

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, or any costs of goods or services acquired by such public utility company from an associate company.

#### SEC. 4818. APPLICABILITY.

No provision of this subtitle shall apply to, or be deemed to include—

(1) the United States;

(2) a State or any political subdivision of a State;

(3) any foreign governmental authority not operating in the United States;

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3); or

(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of his or her official duty.

#### SEC. 4819. EFFECT ON OTHER REGULATIONS.

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

#### SEC. 4820. ENFORCEMENT.

The Commission shall have the same powers as set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 825d-825p) to enforce the provisions of this subtitle.

#### SEC. 4821. SAVINGS PROVISIONS.

(a) IN GENERAL.—Nothing in this subtitle prohibits a person from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the effective date of this subtitle.

(b) EFFECT ON OTHER COMMISSION AUTHORITY.—Nothing in this subtitle limits the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) (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—

(1) promulgate such regulations as may be necessary or appropriate to implement this title (other than section 4815); and

(2) submit to Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this subtitle and the amendments made by this subtitle.

#### SEC. 4823. TRANSFER OF RESOURCES.

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

#### SEC. 4824. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out 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 A STATE IMPLEMENTATION PLAN.

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

### TITLE IX—TAX INCENTIVES FOR ENERGY PRODUCTION AND CONSERVATION

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

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

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

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

#### SECTION 1. SHORT TITLE.

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

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

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

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

(c) RATE OF POSTAGE.—Section 414(b) of title 39, United States Code, is amended—

(1) in paragraph (1), by striking “of not to exceed 25 percent” and inserting “of not less than 15 percent”; and

(2) by adding after the sentence following paragraph (3) the following: “The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.”.

(d) DISPOSITION OF AMOUNTS BECOMING AVAILABLE.—All amounts becoming available from the sale of the semipostal (as determined under such section) shall be transferred to the Federal Emergency Management Agency under such arrangements as

the Postal Service shall by mutual agreement with such agency establish in order to carry out the purposes of this Act.

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

(A) beginning on the earliest date practicable; and

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

“(g) For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time.”

(c) DESIGN.—It is the sense of the Congress that the semipostal issued under this section should depict, by such design as the Postal Service considers to be most appropriate, the efforts of emergency relief personnel at the site of the World Trade Center in New York City and the Pentagon in Arlington, Virginia.

### SEC. 3. DEFINITIONS.

For purposes of this Act—

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

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

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

On page 36, line 7, after the semicolon insert the following: “of which \$2,500,000 shall be used for a newly designated HIDTA in the State of Utah.”

### NOTICES OF HEARINGS/MEETINGS

#### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

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

The hearing will take place on Tuesday, September 25, 2001, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the effectiveness of the National Fire Plan in the 2001 fire season, including fuel reduction initiatives, and to examine the 10-Year Comprehensive Strategy for Reducing Wildland Fire Risks to Communities and the Environment that was recently agreed to by the Western Governors' Association, Secretary of the Interior

Gale Norton and Secretary of Agriculture Ann Veneman.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

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

#### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

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

The hearing will take place on Wednesday, September 26, 2001, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

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

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

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

#### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

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

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

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

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

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

#### PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Matt King, a legislative fellow on the subcommittee, be granted the privilege of the floor during consideration of H.R. 2590.

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

Mr. CAMPBELL. I ask unanimous consent that Patricia Raymond and Lula Edwards have unlimited floor privileges during the consideration of the Treasury and general government bill.

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

#### PROGRAM

Mr. REID. Mr. President, I ask unanimous consent that on Friday, September 21, 2001, immediately following the convening of the Senate at 9 a.m., the Senate proceed to executive session to consider en bloc the Executive Calendar nominations numbered 360 and 361; Sharon Prost to be a U.S. circuit judge, and Reggie Walton to be U.S. district judge; that there be 20 minutes for debate on the two nominees, equally divided between the chairman and ranking member of the Judiciary Committee; that at the conclusion, or yielding back the time, the Senate vote on confirmation of each nominee; that upon the disposition of these nominations the President be immediately notified of the Senate's action, the Senate return to legislative session, and the Senate stand in recess subject to the call of the Chair.

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

Mr. REID. Mr. President, I ask unanimous consent that it be in order to ask, as in executive session, for the yeas and nays on both nominations now with one show of seconds.

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

Mr. REID. I ask for the yeas and nays on the nominations.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, so there is no misunderstanding, on the unanimous consent request that was just entered, the 20 minutes is total for both nominees, equally divided.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed

to executive session and that the Finance Committee be discharged from further consideration of the nomination of Robert Bonner to be Commissioner of Customs, that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, that any statements thereon be printed in the RECORD, and that the Senate return to legislative session.

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

The nomination was considered and confirmed as follows:

Robert C. Bonner, of California, to be Commissioner of Customs.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### PROVIDING FOR A JOINT SESSION OF CONGRESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 231 just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 231) providing for a joint session of Congress to receive a message from the President.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be considered agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 231) was agreed to.

#### DISCHARGE AND REFERRAL—H.R. 768

Mr. REID. Mr. President, I ask unanimous consent that H.R. 768, the Need-Based Educational Aid Act of 2001, be discharged from the HELP Committee and then referred to the Committee on the Judiciary.

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

#### DESIGNATING A MEMBER TO SERVE ON THE JOINT COMMITTEE ON PRINTING

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 67 submitted earlier by Senator DODD.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

Senate Concurrent Resolution (S. Con. Res. 67) permitting the Chairman of the