

SA 3062. Mr. BINGAMAN (for Ms. CANTWELL) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3063. Ms. CANTWELL proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3064. Mr. BINGAMAN (for Ms. CANTWELL) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3065. Mr. BINGAMAN (for Ms. CANTWELL (for himself and Mr. SMITH of Oregon)) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3066. Mr. MURKOWSKI (for Mr. INHOFE) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3067. Mr. BINGAMAN (for Mr. BAYH) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3068. Mr. BINGAMAN (for Mr. AKAKA) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3069. Mr. BINGAMAN (for himself, and Mr. MURKOWSKI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3070. Mr. GRAHAM proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3071. Mr. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3072. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3073. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3074. Mr. DURBIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3040. Mr. REID (For Mr. DASCHLE) (for himself and Mr. LEAHY) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . FAIR TREATMENT OF PRESIDENTIAL JUDICIAL NOMINEES.

That it is the sense of the Senate that, in the interests of the administration of justice, the Senate Judiciary Committee should along with its other legislative and oversight responsibilities, continue to hold regular hearings on judicial nominees and should, in accordance with the precedents and practices of the Committee, schedule hearings on the nominees submitted by the President on May 9, 2001, and resubmitted on September 5, 2001, expeditiously.

SA 3041. Mr. WYDEN (for himself, Mr. MURKOWSKI, Mr. BENNETT, and Mr. SMITH of Oregon) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 186, between lines 8 and 9, insert the following:

SEC. 8. CREDIT FOR HYBRID VEHICLES, DEDICATED ALTERNATIVE FUEL VEHICLES, AND INFRASTRUCTURE.

Section 507 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended by adding at the end the following:

“(p) CREDITS FOR NEW QUALIFIED HYBRID MOTOR VEHICLES.—

“(1) DEFINITIONS.—In this subsection:

“(A) 2000 MODEL YEAR CITY FUEL EFFICIENCY.—The term ‘2000 model year city fuel efficiency’, with respect to a motor vehicle, means fuel efficiency determined in accordance with the following tables:

“(i) In the case of a passenger automobile:

“If vehicle inertia weight class is:	The 2000 model year city fuel efficiency is:
1,500 or 1,750 lbs	43.7 mpg
2,000 lbs	38.3 mpg
2,250 lbs	34.1 mpg
2,500 lbs	30.7 mpg
2,750 lbs	27.9 mpg
3,000 lbs	25.6 mpg
3,500 lbs	22.0 mpg
4,000 lbs	19.3 mpg
4,500 lbs	17.2 mpg
5,000 lbs	15.5 mpg
5,500 lbs	14.1 mpg
6,000 lbs	12.9 mpg
6,500 lbs	11.9 mpg
7,000 to 8,500 lbs	11.1 mpg.

“(ii) In the case of a light truck:

“If vehicle inertia weight class is:	The 2000 model year city fuel efficiency is:
1,500 or 1,750 lbs	37.6 mpg
2,000 lbs	33.7 mpg
2,250 lbs	30.6 mpg
2,500 lbs	28.0 mpg
2,750 lbs	25.9 mpg
3,000 lbs	24.1 mpg
3,500 lbs	21.3 mpg
4,000 lbs	19.0 mpg
4,500 lbs	17.3 mpg
5,000 lbs	15.8 mpg

“If vehicle inertia weight class is: **The 2000 model year city fuel efficiency is:**

5,500 lbs	14.6 mpg
6,000 lbs	13.6 mpg
6,500 lbs	12.8 mpg
7,000 to 8,500 lbs	12.0 mpg.

“(B) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(C) ELECTRICAL STORAGE DEVICE.—The term ‘electrical storage device’ means an on-board rechargeable energy storage system or similar storage device.

“(D) FUEL EFFICIENCY.—The term ‘fuel efficiency’ means the percentage increased fuel efficiency specified in table 1 in paragraph (2)(C) over the average 2000 model year city fuel efficiency of vehicles in the same weight class.

“(E) MAXIMUM AVAILABLE POWER.—The term ‘maximum available power’, with respect to a new qualified hybrid motor vehicle that is a passenger vehicle or light truck, means the quotient obtained by dividing—

“(i) the maximum power available from the electrical storage device of the new qualified hybrid motor vehicle, during a standard 10-second pulse power or equivalent test; by

“(ii) the sum of—

“(I) the maximum power described in clause (i); and

“(II) the net power of the internal combustion or heat engine, as determined in accordance with standards established by the Society of Automobile Engineers.

“(F) MOTOR VEHICLE.—The term ‘motor vehicle’ has the meaning given the term in section 216 of the Clean Air Act (42 U.S.C. 7550).

“(G) NEW QUALIFIED HYBRID MOTOR VEHICLE.—The term ‘new qualified hybrid motor vehicle’ means a motor vehicle that—

“(i) draws propulsion energy from both—

“(I) an internal combustion engine (or heat engine that uses combustible fuel); and

“(II) an electrical storage device;

“(ii) in the case of a passenger automobile or light truck—

“(I) in the case of a 2001 or later model vehicle, receives a certificate of conformity under the Clean Air Act (42 U.S.C. 7401 et seq.) and produces emissions at a level that is at or below the standard established by a qualifying California standard described in section 243(e)(2) of the Clean Air Act (42 U.S.C. 7583(e)(2)) for that make and model year; and

“(II) in the case of a 2004 or later model vehicle, is certified by the Administrator as producing emissions at a level that is at or below the level established for Bin 5 vehicles in the Tier 2 regulations promulgated by the Administrator under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and

“(iii) employs a vehicle braking system that recovers waste energy to charge an electrical storage device.

“(H) VEHICLE INERTIA WEIGHT CLASS.—The term ‘vehicle inertia weight class’ has the meaning given the term in regulations promulgated by the Administrator for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

“(2) ALLOCATION.—

“(A) IN GENERAL.—The Secretary shall allocate a partial credit to a fleet or covered person under this title if the fleet or person

acquires a new qualified hybrid motor vehicle that is eligible to receive a credit under each of the tables in subparagraph (C).

“(B) AMOUNT.—The amount of a partial credit allocated under subparagraph (A) for a vehicle described in that subparagraph shall be equal to the sum of—

“(i) the partial credits determined under table 1 in subparagraph (C); and

“(ii) the partial credits determined under table 2 in subparagraph (C).

“(C) TABLES.—The tables referred to in subparagraphs (A) and (B) are as follows:

Table 1

Partial credit for increased fuel efficiency:	Amount of credit:
At least 125% but less than 150% of 2000 model year city fuel efficiency	0.14
At least 150% but less than 175% of 2000 model year city fuel efficiency	0.21
At least 175% but less than 200% of 2000 model year city fuel efficiency	0.28
At least 200% but less than 225% of 2000 model year city fuel efficiency	0.35
At least 225% but less than 250% of 2000 model year city fuel efficiency	0.50.

Table 2

Partial credit for Maximum Available Power:	Amount of credit:
At least 5% but less than 10%	0.125
At least 10% but less than 20%	0.250
At least 20% but less than 30%	0.375
At least 30% or more	0.500.

“(D) USE OF CREDITS.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the acquisition of the qualified hybrid motor vehicle is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.

“(3) REGULATIONS.—The Secretary shall promulgate regulations under which any Federal fleet that acquires a new qualified hybrid motor vehicle will receive partial credits determined under the tables contained in paragraph (2)(C) for purposes of meeting the requirements of section 303.

“(q) CREDIT FOR SUBSTANTIAL CONTRIBUTION TOWARDS USE OF DEDICATED VEHICLES IN UNCOVERED FLEETS.—

“(1) DEFINITIONS.—In this subsection:

“(A) DEDICATED VEHICLE.—The term ‘dedicated vehicle’ includes—

“(i) a light, medium, or heavy duty vehicle; and

“(ii) a neighborhood electric vehicle.

“(B) MEDIUM OR HEAVY DUTY VEHICLE.—The term ‘medium or heavy duty vehicle’ includes a vehicle that—

“(i) operates solely on alternative fuel; and

“(ii)(I) in the case of a medium duty vehicle, has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds; or

“(II) in the case of a heavy duty vehicle, has a gross vehicle weight rating of more than 14,000 pounds.

“(C) SUBSTANTIAL CONTRIBUTION.—The term ‘substantial contribution’ (equal to 1 full credit) means not less than \$15,000 in cash or in kind services, as determined by the Secretary.

“(2) ISSUANCE OF CREDITS.—The Secretary shall issue a credit to a fleet or covered person under this title if the fleet or person makes a substantial contribution toward the acquisition and use of dedicated vehicles by a person that owns, operates, leases, or oth-

erwise controls a fleet that is not covered by this title.

“(3) MULTIPLE CREDITS FOR MEDIUM AND HEAVY DUTY DEDICATED VEHICLES.—The Secretary shall issue 2 full credits to a fleet or covered person under this title if the fleet or person acquires a medium or heavy duty dedicated vehicle.

“(4) USE OF CREDITS.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the acquisition of the dedicated vehicle is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.

“(5) LIMITATION.—Per vehicle credits acquired under this subsection shall not exceed the per vehicle credits allowed under this section to a fleet for qualifying vehicles in each of the weight categories (light, medium, or heavy duty).

“(r) CREDIT FOR SUBSTANTIAL INVESTMENT IN ALTERNATIVE FUEL INFRASTRUCTURE.—

“(1) DEFINITIONS.—In this section, the term ‘qualifying infrastructure’ means—

“(A) equipment required to refuel or recharge alternative fueled vehicles;

“(B) facilities or equipment required to maintain, repair, or operate alternative fueled vehicles;

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

“(D) such other activities the Secretary considers to constitute an appropriate expenditure in support of the operation, maintenance, or further widespread adoption of or utilization of alternative fueled vehicles.

“(2) ISSUANCE OF CREDITS.—The Secretary shall issue a credit to a fleet or covered person under this title for investment in qualifying infrastructure if the qualifying infrastructure is open to the general public during regular business hours.

“(3) AMOUNT.—For the purposes of credits under this subsection—

“(A) 1 credit shall be equal to a minimum investment of \$25,000 in cash or in kind services, as determined by the Secretary; and

“(B) except in the case of a Federal or State fleet, no part of the investment may be provided by Federal or State funds.

“(4) USE OF CREDITS.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the investment is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.”

SA 3042. Mr. ROCKEFELLER (for himself, Mrs. CARNAHAN, and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____ CREDIT FOR ENERGY EFFICIENT VENDING MACHINES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following new section:

“SEC. 45K. ENERGY EFFICIENT VENDING MACHINE CREDIT.

“(a) GENERAL RULE.—For purposes of section 38, the energy efficient vending machine credit determined under this section for the taxable year is an amount equal to \$75, multiplied by the number of qualified energy efficient vending machines purchased by the taxpayer during the calendar year ending with or within the taxable year.

“(b) QUALIFIED ENERGY EFFICIENT VENDING MACHINE.—For purposes of this section, the term ‘qualified energy efficient vending machine’ means a refrigerated bottled or canned beverage vending machine which—

“(1) has a capacity of at least 500 bottles or cans, and

“(2) consumes not more than 8.66 kWh per day of electricity based on ASHRAE Standard 90.1-1997.

“(c) VERIFICATION.—The taxpayer shall submit such information or certification as the Secretary determines necessary to claim the credit amount under subsection (a).

“(d) TERMINATION.—This section shall not apply with respect to vending machines purchased in calendar years beginning after December 31, 2005.”

(b) LIMITATION ON CARRYBACK.—Section 39(d) (relating to transition rules), as amended by this Act, is amended by adding at the end the following new paragraph:

“(20) NO CARRYBACK OF ENERGY EFFICIENT VENDING MACHINE CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the energy efficient vending machine credit determined under section 45K may be carried to a taxable year ending before January 1, 2003.”

(c) CONFORMING AMENDMENT.—Section 38(b) (relating to general business credit), as amended by this Act, is amended by striking “plus” at the end of paragraph (22), by striking the period at the end of paragraph (23) and inserting “, plus”, and by adding at the end the following new paragraph:

“(24) the energy efficient vending machine credit determined under section 45K(a).”

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

“Sec. 45K. Energy efficient vending machine credit.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SA 3043. Mr. ROCKEFELLER (for himself, Mr. ALLEN, Mr. SPECTER, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____ CREDIT FOR RECYCLING CERTAIN COAL COMBUSTION WASTE MATERIALS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following new section:

“SEC. 45K. CREDIT FOR RECYCLING CERTAIN COAL COMBUSTION WASTE MATERIALS.

“(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the credit for recycling certain coal combustion waste materials used by the taxpayer in qualifying production under this section for any taxable year is equal to the sum of—

“(1) \$6.00 for each wet ton of—

“(A) wet flue gas desulfurization sludge cake, and

“(B) any other wet waste material identified by the Secretary of Energy, plus

“(2) \$4.00 for each dry ton of—

“(A) dry flue gas desulfurization and fluidized bed combustion waste material, and

“(B) any other dry waste material identified by the Secretary of Energy.

