

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2000.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2002, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2003, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3078. 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.

SA 3079. Mr. REID (for himself and Mr. CRAPO) proposed an amendment to amendment SA 2989 proposed by Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. CORZINE) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3080. Mr. GRAHAM 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 3081. Mr. REID proposed an amendment to amendment SA 2989 proposed by Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. CORZINE) to the amendment SA 2917 proposed by Mr.

DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

TEXT OF AMENDMENTS

SA 3078. 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 3079. Mr. REID (for himself, and Mr. CRAPO) proposed an amendment to amendment SA 2989 proposed by Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. CORZINE) 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:

In lieu of the matter proposed to be added, add the following:

DIVISION —MISCELLANEOUS

TITLE I—ENERGY DERIVATIVES

SEC. —. 1. JURISDICTION OF THE COMMODITY FUTURES TRADING COMMISSION OVER ENERGY TRADING MARKETS.

(a) FERC LIAISON.—Section 2(a)(8) of the Commodity Exchange Act (7 U.S.C. 2(a)(8)) is amended by adding at the end the following:

“(C) FERC LIAISON.—The Commission shall, in cooperation with the Federal Energy Regulatory Commission, maintain a liaison between the Commission and the Federal Energy Regulatory Commission.”

(b) EXEMPT TRANSACTIONS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) in subsection (h)—

(A) in paragraph (5)(B)(i)—

(i) in subclause (I), by striking “or” at the end;

(ii) in subclause (II), by adding “or” at the end; and

(iii) by adding at the end the following:

“(III) make available to the public on a daily basis information on volume, settlement price, open interest, and opening and closing ranges, and any other information that the Commission determines to be appropriate for public disclosure, except that the Commission may not—

“(aa) require the real time publication of proprietary information; or

“(bb) prohibit the commercial sale of real time proprietary information;” and

(B) by adding at the end the following:

“(7) APPLICABILITY.—This subsection does not apply to an agreement, contract, or transaction in an exempt energy commodity described in section 2(j)(1).

“(8) RECORDKEEPING BY ELIGIBLE CONTRACT PARTICIPANTS.—On request of the Commission made within 5 years after the date of any transaction, an eligible contract participant that trades on an electronic trading facility shall provide to the Commission, within the time period specified in the request and in such form and manner as the Commission may specify, any information relating to the transactions of the eligible contract participant on the facility or system that the Commission determines to be appropriate.”; and

(2) by adding at the end the following:

“(j) EXEMPT TRANSACTIONS.—

“(1) TRANSACTIONS IN EXEMPT ENERGY COMMODITIES.—An agreement, contract, or transaction (including a transaction described in section 2(g)) in an exempt energy commodity shall be subject to—

“(A) sections 4b, 4c(b), 4o, and 5b;

“(B) subsections (c) and (d) of section 6 and sections 6c, 6d, and 8a, to the extent that those provisions—

“(i) provide for the enforcement of the requirements specified in this subsection; and

“(ii) prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market;

“(C) sections 6c, 6d, 8a, and 9(a)(2), to the extent that those provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market;

“(D) section 12(e)(2); and

“(E) section 22(a)(4).

“(2) BILATERAL DEALER MARKETS.—

“(A) IN GENERAL.—Except as provided in paragraph (6), a person or group of persons that constitutes, maintains, administers, or provides a physical or electronic facility or system in which a person or group of persons has the ability to offer, execute, trade, or confirm the execution of an agreement, contract, or transaction (including a transaction described in section 2(g)) (other than an agreement, contract, or transaction in an excluded commodity), by making or accepting the bids and offers of 1 or more participants on the facility or system (including facilities or systems described in clauses (i) and (iii) of section 1a(33)(B)), may offer or may allow participants in the facility or system to enter into, enter into, or confirm the execution of any agreement, contract, or transaction under paragraph (1) (other than an agreement, contract, or transaction in an excluded commodity) only if the person or group of persons meets the requirement of subparagraph (B).

