condition.—The term 'condition' means—

"(A) a condition to a license for a project on a Federal reservation determined by a consulting agency for the purpose of the first proviso of section 4(e); and

"(B) a prescription relating to the construction, maintenance, or operation of a fishway determined by a consulting agency for the purpose of the first sentence of section 18.

"(2) Consulting agency.—The term 'consulting agency' means—

"(A) in relation to a condition described in paragraph (1)(A), the Federal agency with responsibility for supervising the reservation; and

"(B) in relation to a condition described in paragraph (1)(B), the Secretary of the Interior or the Secretary of Commerce, as appropriate.

"(b) Factors to be considered.—

"(1) In general.—In determining a condition, a consulting agency shall take into consideration—

"(A) the impacts of the condition on—

"(i) economic and power values;

"(ii) electric generation capacity and system reliability;

"(iii) air quality (including consideration of the impacts on greenhouse gas emissions); and

"(iv) drinking, flood control, irrigation, navigation, or recreation water supply;

"(B) compatibility with other conditions to be included in the license, including mandatory conditions of other agencies, when available; and

"(C) means to ensure that the condition addresses only direct project environmental impacts, and does so at the lowest project cost.

"(2) Documentation.—

"(A) In general.—In the course of the consideration of factors under paragraph (1) and before any review under subsection (e), a consulting agency shall create written documentation detailing, among other pertinent matters, all proposals made, comments received, facts considered, and analyses made regarding each of those factors sufficient to demonstrate that each of the factors was given full consideration in determining the condition to be submitted to the Commission.

"(B) Submission to the commission.—A consulting agency shall include the documentation under subparagraph (A) in its submission of a condition to the Commission.

"(c) Scientific review.

"(1) in general.—Each condition determined by a consulting agency shall be subjected to appropriately substantiated scientific review if the review—

"(A) was based on current empirical data or field-tested data; and

"(B) was subjected to peer review.

"(d) Relationship to Impacts on Federal Reservation.—In the case of a condition for the purpose of the first proviso of section 4(e), each condition determined by a consulting agency shall be substantiated by analysis related to the impacts of the project within the Federal reservation.

"(e) Administrative review.

"(1) Opportunity for review.—Before submitting to the Commission a proposed condition, and at least 90 days before a license applicant is required to file a license application, a consulting agency shall provide the proposed condition to the license applicant and offer the license applicant an opportunity to obtain expedited review before a hearing or other independent reviewing body of—

"(A) the reasonableness of the proposed condition in light of the effect that implementation of the condition will have on the energy and economic values of a project; and

"(B) compliance by the consulting agency with the requirements of this section, including the requirement to consider the factors described in subsection (b)(1).

"(2) Completion of review.—

"(A) in general.—A review under paragraph (1) shall be completed not more than 180 days after the license applicant notifies the consulting agency of the request for review.

"(B) failure to make timely completion of review.—If review of a proposed condition is not completed within the time specified by subsection (A), the Commission may treat a condition submitted by the consulting agency as a recommendation is treated under section 10(j).

"(3) Remand.—If the administrative law judge or reviewing body finds that a proposed condition is unreasonable or that the consulting agency failed to comply with any of the requirements of this section, the administrative law judge or reviewing body shall—

"(A) render a decision that—

"(i) explains the reasons for a finding that the condition is unreasonable; and

"(ii) make recommendations that the administrative law judge or reviewing body may have for the formulation of a condition that would not be unreasonable.

"(B) Remand the matter to the consulting agency for further action.

"(4) Submission to the commission.—Follow-up administrative review under this subsection, a consulting agency shall—

"(A) take such action as is necessary to—

"(i) withdraw the condition; or

"(ii) formulate a condition that follows the recommendation of the administrative law judge or reviewing body; or

"(iii) otherwise comply with this section; and

"(B) include with its submission to the Commission of a proposed condition—

"(i) the record on administrative review; and

"(ii) documentation of any action taken following administrative review.

"(f) Submission of final condition.

"(1) in general.—Any condition described in the comment files with the Commission an application for a license, the Commission shall set a date by which a consulting agency shall submit to the Commission a final condition.

"(2) Limitation.—Except as provided in paragraph (3), the date for submission of a final condition shall be not later than 1 year after the date on which the Commission gives the consulting agency notice that a license application is ready for environmental review.

"(3) default.—If a consulting agency does not submit a final condition to a license by the date set under paragraph (1)—

"(A) the consulting agency shall not thereafter 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 establish a condition to a 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)."
"(c) ANALYSIS BY THE COMMISSION.—

"(1) ECONOMIC ANALYSIS.—The Commission shall conduct a comprehensive analysis of the condition submitted by a consulting agency to determine whether the condition would render the project uneconomic.

"(2) CONSIDERATION.—In exercising authority under section 10(j)(2), the Commission shall consider whether any recommendation submitted under section 10(j)(1) is consistent with the purposes and requirements of subsections (b) and (c) of this section.

"(b) COMMISSION DETERMINATION ON EFFECT OF CONDITIONS.—If requested by a license applicant in a request for rehearing, the Commission shall make a written determination on whether a condition submitted by a consulting agency—

"(1) is in the public interest, as measured by the impact of the condition on the factors described in subsection (b)(1);

"(2) relates to direct project impacts within the meaning of the case of a condition for the first proviso of section 4(e);

"(3) is reasonable; and

"(4) is supported by substantial evidence; and

"(5) is consistent with this Act and other terms and conditions to be included in the license.

"CONFORMING AND TECHNICAL AMENDMENTS.—

(1) Section 4.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended—

"(2) in the first proviso of the first sentence, by inserting after "conditions" the following: "determined in accordance with section 33,"; and

"(3) in the last proviso, by striking the period and inserting "(including consideration of the impacts on greenhouse gas emissions)"

"(2) Section 18.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by adding at the end thereof the following:

"(h) COMMISSION DETERMINATION ON EFFECT OF CONDITIONS.—If requested by a license applicant in a request for rehearing, the Commission shall make a written determination on whether a condition submitted by a consulting agency—

"(1) is in the public interest, as measured by the impact of the condition on the factors described in subsection (b)(1);

"(2) relates to direct project impacts within the meaning of the case of a condition for the first proviso of section 4(e);

"(3) is reasonable; and

"(4) is supported by substantial evidence; and

"(5) is consistent with this Act and other terms and conditions to be included in the license.

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"(1) is in the public interest, as measured by the impact of the condition on the factors described in subsection (b)(1);

"(2) relates to direct project impacts within the meaning of the case of a condition for the first proviso of section 4(e);

"(3) is reasonable; and

"(4) is supported by substantial evidence; and

"(5) is consistent with this Act and other terms and conditions to be included in the license.
guidance, or practice that such entity would propose to be made mandatory and enforceable. Such an organization, without further opportunity to submit comments, may approve any such proposed mandatory standard, guidance, or practice, or any amendment thereto, if it finds that the standard, guidance, or practice is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission, upon its own motion or upon complaint, may refer to the appropriate agency the effect of the standard on competition.