“(b) CERTAIN COAL COMBUSTION WASTE MATERIALS DEFINED.—For purposes of this section, the term ‘certain coal combustion waste materials’ means any solid waste material generated using a sulfur dioxide emission control system and derived from the combustion of coal in connection with the generation of electricity or steam, including—

“(1) wet flue gas desulfurization sludge cake,

“(2) dry flue gas desulfurization and fluidized bed combustion waste material, and

“(3) any other coal combustion waste material identified by the Secretary of Energy as wet waste or dry waste material attributable to the use of a sulfur dioxide emission control system.

“(c) QUALIFYING PRODUCTION.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualifying production’ means the use of certain coal combustion waste materials by the taxpayer as substantial raw materials in the manufacture of commercially saleable products which are—

“(A) manufactured in a qualifying facility,

“(B) sold by the taxpayer, and

“(C) not used in a landfill application.

“(2) SUBSTANTIAL USE AND MANUFACTURING REQUIREMENT.—Certain coal combustion waste materials shall not be deemed to constitute substantial raw materials used in the manufacture of commercially saleable products unless such waste materials—

“(A) constitute at least 35 percent of the weight of the commercially saleable manufactured products, determined on a dry weight basis, and

“(B) undergo a physical and chemical change in the course of the manufacturing process.

“(3) UNRELATED PERSON SALE OR USE REQUIREMENT.—The taxpayer shall not be deemed to have engaged in qualifying production with respect to certain coal combustion waste materials used in manufacturing a product until—

“(A) the taxable year in which the taxpayer sells such product to an unrelated person, or

“(B) if such product is sold to a related person, the taxable year in which the related person—

“(i) resells such product to an unrelated person, or

“(ii) consumes or provides such product in the performance of services to an unrelated person.

“(4) QUALIFYING FACILITY.—

“(A) IN GENERAL.—The term ‘qualifying facility’ means a manufacturing facility which—

“(i) is located within the United States (within the meaning of section 638(1)) or within a possession of the United States (within the meaning of section 638(2)), and

“(ii) is placed in service after December 31, 2002.

“(B) 10 YEAR LIMIT.—A facility shall cease to be a qualifying facility on the date which is the tenth anniversary of the date on which the facility was placed in service.

“(5) DRY WEIGHT MEASUREMENT.—For purposes of paragraph (2)(A), dry weight shall be determined by excluding the weight of all water in the materials used in the manufacture of the products.

“(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) WET TON.—The term ‘wet ton’ shall mean the weight of the desulfurization sludge cake (and any other wet waste material) after adjusting the water content of the cake (and other wet waste material) to not greater than 50 percent of the total weight.

“(2) DRY TON.—The term ‘dry ton’ shall mean the weight of the dry flue gas desulfurization and fluidized bed combustion waste material (and any other dry waste material) after adjusting the water content of the material (and other dry waste material) to not greater than 2 percent of the total weight.

“(3) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b).

“(4) PASS-THROUGH IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.”.

(b) CREDIT TREATED AS A BUSINESS CREDIT.—Section 38(b), as amended by this Act, is amended by striking “plus” at the end of paragraph (22), by striking the period at the end of paragraph (23) and inserting “, plus”, and by adding at the end the following new paragraph:

“(24) the credit for recycling certain coal combustion waste materials determined under section 45K(a).”.

(c) TRANSITIONAL RULE.—Section 39(d), as amended by this Act, is amended by adding at the end the following new paragraph:

“(20) NO CARRYBACK OF SECTION 45K CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the credit for recycling certain coal combustion waste materials determined under section 45K may be carried back to a taxable year ending before January 1, 2002.”.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end of the following new item:

“Sec. 45K. Credit for recycling certain coal combustion waste materials.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SA 3044. Mr. ROCKEFELLER (for himself, Mr. HAGEL, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, line 8, strike “signals” and all that follows through line 10, and insert “information, and

“(2) which permits reading of energy usage information on at least a daily or time of use basis.”

SA 3045. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 557, between lines 23 and 24, insert the following:

(3) MINE SAFETY AND HEALTH ADMINISTRATION.—

(A) IN GENERAL.—In compliance with the consultation requirement of subsection (a)(1), the Secretary of Labor shall—

(i) consider the impending and projected retirements of those Federal mine inspectors who are employed as inspectors on the date of enactment of this Act and the need to increase the number of Federal mine inspectors to expand the presence of such inspectors at mines in the United States;

(ii) establish and implement a program within the Mine Safety and Health Administration to hire, train, and deploy such additional skilled mine inspectors (particularly inspectors with practical experience in mining or with experience as a practical mining engineer) as are necessary to ensure that skilled and experienced individuals continue to be available to serve as Federal mine inspectors; and

(iii) maintain the number of Federal mine inspectors at a level that is not lower than the staffing levels authorized in law or set by regulation as of the date of enactment of this Act.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this paragraph.

SA 3046. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION —LOW-INCOME GASOLINE ASSISTANCE PROGRAM

SEC. 01. SHORT TITLE.

This division may be cited as the “Low-Income Gasoline Assistance Program Act”.

SEC. 02. PURPOSE.

The purpose of this division is to create new emergency assistance programs to assist families receiving assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and low-income working families to meet the increasing price of gasoline.

SEC. 03. DEFINITIONS.

In this division:

(1) COVERED ACTIVITIES.—The term “covered activities” means—

(A) work activities;

(B) education directly related to employment; or

(C) activities related to necessary scheduled medical treatment.

(2) GASOLINE.—The term “gasoline” has the meaning given the term in section 4082 of the Internal Revenue Code of 1986.

(3) HOUSEHOLD.—The term “household” has the meaning given the term in section 2603 of

the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622).

(4) **POVERTY LEVEL; STATE MEDIAN INCOME.**—The terms “poverty level” and “State median income” have the meanings given the terms in section 2603 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

(6) **STATE.**—The term “State” means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(7) **WORK ACTIVITIES.**—The term “work activities” has the meaning given that term in section 407(d) of the Social Security Act (42 U.S.C. 607(d)).

SEC. 04. EMERGENCY ASSISTANCE PROGRAMS.

The Secretary shall make grants to States, from allotments made under section 05, to enable the States to establish emergency assistance programs and to provide, through the programs, payments to eligible households to enable the households to purchase gasoline.

SEC. 05. STATE ALLOTMENTS.

From the funds appropriated under section 12 for a fiscal year and remaining after the reservation made in section 11, the Secretary shall allot to each State an amount that bears the same relation to such remainder as the amount the State receives under section 675B of the Community Services Block Grant Act (42 U.S.C. 9906) for that year bears to the amount all States receive under that section for that year.

SEC. 06. STATE APPLICATIONS.

(a) **IN GENERAL.**—To be eligible to receive a grant under this division, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) **CONTENTS.**—At a minimum, the application shall contain—

(1) information designating a State agency to carry out the emergency assistance program in the State, which shall be—

(A) the State agency specified in the State plan submitted under section 402 of the Social Security Act (42 U.S.C. 602); or

(B) the State agency designated under section 676(a) of the Community Services Block Grant Act (42 U.S.C. 9908(a)); and

(2) information describing the emergency assistance program to be carried out in the State.

SEC. 07. ELIGIBLE HOUSEHOLDS.

(a) **IN GENERAL.**—To be eligible to receive a payment from a State under this division, a household shall submit an application to the State at such time, in such manner, and containing such information as the State may require.

(b) **CONTENTS.**—The applicant shall include in the application information demonstrating that—

(1) 1 or more individuals in the applicant's household individually drive not less than 30 miles per day, or not less than 150 miles per week, to or from covered activities; and

(2)(A)(i) 1 or more individuals in that household were receiving assistance (including services) under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) within the 24-month period ending on the date of submission of the application; and

(ii) no individual in that household is receiving that assistance, as of the date of submission of the application;

(B)(i) 1 or more individuals in that household are receiving assistance (including services) under that State program; and

(ii) such individuals are engaged in work activities and are meeting the other require-

ments of that part A that are applicable to recipients of such assistance;

(C) the household meets the eligibility requirements of section 2605(b)(2)(A) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(2)(A)), other than clause (i) of that section; or

(D) the household income for the household does not exceed the greater of—

(i) an amount equal to 150 percent of the poverty level for the State involved; or

(ii) an amount equal to 60 percent of the State median income.

(c) **RULE.**—For purposes of subsection (b)(2)(D), a State—

(1) may not exclude a household from eligibility for a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State; but

(2) may give priority to those households with the highest gasoline costs or needs in relation to household income.

SEC. 08. PROGRAM REQUIREMENTS.

(a) **DETERMINATION OF TRIGGER AMOUNT.**—

(1) **DETERMINATION OF GASOLINE.**—The Secretary of Health and Human Services, in consultation with the Secretary of Energy, shall determine a grade of gasoline for which price determinations will be made under this subsection, which shall be a type of gasoline that has a specified octane rating or other specified characteristic.

(2) **DETERMINATION OF CALCULATION.**—The Secretary of Health and Human Services, in consultation with the Secretary of Energy, shall determine a method for calculating the average per gallon price of the covered grade of gasoline in each State.

(3) **BASELINE.**—The Secretary of Health and Human Services, in consultation with the Secretary of Energy, shall calculate, in accordance with paragraph (2), the average per gallon price of the covered grade of gasoline in each State for January, 2000.

(4) **TRIGGER AND RELEASE PRICES.**—The Secretary of Health and Human Services, in consultation with the Secretary of Energy, shall calculate—

(A) the trigger price for each State by multiplying the price calculated under paragraph (3) by 115 percent; and

(B) the release price for each State by multiplying the price calculated under paragraph (3) by 110 percent.

(b) **PAYMENTS.**—

(1) **AVAILABILITY.**—

(A) **MONTHLY PRICE CALCULATION.**—The Secretary of Health and Human Services, in consultation with the Secretary of Energy, shall calculate, in accordance with subsection (a)(2), the average per gallon price of the covered grade of gasoline in each State for each month.

(B) **DETERMINATION.**—If the Secretary of Health and Human Services, in consultation with the Secretary of Energy, determines that the price in a State calculated under subparagraph (A) for a month—

(i) is more than the trigger price for the State, the State shall provide payments in accordance with this subsection for the following month; and

(ii) is less than the release price for the State, the State shall suspend provision of the payments, not earlier than 30 days after the date of the determination, for the following month.

(2) **GENERAL AUTHORITY.**—Except as provided in subsection (c), the State shall use funds received through a grant made under section 04 (including a grant increased under section 11(2)) and any funds made available to the State under section 404(d)(4) of the Social Security Act (42 U.S.C. 604(d)(4)) to make payments under this division to eligible households.

(3) **PERIOD.**—An eligible household with an application approved under section 07 may receive payments under this division for not more than 3 months. The household may submit additional applications under section 07, and may receive payments under this division for not more than 3 months for each such application approved by the State.

(4) **AMOUNT.**—The State shall make the payments in amounts of not less than \$25, and not more than \$75, per month. The State may determine the amount of the payments on a sliding scale, taking into consideration the household income of the eligible households.

(c) **STATE ADMINISTRATION.**—The State may use not more than 10 percent of the funds described in subsection (b)(2) to pay for the cost of administering this division.

(d) **DEFINITIONS.**—In this section:

(1) **COVERED GRADE.**—The term “covered grade” means the grade of gasoline determined under subsection (a)(1).

(2) **RELEASE PRICE.**—The term “release price” means the release price calculated under subsection (a)(4)(B).

(3) **TRIGGER PRICE.**—The term “trigger price” means the trigger price calculated under subsection (a)(4)(A).

SEC. 09. TREATMENT OF BENEFITS.

(a) **INCOME OR RESOURCES.**—Notwithstanding any other law, the value of any payment provided under this division shall not be treated as income or resources for purposes of—

(1) any other Federal or federally assisted program that bases eligibility, or the amount of benefits, on need; or

(2) the Internal Revenue Code of 1986.

(b) **TANF ASSISTANCE.**—For purposes of part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), a payment provided under this division shall not be considered to be assistance provided by a State under that part, regardless of whether the State uses funds made available under section 404(d)(4) of the Social Security Act (42 U.S.C. 604(d)(4)) to make payments under this division. The period for which such payments are provided under this division shall not be considered to be part of the 60-month period described in section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)).

SEC. 10. AUTHORITY TO USE FUNDS FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.

Section 404(d) of the Social Security Act (42 U.S.C. 604(d)) is amended—

(1) in paragraph (3)(A), by striking “paragraph (1)” and inserting “paragraph (1) or (4)”; and

(2) by adding at the end the following:

“(4) **OTHER STATE PROGRAMS.**—A State may use funds from any grant made to the State under section 403(a) for a fiscal year to carry out a State program pursuant to the Low-Income Gasoline Assistance Program Act.”.

SEC. 11. DISCRETIONARY ACTIVITIES BY THE SECRETARY.