“(B) REQUIREMENT.—The requirement of this subparagraph is that a person or group of persons described in subparagraph (A) shall—

“(i) provide notice to the Commission in such form as the Commission may specify by rule or regulation;

“(ii) file with the Commission any reports (including large trader position reports) that the Commission requires by rule or regulation;

“(iii) maintain sufficient capital, commensurate with the risk associated with the transaction, as determined by the Commission;

“(iv)(I) consistent with section 4i, maintain books and records relating to each transaction in such form as the Commission

may specify for a period of 5 years after the date of the transaction; and

“(II) make those books and records available to representatives of the Commission and the Department of Justice for inspection for a period of 5 years after the date of each transaction; and

“(v) make available to the public on a daily basis information on volume, settlement price, open interest, and opening and closing ranges, and any other information that the Commission determines to be appropriate for public disclosure, except that the Commission may not—

“(I) require the real time publication of proprietary information; or

“(II) prohibit the commercial sale of real time proprietary information.

“(3) REPORTING REQUIREMENTS.—On request of the Commission made within 5 years after the date of any transaction, an eligible contract participant that trades on a facility or system described in paragraph (2)(A) shall provide to the Commission, within the time period specified in the request and in such form and manner as the Commission may specify, any information relating to the transactions of the eligible contract participant on the facility or system that the Commission determines to be appropriate.

“(4) TRANSACTIONS EXEMPTED BY COMMISSION ACTION.—Any agreement, contract, or transaction described in paragraph (1) (other than an agreement, contract, or transaction in an excluded commodity) that would otherwise be exempted by the Commission under section 4(c) shall be subject to—

“(A) sections 4b, 4c(b), 4o, and 5b; and

“(B) subsections (c) and (d) of section 6 and sections 6c, 6d, 8a, and 9(a)(2), to the extent that those provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market.

“(5) NO EFFECT ON OTHER FERC AUTHORITY.—This subsection does not affect the authority of the Federal Energy Regulatory Commission to regulate transactions under the Federal Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C 717 et seq.).

“(6) APPLICABILITY.—This subsection does not apply to—

“(A) a designated contract market regulated under section 5; or

“(B) a registered derivatives transaction execution facility regulated under section 5a.”

(C) CONTRACTS DESIGNED TO DEFRAUD OR MISLEAD.—Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended by striking subsection (a) and inserting the following:

“(a) PROHIBITION.—It shall be unlawful for any member of a registered entity, or for any correspondent, agent, or employee of any member, in or in connection with any order to make, or the making of, any contract of sale of any commodity in interstate commerce, made, or to be made on or subject to the rules of any registered entity, or for any person, in or in connection with any order to make, or the making of, any agreement, transaction, or contract in a commodity subject to this Act—

“(1) to cheat or defraud or attempt to cheat or defraud any person;

“(2) willfully to make or cause to be made to any person any false report or statement, or willfully to enter or cause to be entered any false record;

“(3) willfully to deceive or attempt to deceive any person by any means; or

“(4) to bucket the order, or to fill the order by offset against the order of any person, or willfully, knowingly, and without the prior consent of any person to become the buyer in respect to any selling order of any person, or

to become the seller in respect to any buying order of any person.”

(d) CONFORMING AMENDMENTS.—The Commodity Exchange Act is amended—

(1) in section 2 (7 U.S.C. 2)—

(A) in subsection (h)—

(i) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (7)”; and

(ii) in paragraph (3), by striking “paragraph (4)” and inserting “paragraphs (4) and (7)”; and

(B) in subsection (i)(1)(A), by striking “section 2(h) or 4(c)” and inserting “subsection (h) or (j) or section 4(c)”; and

(2) in section 4i (7 U.S.C. 6i)—

(A) by striking “any contract market or” and inserting “any contract market.”; and

(B) by inserting “, or pursuant to an exemption under section 4(c)” after “transaction execution facility”;

(3) in section 5a(g)(1) (7 U.S.C. 7a(g)(1)), by striking “section 2(h)” and inserting “subsection (h) or (j) of section 2”; and

(4) in section 5b (7 U.S.C. 7a-1)—

(A) in subsection (a)(1), by striking “2(h) or” and inserting “2(h), 2(j), or”; and

(B) in subsection (b), by striking “2(h) or” and inserting “2(h), 2(j), and”; and

(5) in section 12(e)(2)(B) (7 U.S.C. 16(e)(2)(B)), by striking “section 2(h) or 4(c)” and inserting “subsection (h) or (j) of section 2 or section 4(c)”.