The Commission shall approve a proposed new or modified organization standard if it determines the proposal to be just, reasonable, not unduly discriminatory or preferential, and in the public interest.

(c) The Commission, on its own motion or upon complaint, may direct the Electric Reliability Organization to develop an organization standard, including modification to an existing organization standard, addressing a specific matter by a date certain if the Commission considers such new or modified organization standard necessary or appropriate to further the purposes of this section. The Electric Reliability Organization shall file such new or modified organization standard in accordance with this subsection.

"(D) An affiliated regional reliability entity may propose a variance or entity rule to the Electric Reliability Organization. The affiliated regional reliability entity may request that the Electric Reliability Organization expedite consideration of the proposal, and may file a notice of such request with the Commission, if expedited consideration is necessary to provide for bulk-power system reliability. If the Electric Reliability Organization fails to adopt the variance or entity rule, or to either in whole or in part, the affiliated regional reliability entity may request that the Commission review such action. If the Commission determines, after its review of such a request, that the action of the Electric Reliability Organization did not conform to the applicable standards and procedures approved by the Commission, or if the Commission determines that the variance or entity rule is not just, reasonable, not unduly discriminatory or preferential, and in the public interest, and that the Electric Reliability Organization has unreasonably rejected the proposed variance or entity rule, the Commission, upon complaint, may require the Electric Reliability Organization to develop an organization standard or amendment to reflect the proposal.

The Commission, upon its own motion or upon complaint, may require the Electric Reliability Organization to develop an organization standard or amendment to reflect the proposal.

"(E) The Electric Reliability Organization shall file with the Commission any new or modified organization standards, including the proposal and the Commission shall follow the procedures under paragraph (2) for review of that filing.

Submissions under paragraph (1) shall include—

"(A) a concise statement of the purpose of the proposal; and

"(B) a record of any proceedings conducted with respect to such proposal.

The Commission shall provide notice of the filing of such proposal and afford interested entities 30 days to submit comments. The Commission, after taking into consideration any submitted comments, shall approve or disapprove such proposal not later than 60 days after the deadline for the submission of comments, or as the Commission may specify in the procedures for implementation and enforcement of the Electric Reliability Organization's discharge of its responsibilities and making and operations and the requirements for technical competency in the development of Organization Standards, and which standards develop an organization standard.

The Electric Reliability Organization may adopt such variance or entity rule, or to either in whole or in part, the affiliated regional reliability entity may request that the Commission review such action. If the Commission determines, after its review of such a request, that the action of the Electric Reliability Organization did not conform to the applicable standards and procedures approved by the Commission, or if the Commission determines that the variance or entity rule is not just, reasonable, not unduly discriminatory or preferential, and in the public interest, and that the Electric Reliability Organization has unreasonably rejected the proposed variance or entity rule, the Commission, upon complaint, may require the Electric Reliability Organization to develop an organization standard or amendment.

The Commission, upon its own motion or upon complaint, may require the Electric Reliability Organization to develop an organization standard or amendment.

E) Notwithstanding any other provision of this subsection, a proposed organization standard or amendment shall take effect according to its terms. 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 and shall 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 such 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. The Electric Reliability Organization shall enter into agreement with any entity 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 organization standard or amendment is not necessary, the Commission may suspend such emergency organization standard or amendment.

“(4) All users of the bulk power system shall comply with any organization standard that takes effect under this section.

“(5) CHANGES IN PROCEDURES, GOVERNANCE, OR FUNDING.—

“(i) The Electric Reliability Organization shall file with the Commission any proposed changes to procedures, governance, or funding, or any changes in the affiliated regional reliability entity's procedures, governance, or funding relating to delegated functions, and shall include with the filing an explanation of the basis and purpose for the change.

“(ii) A proposed procedural change may take effect only upon a finding by the Commission if the change constitutes a statement of policy, practice, or interpretation with respect to the meaning or enforcement of an electric reliability standard or rule. Procedures set out in paragraphs (2) and (3) for review of the new or modified organization standard shall apply to any such proposal that would apply only to a part of an interconnected system.

“(iii) Procedures set out in paragraphs (2) and (3) for review of the new or modified organization standard shall apply to any such proposal that would apply on an interconnection-wide basis.

“(iv) The Electric Reliability Organization shall provide an opportunity for all interested parties to participate in the process that provided an opportunity for all interested parties to participate.

“(b) DELEGATIONS OF AUTHORITY.—

“(i) The Electric Reliability Organization shall, upon request by an entity, enter into an agreement with such entity for the delegation of authority to implement and enforce organization standards in a specified geographic area if the organization finds that the entity requesting the delegation satisfies the requirements of subparagraphs (A), (B), (C), (D), (F), (J), and (K) of subsection (d)(4), and if the delegation

promotes the effective and efficient implementation and administration of bulk power system reliability. The Electric Reliability Organization may enter into an agreement to delegate the authority to implement and enforce organization standards in a specified geographic area if the organization finds that the agreement meets the requirements of paragraphs (1), and is just, reasonable, not unduly discriminatory or preferential, and is in the public interest. The proposed delegation agreement entered into under this subsection and any information the Commission requires with respect to the delegation are subject to review by the Electric Reliability Organization. Any such delegation agreement entered into under this subsection shall be valid unless approved by the Commission.

“(iii) A delegation agreement entered into under this subsection shall specify the procedures for an affiliated regional reliability entity to propose entity rules or policies for review by the Electric Reliability Organization. The Electric Reliability Organization shall provide an opportunity for all interested parties to participate.

“(ii) The Electric Reliability Organization shall provide an opportunity for all interested parties to participate.

“(iv) The Electric Reliability Organization shall provide an opportunity for all interested parties to participate.

“(b) DELEGATIONS OF AUTHORITY.—

“(i) The Electric Reliability Organization shall, upon request by an entity, enter into an agreement with such entity for the delegation of authority to implement and enforce organization standards in a specified geographic area if the organization finds that the entity requesting the delegation satisfies the requirements of subparagraphs (A), (B), (C), (D), (F), (J), and (K) of subsection (d)(4), and if the delegation

promotes the effective and efficient implementation and administration of bulk power system reliability. The Electric Reliability Organization may enter into an agreement to delegate the authority to implement and enforce organization standards in a specified geographic area if the organization finds that the agreement meets the requirements of paragraphs (1), and is just, reasonable, not unduly discriminatory or preferential, and is in the public interest. The proposed delegation agreement entered into under this subsection and any information the Commission requires with respect to the delegation are subject to review by the Electric Reliability Organization. Any such delegation agreement entered into under this subsection shall be valid unless approved by the Commission.