The Secretary of Health and Human Services may reserve not more than 5 percent of the funds appropriated under section 12 for a fiscal year—

(1) to pay for the cost of administering this division; and

(2) to increase the cost of a grant made to a State under section 04, in any case in which the Secretary determines that emergency conditions relating to gasoline prices exist in that State.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this division, \$250,000,000 for each of fiscal years 2003 through 2007.

(b) AVAILABILITY.—Any sums appropriated under subsection (a) for a fiscal year shall remain available until the end of the succeeding fiscal year.

SA 3047. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike Title II and insert:

“TITLE II—ELECTRICITY

“Subtitle A—Consumer Protections

“SEC. 201. INFORMATION DISCLOSURE.

“(a) OFFERS AND SOLICITATIONS.—The Federal Trade Commission shall issue rules requiring each electric utility that makes an offer to sell electric energy, or solicits electric consumers to purchase electric energy to provide the electric consumer a statement containing the following information:

“(1) the nature of the service being offered, including information about interruptibility of service;

“(2) the price of the electric energy, including a description of any variable charges;

“(3) a description of all other charges associated with the service being offered, including access charges, exit charges, back-up service charges, stranded cost recovery charges, and customer service charges; and

“(4) information the Federal Trade Commission determines is technologically and economically feasible to provide, is of assistance to electric consumers in making purchasing decisions, and concerns—

“(A) the product or its price;

“(B) the share of electric energy that is generated by each fuel type; and

“(C) the environmental emissions produced in generating the electric energy.

“(b) PERIODIC BILLINGS.—The Federal Trade Commission shall issue rules requiring any electric utility that sells electric energy to transmit to each of its electric consumers, in addition to the information transmitted pursuant to section 115(f) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625(f)), a clear and concise statement containing the information described in subsection (a)(4) for each billing period (unless such information is not reasonably ascertainable by the electric utility).

“SEC. 202. CONSUMER PRIVACY.

“(a) PROHIBITION.—The Federal Trade Commission shall issue rules prohibiting any electric utility that obtains consumer information in connection with the sale or delivery of electric energy to an electric consumer from using, disclosing, or permitting access to such information unless the electric consumer to whom such information relates provides prior written approval.

“(b) PERMITTED USE.—The rules issued under this section shall not prohibit any electric utility from using, disclosing, or permitting access to consumer information referred to in subsection (a) for any of the following purposes:

“(1) to facilitate an electric consumer's change in selection of an electric utility under procedures approved by the State or State regulatory authority;

“(2) to initiate, render, bill, or collect for the sale or delivery of electric energy to electric consumers or for related services;

“(3) to protect the rights or property of the person obtaining such information;

“(4) to protect retail electric consumers from fraud, abuse, and unlawful subscription in the sale or delivery of electric energy to such consumers;

“(5) for law enforcement purposes; or

“(6) for purposes of compliance with any Federal, State, or local law or regulation authorizing disclosure of information to a Federal, State, or local agency.

“(c) AGGREGATE CONSUMER INFORMATION.—The rules issued under this subsection may permit a person to use, disclose, and permit access to aggregate consumer information and may require an electric utility to make such information available to other electric utilities upon request and payment of a reasonable fee.

“(d) DEFINITIONS.—As used in this section:

“(1) The term ‘aggregate consumer information’ means collective data that relates to a group or category of retail electric consumers, from which individual consumer identities and characteristics have been removed.

“(2) The term ‘consumer information’ means information that relates to the quantity, technical configuration, type, destination, or amount of use of electric energy delivered to any retail electric consumer.

“SEC. 203. UNFAIR TRADE PRACTICES.

“(a) SLAMMING.—The Federal Trade Commission shall issue rules prohibiting the change of selection of an electric utility except with the informed consent of the electric consumer.

“(b) CRAMMING.—The Federal Trade Commission shall issue rules prohibiting the sale of goods and services to an electric consumer unless expressly authorized by the law or the electric consumer.

“SEC. 204. APPLICABLE PROCEDURES.

“The Federal Trade Commission shall proceed in accordance with section 553 of title 5, United States Code, when prescribing a rule required by this subtitle.

“SEC. 205. FEDERAL TRADE COMMISSION ENFORCEMENT.

“Violation of a rule issued under this subtitle shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) respecting unfair or deceptive acts or practices. All functions and powers of the Federal Trade Commission under such Act are available to the Federal Trade Commission to enforce compliance with this subtitle notwithstanding any jurisdictional limits in such Act.

“SEC. 206. STATE AUTHORITY.

“Nothing in this subtitle shall be construed to preclude a State or State regulatory authority from prescribing and enforcing laws, rules or procedures regarding the practices which are the subject of this subtitle.

“SEC. 207. DEFINITIONS.

“As used in this subtitle:

“(1) The term ‘aggregate consumer information’ means collective data that relates to a group or category of electric consumers, from which individual consumer identities and identifying characteristics have been removed.

“(2) The term ‘consumer information’ means information that relates to the quantity, technical configuration, type, destination, or amount of use of electric energy delivered to an electric consumer.

“(3) The terms ‘electric consumer’, ‘electric utility’, and ‘State regulatory authority’ have the meanings given such terms in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

“Subtitle B—Electric Reliability

“SEC. 208. ELECTRIC RELIABILITY.

“Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by inserting

the following after section 215 as added by this Act:

“SEC. 216. ELECTRIC RELIABILITY.

“(a) DEFINITIONS.—for purposes of this section—

“(1) ‘bulk-power system’ means the network of interconnected transmission facilities and generating facilities;

“(2) ‘electric reliability organization’ means a self-regulating organization certified by the Commission under subsection (c) whose purpose is to promote the reliability of the bulk power system; and

“(3) ‘reliability standard’ means a requirement to provide for reliable operation of the bulk power system approved by the Commission under this section.

“(b) JURISDICTION AND APPLICABILITY.—

The Commission shall have jurisdiction, within the United States, over an electric reliability organization, any regional entities, and all users, owners and operators of the bulk power system, including but not limited to the entities described in section 201(f), for purposes of approving reliability standards and enforcing compliance with this section. All users, owners and operators of the bulk-power system shall comply with reliability standards that take effect under this section.

“(c) CERTIFICATION.—

“(1) The Commission shall issue a final rule to implement the requirements of this section not later than 180 days after the date of enactment of this section.

“(2) following the issuance of a Commission rule under paragraph (1), any person may submit an application to the Commission for certification as an electric reliability organization. The Commission may certify an applicant if the Commission determines that the applicant—

“(A) has the ability to develop, and enforce reliability standards that provide for an adequate level of reliability of the bulk-power system;

“(B) has established rules that—

“(i) assure its independence of the users and owners and operators of the bulk power system; while assuring fair stakeholder representation in the selection of its directors and balanced decision-making in any committee or subordinate organizational structure;

“(ii) allocate equitably dues, fees, and other charges among end users for all activities under this section;

“(iii) provide fair and impartial procedures for enforcement of reliability standards through imposition of penalties (including limitations on activities, functions, or operations; or other appropriate sanctions); and

“(iv) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising its duties.

“(3) If the Commission receives two or more timely applications that satisfy the requirements of this subsection, the Commission shall approve only the application it concludes will best implement the provisions of this section.

“(d) RELIABILITY STANDARDS.—

“(1) An electric reliability organization shall file a proposed reliability standard or modification to a reliability standard with the Commission.

“(2) The Commission may approve a proposed reliability standard or modification to a reliability standard if it determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission shall give due weight to the technical expertise of the electric reliability organization with respect to the content of a proposed standard or

modification to a reliability standard, but shall not defer with respect to its effect on competition.

“(3) The electric reliability organization and the Commission shall rebuttably presume that a proposal from a regional entity organized on an interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an interconnection-wide basis is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

“(4) The Commission shall remand to the electric reliability organization for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

“(5) The Commission, upon its own motion or upon complaint, may order an electric reliability organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

“(e) ENFORCEMENT.—

“(1) An electric reliability organization may impose a penalty on a user or owner or operator of the bulk power system if the electric reliability organization, after notice and an opportunity for a hearing—

“(A) finds that the user or owner or operator of the bulk power system has violated a reliability standard approved by the Commission under subsection (d); and

“(B) files notice with the Commission, which shall affirm, set aside or modify the action.

“(2) On its own motion or upon complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk power system, if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk power system has violated or threatens to violate a reliability standard.

“(3) The Commission shall establish regulations authorizing the electric reliability organization to enter into an agreement to delegate authority to a regional entity for the purpose of proposing and enforcing reliability standards (including related activities) if the regional entity satisfies the provisions of subsection (c)(2)(A) and (B) and the agreement promotes effective and efficient administration of bulk power system reliability, and may modify such delegation. The electric reliability organization and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an interconnection-wide basis promotes effective and efficient administration of bulk power system reliability and should be approved. Such regulation may provide that the Commission may assign the electric reliability organization's authority to enforce reliability standards directly to a regional entity consistent with the requirements of this paragraph.

“(4) The Commission may take such action as is necessary or appropriate against the electric reliability organization or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the electric reliability organization or a regional entity.

“(f) CHANGES IN ELECTRICITY RELIABILITY ORGANIZATIONS RULES.—An electric reliability organization shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of its basis and purpose. The Commission, upon its own motion or complaint, may propose a change to the rules of the electric reliability organization. A proposed

rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (c)(2).

“(g) COORDINATION WITH CANADA AND MEXICO.—

“(1) The electric reliability organization shall take all appropriate steps to gain recognition in Canada and Mexico.

“(2) The President shall use his best efforts to enter into international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the electric reliability organization in the United States and Canada or Mexico.

“(h) RELIABILITY REPORTS.—The electric reliability organization shall conduct periodic assessments of the reliability and adequacy of the interconnected bulk-power system in North America.

“(i) SAVINGS PROVISIONS.—

“(1) The electric reliability organization shall have authority to develop 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 order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

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

“(4) Within 90 days of the application of the electric reliability organization or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a state action is inconsistent with a reliability standard, taking into consideration any recommendations of the electric reliability organization.

“(5) The Commission, after consultation with the electric reliability organization, may stay the effectiveness of any state action, pending the Commission's issuance of a final order.

“(j) APPLICATION OF ANTITRUST LAWS.—

“(1) IN GENERAL.—To the extent undertaken to develop, implement, or enforce a reliability standard, each of the following activities shall not, in any action under the antitrust laws, be deemed illegal per se:

“(A) activities undertaken by an electric reliability organization under this section, and

“(B) activities of a user or owner or operator of the bulk power system undertaken in good faith under the rules of an electric reliability organization.

“(2) RULE OF REASON.—In any action under the antitrust laws, an activity described in paragraph (1) shall be judged on the basis of its reasonableness, taking into account all relevant factors affecting competition and reliability.

“(3) DEFINITION.—For purposes of this subsection, ‘antitrust laws’ has the meaning given the term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that it includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 applies to unfair methods of competition.

“(k) REGIONAL ADVISORY BODIES.—The Commission shall establish a regional advisory body on the petition of at least two-thirds of the States within a region that

have more than one-half of their electric load served within the region. A regional advisory body shall be composed of one member from each participating State in the region, appointed by the Governor of each State, and may include representatives of agencies, States, and provinces outside the United States. A regional advisory body may provide advice to the electric reliability organization, a regional reliability entity, or the Commission regarding the governance of an existing or proposed regional reliability entity within the same region, whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, and in the public interest and any other responsibilities requested by the Commission. The Commission may give deference to the advice of any such regional advisory body if that body is organized on an interconnection-wide basis.

“(1) APPLICATION TO ALASKA AND HAWAII.—The provisions of this section do not apply to Alaska and Hawaii.”

SA 3048. Mr. SMITH of Oregon submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Section 929, insert the following:

“SEC. . STUDY OF ENERGY EFFICIENCY STANDARDS.

“(1) The Secretary of Energy is directed to contract with the National Academy of Sciences for a study, to be completed within one year of enactment of this Act, to examine whether the goals of energy efficiency standards are best served by measurement of energy consumed, and efficiency improvements, at the actual site of energy consumption, or through the full fuel cycle, beginning at the source of energy production. The Secretary shall submit the report of the Academy to the Committee on Energy and Commerce of the House of Representatives and Committee on Energy and Natural Resources of the Senate.

“(2) There are authorized such sums as are necessary for carrying out the study authorized in this section.”

Renumber subsequent subsections accordingly.

SA 3049. Mr. CRAIG proposed an amendment to amendment SA 3016 proposed by Mr. BINGAMAN to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 6, strike line 9 and all that follows through line 15 and insert the following:

“The term ‘biomass’ means any organic material that is available on a renewable or recurring basis, including dedicated energy crops, trees grown for energy production, wood waste and wood residues, plants (including aquatic plants, grasses, and agricultural crops), residues, fibers, animal wastes

and other organic waste materials, and fats and oils, except that with respect to material removed from National Forest System lands the term includes only organic material from—

“(A) thinnings from trees that are less than 12 inches in diameter;

“(B) slash;

“(C) brush; and

“(D) mill residues.”.