“(ii) The Electric Reliability Organization shall provide an opportunity for all interested parties to participate.

“(iii) The Electric Reliability Organization shall provide an opportunity for all interested parties to participate.

“(iv) The Electric Reliability Organization shall provide an opportunity for all interested parties to participate.

“(b) DELEGATIONS OF AUTHORITY.—

“(i) The Electric Reliability Organization shall, upon request by an entity, enter into an agreement with such entity for the delegation of authority to implement and enforce organization standards in a specified geographic area if the organization finds that the entity requesting the delegation satisfies the requirements of subparagraphs (A), (B), (C), (D), (F), (J), and (K) of subsection (d)(4), and if the delegation
``(1) Consistent with the range of actions approved by the Commission under subsection (a), the Commission may impose a penalty, limitation of activities, functions, operations, or other disciplinary action the Electric Reliability Organization or any affiliated regional reliability entity may determine that the operation of the bulk power system if the Electric Reliability Organization, after notice and an opportunity for interested parties to be heard, issues a finding determining that the operation 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 organization 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 or threatened to affect bulk-power system 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 has posted its written finding and record of proceedings before the Electric Reliability Organization and the Commission posts its written finding, unless the Commission, on its own motion, or upon application by the user of the bulk power system which is the subject of the action, suspends the action. The action shall remain in effect or remain 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 a hearing, that the user of the bulk power system has violated or threatened to violate an organization standard.

``(4) The Commission may take such action as is necessary against the Electric Reliability Organization or an 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.

``(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 for monitoring or improving system reliability and adequacy.

``(1) ABBREVIATION 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 fairly 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 subsection (g) (4)(B).

``(m) SAVINGS PROVISIONS.—

``(1) The Electric Reliability Organization shall have authority to develop, implement and enforce compliance with standards for the reliable operation of only the bulk power system.

``(2) This section does not provide the Electric Reliability Organization or the Commission with the authority to set and enforce compliance with standards for adequacy among all end users. The Commission shall provide by rule for the review of such costs and allocations, pursuant to the standards in subsection (g) (4)(B).

``(3) Except as provided in paragraph (5), to the extent hindrances and conflicts arise after approval of a reliability standard under subsection (c) or organization standard approved under subsection (e), the Commission shall report to the Commission, and notify the electric reliability organization and any applicable affiliated regional reliability entity, regarding any reliability standard approved under subsection (c) or organization standard that hinders or conflicts with a provision of any rule, order, tariff, rate schedule or agreement accepted or approved by the Commission applicable to a regional transmission organization and a provision of any rule, order, tariff, rate schedule or agreement approved by the Commission applicable to a regional transmission organization organization to develop and submit a proposal for resolving such hindrances and conflicts within 60 days of the Commission’s issuance of a final order.

``(4) An affiliated regional reliability entity’s obligation to develop and submit a proposal for resolving such hindrances and conflicts becomes effective. If the Commission finds that the tariff, rate schedule, or agreement needs to be changed, the regional transmission organization must expeditiously make a section 205 filing to reflect the change. If the Commission finds that the proposed organization standard needs to be changed, it shall remand the proposed organization standard to the electric reliability organization under subsection (e)(3)(B).

``(5) Other affected parties, the Commission shall report to the Commission, and notify the electric reliability organization and any applicable affiliated regional reliability entity, regarding any reliability standard approved under subsection (c) or organization standard approved by the Commission applicable to a regional transmission organization that hinders or conflicts with a provision of any rule, order, tariff, rate schedule, or agreement accepted or approved by the Commission applicable to a regional transmission organization organization to develop and submit a proposal for resolving such hindrances and conflicts unless the Commission orders such a change. If the Commission finds that the tariff, rate schedule, or agreement needs to be changed, the regional transmission organization must expeditiously make a section 205 filing to reflect the change. If the Commission finds that the proposed organization standard needs to be changed, it shall remand the proposed organization standard to the electric reliability organization under subsection (e)(3)(B).

``(6) Except as provided in paragraph (5), to the extent hindrances and conflicts arise after approval of a reliability standard under subsection (c) or organization standard approved under subsection (e), the Commission shall report to the Commission, and notify the electric reliability organization and any applicable affiliated regional reliability entity, regarding any reliability standard approved under subsection (c) or organization standard that hinders or conflicts with a provision of any rule, order, tariff, rate schedule, or agreement accepted or approved by the Commission applicable to a regional transmission organization organization to develop and submit a proposal for resolving such hindrances and conflicts within 60 days of the Commission’s issuance of a final order.

``(7) The Electric Reliability Organization may seek injunctive relief in a Federal court in the district in which the affected or threatened to affect bulk-power system facilities are located.

``(8) The Electric Reliability Organization shall immediately notify the Commission of any disciplinary action the Electric Reliability Organization must expeditiously make a section 205 filing to reflect the change. If the Commission finds that the proposed organization standard needs to be changed, it shall remand the proposed organization standard to the electric reliability organization under subsection (e)(3)(B).

``(9) A disciplinary action the Electric Reliability Organization may take under paragraph (1) may take effect not earlier than the 30th day after the Electric Reliability Organization has posted its written finding, unless the Commission, on its own motion, or upon application by the user of the bulk power system which is the subject of the action, suspends the action. The action shall remain in effect or remain 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.

``(10) 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 a hearing, that the user of the bulk power system has violated or threatened to violate an organization standard.

``(11) The Commission may take such action as is necessary against the Electric Reliability Organization or an 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.

``(12) 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 for monitoring or improving system reliability and adequacy.

``(13) ABBREVIATION 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 fairly 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 subsection (g) (4)(B).

``(o) COORDINATION WITH REGIONAL TRANS-

``(p) ACCOUNTING.—The Commission shall report to the Commission, and notify the electric reliability organization and any applicable affiliated regional reliability entity, regarding any reliability standard approved under subsection (c) or organization standard that hinders or conflicts with a provision of any rule, order, tariff, rate schedule, or agreement accepted or approved by the Commission applicable to a regional transmission organization organization to develop and submit a proposal for resolving such hindrances and conflicts unless the Commission orders such a change. If the Commission finds that the tariff, rate schedule, or agreement needs to be changed, the regional transmission organization must expeditiously make a section 205 filing to reflect the change. If the Commission finds that the proposed organization standard needs to be changed, it shall remand the proposed organization standard to the electric reliability organization under subsection (e)(3)(B).

``(q) 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 of such standards by the Electric Reliability Organization shall be applicable to the extent otherwise applicable.

(b) APPLICATION OF ANTITRUST LAWS.—Notwithstanding any other provision of law, each of the following activities are rebuttably presumed to be in compliance with the antitrust laws of the United States:

(1) Activities undertaken by the Electric Reliability Organization under section 215 of the Federal Power Act or affiliated regional reliability entity operating under an agreement in effect under section 215(h) of such Act.

(2) Activities of a member of the Electric Reliability Organization or affiliated regional reliability entity in pursuit of organization objectives under section 215 of the Federal Power Act undertaken in good faith under the rules of the organization.

Primary jurisdiction, and immunities and other aids to the following activities are available to the extent otherwise applicable.

Subtitle B—PURPA Mandatory Purchase and Sale Requirements

SEC. 4803. PURPA MANDATORY PURCHASE AND SALE REQUIREMENTS.

Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3) is amended by adding at the end the following:

"(m) TERMINATION OF MANDATORY PURCHASE AND SALE REQUIREMENTS.—

(1) IN GENERAL.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase electric energy from, or sell electric energy under this section.

(2) NO EFFECT ON EXISTING RIGHTS AND REMEDIES.—Nothing in this subsection affects the applicability of any law with respect to the purchase or sale of electric energy or capacity from or to a facility under this section under any contract or obligation to sell electric energy or capacity on the date of enactment of this subsection, including—

(A) the right to recover costs of purchasing such energy or capacity; and

(B) in States without competition for retail electric supply, the obligation of a utility to provide, at just and reasonable rates for consumption by a qualifying small power production facility or a qualifying cogenera-
opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by that company (alone or pursuant to an arrangement or understanding with 1 or more persons) so as to make it necessary for the rate protection of such customers with respect to rates that such person be subject to the oblig- 
gations, duties, and liabilities imposed by this title upon subsidiary companies of holding companies.

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 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.

(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 associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(c) HOLDING COMPANY SYSTEMS.—The Commission may examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(d) CONFIDENTIALITY.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of examination of books, accounts, memoranda, or other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

SEC. 4815. RIGHTS OF 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, or any associate company or affiliate thereof, or 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 de-
tail in a proceeding before the State commis-
sion or by a court of competent jurisdiction.
(2) the State commission deems are rel-
(3) are necessary for the effective discharge of
(4) are necessary for the effective discharge of
(5) any officer, agent, or employee of any
(6) acting in such capacity, or in the per-

SEC. 4816. EXEMPTION AUTHORITY.

(a) RULEMAKING.—Not later than 90 days after the effective date of this subtitle, the Commission shall promulgate a final rule to exempt from the requirements of section 4815 any person that is a holding company, solely with respect to:

(1) qualifying facilities under the Public Utility Regulatory Policies Act of 1978;
(2) exempt wholesale generators; or
(3) foreign utility companies.

(b) OTHER AUTHORITY.—If, upon application or upon its own motion, the Commission finds that the books, records, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility or natural gas company, or if the Commission finds that any class of transactions is not relevant to the jurisdictional rates of a public utility or natural gas company, the Commission shall exempt such person or transaction from the requirements of section 4815.

SEC. 4817. AFFILIATE TRANSACTION.

Nothing in this subtitle shall preclude the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public utility company, public utility, or natural gas company may recover in rates any costs of an activity performed by an associate company of such holding company system and necessary or appropriate to the functions transferred to the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 4814. EFFECT ON OTHER REGULATIONS.

Nothing in this subtitle precludes the Com-
mision or a State commission from exer-
cising its jurisdiction under otherwise appli-
cable law to protect utility customers.

SEC. 4820. ENFORCEMENT.

The Commission shall have the same pow-
er(s) set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 725d-725p) 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 trans-
actions in which it is legally engaged or au-
thesized to engage on the effective date of this subtitle.

(b) EFFECT ON OTHER COMMISSION AUTHORITY.—Nothing in this subtitle limits the au-
thority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) (including section 301 of that Act) or the Natural Gas Act (15 U.S.C. 717 et seq.) (including section 8 of that Act).

SEC. 4822. IMPLEMENTATION.

Not later than 180 days after the date of enactment of this subtitle, the Commission shall promulgate a final rule to implement this subtitle.

SEC. 4823. TRANSFER OF RESOURCES.

All books and records that relate primarily to the functions transferred to the Commis-
mission under this subtitle shall be transferred from the Securities and Exchange Com-
mision to the Commission.

SEC. 4824. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

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

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

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

SEC. 4830. EMISSION-FREE CONTROL MEASURES UNDER STATE IMPLEMENTATION PLANS.

Actions taken by a State to support the continued operation of existing emission-free electric generation sources, or the construction or operation of new emission-free electricity sources, shall be considered control measures necessary or appropriate to meet applicable requirements under section 110(a)(1) 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 tax incentives for including those con-
tained in title IX of S. 389 as introduced in the First Session of the 107th Congress should be enacted into law to encourage en-
ery production and conservation in the United States.

SAWISE—Mr. LEVIN (for himself and Mr. WAXMAN) proposed an amendment to the bill S. 1438, to authorize appro-
priations for fiscal year 2002 for military activities of the Department of

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Defense, for military constructions, 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; as follows:

SEC. 1509. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

At the appropriate place, insert the following:

SEC. 3. MODIFICATION OF INSTALLATIONS SUBJECT TO CLOSURE OR REALIGNMENT IN 2003 BASE CLOSURE ROUND.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-192; 10 U.S.C. 2677 note) is amended by inserting after section 2902 the following new section:

"SEC. 2902A. INSTALLATIONS SUBJECT TO CLOSURE OR REALIGNMENT IN 2003 BASE CLOSURE ROUND."

"(a) In General.—Notwithstanding any other provision of this part, the only installa-
tions subject to closure or realignment under this part as a result of activities under this part in 2003 are the following:

"(1) Military installations located outside the United States (as that term is defined in section 2910(c))."

"(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to a law or rule described in section 2910(c) of the Uniformed and Overseas Citizens Absen-
tee Voting Act (as added by subsection (a)(1)) that are submitted with respect to elections that occur after the date of enactment of this Act.

In section 577(a), strike "shall carry out" and insert "may carry out".

In section 577(b), strike "the demonstration project" and insert "any demonstration project".

In section 577(c), strike "the demonstration project" and insert "any demonstration project".

At the end of subtitle F of title V, add the following:

SEC. 578. USE OF BUILDINGS ON MILITARY IN-
STALLATIONS AND RESERVE COM-
ponent Facilities as Polling Places.

(a) Use of Military Installations Author-
ized.—Section 2870 of title 10, United States Code, is amended—

"(1) by striking "Under" and inserting "(a) Use by Reserve Component.—";

"(2) by striking "the subsection" and inserting "this subsection"; and

"(3) by adding at the end the following:

"Notwithstanding any other provision of law, the Secretary of Defense, for military constructions, and for defense activities of the Department of Energy, may set forth the amounts for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike title XXIX, relating to defense base closure and realignment.