SA 3050. Mr. LANDRIEU (for herself and Mr. KYL) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . PARTICIPANT-FUNDED INVESTMENT.

Section 205 of the Federal Power Act is amended by inserting after subsection (h) the following:

“(i) TRANSMISSION EXPANSION COSTS.—

“(1) RATES FOR TRANSMISSION EXPANSION.—Upon the request of a Regional Transmission Organization, or any transmission entity operating within an RTO that is authorized by the Commission, the Commission shall authorize the recovery of costs on a participant-funding basis of transmission facilities that increase the transfer capability of the transmission system. The Commission shall not authorize the recovery of costs in rates on a rolled-in basis for such transmission facilities unless the Commission finds that, based upon substantial evidence—

“(A) the transmission investment is identified and incorporated in the regional transmission plan of a FERC approval regional transmission organization;

“(B) participant funding for the investment is not feasible because the beneficiaries of the investment cannot be identified; and

“(C) the transmission investment is necessary to maintain reliability of the transmission grid within the area covered by the regional transmission organization.

“(2) PARTICIPANT-FUNDED.—The term ‘participant-funded’ means an investment in the transmission system of a regional transmission organization or any Commission authorized entity operating within the RTO that—

“(A) increases the transfer capability of the transmission system; and

“(B) is paid for by an entity that, in return for payment receives the tradable transmission rights created by the investment.

“(3) TRADABLE TRANSMISSION RIGHT.—The term ‘tradable transmission right’ means the right of the holder of such right to avoid payment of, or have rebated, transmission congestion charges on the transmission system of a regional transmission organization, or the right to use a specified capacity of such transmission system without payment of transmission congestion charges.

“(4) REGIONAL TRANSMISSION ORGANIZATION FACILITATION.—

“(A) IN GENERAL.—To encourage the regional transmission organization or any Commission-authorized transmission entity operating within the RTO to identify participant-funded investment, the Commission shall allow a regional transmission organization or any entity constructing a participant-funded project within the RTO to—

“(i) receive a share of the value of the tradable transmission rights created by the participant-funded expansion; or

“(ii) receive a development fee.”.

SA 3051. Mr. FITZGERALD submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 64, strike line 9 and all that follows through page 65, line 2, and insert the following:

(a) DEFINITIONS.—In this section:

(1) BIOMASS.—The term “biomass” means—

(A) organic material from a plant that is planted for the purpose of being used to produce energy; and

(B) nonhazardous, lignocellulosic or hemicellulosic matter or agricultural animal waste material that is segregated from other waste material and is derived from—

(i) forest-related—

(I) harvesting residue;

(II) precommercial thinnings;

(III) slash; or

(IV) brush;

(ii) an agricultural crop, crop byproduct, or residue resource (not including vegetation produced on land enrolled in the conservation reserve program under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) if harvesting the vegetation would be inconsistent with the environmental purposes of the program);

(iii) miscellaneous waste such as landscape or right-of-way tree trimmings, but not including—

(I) incinerated municipal solid waste;

(II) recyclable postconsumer waste paper;

(III) painted, treated, or pressurized wood;

(IV) wood contaminated with plastic or metal; or

(V) tires; or

(iv) animal waste from an animal feeding operation with not more than 1,000 animal units.

(2) RENEWABLE ENERGY.—The term “renewable energy” means electric energy generated from—

(A) a solar, wind, biomass, geothermal, or fuel cell source; or

(B)(i) additional hydroelectric generation capacity achieved from increased efficiency; or

(ii) an addition of new capacity at a hydroelectric dam in existence on the date of enactment of this Act.

(b) REQUIREMENT.—

(1) IN GENERAL.—The President shall ensure that, of the total amount of electric energy that all Federal agencies, in the aggregate, consume during any fiscal year—

(A) not less than 3 percent in fiscal years 2003 through 2004;

(B) not less than 5 percent in fiscal years 2005 through 2009; and

(C) not less than 7.5 percent in fiscal year 2010 and each fiscal year thereafter; shall be renewable energy.

(2) INNOVATIVE PURCHASING PRACTICES.—In carrying out paragraph (1), the President shall encourage Federal agencies to use innovative purchasing practices, including aggregation and the use of renewable energy derivatives.

On page 73, between lines 9 and 10, insert the following:

“(1) BIOMASS.—The term ‘biomass’ means—

“(A) organic material from a plant that is planted for the purpose of being used to produce energy; and

“(B) nonhazardous, lignocellulosic or hemicellulosic matter or agricultural animal

waste material that is segregated from other waste material and is derived from—

“(i) forest-related—

“(I) harvesting residue;

“(II) precommercial thinnings;

“(III) slash; or

“(IV) brush;

“(ii) an agricultural crop, crop byproduct, or residue resource (not including vegetation produced on land enrolled in the conservation reserve program under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) if harvesting the vegetation would be inconsistent with the environmental purposes of the program);

“(iii) miscellaneous waste such as landscape or right-of-way tree trimmings, but not including—

“(I) incinerated municipal solid waste;

“(II) recyclable postconsumer waste paper;

“(III) painted, treated, or pressurized wood;

“(IV) wood contaminated with plastic or metal; or

“(V) tires; or

“(iv) animal waste from an animal feeding operation with not more than 1,000 animal units.

SA 3052. Mr. MURKOWSKI proposed an amendment to amendment SA 3016 proposed by Mr. BINGAMAN to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 6, on line 6, strike “mix.” and insert “mix. The provisions of this section shall not apply to any retail electric supplier in any State that adopts or has adopted a renewable energy portfolio program.”

SA 3053. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION — MISCELLANEOUS PROVISIONS

TITLE — GENERAL PROVISIONS

SEC. . REVIEW OF FEDERAL PROCUREMENT INITIATIVES RELATING TO USE OF RECYCLED PRODUCTS AND FLEET AND TRANSPORTATION EFFICIENCY.

Not later than 180 days after the date of enactment of this Act, the Administrator of General Services shall submit to Congress a report that details efforts by each Federal agency to implement the procurement policies specified in Executive Order No. 13101 (63 Fed. Reg. 49643; relating to governmental use of recycled products) and Executive Order No. 13149 (65 Fed. Reg. 24607; relating to Federal fleet and transportation efficiency).

SA 3054. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission area through technology transfer and partnerships for

fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 222, strike lines 5 through 10 and insert the following:

“(A) PROHIBITION.—Subject to subparagraph (E), the use of methyl tertiary butyl ether in motor vehicle fuel—

“(i) in any State that has received a waiver under section 209(b), is prohibited effective January 1, 2003; and

“(ii) in any State not described in clause (i) (other than a State described in subparagraph (C)), is prohibited not later than 4 years after the date of enactment of this paragraph.

SA 3055. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission area through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION — MISCELLANEOUS
TITLE —GENERAL

SEC. . INTERSTATE DAIRY COMPACTS.

Notwithstanding any other provision of law, a State located in Petroleum Administration for Defense District 1 shall not enter into an interstate dairy compact.

SA 3056. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 213, strike line 16 and all that follows through page 218, line 14.

Beginning on page 219, strike line 18 and all that follows through page 224, line 17 and insert the following:

(6) in recent years, MTBE has been detected in water sources throughout the United States;

(7) MTBE can be detected by smell and taste at low concentrations;

(8) while small quantities of MTBE can render water supplies unpalatable, the precise human health effects of MTBE consumption at low levels are yet unknown;

(9) in the report entitled “Achieving Clean Air and Clean Water: The Report of the Blue Ribbon Panel on Oxygenates in Gasoline” and dated September 1999, Congress was urged—

(A) to eliminate the fuel oxygenate standard; and

(B) to greatly reduce use of MTBE;

(10) Congress has—

(A) reconsidered the relative value of MTBE in gasoline; and

(B) decided to eliminate use of MTBE as a fuel additive;

(11) the timeline for elimination of use of MTBE as a fuel additive must be established in a manner that achieves an appropriate balance among the goals of—

(A) adequate energy supply; and

(B) reasonable fuel prices; and

(12) it is appropriate for Congress to provide some limited transition assistance—

(A) to merchant producers of MTBE who produced MTBE in response to a market created by the oxygenate requirement contained in the Clean Air Act (42 U.S.C. 7401 et seq.); and

(B) for the purpose of mitigating any fuel supply problems that may result from elimination of a widely-used fuel additive.

(b) PURPOSES.—The purposes of this section are—

(1) to eliminate use of MTBE as a fuel oxygenate; and

(2) to provide assistance to merchant producers of MTBE in making the transition from producing MTBE to producing other fuel additives.

(c) AUTHORITY FOR WATER QUALITY PROTECTION FROM FUELS.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended by adding at the end the following:

“(5) PROHIBITION ON USE OF MTBE.—

“(A) IN GENERAL.—Subject to subparagraph (E), not later than 4 years after the date of enactment of this paragraph, the use of methyl tertiary butyl ether in motor vehicle fuel in any State other than a State described in subparagraph (C) is prohibited.

“(B) REGULATIONS.—The Administrator shall promulgate regulations to effect the prohibition in subparagraph (A).

“(C) STATES THAT AUTHORIZE USE.—A State described in this subparagraph is a State that submits to the Administrator a notice that the State authorizes use of methyl tertiary butyl ether in motor vehicle fuel sold or used in the State.

“(D) PUBLICATION OF NOTICE.—The Administrator shall publish in the Federal Register each notice submitted by a State under subparagraph (C).

“(E) TRACE QUANTITIES.—In carrying out subparagraph (A), the Administrator may allow trace quantities of methyl tertiary butyl ether, not to exceed 0.5 percent by volume, to be present in motor vehicle fuel in cases that the Administrator determines to be appropriate.

“(6) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—

“(A) IN GENERAL.—The Secretary of Energy may make grants to merchant producers of methyl tertiary butyl ether in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (B) to—

“(i) the production of iso-octane and alkylates; and

“(ii) the production of such other fuel additives as will contribute to replacing quantities of motor fuel rendered unavailable as a result of paragraph (5).

On page 224, line 18, strike “(C)” and insert “(B)”.

On page 225, line 10, strike “(D)” and insert “(C)”.

Beginning on page 227, strike line 3 and all that follows through page 232, line 24.

On page 233, line 1, strike “(d)” and insert “(b)”.

Beginning on page 233, strike line 6 and all that follows through page 244, line 23, and insert the following:

SEC. 8 . FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Energy shall conduct a study of Federal, State, and local requirements concerning motor vehicle fuels, including—

(A) requirements relating to reformulated gasoline, volatility (measured in Reid vapor pressure), oxygenated fuel, and diesel fuel; and

(B) other requirements that vary from State to State, region to region, or locality to locality.

(2) REQUIRED ELEMENTS.—The study shall assess—

(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to the consumer;

(B) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—

(i) domestic refineries;

(ii) the fuel distribution system; and

(iii) industry investment in new capacity;

(C) the effect of the requirements described in paragraph (1) on emissions from vehicles, refineries, and fuel handling facilities; and

(D) the feasibility of developing national or regional motor vehicle fuel slates for the 48 contiguous States that could—

(i) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(ii) reduce price volatility and costs to consumers and producers;

(iii) provide increased liquidity to the gasoline market; and

(iv) enhance fuel quality, consistency, and supply.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2006, the Secretary of Energy shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—The report shall contain recommendations for legislative and administrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and producers; and

(iii) to increase supply liquidity.

(B) REQUIRED CONSIDERATIONS.—The recommendations under subparagraph (A) shall take into account the need to provide advance notice of required modifications to refinery and fuel distribution systems in order to ensure an adequate supply of motor vehicle fuel in all States.

(3) CONSULTATION.—In developing the report, the Secretary of Energy shall consult with—

(A) the Governors of the States;

(B) automobile manufacturers; and

(C) motor vehicle fuel producers and distributors.

SA 3057. Mr. KYL (for himself and Mr. HELMS) proposed an amendment to amendment SA 3016 proposed by Mr. BINGAMAN to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 9 after line 7 insert:

“(n) PROTECTION OF CONSUMERS.—Upon certification by the Governor of a State to the Secretary of Energy that the application of the Federal renewable portfolio standard would adversely affect consumers in such State, the requirements of this section shall not apply to retail electric sellers in such State. Such suspension shall continue until certification by the Governor of the State to the Secretary of Energy that consumers in such State would no longer be adversely affected by the application of the provisions of this section.”

SA 3058. Ms. COLLINS (for herself and Ms. SNOWE) proposed an amendment to amendment SA 3016 proposed by Mr. BINGAMAN to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S.

517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 8 line 15, delete the period and add “, or the additional generation above average generation in the three years preceding the date of enactment of this section, to expand electricity production at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section.”

SA 3059. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 307, after line 3, insert the following:

Subtitle E—Rural and Remote Communities
SEC. 941. SHORT TITLE.

This subtitle may be cited as the “Rural and Remote Community Fairness Act”.

SEC. 942. RURAL AND REMOTE COMMUNITY DEVELOPMENT BLOCK GRANTS.

The Housing and Community Development Act of 1974 (Public Law 93-383), is amended by adding at the end the following:

“TITLE IX—RURAL AND REMOTE COMMUNITY DEVELOPMENT BLOCK GRANTS

“SEC. 901. FINDINGS AND PURPOSE.

“(a) FINDINGS.—The Congress finds that—

“(1) a modern infrastructure, including energy-efficient housing, electricity, telecommunications, bulk fuel, waste water and potable water service, is a necessary ingredient of a modern society and development of a prosperous economy;

“(2) the Nation’s rural and remote communities face critical social, economic and environmental problems, arising in significant measure from the high cost of infrastructure development in sparsely populated and remote areas, that are not adequately addressed by existing Federal assistance programs;

“(3) in the past, Federal assistance has been instrumental in establishing electric and other utility service in many developing regions of the Nation, and that Federal assistance continues to be appropriate to ensure that electric and other utility systems in rural areas conform with modern standards of safety, reliability, efficiency and environmental protection; and

“(4) the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable rural and remote communities as social, economic and political entities.

“(a) PURPOSE.—The purpose of this title is the development and maintenance of viable rural and remote communities through the provision of efficient housing, and reasonably priced and environmentally sound energy, water, waste water, and bulk fuel, telecommunications and utility services to those communities that do not have those services or who currently bear costs of those services that are significantly above the national average.

“SEC. 902. DEFINITIONS.

As used in this title:

“(1) The term ‘unit of general local government’ means any city, county, town, town-

ship, parish, village, borough (organized or unorganized) or other general purpose political subdivision of a State, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, the Republic of the Marshall Islands, the Federated State of Micronesia, the Republic of Palau, the Virgin Islands, and American Samoa, a combination of such political subdivisions that is recognized by the Secretary; and the District of Columbia; or any other appropriate organization of citizens of a rural and remote community that the Secretary may identify.

“(2) The term ‘population’ means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

“(3) the term ‘Native American group’ means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self Determination and Education Assistance Act (Public Law 93-638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

“(4) The term ‘Secretary’ means the Secretary of Housing and Urban Development.

“(5) The term ‘rural and remote community’ means a unit of local general government or Native American group which is served by an electric utility that has 10,000 or less customers with an average retail cost per kilowatt hour of electricity that is equal to or greater than 150 percent of the average retail cost per kilowatt hour of electricity for all consumers in the United States, as determined by data provided by the Energy Information Administration of the Department of Energy.

“(6) The term alternative energy sources include non-traditional means of providing electrical energy, including, but not limited to, wind, solar, biomass, municipal solid waste, hydroelectric, geothermal and tidal power.

“(7) The term ‘average retail cost per kilowatt hour of electricity’ has the same meaning as ‘average revenue per kilowatt hour of electricity’ as defined by the Energy Information Administration of the Department of Energy.

“SEC. 903. AUTHORIZATION OF APPROPRIATIONS.

“The Secretary is authorized to make grants to rural and remote communities to carry out activities in accordance with the provisions of the title. For purposes of assistance under section 906, there are authorized to be appropriated \$100,000,000 for each of fiscal years 2003 through 2009.

“SEC. 904. STATEMENT OF ACTIVITIES AND REVIEW.

“(a) STATEMENT OF OBJECTIVES AND PROJECTED USE.—Prior to the receipt in any fiscal year of a grant under section 906 by any rural and remote community, the grantee shall have prepared and submitted to the Secretary a final statement of rural and remote community development objectives and projected use of funds.

“(b) PUBLIC NOTICE.—In order to permit public examination and appraisal of such statements, to enhance the public accountability of grantees, and to facilitate coordination of activities with different levels of government, the grantee shall in a timely manner—

“(1) furnish citizens information concerning the amount of funds available for rural and remote community development activities and the range of activities that may be undertaken;

“(2) publish a proposed statement in such manner to afford affected citizens an oppor-

tunity to examine its content and to submit comments on the proposed statement and on the community development performance of the grantee;

“(3) provide citizens with reasonable access to records regarding the past use of funds received under section 906 by the grantee; and

“(4) provide citizens with reasonable notice of, and opportunity to comment on, any substantial change proposed to be made in the use of funds received under section 906 from one eligible activity to another.

“The final statement shall be made available to the public, and a copy shall be furnished to the Secretary. Any final statement of activities may be modified or amended from time to time by the grantee in accordance with the same. Procedures required in this paragraph are for the preparation and submission of such statement.

“(c) PERFORMANCE AND EVALUATION REPORT.—Each grantee shall submit to the Secretary, at a time determined by the Secretary, a performance and evaluation report, concerning the use of funds made available under section 906, together with an assessment by the grantee of the relationship of such use to the objectives identified in the grantee’s statement under subsection (a) and to the requirements of subsection (b). The grantee’s report shall indicate its programmatic accomplishments, the nature of and reasons for any changes in the grantee’s program objectives, and indications of how the grantee would change its programs as a result of its experiences.

“(d) RETENTION OF INCOME.—

“(1) IN GENERAL.—Any rural and remote community may retain any program income that is realized from any grant made by the Secretary under section 906 if—

“(A) such income was realized after the initial disbursement of the funds received by such unit of general local government under such section; and

“(B) such unit of general local government has agreed that it will utilize the program income for eligible rural and remote community development activities in accordance with the provisions of this title.

“(2) EXCEPTION.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the subsection creates an unreasonable administrative burden on the rural and remote community.

SEC. 905. ELIGIBLE ACTIVITIES.

“(a) ACTIVITIES INCLUDED.—Eligible activities assisted under this title may include only—

“(1) weatherization and other cost-effective energy-related repairs of homes and other buildings;

“(2) the acquisition, construction, repair, reconstruction, or installation of reliable and cost-efficient facilities for the generation, transmission or distribution of electricity, and telecommunications, for consumption in a rural and remote community or communities;

“(3) the acquisition, construction, repair, reconstruction, remediation or installation of facilities for the safe storage and efficient management of bulk fuel by rural and remote communities, and facilities for the distribution of such fuel to consumers in a rural or remote community;

“(4) facilities and training to reduce costs of maintaining and operating generation, distribution or transmission systems to a rural and remote community or communities;

“(5) the institution of professional management and maintenance services for electricity generation, transmission or distribution to a rural and remote community or communities;

“(6) the investigation of the feasibility of alternate energy sources for a rural and remote community or communities;

“(7) acquisition, construction, repair, reconstruction, operation, maintenance, or installation of facilities for water or waste water service;

“(8) the acquisition or disposition of real property (including air rights, water rights, and other interests therein) for eligible rural and remote community development activities; and

“(9) activities necessary to develop and implement a comprehensive rural and remote development plan, including payment of reasonable administrative costs related to planning and execution of rural and remote community development activities.

“(b) **ACTIVITIES UNDERTAKEN THROUGH ELECTRIC UTILITIES.**—Eligible activities may be undertaken either directly by the rural and remote community, or by the rural and remote community through local electric utilities.

“SEC. 906. ALLOCATION AND DISTRIBUTION OF FUNDS.

“For each fiscal year, of the amount approved in an appropriation act under section 903 for grants in any year, the Secretary shall distribute to each rural and remote community which has filed a final statement of rural and remote community development objectives and projected use of funds under section 904, an amount which shall be allocated among the rural and remote communities that filed a final statement of rural and remote community development objectives and projected use of funds under section 904 proportionate to the percentage that the average retail price per kilowatt hour of electricity for all classes for consumers in the rural and remote community exceeds the national average retail price per kilowatt hour for electricity for all consumers in the United States, as determined by data provided by the Department of Energy’s Energy Information Administration. In allocating funds under this section, the Secretary shall give special consideration to those rural and remote communities that increase economies of scales through consolidation of services, affiliation and regionalization of eligible activities under this title.

“SEC. 907. REMEDIES FOR NONCOMPLIANCE.

“The provisions of section 111 of the Housing and Community Development Act of 1974 (42 U.S.C. 5311) shall apply to assistance distributed under this title.”

SEC. 943. RURAL AND REMOTE COMMUNITIES ELECTRIFICATION GRANTS.

Section 313 of the Rural Electrification Act of 1936 (7 U.S.C. 940c) is amended by adding after subsection (b) the following:

“(c) **RURAL AND REMOTE COMMUNITIES ELECTRIFICATION GRANTS.**—The Secretary of Agriculture, in consultation with the Secretary of Energy and the Secretary of the Interior, may provide grants under this Act for the purpose of increasing energy efficiency, siting or upgrading transmission and distribution lines, or providing or modernizing electric facilities to—

“(1) a unit of local government of a State or territory; or

“(2) an Indian tribe or Tribal College or University as defined in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059c(b)(3)).

“(d) **GRANT CRITERIA.**—The Secretary shall make grants based on a determination of cost-effectiveness and most effective use of the funds to achieve the stated purposes of this section.

“(e) **PREFERENCE.**—In making grants under this section, the Secretary shall give a preference to renewable energy facilities.

“(f) **DEFINITION.**—For purposes of this section, the term ‘Indian tribe’ means any In-

dian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(e) **AUTHORIZATION.**—For the purpose of carrying out subsection (c), there are authorized to be appropriated to the Secretary \$20,000,000 for each of the seven fiscal years following the date of enactment of this subsection.”

SEC. 944. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated \$5,000,000 for each of fiscal years 2003 through 2009 to the Denali Commission established by the Denali Commission Act of 1998 (42 U.S.C. 3121 note) for the purposes of funding the power cost equalization program.

SEC. 945. RURAL RECOVERY COMMUNITY DEVELOPMENT BLOCK GRANTS.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301–5321) is amended by adding at the end the following:

“SEC. 123. RURAL RECOVERY COMMUNITY DEVELOPMENT BLOCK GRANTS.

“(a) **FINDINGS; PURPOSE.**—

“(1) **FINDINGS.**—Congress finds that—

“(A) a modern infrastructure, including affordable housing, wastewater and water service, and advanced technology capabilities is a necessary ingredient of a modern society and development of a prosperous economy with minimal environmental impacts;

“(B) the Nation’s rural areas face critical social, economic, and environmental problems, arising in significant measure from the growing cost of infrastructure development in rural areas that suffer from low per capita income and high rates of outmigration and are not adequately addressed by existing Federal assistance programs; and

“(C) the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable rural areas as social, economic, and political entities.

“(2) **PURPOSE.**—The purpose of this section is to provide for the development and maintenance of viable rural areas through the provision of affordable housing and community development assistance to eligible units of general local government and eligible Native American groups in rural areas with excessively high rates of outmigration and low per capita income levels.

“(b) **DEFINITIONS.**—In this section:

“(1) **ELIGIBILITY UNIT OF GENERAL LOCAL GOVERNMENT.**—The term ‘eligible unit of general local government’ means a unit of general local government that is the governing body of a rural recovery area.

“(2) **ELIGIBLE INDIAN TRIBE.**—The term ‘eligible Indian tribe’ means the governing body of an Indian tribe that is located in a rural recovery area.

“(3) **GRANTEE.**—The term ‘grantee’ means an eligible unit of general local government or eligible Indian tribe that receives a grant under this section.

“(4) **NATIVE AMERICAN GROUP.**—The term ‘Native American group’ means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93–638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

“(5) **RURAL RECOVERY AREA.**—The term ‘rural recovery area’ means any geographic

area represented by a unit of general local government or a Native American group.—

“(A) the borders of which are not adjacent to a metropolitan area;

“(B) in which—

“(i) the population outmigration level equals or exceeds 1 percent over the most recent five year period, as determined by the Secretary of Housing and Urban Development; and

“(ii) the per capita income is less than that of the national nonmetropolitan average; and

“(C) that does not include a city with a population of more than 15,000.

“(6) **UNIT OF GENERAL LOCAL GOVERNMENT.**—

“(A) **IN GENERAL.**—The term ‘unit of general local government’ means any city, county, town, township, parish, village, borough (organized or unorganized), or other general purpose political subdivision of a State; Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Puerto Rico, and American Samoa, or a general purpose political subdivision thereof; a combination of such political subdivisions that, except as provided in section 106(d)(4), is recognized by the Secretary; and the District of Columbia.

“(B) **OTHER ENTITIES INCLUDED.**—The term also includes a State or a local public body or agency, community association, or other entity, that is approved by the Secretary for the purpose of providing public facilities or services to a new community.

“(c) **GRANT AUTHORITY.**—The Secretary may make grants in accordance with this section to eligible units of general local government, Native American groups and eligible Indian tribes that meet the requirements of subsection (d) to carry out eligible activities described in subsection (f).