SEC. 1602. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

At the end of subtitle A of title XXIX, add the following:

SEC. 577. STANDARD FOR INVALIDATION OF BAL-
LOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) In General.—Section 120 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

"(1) by striking "Each State" and inserting "(a) In General.—Each State"; and

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

"(c) Standards for Invalidation of Cert-
tain Ballots.—"

"(1) In General.—A State may not refuse to count a ballot submitted in an election for public office by an absent uniformed services voter on the grounds that the ballot was improperly or fraudulently cast unless the State provides to Congress advance notice in a reasonable and timely manner of the reasons why the State will no longer be made available as a polling place.

"(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office, the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

"(3) In this section, the term 'military in-
stallation' has the meaning given the term in section 2907(c) of this title.

(b) Use of Reserve Component Facili-
ties.—(1) Section 1235 of title 10, United States Code, is amended by adding at the end the following:

"(c) Pursuant to a lease or other agree-
ment under subsection (a), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 28 of title 18 (including sections 592 and 593 of such title). Once a facility is made available as the site of a polling place with respect to an election for public office, the Secretary shall continue to make the facility available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the facility will no longer be made available as a polling place.

"(2) Section 1236 of such title is amended by adding at the end the following:

"(c) Pursuant to a lease or other agree-
ment under subsection (a), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 28 of title 18 (including sections 592 and 593 of such title). Once a facility is made available as the site of a polling place with respect to an election for public office, the Secretary shall continue to make the facility available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the facility will no longer be made available as a polling place.

"(d) In this section, the term 'military in-
stallation' has the meaning given the term in section 2907(c) of this title.

(c) Conforming Amendments to Title 18.—

(1) Section 592 of title 18, United States Code, is amended by adding at the end the follow-
ing:

"(c) Pursuant to a lease or other agree-
ment under subsection (a), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 28 of title 18 (including sections 592 and 593 of such title). Once a facility is made available as the site of a polling place with respect to an election for public office, the Secretary shall continue to make the facility available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the facility will no longer be made available as a polling place.

"(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office, the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

"(3) In this section, the term 'military in-
stallation' has the meaning given the term in section 2907(c) of this title.

(d) Conforming Amendments to Title 42.—

(1) Section 309 of title 42, United States Code, is amended by adding at the end the follow-
ing:

"(c) Pursuant to a lease or other agree-
ment under subsection (a), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 28 of title 18 (including sections 592 and 593 of such title). Once a facility is made available as the site of a polling place with respect to an election for public office, the Secretary shall continue to make the facility available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the facility will no longer be made available as a polling place.

"(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office, the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

"(3) In this section, the term 'military in-
stallation' has the meaning given the term in section 2907(c) of this title.
or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10.

(2) Section 593 of such title is amended by adding at the end the following:

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This section shall not prohibit the use of buildings located on military installations, or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10.''
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(d) CONFORMING AMENDMENT TO VOTING RIGHTS ACT OF 1975.—Section 1 of the Voting Rights Act of 1975 (2 U.S.C. 108) is amended by striking in the table; as follows:

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SEC. 579. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) IN GENERAL.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any recently separated uniformed services voter requesting to vote in the State:

(1) deem the voter to be a resident of the State;

(2) waive any requirement relating to any period of residence or domicile in the State for purposes of registering to vote or voting in that State;

(3) accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application from the voter on the day of the election; and

(4) permit the voter to vote in that election.

(b) DEFINITIONS.—In this section:

(1) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term "recently separated uniformed services voter" means any individual that was a uniformed services voter (as defined in subsection (f)(1)(D)) on the date that is 90 days before the date on which the individual seeks to vote, if—

(A) the election official Department of Defense form 214 evidencing their discharge or retirement, or other appropriate evidence of status,

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

SEC. 580. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of the recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term "legislative recommendation" means a recommendation of the Presidential designee that was a uniformed services voter (as defined in subsection (f)(1)(D)), or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10, United States Code, shall be deemed to be consistent with this section.''

(e) CLERICAL AMENDMENTS.—(1) The heading of section 2670 of title 10, United States Code, is amended to read as follows:

"§ 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

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2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.
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SEC. 593. ARMED FORCES RETIREMENT HOME.

(a) AMOUNT FOR FISCAL YEAR 2002.—There is hereby authorized to be appropriated for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

Strike section 363 and insert the following:

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SEC. 363. ARMED FORCES RETIREMENT HOME.

(a) AMOUNT FOR FISCAL YEAR 2002.—There is hereby authorized to be appropriated for fiscal year 2002 from the Armed Forces Retirement Home Fund for operation of the Armed Forces Retirement Home, including the United States Soldiers' Home and the Airmen's Home, the sum of $71,440,000.

(b) AMOUNTS PREVIOUSLY AUTHORIZED.—Of amounts authorized to be appropriated from the Armed Forces Retirement Home Trust Fund for fiscal years before fiscal year 2002 by Acts enacted before the date of enactment of this Act, amounts shall be available for those fiscal years, to the same extent as is provided in appropriation Acts, for the development and construction of a blended use, multicare facility at the Naval Home and for the acquisition of a parcel of real property adjacent to the Naval Home, consisting of approximately 15 acres, more or less.
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SA 1604. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

On page 49, between lines 2 and 3, insert the following:

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SEC. 593. ARMED FORCES RETIREMENT HOME.

(a) AMOUNT FOR FISCAL YEAR 2002.—There is hereby authorized to be appropriated for fiscal year 2002 from the Armed Forces Retirement Home Fund for operation of the Armed Forces Retirement Home, including the United States Soldiers' Home and Airmen's Home, the sum of $71,440,000.

(b) AMOUNTS PREVIOUSLY AUTHORIZED.—Of amounts authorized to be appropriated from the Armed Forces Retirement Home Trust Fund for fiscal years before fiscal year 2002 by Acts enacted before the date of enactment of this Act, amounts shall be available for those fiscal years, to the same extent as is provided in appropriation Acts, for the development and construction of a blended use, multicare facility at the Naval Home and for the acquisition of a parcel of real property adjacent to the Naval Home, consisting of approximately 15 acres, more or less.
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(b) ADDITIONAL REQUIREMENTS FOR PROCUREMENT.—Such section is further amended by adding at the end the following new subsection:

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(3) The competition of a manufacturer for the furnishing of smokeless nitrocellulose under paragraph (2)(B) shall—

(A) be open to all other manufacturers of smokeless nitrocellulose in the national technology and industrial base; and

(B) provide that the winner of the competition may not furnish to the manufacturer an amount of smokeless nitrocellulose in excess of 1.5 times the amount of smokeless nitrocellulose to be furnished to the manufacturer by all other participants in the competition.
```

SEC. 232. LIMITATIONS ON PROCUREMENT OF AMMUNITION AND AMMUNITION PROPPELLANT.

(a) PRODUCTION THROUGH MANUFACTURERS IN NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Subsection (a) of section 2324 of title 10, United States Code, is amended by adding at the end of the following new paragraph:

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"(6) AMMUNITION AND AMMUNITION PROPPELLANT.—Conventional ammunition and ammunition propellant utilized by the Secretary of Defense shall be purchased from a domestic source, or, if the Secretary determines that an item cannot be obtained from a domestic source, from a source that is a foreign country that is a member of the North Atlantic Treaty Organization or is a nation that qualifies for United States military assistance under sections 5501–5506 of title 10, United States Code.
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(b) ADDITIONAL REQUIREMENTS FOR PROCUREMENT.—Such section is further amended by adding at the end the following new subsection:

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(1) ADDITIONAL REQUIREMENTS FOR PROCUREMENT OF AMMUNITION AND AMMUNITION PROPPELLANT.—(1) In addition to the requirement under subsection (a)(6), the Secretary of Defense shall procure ammunition or ammunition propellant only from manufacturers, whether privately owned or governmentally-owned, meeting the requirements of paragraph (2).

(2) A manufacturer of ammunition or ammunition propellant meets the requirements of this paragraph if the manufacturer warrants that any subcontractor which furnishes smokeless nitrocellulose to the manufacturer—

(A) is a part of the national technology and industrial base; and

(B) is selected to furnish smokeless nitrocellulose through a competition meeting the requirements of paragraph (3).

(3) The competition of a manufacturer for the furnishing of smokeless nitrocellulose shall—

(A) be open to all other manufacturers of smokeless nitrocellulose in the national technology and industrial base that manufacture the type of smokeless nitrocellulose that is technologically appropriate for use in the product to be made by the manufacturer; and

(B) provide that the winner of the competition may not furnish to the manufacturer an amount of smokeless nitrocellulose in excess of 1.5 times the amount of smokeless nitrocellulose to be furnished to the manufacturer by all other participants in the competition.
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SEC. 233. LIMITATIONS ON PROCUREMENT OF AMMUNITION AND AMMUNITION PROPPELLANT.

(a) PROCUREMENT THROUGH MANUFACTURERS IN NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Subsection (a) of section 2324 of title 10, United States Code, is amended by adding at the end of the following new paragraph:

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"(6) AMMUNITION AND AMMUNITION PROPPELLANT.—Conventional ammunition and ammunition propellant utilized by the Secretary of Defense shall be purchased from a domestic source, or, if the Secretary determines that an item cannot be obtained from a domestic source, from a source that is a foreign country that is a member of the North Atlantic Treaty Organization or is a nation that qualifies for United States military assistance under sections 5501–5506 of title 10, United States Code.
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(b) ADDITIONAL REQUIREMENTS FOR PROCUREMENT.—Such section is further amended by adding at the end the following new subsection:

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(1) ADDITIONAL REQUIREMENTS FOR PROCUREMENT OF AMMUNITION AND AMMUNITION PROPPELLANT.—(1) In addition to the requirement under subsection (a)(6), the Secretary of Defense shall procure ammunition or ammunition propellant only from manufacturers, whether privately owned or governmentally-owned, meeting the requirements of paragraph (2).

(2) A manufacturer of ammunition or ammunition propellant meets the requirements of this paragraph if the manufacturer warrants that any subcontractor which furnishes smokeless nitrocellulose to the manufacturer—

(A) is a part of the national technology and industrial base; and

(B) is selected to furnish smokeless nitrocellulose through a competition meeting the requirements of paragraph (3).

(3) The competition of a manufacturer for the furnishing of smokeless nitrocellulose shall—

(A) be open to all other manufacturers of smokeless nitrocellulose in the national technology and industrial base that manufacture the type of smokeless nitrocellulose that is technologically appropriate for use in the product to be made by the manufacturer; and

(B) provide that the winner of the competition may not furnish to the manufacturer an amount of smokeless nitrocellulose in excess of 1.5 times the amount of smokeless nitrocellulose to be furnished to the manufacturer by all other participants in the competition.
```
proposed by him to the bill S. 1438, 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; as follows:

At third reading add the following:

Subtitle B—Organization and Management of Space Activities

SEC 911. ESTABLISHMENT OF POSITION OF UNDER SECRETARY FOR DEFENSE FOR SPACE, INTELLIGENCE, AND INFORMATION.

(a) AUTHORITY OF SECRETARY OF DEFENSE TO ESTABLISH POSITION.—Upon the direction of the President, the Secretary of Defense may, subject to subsection (b), establish in the Office of the Secretary of Defense the position of Under Secretary of Defense for Space, Intelligence, and Information. If the position is so established, the Under Secretary of Defense for Space, Intelligence, and Information shall perform duties and exercise powers as set forth under section 137 of title 10, United States Code, as amended by subsection (d).

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary may not exercise the authority in subsection (a) after December 31, 2003.

(c) NOTICE OF EXERCISE OF AUTHORITY.—If the authority in subsection (a) is exercised, the Secretary shall immediately notify Congress of the establishment of the position of Under Secretary of Defense for Space, Intelligence, and Information, together with the date on which the position is established.

(d) NATURE OF POSITION.—

(1) IN GENERAL.—Effective as of the date provided for in paragraph (7), chapter 4 of title 10, United States Code, is amended—

(A) by redesignating section 137 as section 137a and by transferring such section (as so redesignated) within such chapter so as to appear after section 110 and—

(B) by inserting after section 136 the following new section 137:

"137. Under Secretary of Defense for Space, Intelligence, and Information.—

(a) The Under Secretary of Defense for Space, Intelligence, and Information, appointed from civilian life by the President, by and with the advice and consent of the Senate,

(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Space, Intelligence, and Information shall perform such duties and exercise such powers relating to the space, intelligence, and information programs and activities of the Department of Defense as the Secretary of Defense may direct. The duties and powers prescribed for the Under Secretary shall include the following:

(1) In coordination with the Under Secretary of Defense for Policy, the establishment of policy on space.

(2) In coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the acquisition of space systems.

(3) The deployment and use of space assets.

(4) The oversight of research, development, acquisition, launch, and operation of space, intelligence, and information assets.

(5) The coordination of military intelligence activities within the Department.

(6) The coordination of intelligence activities of the Department and the intelligence community in support of the long-term intelligence requirements of the United States.

(7) The coordination of space activities of the Department for commercial and civilian space activities.

(c) The Secretary of Defense shall designate the Under Secretary of Defense for Space, Intelligence, and Information as the Chief Information Officer of the Department of Defense under section 3506(a)(12)(B) of title 10.

(d) The Under Secretary of Defense for Space, Intelligence, and Information takes precedence in the Department of Defense after the Under Secretary of Defense for Personnel and Readiness.