“(d) **ELIGIBILITY REQUIREMENTS.**—

“(1) **STATEMENT OF RURAL DEVELOPMENT OBJECTIVES.**—In order to receive a grant under this section for a fiscal year, an eligible unit of general local government, Native American group or eligible Indian tribe—

“(A) shall—

“(i) publish a proposed statement of rural development objectives and a description of the proposed eligible activities described in subsection (f) for which the grant will be used; and

“(ii) afford residents of the rural recovery area served by the eligible unit of general local government, Native American groups or eligible Indian tribe with an opportunity to examine the contents of the proposed statement and the proposed eligible activities published under clause (i), and to submit comments to the eligible unit of general local government, Native American group or eligible Indian tribe, as applicable, on the proposed statement and the proposed eligible activities, and the overall community development performance of the eligible unit of general local government, Native American groups or eligible Indian tribe, as applicable; and

“(B) based on any comments received under subparagraph (A)(ii), prepare and submit to the Secretary—

“(i) a final statement of rural development objectives;

“(ii) a description of the eligible activities described in subsection (f) for which a grant received under this section will be used; and

“(iii) a certification that the eligible unit of general local government, Native American groups or eligible Indian tribe, as applicable, will comply with the requirements of paragraph (2).

“(2) **PUBLIC NOTICE AND COMMENT.**—In order to enhance public accountability and facilitate the coordination of activities among different levels of government, an eligible unit of general local government, Native

American groups or eligible Indian tribe that receives a grant under this section shall, as soon as practicable after such receipt, provide the residents of the rural recovery area served by the eligible unit of general local government, Native American groups or eligible Indian tribe, as applicable, with—

“(A) a copy of the final statement submitted under paragraph (1)(B);

“(B) information concerning the amount made available under this section and the eligible activities to be undertaken with that amount;

“(C) reasonable access to records regarding the use of any amounts received by the eligible unit of general local government, Native American groups or eligible Indian tribe under this section in any preceding fiscal year; and

“(D) reasonable notice of, and opportunity to comment on, any substantial change proposed to be made in the use of amounts received under this section from one eligible activity to another.

“(e) DISTRIBUTION OF GRANTS.—

“(1) IN GENERAL.—In each fiscal year, the Secretary shall distribute to each eligible unit of general local government, Native American groups and eligible Indian tribe that meets the requirements of subsection (d)(1) a grant in an amount described in paragraph (2).

“(2) AMOUNT.—Of the total amount made available to carry out this section in each fiscal year, the Secretary shall distribute to each grantee the amount equal to the greater of—

“(A) the pro rata share of the grantee, as determined by the Secretary, based on the combined annual population outmigration level (as determined by the Secretary of Housing and Urban Development) and the per capita income for the rural recovery area served by the grantee; or

“(B) \$200,000.

“(f) ELIGIBLE ACTIVITIES.—Each grantee shall use amounts received under this section for one or more of the following eligible activities, which may be undertaken either directly by the grantee, or by any local economic development corporation, regional planning district, nonprofit community development corporation, or statewide development organization authorized by the grantee:

“(1) the acquisition, construction, repair, reconstruction, operation, maintenance, or installation of facilities for water and wastewater service or any other infrastructure needs determined to be critical to the further development or improvement of a designated industrial park;

“(2) the acquisition or disposition of real property (including air rights, water rights, and other interests therein) for rural community development activities;

“(3) the development of telecommunications infrastructure within a designated industrial park that encourages high technology business development in rural areas;

“(4) activities necessary to develop and implement a comprehensive rural development plan, including payment of reasonable administrative costs related to planning and execution of rural development activities; or

“(5) affordable housing initiatives.

“(g) PERFORMANCE AND EVALUATION REPORT.—

“(1) IN GENERAL.—Each grantee shall annually submit to the Secretary a performance and evaluation report, concerning the use of amounts received under this section.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include a description of—

“(A) the eligible activities carried out by the grantee with amounts received under this section, and the degree to which the

grantee has achieved the rural development objectives included in the final statement submitted under subsection (d)(1);

“(B) the nature of and reasons for any change in the rural development objectives or the eligible activities of the grantee after submission of the final statement under subsection (d)(1); and

“(C) any manner in which the grantee would change the rural development objectives of the grantee as a result of the experience of the grantee in administering amounts received under this section.

“(h) RETENTION OF INCOME.—A grantee may retain any income that is realized from the grant, if—

“(1) the income was realized after the initial disbursement of amounts to the grantee under this section; and

“(2) the—

“(A) grantee agrees to utilize the income for 1 or more eligible activities; or

“(B) amount of the income is determined by the Secretary to be so small that compliance with subparagraph (A) would create an unreasonable administrative burden on the grantee.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$100,000,000 for each of fiscal years 2003 through 2009.”

SA 3060. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 65, strike line 18 and all that follows through page 67, line 4.

SA 3061. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 121, line 24, strike “and” and all that follows through page 122, line 2 and insert:

“(5) to any person for national security purposes, as determined by the Secretary; and

“(6) to a uranium mill licensed by the Commission for the purpose of recycling uranium-bearing material.”

SA 3062. Mr. BINGAMAN (for Ms. CANTWELL) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 289, after line 4, insert the following:

“(41) The term ‘traffic signal module’ means a standard 8-inch (200mm) or 12-inch (300mm) traffic signal indication, consisting of a light source, a lens, and all other parts necessary for operation, that communicates movement messages to drivers through red, amber, and green colors.”

SA 3063. Ms. CANTWELL proposed an amendment to amendment SA 2917 pro-

posed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 289, after line 21, insert the following:

“(11) Test procedures for traffic signal modules shall be based on the test method used under the Energy Star program of the Environmental Protection Agency for traffic signal modules, as in effect on the date of enactment of this paragraph.”

SA 3064. Mr. BINGAMAN (for Ms. CANTWELL) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 301, after line 5, insert the following:

“(z) TRAFFIC SIGNAL MODULES.—Traffic signal modules manufactured on or after January 1, 2006 shall meet the performance requirements used under the Energy Star program of the Environmental Protection Agency for traffic signals, as in effect on the date of enactment of this paragraph, and shall be installed with compatible, electrically-connected signal control interface devices and conflict monitoring systems.”

SA 3065. Mr. BINGAMAN (for Ms. CANTWELL) (for himself and Mr. SMITH of Oregon)) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 60, lines 20-23, strike “an electricity-generating cooperative exempt from taxation under section 501(c)(12) or section 1281(a)(2)(C) of the Internal Revenue Code of 1986” and inserting “a nonprofit electrical cooperative”.

SA 3066. Mr. MURKOWSKI (for Mr. INHOFE) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 407, line 4, after “including”, insert “flexible alternating current transmission systems.”

SA 3067. Mr. BINGAMAN (for Mr. BAYH) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 568, line 20, insert "geothermal heat pump technology," before "and energy recovery".

SA 3068. Mr. BINGAMAN (for Mr. AKAKA) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 574, following line 11, insert the following:

SEC. 1704. UPDATING OF INSULAR AREA RENEWABLE ENERGY AND ENERGY EFFICIENCY PLANS.

Section 604 of Public Law 96-597 (48 U.S.C. 1492) is amended—

(1) in subsection (a) at the end of paragraph (4) by striking "resources." and inserting "resources; and

"(5) the development of renewable energy and energy efficiency technologies since publication of the 1982 Territorial Energy Assessment prepared under subsection (c) reveals the need to reassess the state of energy production, consumption, efficiency, infrastructure, reliance on imported energy, and potential of the indigenous renewable energy resources and energy efficiency in regard to the insular areas."; and

(2) by adding at the end of subsection (e) "The Secretary of Energy, in consultation with the Secretary of the Interior and the chief executive officer of each insular area, shall update the plans required under subsection (c) and draft long-term energy plans for each insular area that will reduce, to the extent feasible, the reliance of the insular area on energy imports by the year 2010, and maximize, to the extent feasible, use of renewable energy resources and energy efficiency opportunities. Not later than December 31, 2002, the Secretary of Energy shall submit the updated plans to Congress.".

SA 3069. Mr. BINGAMAN (for himself, and Mr. MURKOWSKI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 136, strike line 1 and all that follows through page 148, line 2 and insert the following:

TITLE VII—NATURAL GAS PIPELINES

Subtitle A—Alaska Natural Gas Pipeline

SEC. 701. SHORT TITLE.

This subtitle may be cited as the "Alaska Natural Gas Pipeline Act of 2002".

SEC. 702. FINDINGS.

The Congress finds that:

(1) Construction of a natural gas pipeline system from the Alaskan North Slope to United States markets is in the national interest and will enhance national energy security by providing access to the significant gas reserves in Alaska needed to meet the anticipated demand for natural gas.

(2) The Commission issued a conditional certificate of public convenience and necessity for the Alaska Natural Gas Transportation System, which remains in effect.

SEC. 703. PURPOSES.

The purposes of this subtitle are—

(1) to provide a statutory framework for the expedited approval, construction, and

initial operation of an Alaska natural gas transportation project, as an alternative to the framework provided in the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719-719o), which remains in effect;

(2) to establish a process for providing access to such transportation project in order to promote competition in the exploration, development and production of Alaska natural gas;

(3) to clarify federal authorities under the Alaska Natural Gas Transportation Act; and

(4) to authorize federal financial assistance to an Alaska natural gas transportation project as provided in this subtitle.

SEC. 704. ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

(a) **AUTHORITY OF THE COMMISSION.**—Notwithstanding the provisions of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719-719o), the Commission may, pursuant to section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)), consider and act on an application for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project other than the Alaska Natural Gas Transportation System.

(b) **ISSUANCE OF CERTIFICATE.**—

(1) The Commission shall issue a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project under this section if the applicant has satisfied the requirements of section 7(e) of the Natural Gas Act (15 U.S.C. 717f(e)).

(2) In considering an application under this section, the Commission shall presume that—

(A) a public need exists to construct and operate the proposed Alaska natural gas transportation project; and

(B) sufficient downstream capacity will exist to transport the Alaska natural gas moving through such project to markets in the contiguous United States.

(c) **EXPEDITED APPROVAL PROCESS.**—The Commission shall issue a final order granting or denying any application for a certificate of public and convenience and necessity under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) and this section not more than 60 days after the issuance of the final environmental impact statement for that project pursuant to section 705.

(d) **PROHIBITION ON CERTAIN PIPELINE ROUTE.**—No license, permit, lease, right-of-way, authorization or other approval required under Federal law for the construction of any pipeline to transport natural gas from lands within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that traverses—

(1) the submerged lands (as defined by the Submerged Lands Act) beneath, or the adjacent shoreline of, the Beaufort Sea; and

(2) enters Canada at any point north of 68 degrees North latitude.

(e) **OPEN SEASON.**—Except where an expansion is ordered pursuant to section 706, initial or expansion capacity on any Alaska natural gas transportation project shall be allocated in accordance with procedures to be established by the Commission in regulations governing the conduct of open seasons for such project. Such procedures shall include the criteria for and timing of any open seasons, be consistent with the purposes set forth in section 703(2) and, for any open season for capacity beyond the initial capacity, provide the opportunity for the transportation of natural gas other than from the Prudhoe Bay and Point Thompson units. The Commission shall issue such regulations no later than 120 days after the enactment of this subtitle.

(f) **PROJECTS IN THE CONTIGUOUS UNITED STATES.**—Applications for additional or ex-

panded pipeline facilities that may be required to transport Alaska natural gas from Canada to markets in the contiguous United States may be made pursuant to the Natural Gas Act. To the extent such pipeline facilities include the expansion of any facility constructed pursuant to the Alaska Natural Gas Transportation Act of 1976, the provisions of that Act shall continue to apply.

(g) **STUDY OF IN-STATE NEEDS.**—The holder of the certificate of public convenience and necessity issued, modified, or amended by the Commission for an Alaska natural gas transportation project shall demonstrate that it has conducted a study of Alaska in-state needs, including tie-in points along the Alaska natural gas transportation project for in-state access.

(h) **ALASKA ROYALTY GAS.**—The Commission, upon the request of the State of Alaska and after a hearing, may provide for reasonable access to the Alaska natural gas transportation project for the State of Alaska or its designee for the transportation of the State's royalty gas for local consumption needs within the State, provided that the rates of existing shippers of subscribed capacity on such project shall not be increased as a result of such access.

(i) **REGULATIONS.**—The Commission may issue regulations to carry out the provisions of this section.

SEC. 705. ENVIRONMENTAL REVIEWS.

(a) **COMPLIANCE WITH NEPA.**—The issuance of a certificate of public convenience and necessity authorizing the construction and operation of any Alaska natural gas transportation project under section 704 shall be treated as a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) **DESIGNATION OF LEAD AGENCY.**—The Commission shall be the lead agency for purposes of complying with the National Environmental Policy Act of 1969, and shall be responsible for preparing the statement required by section 102(2)(c) of that Act (42 U.S.C. 4332(2)(c)) with respect to an Alaska natural gas transportation project under section 704. The Commission shall prepare a single environmental statement under this section, which shall consolidate the environmental reviews of all Federal agencies considering any aspect of the project.

(c) **OTHER AGENCIES.**—All Federal agencies considering aspects of the construction and operation of an Alaska natural gas transportation project under section 704 shall cooperate with the Commission, and shall comply with deadlines established by the Commission in the preparation of the statement under this section. The statement prepared under this section shall be used by all such agencies to satisfy their responsibilities under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to such project.