(2) ADDITIONAL ASSISTANT SECRETARY OF DEFENSE.—Section 138(a) of title 10, United States Code, as amended by striking "nine Assistant Secretaries of Defense" and inserting "ten Assistant Secretaries of Defense".

(3) DUTIES OF ASSISTANT SECRETARIES OF DEFENSE FOR SPACE, INTELLIGENCE, AND INFORMATION.—The duties of the Assistant Secretaries of Defense for Space, Intelligence, and Information shall be—

(A) in coordination with the Under Secretary of Defense, to provide advice and assistance to the Secretary of Defense on space, intelligence, and information matters as may be requested by the Secretary of Defense;

(B) to carry out the space development, intelligence, and information activities identified in the notification provided under section 2278 of this title;

(C) to coordinate the Department of Defense intelligence activities with the intelligence community in order to meet the requirements for the Armed Forces and for other components of the Department of Defense; and

(D) to coordinate the Department of Defense intelligence activities with the intelligence community in order to meet the requirements for the Armed Forces and for other components of the Department of Defense; and

(E) to carry out the space development, intelligence, and information activities identified in the notification provided under section 2278 of this title;

(4) PAY LEVELS.—(A) Section 3311 of title 5, United States Code, is amended by inserting after "Under Secretary of Defense for Personnel and Readiness" the following:

"Under Secretary of Defense for Space, Intelligence, and Information;

(B) Section 515 of title 5, United States Code, is amended in the item relating to Assistant Secretary of Defense by striking "(9)" and inserting "(10)".

(5) Clerical amendments.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(A) by striking the item relating to section 137 and inserting the following new item:

"137. Under Secretary of Defense for Space, Intelligence, and Information;

(B) by inserting after the item relating to section 139 the following new item:

"139a. Director of Defense Research and Engineering.

(7) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as of the date specified in the notification provided by the Secretary of Defense to Congress under subsection (c) of the exercise of the authority in subsection (a).

(e) REPORT.—(1) Not later than 30 days before an exercise of authority under paragraph (7), the Secretary shall submit to Congress a report on the proposed organization of the office of the Under Secretary of Defense for Space, Intelligence, and Information.

(2) If the Secretary of Defense has not exercised the authority granted in subsection (a) on the date that is one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an equal number of recommendations of the actions taken by the Secretary to address the problems in the management and organization of the Department of Defense for space programs, projects, and activities that are identified by the Commission To Assess United States National Security Space Management and Organization in the report of the Commission submitted under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

SEC. 912. RESPONSIBILITY FOR SPACE PROGRAMS.

(a) IN GENERAL.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 134 the following new chapter:

CHAPTER 135—SPACE PROGRAMS

Sec. 2271. Responsibility for space programs.

Sec. 2272. Responsibility for space programs.

(b) RESPONSIBILITY OF SECRETARY OF AIR FORCE AS EXECUTIVE AGENT.—The Secretary of the Air Force shall be the executive agent of the Department of Defense for functions of the Department designated by the Secretary of Defense with respect to the following:

(1) Planning for the acquisition programs, projects, and activities of the Department that relate to space.

(2) Efficient execution of the programs, projects, and activities.

(c) RESPONSIBILITY OF UNDER SECRETARY OF AIR FORCE AS DIRECTOR OF NRO.—The Under Secretary of the Air Force shall act as the Director of the National Reconnaissance Office.

(d) RESPONSIBILITY OF UNDER SECRETARY OF AIR FORCE AS Acquisition Executive.—The Under Secretary of the Air Force shall be the acquisition executive of the Department of the Air Force for the programs, projects, and activities referred to in subsection (a).

(e) SPACE CAREER FIELD.—(1) The Under Secretary of the Air Force shall establish and implement policies and procedures to develop a cadre of technically competent officers with the capability to develop space doctrine, concepts of space operations, and space systems for the Department of the Air Force.

(2) The Secretary of the Air Force shall assign to the commander of Air Force Space Command primary responsibility for the programs, projects, and activities of the Department of the Air Force.

(f) JOINT PROGRAM MANAGEMENT.—The Secretary of the Air Force shall—

(1) assign to the commander of Air Force Space Command primary responsibility for the programs, projects, and activities of the Department of the Air Force.

(2) To the Office of the National Security Space Architect.". 
amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

At the end of subtitle D of title III, add the following:

SEC. 335. PILOT PROGRAM FOR EFFICIENT INVENTORY MANAGEMENT SYSTEM FOR THE DEPARTMENT OF DEFENSE

(a) PILOT PROGRAM.—(1) The Secretary of Defense shall, using amounts available under subsection (c), carry out a pilot program for the development and operation of an efficient inventory management system for the Department of Defense. The pilot program shall be designed to address the problems in the inventory management system of the Department that were identified by the Comptroller General of the United States as a result of the General Accounting Office audit of the inventory management system of the Department in 1997.

(2) In entering into any contract for purposes of the pilot program, the Secretary shall, as a condition of entering into that contract, require Department contract goals for small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the pilot program under subsection (a). The report shall describe the pilot program, assess the progress of the pilot program, and contain such recommendations at the Secretary considers appropriate regarding expansion or extension of the pilot program.

(c) FUNDING.—(1) The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by $1,000,000.

(2) Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, as increased by paragraph (1), $1,000,000 shall be available for the pilot program under subsection (a).

SA 1610. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

At the end of subtitle D of title III, add the following:

SEC. 335. FUNDING FOR LAND FORCES READINESS-INFORMATION OPERATIONS SUSTAINMENT.

Of the amount authorized to be appropriated by section 301(6), $3,000,000 shall be available for land forces readiness-information operations sustainment.

SA 1611. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions,
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; as follows:

On page 22, line 22, increase the amount by $1,000,000.

On page 22, line 21, reduce the amount by $1,000,000.

SA 1612. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriated fiscal year 2005 military activities of the Department of Defense, for military constructions, 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; as follows:

Strike title XXIX and insert the following:

TITLE XXIX—COMMISSION ON DEPARTMENT OF DEFENSE INFRASTRUCTURE

SEC. 2901. COMMISSION ON THE DEPARTMENT OF DEFENSE INFRASTRUCTURE.

(a) Establishment.—There is established a commission to be known as the “Commission on the Department of Defense Infrastructure” (in this section referred to as the “Commission”).

(b) Membership.—(1) The Commission shall be composed of 13 members who shall be appointed 30 days after the date of the enactment of this Act, as follows:

(A) Seven members appointed by the President in consultation with the Secretary of Defense, including at least one member appointed from each of the Army, Navy, Air Force, and Marine Corps.

(B) Two members appointed by the Speaker of the House of Representatives.

(C) Two members appointed by the Majority Leader of the Senate.