(d) **EXPEDITED PROCESS.**—The Commission shall issue a draft statement under this section not later than 12 months after the Commission determines the application to be complete and shall issue the final statement not later than 6 months after the Commission issues the draft statement, unless the Commission for good cause finds that additional time is needed.

SEC. 706. PIPELINE EXPANSION.

(a) **AUTHORITY.**—With respect to any Alaska natural gas transportation project, upon the request of one or more persons and after giving notice and an opportunity for a hearing, the Commission may order the expansion of such project if it determines that such expansion is required by the present and future public convenience and necessity.

(b) REQUIREMENTS.—Before ordering an expansion the Commission shall—

(1) approve or establish rates for the expansion service that are designed to ensure the recovery, on an incremental or rolled-in basis, of the cost associated with the expansion (including a reasonable rate of return on investment);

(2) ensure that the rates as established do not require existing shippers on the Alaska natural gas transportation project to subsidize expansion shippers;

(3) find that the proposed shipper will comply with, and the proposed expansion and the expansion of service will be undertaken and implemented based on, terms and conditions consistent with the then-effective tariff of the Alaska natural gas transportation project;

(4) find that the proposed facilities will not adversely affect the financial or economic viability of the Alaska natural gas transportation project;

(5) find that the proposed facilities will not adversely affect the overall operations of the Alaska natural gas transportation project;

(6) find that the proposed facilities will not diminish the contract rights of existing shippers to previously subscribed certificated capacity;

(7) ensure that all necessary environmental reviews have been completed; and

(8) find that adequate downstream facilities exist or are expected to exist to deliver incremental Alaska natural gas to market.

(c) REQUIREMENT FOR A FIRM TRANSPORTATION AGREEMENT.—Any order of the Commission issued pursuant to this section shall be null and void unless the person or persons requesting the order executes a firm transportation agreement with the Alaska natural gas transportation project within a reasonable period of time as specified in such order.

(d) LIMITATION.—Nothing in this section shall be construed to expand or otherwise affect any authorities of the Commission with respect to any natural gas pipeline located outside the State of Alaska.

(e) REGULATIONS.—The Commission may issue regulations to carry out the provisions of this section.

SEC. 707. FEDERAL COORDINATOR.

(a) ESTABLISHMENT.—There is established as an independent establishment in the executive branch, the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects.

(b) THE FEDERAL COORDINATOR.—The Office shall be headed by a Federal Coordinator for Alaska Natural Gas Transportation Projects, who shall—

(1) be appointed by the President, by and with the advice of the Senate,

(2) hold office at the pleasure of the President, and

(3) be compensated at the rate prescribed for level III of the Executive Schedule (5 U.S.C. 5314).

(c) DUTIES.—The Federal Coordinator shall be responsible for—

(1) coordinating the expeditious discharge of all activities by federal agencies with respect to an Alaska natural gas transportation project; and

(2) ensuring the compliance of Federal agencies with the provisions of this subtitle.

(d) REVIEWS AND ACTIONS OF OTHER FEDERAL AGENCIES.—

(1) All reviews conducted and actions taken by any federal officer or agency relating to an Alaska natural gas transportation project authorized under this section shall be expedited, in a manner consistent with completion of the necessary reviews and approvals by the deadlines set forth in this subtitle.

(2) No federal officer or agency shall have the authority to include terms and condi-

tions that are permitted, but not required, by law on any certificate, right-of-way, permit, lease or other authorization issued to an Alaska natural gas transportation project if the Federal Coordinator determines that the terms and conditions would prevent or impair in any significant respect the expeditious construction and operation of the project.

(3) Unless required by law, no federal officer or agency shall add to, amend, or abrogate any certificate, right-of-way, permit, lease or other authorization issued to an Alaska natural gas transportation project if the Federal Coordinator determines that such action would prevent or impair in any significant respect the expeditious construction and operation of the project.

(e) STATE COORDINATION.—The Federal Coordinator shall enter into a Joint Surveillance and Monitoring Agreement, approved by the President and the Governor of Alaska, with the State of Alaska similar to that in effect during construction of the Trans-Alaska Oil Pipeline to monitor the construction of the Alaska natural gas transportation project. The federal government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses federal lands and private lands, and the state government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses state lands.

SEC. 708. JUDICIAL REVIEW.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine—

(1) the validity of any final order or action (including a failure to act) of any federal agency or officer under this subtitle;

(2) the constitutionality of any provision of this subtitle, or any decision made or action taken thereunder; or

(3) the adequacy of any environmental impact statement prepared under the National Environmental Policy Act of 1969 with respect to any action under this subtitle.

(b) DEADLINE FOR FILING CLAIM.—Claims arising under this subtitle may be brought not later than 60 days after the date of the decision or action giving rise to the claim.

(c) EXPEDITED CONSIDERATION.—The United States Court of appeals for the District of Columbia circuit shall set any action brought under subsection (a) of this section for expedited consideration, taking into account the national interest as described in section 702 of this subtitle.

(d) AMENDMENT TO ANGTA.—Section 10(c) of the Alaska Gas Transportation Act of 1976 (15 U.S.C. 719h) is amended by adding the following paragraph:

“(2) EXPEDITED CONSIDERATION.—The United States Court of Appeals for the District of Columbia Circuit shall set any action brought under subsection (a) of this section for expedited consideration, taking into account the national interest described in section 2 of this Act.”

SEC. 709. STATE JURISDICTION OVER IN-STATE DELIVERY OF NATURAL GAS.

(a) LOCAL DISTRIBUTION.—Any facility receiving natural gas from the Alaska natural gas transportation project for delivery to consumers within the State of Alaska shall be deemed to be a local distribution facility within the meaning of section 1(b) of the Natural Gas Act (15 U.S.C. 717), and therefore not subject to the jurisdiction of the Federal Energy Regulatory Commission.

(b) ADDITIONAL PIPELINES.—Nothing in this subtitle, except as provided in subsection 704(d), shall preclude or affect a future gas pipeline that may be constructed to deliver

natural gas to Fairbanks, Anchorage, Matanuska-Sustina Valley, or the Kenai peninsula or Valdez or any other site in the State of Alaska for consumption within or distribution outside the State of Alaska.

(c) RATE COORDINATION.—Pursuant to the Natural Gas Act, the Commission shall establish rates for the transportation of natural gas on the Alaska natural gas transportation project. In exercising such authority, the Commission, pursuant to Section 17(b) of the Natural Gas Act (15 U.S.C. 717p), shall confer with the State of Alaska regarding rates (including rate settlements) applicable to natural gas transported on and delivered from the Alaska natural gas transportation project for use within the State of Alaska.

SEC. 710. LOAN GUARANTEE.

(a) AUTHORITY.—The Secretary of Energy may guarantee not more than 80 percent of the principal of any loan made to the holder of a certificate of public convenience and necessity issued under section 704(b) of this Act or section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) for the purpose of constructing an Alaska natural gas transportation project.

(b) CONDITIONS.—

(1) The Secretary of Energy may not guarantee a loan under this section unless the guarantee has filed an application for a certificate of public convenience and necessity under section 704(b) of this Act or for an amended certificate under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) with the Commission not later than 18 months after the date of enactment of this subtitle.

(2) A loan guaranteed under this section shall be made by a financial institution subject to the examination of the Secretary.

(3) Loan requirements, including term, maximum size, collateral requirements and other features shall be determined by the Secretary.

(c) LIMITATION ON AMOUNT.—Commitments to guarantee loans may be made by the Secretary of Energy only to the extent that the total loan principal, any part of which is guaranteed, will not exceed \$10,000,000,000.

(d) REGULATIONS.—The Secretary of Energy may issue regulations to carry out the provisions of this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to cover the cost of loan guarantees, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).

SEC. 711. STUDY OF ALTERNATIVE MEANS OF CONSTRUCTION.

(a) REQUIREMENT OF STUDY.—If no application for the issuance of a certificate or amended certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project has been filed with the Commission within 18 months after the date of enactment of this title, the Secretary of Energy shall conduct a study of alternative approaches to the construction and operation of the project.

(b) SCOPE OF STUDY.—The study shall consider the feasibility of establishing a government corporation to construct an Alaska natural gas transportation project, and alternative means of providing federal financing and ownership (including alternative combinations of government and private corporate ownership) of the project.

(c) CONSULTATION.—In conducting the study, the Secretary of Energy shall consult with the Secretary of the Treasury and the Secretary of the Army (acting through the Commanding General of the Corps of Engineers).

(d) REPORT.—If the Secretary of Energy is required to conduct a study under subsection

(a), he shall submit a report containing the results of the study, his recommendations, and any proposals for legislation to implement his recommendations to the Congress within 6 months after the expiration of the Secretary of Energy's authority to guarantee a loan under section 708.

SEC. 712. CLARIFICATION OF ANGTAS STATUS AND AUTHORITIES

(a) SAVINGS CLAUSE.—Nothing in this subtitle affects any decision, certificate, permit, right-of-way, lease, or other authorization issued under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) or any Presidential findings or waivers issued in accordance with that Act.

(b) CLARIFICATION OF AUTHORITY TO AMEND TERMS AND CONDITIONS TO MEET CURRENT PROJECT REQUIREMENTS.—Any Federal officer or agency responsible for granting or issuing any certificate, permit, right-of-way, lease, or other authorization under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) may add to, amend, or abrogate any term or condition included in such certificate, permit, right-of-way, lease, or other authorization to meet current project requirements (including the physical design, facilities, and tariff specifications), so long as such action does not compel a change in the basic nature and general route of the Alaska Natural Gas Transportation System as designated and described in section 2 of the President's Decision, or would otherwise prevent or impair in any significant respect the expeditious construction and initial operation of such transportation system.

(c) UPDATED ENVIRONMENTAL REVIEWS.—The Secretary of Energy shall require the sponsor of the Alaska Natural Gas Transportation System to submit such updated environmental data, reports, permits, and impact analyses as the Secretary determines are necessary to develop detailed terms, conditions, and compliance plans required by section 5 of the President's Decision.

SEC. 713. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Alaska natural gas" means natural gas derived from the area of the State of Alaska lying north of 64 degrees North latitude.

(2) The term "Alaska natural gas transportation project" means any natural gas pipeline system that carries Alaska natural gas to the border between Alaska and Canada (including related facilities subject to the jurisdiction of the Commission) that is authorized under either—

(A) the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719-719o); or

(B) section 704 of this subtitle.

(3) The term "Alaska Natural Gas Transportation System" means the Alaska natural gas transportation project authorized under the Alaska Natural Gas Transportation Act of 1976 and designated and described in section 2 of the President's Decision.

(4) The term "Commission" means the Federal Energy Regulatory Commission.

(5) The term "President's Decision" means the Decision and Report to Congress on the Alaska Natural Gas Transportation system issued by the President on September 22, 1977 pursuant to section 7 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719c) and approved by Public Law 95-158.

SEC. 714. SENSE OF THE SENATE.

It is the sense of the Senate that an Alaska natural gas transportation project will provide significant economic benefits to the United States and Canada. In order to maximize those benefits, the Senate urges the sponsors of the pipeline project to make every effort to use steel that is manufac-

tured or produced in North America and to negotiate a project labor agreement to expedite construction of the pipeline.

SEC. 715. ALASKAN PIPELINE CONSTRUCTION TRAINING PROGRAM.

(1) Within six months after enactment of this Act, the Secretary of Labor (in this section referred to as the "Secretary") shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives setting forth a program to train Alaska residents in the skills and crafts required in the design, construction, and operation of an Alaska gas pipeline system and that will enhance employment and contracting opportunities for Alaskan residents. The report shall also describe any laws, rules, regulations and policies which act as a deterrent to hiring Alaskan residents or contracting with Alaskan residents to perform work on Alaska gas pipelines, together with any recommendations for change. For purposes of this subsection, Alaskan residents shall be defined as those individuals eligible to vote within the State of Alaska on the date of enactment of this Act.

(2) Within 1 year of the date the report is transmitted to Congress, the Secretary shall establish within the State of Alaska, at such locations as are appropriate, one or more training centers for the express purpose of training Alaskan residents in the skills and crafts necessary in the design, construction and operation of gas pipelines in Alaska. Each such training center shall also train Alaskan residents in the skills required to write, offer, and monitor contracts in support of the design, construction, and operation of Alaska gas pipelines.

(3) In implementing the report and program described in this subsection, the Secretary shall consult with the Alaskan Governor.

(4) There are authorized to be appropriated to the Secretary such sums as may be necessary, but not to exceed \$20,000,000 for the purposes of this subsection.

SA 3070. Mr. GRAHAM proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes, as follows:

Strike Section 606(1)(3) and replace with the following:

"(3) ELIGIBLE RENEWABLE ENERGY RESOURCE.—The term 'renewable energy resource' means solar, wind, ocean, or geothermal energy, biomass, municipal solid waste, landfill gas, a generation offset, or incremental hydropower."

SA 3071. Mr. MURKOWSKI proposed an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. SHORT TITLE AND FINDINGS.

(a) This Title can be cited as the "Iraq Petroleum Import Restriction Act of 2001."