(D) One member appointed by the Minority Leader of the Senate.

(E) One member appointed by the Minority Leader of the House of Representatives.

(2) Members shall be appointed for the life of the Commission; however, the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(3) The President shall designate one member of the Commission to serve as the Chairman.

(4) The Commission shall meet at the call of the Chairman. A majority of the members shall constitute a quorum, but a lesser number may hold hearings for the Commission.

(c) Duties.—The Commission shall:

(1) Evaluate the infrastructure of the Department of Defense inside and outside the United States, including the use of the infrastructure, in relationship to the requirements of the Department of Defense;

(2) develop a plan of actions that the Commission recommends for rationalizing and maximizing the use of the facilities of the Department of Defense and other elements of the infrastructure;

(3) if the Commission finds that the infrastructure is excess to the requirements of the Department of Defense, shall develop a recommended plan of actions for reducing the excess, which may include closure or realignment of installations and other facilities, basing of forces or workforces in urban areas, privatization of the operation of facilities, increasing the use of leasing, and any other actions determined appropriate by the Commission; and

(d) shall develop a recommended analytical process for evaluating the infrastructure of the Department of Defense on the basis of the factors determined to be significant by the Secretary of Defense, including—

(A) mobilization requirements; and

(B) requirements for utilization of facilities by the Department of Defense and other departments and agencies of the United States, including—

(i) joint use by two or more of the Armed Forces; and

(ii) use for reserve components.

(2) The availability and condition of facilities, land, and associated airspace, including—

(A) proximity to mobilization points, including points of embarkation for air or rail transportation and ports;

(B) current, planned, and programmed military construction.

(3) Range and airspace factors, including—

(A) uniqueness; and

(B) existing or potential electromagnetic or other encroachment.

(4) Force protection.

(5) Anticipated costs and effects of relocating critical infrastructure in the case of a base closure or realignment, including—

(A) associated military construction costs at receiving installations and facilities;

(B) associated environmental costs, including costs of compliance with Federal and State environmental laws;

(C) termination costs and other liabilities relating to existing contracts and transactions that involve outsourcing or privatization of services, housing, or utilities used by the Department of Defense;

(D) impact on co-located organizations of the Department of Defense;

(E) impact on co-located Federal agencies; and

(F) costs of civilian personnel transfers and relocations and other workforce implications.

(6) Community support of military presence, including—

(A) opportunities for public and private partnerships in support of Department of Defense activities; and

(B) economic effects and other effects of base closures and realignments on local communities.

(7) Lessons learned from previous base closures and realignments, including those regarding disparities between anticipated savings and actual savings.

(8) Anticipated savings and other benefits of realigning or closing a base or facility, including—

(A) any enhancement of capabilities to make better use of remaining infrastructure, and

(B) ability to relocate units and other assets.

(9) Any other factors that the Commission considers significant.

(e) Report.—(1) Not later than 270 days after the date of the enactment of this Act, the Commission shall submit a report on its activities to the President and Congress.

(2) The report shall include the following:

(A) The Commission’s findings and conclusions.

(B) The plan or plans of recommended actions developed under subsection (c).

(C) The recommended analytical process developed under subsection (c)(4).

(D) Administrative Requirements and Authorities.—(1) The Secretary of Defense shall ensure that the Commission is provided such administrative services, facilities, staff, and other support services as may be necessary to carry out its duties.

(2) The Commission may hold hearings, sit and act at times and places, take testimony, and receive evidence that the Commission considers necessary to carry out the purposes of this Act.

(3) The Commission may request directly from any department or agency of the Federal Government any information that the Commission considers necessary to carry out the provisions of this section. To the extent consistent with applicable requirements of law and regulation, the head of such department or agency shall furnish such information to the Commission.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(g) Commission Personnell Matters.—(1) Members of the Commission shall serve without additional compensation for their service on the Commission, except that members appointed from among private citizens may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving without additional compensation in government service under subchapter I of chapter 57 of title 5, United States Code, while away from their homes and places of business in the performance of services for the Commission.

(2) The Chairman of the Commission may appoint staff, request the detail of Federal employees, and accept temporary or intermittent services in accordance with subchapter IV of chapter 35 of title 5, United States Code.

(h) Termination.—The Commission shall terminate 30 days after the submission of the report under subsection (e).

(i) Authorization of Appropriations.—There is authorized to be appropriated for the Commission, $5,000,000, to remain available until expended.

SA 1613. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military constructions, 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; as follows:

At the end of subsection A of title X, add the following:

SEC. 1009. ADDITIONAL FUNDS FOR UNFUNDED PRIORITIES OF ARMED FORCES.

(a) Increase in Amount Authorized for Armed Forces.—The aggregate amount authorized to be appropriated by this division is hereby increased by $1,778,000,000, with the amount of such increase to be divided in equal portions among the Army, Navy, Marine Corps, and Air Force, and available to meet the unfunded requirements of each Armed Force in accordance with the priority list of such Armed Force.
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(b) Increase in Amount Authorized for Department of Energy.—The aggregate amount authorized to be appropriated by title XXXI is hereby reduced by $1,778,000,000.

SA 1614. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, 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; as follows:

At the appropriate place, insert the following:

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

“Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2361(b)) is amended by striking ‘2001’ and inserting ‘2002’.”

SA 1616. Mr. REID (for Mr. HOLLINGS (for himself and Mr. GREGG)) proposed an amendment to the bill H.R. 2500, making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike section 404 of the Senate amendment.

Mr. REID. Mr. President, I ask unanimous consent that the full Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, September 21, 2001, at 12 p.m., to hold a nomination hearing.

Nominees: The Honorable Arlene Rende, of Virginia, to be Ambassador to the Republic of Cote d'Ivoire; Ms. Mattie Sharpless, of North Carolina, to be Ambassador to the Central African Republic; Mr. R. Barrie Walkley, of California, to be Ambassador to the Republic of Guatemala; Mr. Jackson McDonnell, of Florida, to be Ambassador to the Republic of the Gambia; Mr. Kevin McGuire, of Maryland, to be Ambassador to the Republic of Namibia; Mr. Ralph Boyce, Jr., of Virginia, to be Ambassador to the Republic of Indonesia; and Mr. Robert Jordan, of Texas, to be Ambassador to the Kingdom of Saudi Arabia.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Friday, September 21, 2001, at 9:30 a.m., for a hearing entitled “Responding to Homeland Threats: Is Our Government Organized for the Challenge?”

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

PRIVILEGES OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that Mr. Cleland, Mr. Breaux, Mr. Gramm, and Ray Ivey, fellows on the staff of Senator Hutchinson, be granted the privilege of the floor for the duration of today’s debate.

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

Mr. CLELAND. Mr. President, I ask unanimous consent that privileges of the floor be granted to my staff, Steve...