(b) FINDINGS.—Congress finds that

(i) the government of the Republic of Iraq:

(A) has failed to comply with the terms of United Nations Security Council Resolution 687 regarding unconditional Iraqi acceptance of the destruction, removal, or rendering harmless, under international supervision, of all nuclear, chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities, as well as all ballistic missiles with a range greater than 150 kilometers and related major parts, and repair and production facilities and has failed to allow United Nations inspectors access to sites used for the production or storage of weapons of mass destruction.

(B) routinely contravenes the terms and conditions of UNSC Resolution 661, authorizing the export of petroleum products from Iraq in exchange for food, medicine and other humanitarian products by conducting a routine and extensive program to sell such products outside of the channels established by UNSC Resolution 661 in exchange for military equipment and materials to be used in pursuit of its program to develop weapons of mass destruction in order to threaten the United States and its allies in the Persian Gulf and surrounding regions.

(C) has failed to adequately draw down upon the amounts received in the Escrow Account established by UNSC Resolution 986 to purchase food, medicine and other humanitarian products required by its citizens, resulting in massive humanitarian suffering by the Iraqi people.

(D) conducts a periodic and systematic campaign to harass and obstruct the enforcement of the United States and United Kingdom-enforced "No-Fly Zones" in effect in the Republic of Iraq.

(E) routinely manipulates the petroleum export production volumes permitted under UNSC Resolution 661 in order to create uncertainty in global energy markets, and therefore threatens the economic security of the United States.

(ii) Further imports of petroleum products from the Republic of Iraq are inconsistent with the national security and foreign policy interests of the United States and should be eliminated until such time as they are not so inconsistent.

SEC. 2. PROHIBITION ON IRAQI-ORIGIN PETROLEUM IMPORTS.

The direct or indirect import from Iraq of Iraqi-origin petroleum and petroleum products is prohibited, notwithstanding an authorization by the Committee established by UNSC Resolution 661 or its designee, or any other order to the contrary.

SEC. 3. TERMINATION/PRESIDENTIAL CERTIFICATION.

This Act will remain in effect until such time as the President, after consultation with the relevant committees in Congress, certifies to the Congress that—

(1) Iraq is in substantial compliance with the terms of—

(A) UNSC Resolution 687 regarding the access of UN Special Commission inspectors to suspected Iraqi Weapons of Mass Destruction program sites; and

(B) UNSC Resolution 986 prohibiting the smuggling of petroleum by Iraq in circumvention of the "Oil-for-Food" program; or that

(2) resuming the importation of Iraqi-origin petroleum and petroleum products would not be inconsistent with the national security and foreign policy interests of the United States.

SEC. 4. HUMANITARIAN INTERESTS.

It is the sense of the Senate that the President should make all appropriate efforts to ensure that the humanitarian needs of the

Iraqi people are not negatively affected by this Act, and should encourage through public, private, domestic and international means through the direct or indirect sale, donation or other transfer to appropriate non-governmental health and humanitarian organizations and individuals within Iraq of food, medicine and other humanitarian products.

SEC. 5. DEFINITIONS.

(a) "661 Committee." The term 661 Committee means the Security Council Committee established by UNSC Resolution 661, and persons acting for or on behalf of the Committee under its specific delegation of authority for the relevant matter or category of activity, including the overseers appointed by the UN Secretary-General to examine and approve agreements for purchases of petroleum and petroleum products from the Government of Iraq pursuant to UNSC Resolution 986.

(b) "UNSC Resolution 661." The term UNSC Resolution 661 means United Nations Security Council Resolution No. 661, adopted August 6, 1990, prohibiting certain transactions with respect to Iraq and Kuwait.

(c) "UNSC Resolution 687." The term UNSC Resolution 986 means United Nations Security Council Resolution 687, adopted April 3, 1991.

(d) "UNSC Resolution 986." The term UNSC Resolution 986 means United Nations Security Council Resolution 986, adopted April 14, 1995.

SEC. 6. EFFECTIVE DATE.

The prohibition on importation of Iraqi origin petroleum and petroleum products shall be effective 30 days after enactment of this Act.

SA 3072. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 523, between lines 16 and 17, insert the following:

SEC. 1704. CONSUMER ENERGY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the "Consumer Energy Commission".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be comprised of 11 members.

(2) APPOINTMENTS BY THE SENATE AND HOUSE.—The majority leader and minority leader of the Senate and the majority leader and minority leader of the House of Representatives shall each appoint 2 members—

(A) 1 of whom shall represent consumer groups focusing on energy issues; and

(B) 1 of whom shall represent the energy industry.

(3) APPOINTMENTS BY THE PRESIDENT.—The President shall appoint 1 member from each of—

(A) the Energy Information Administration;

(B) the Federal Energy Regulatory Commission; and

(C) the Federal Trade Commission.

(4) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(c) TERM.—A member shall be appointed for the life of the Commission.

(d) INITIAL MEETING.—Not later than 20 days after the date on which all members of

the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(f) INFORMATION AND ADMINISTRATIVE EXPENSES.—The Federal agencies specified in subsection (b)(3) shall provide the Commission such information as the Commission requires, and pay such administrative expenses as the Commission incurs, in carrying out this section.

(g) DUTIES.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a nationwide study of significant price spikes in major United States consumer energy products since 1990.

(B) ENERGY PRODUCTS.—The Commission shall study the prices of—

(i) electricity;

(ii) gasoline;

(iii) home heating oil;

(iv) natural gas; and

(v) propane.

(C) MATTERS TO BE STUDIED.—The study shall—

(i) focus on the causes of large fluctuations and sharp spikes in prices, including insufficient inventories, supply disruptions, refinery capacity limits, insufficient infrastructure, over-regulation or under-regulation, flawed deregulation, excessive consumption, over-reliance on foreign supplies, insufficient research and development of alternative energy sources, opportunistic behavior by energy companies, and abuse of market power; and

(ii) investigate market concentration, potential misuse of market power, and any other relevant market failures.

(2) REPORT.—Not later than 180 days after the date of the first meeting of the Commission, the Commission shall submit to Congress a report that contains—

(A) a detailed statement of the findings and conclusions of the Commission; and

(B) recommendations for legislation, administrative actions, and voluntary actions by industry and consumers to protect consumers (including individuals, families, and businesses) from future price spikes in consumer energy products.

SA 3073. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ CREDIT FOR WIND ENERGY PROPERTY INSTALLED IN RESIDENCES AND BUSINESSES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after section 30C the following new section:

"SEC. 30D. WIND ENERGY PROPERTY.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent (10 percent after December 31, 2011) of the amount paid or incurred by the taxpayer for qualified wind energy property placed in service or installed during such taxable year.

"(b) LIMITATION.—No credit shall be allowed under subsection (a) unless at least 50

percent of the energy produced annually by the qualified wind energy property is consumed on the site on which the property is placed in service or installed.

"(c) QUALIFIED WIND ENERGY PROPERTY.—For purposes of this section, the term 'qualified wind energy property' means a qualifying wind turbine if—

"(1) in the case of an individual, the property is installed on or in connection with a dwelling unit which is located in the United States and which is owned and used as the taxpayer's principal residence,

"(2) the original use of which commences with the taxpayer, and

"(3) the property carries at least a 5-year limited warranty covering defects in design, material, or workmanship, and, for property that is not installed by the taxpayer, at least a 5-year limited warranty covering defects in installation.

"(d) OTHER DEFINITIONS.—For purposes of this section—

"(1) QUALIFYING WIND TURBINE.—The term 'qualifying wind turbine' means a wind turbine of 75 kilowatts of rated capacity or less which meets the latest performance rating standards published by the American Wind Energy Association or the International Electrotechnical Commission and which is used to generate electricity.

"(2) PRINCIPAL RESIDENCE.—The term 'principal residence' shall have the same meaning as when used in section 121.

"(e) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this part (other than under this section and subpart C thereof, relating to refundable credits) and section 1397E.

"(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(f) SPECIAL RULES.—For purposes of this section—

"(1) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216(b)(2)) in a cooperative housing corporation (as defined in section 216(b)(1)), such individual shall be treated as having paid his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures paid or incurred for qualified wind energy property by such corporation, and such credit shall be allocated appropriately to such individual.

"(2) CONDOMINIUMS.—

"(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having paid his proportionate share of expenditures paid or incurred for qualified wind energy property by such association, and such credit shall be allocated appropriately to such individual.

"(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of section 528(c)(2) with respect to a condominium project of which substantially all of the units are used by individuals as residences.

"(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to a

residence or other property, the basis of such residence or other property shall be reduced by the amount of the credit so allowed.

“(h) APPLICATION OF CREDIT.—The credit allowed under this section shall apply to property placed in service or installed after December 31, 2001.”.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 1016 (relating to general rule for adjustments to basis), as amended by this Act, is amended by striking “and” at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting “, and”, and by adding at the end the following new paragraph:

“(36) in the case of a residence or other property with respect to which a credit was allowed under section 30D, to the extent provided in section 30D(g).”.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30C the following new item:

“Sec. 30D. Wind energy property.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service or installed after December 31, 2001, in taxable years ending after such date.

SA 3074. Mr. DURBIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 403, between lines 12 and 13, insert the following:

SEC. 12. CONSERVE BY BICYCLING PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PROGRAM.—The term “program” means the Conserve by Bicycling Program established by subsection (b).

(2) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(b) ESTABLISHMENT.—There is established within the National Highway Traffic Safety Administration a program to be known as the “Conserve by Bicycling Program”.

(c) PROJECTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall establish up to 10 pilot projects, subject to appropriations that are—

(A) dispersed geographically throughout the United States; and

(B) designed to conserve energy resources by encouraging the use of bicycles in place of motor vehicles.

(2) REQUIREMENTS.—A pilot project described in paragraph (1) shall—

(A) use education and marketing to convert motor vehicle trips to bicycle trips;

(B) document project results and energy savings (in estimated units of energy conserved);

(C) facilitate partnerships among interested parties in at least 2 of the fields of—

(i) transportation;

(ii) law enforcement;

(iii) education;

(iv) public health;

(v) environment; and

(vi) energy;

(D) maximize bicycle facility investments;

(E) demonstrate methods that may be used in other regions of the United States; and

(F) facilitate the continuation of ongoing programs that are sustained by local resources.

(3) COST SHARING.—At least 20 percent of the cost of each pilot project described in paragraph (1) shall be provided from State or local sources.

(d) REPORT.—On completion of the program, the Secretary shall submit to Congress a report that describes the results of the program.

(e) ENERGY AND BICYCLING RESEARCH STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall conduct and submit to Congress a report on, a study on the feasibility of converting motor vehicle trips to bicycle trips.

(2) COMPONENTS.—The study shall—

(A) determine the type and duration of motor vehicle trips that people in the United States may feasibly make by bicycle, taking into consideration factors such as—

(i) weather;

(ii) land use and traffic patterns;

(iii) the carrying capacity of bicycles; and

(iv) bicycle infrastructure;

(B) determine any energy savings that would result from the conversion of motor vehicle trips to bicycle trips;

(C) include a cost-benefit analysis of bicycle infrastructure investments; and

(D) include a description of any factors that would encourage more motor vehicle trips to be replaced with bicycle trips.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$6,050,000, of which—

(1) \$5,000,000 shall be used to carry out pilot projects described in subsection (c);

(2) \$300,000 shall be used by the Secretary to coordinate, publicize, and disseminate the results of the program; and

(3) \$750,000 shall be used to carry out subsection (e).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 21, 2002, at 10 a.m., to conduct an oversight hearing on “Accounting and Investor Protection Issues Raised by Enron and Other Public Companies.”

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 21, 2002, at 9:30 a.m. on airport capacity expansion plans in the Chicago area.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 21, 2002, at 9:30 a.m., to consider the nomination of Randal K. Quarles,

to be Assistant Secretary for International Affairs of the U.S. Department of Treasury.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 21, 2002, at 10 a.m., to hear testimony on “Corporate Tax Shelters: Looking Under the Roof.”

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on “IDEA: What’s Good For Kids? What Works For Schools?” during the session of the Senate on Thursday, March 21, 2002, at 10 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on “IDEA: What’s Good For Kids? What Works For Schools?” during the session of the Senate on Thursday, March 21, 2002, at 10:30 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, March 21, 2002, at 9:45 a.m., in Room 485 of the Russell Senate Office Building to conduct a business meeting to be followed immediately by a hearing on S. 958, a bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, and 326-K.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Reforming the FBI in the 21st Century: Lessons From the Oklahoma City Bombing Case” on Thursday, March 21, 2002, in Dirksen Room 106 at 9:30 a.m.

Witness list

Panel I: Glenn A. Fine, Inspector General, Department of Justice, Washington, DC;

Panel II: Robert Chiradio, Executive Assistant Director for Administration, Federal Bureau of Investigations, Department of Justice, Washington, DC; Bob Dies, Chief Technology Officer, Federal Bureau of Investigations, Department of Justice, Washington, DC; Bill Hooten, Assistant Director for