SEC. 2. RECRUITMENT AND RETENTION OF QUALIFIED PERSONNEL AT THE COMMODITY FUTURES TRADING COMMISSION.

(a) IN GENERAL.—Section 2(a)(6) of the Commodity Exchange Act (7 U.S.C. 2(a)(6)) is amended by adding at the end the following:

“(G) PERSONNEL MATTERS.—

“(i) IN GENERAL.—The Chairman may appoint and fix the compensation of any officers, attorneys, economists, examiners, and other employees that are necessary in the execution of the duties of the Commission.

“(ii) COMPENSATION.—

“(I) IN GENERAL.—Rates of basic pay for all employees of the Commission may be set and adjusted by the Chairman without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

“(II) ADDITIONAL COMPENSATION.—The Chairman may provide additional compensation and benefits to employees of the Chairman if the same type and amount of compensation or benefits are provided, or are authorized to be provided, by any other Federal agency specified in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

“(III) COMPARABILITY.—In setting and adjusting the total amount of compensation and benefits for employees under this subparagraph, the Chairman shall consult with, and seek to maintain comparability with, any other Federal agency specified in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).”

(b) CONFORMING AMENDMENTS.—

(1) Section 3132(a)(1) of title 5, United States Code, is amended—

(A) in subparagraph (C), by striking “or”; and

(B) in subparagraph (D), by adding “or” at the end; and

(C) by adding at the end the following:

“(E) the Commodity Futures Trading Commission.”

(2) Section 5316 of title 5, United States Code, is amended—

(A) by striking “General Counsel, Commodity Futures Trading Commission.”; and

(B) by striking “Executive Director, Commodity Futures Trading Commission.”

(3) Section 5373(a) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking “or” at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) section 2(a)(6)(G) of the Commodity Exchange Act.”

(4) Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended by inserting “the Commodity Futures Trading Commission,” after “the Farm Credit Administration.”

SEC. 3. JURISDICTION OF THE FEDERAL ENERGY REGULATORY COMMISSION OVER ENERGY TRADING MARKETS.

Section 402 of the Department of Energy Organization Act (42 U.S.C. 7172) is amended by adding at the end the following:

“(i) JURISDICTION OVER DERIVATIVES TRANSACTIONS.—

“(1) IN GENERAL.—To the extent that the Commission determines that any contract that comes before the Commission is not under the jurisdiction of the Commission, the Commission shall refer the contract to the appropriate Federal agency.

“(2) MEETINGS.—A designee of the Commission shall meet quarterly with a designee of the Commodity Futures Trading Commission, the Securities Exchange Commission, the Federal Trade Commission, and the Federal Reserve Board to discuss—

“(A) conditions and events in energy trading markets; and

“(B) any changes in Federal law (including regulations) that may be appropriate to regulate energy trading markets.

“(3) LIAISON.—The Commission shall, in cooperation with the Commodity Futures Trading Commission, maintain a liaison between the Commission and the Commodity Futures Trading Commission.”

SA 3080. Mr. GRAHAM 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 1(3) and replace with:
“(3) ELIGIBLE RENEWABLE ENERGY RESOURCE.—The term ‘renewable energy resource’ means solar, wind, ocean, or geothermal energy, biomass, landfill gas, a generation offset, or incremental hydropower.”

SA 3081. Mr. REID proposed an amendment to amendment SA 2989 proposed by Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, 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:

In lieu of the matter proposed to be added, add the following:

DIVISION — MISCELLANEOUS

TITLE I—ENERGY DERIVATIVES

SEC. 1. JURISDICTION OF THE COMMODITY FUTURES TRADING COMMISSION OVER ENERGY TRADING MARKETS.

(a) FERC LIAISON.—Section 2(a)(8) of the Commodity Exchange Act (7 U.S.C. 2(a)(8)) is amended by adding at the end the following:

“(C) FERC LIAISON.—The Commission shall, in cooperation with the Federal Energy Regulatory Commission, maintain a liaison between the Commission and the Federal Energy Regulatory Commission.”

(b) EXEMPT TRANSACTIONS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) in subsection (h), by adding at the end the following:

“(7) APPLICABILITY.—This subsection does not apply to an agreement, contract, or transaction in an exempt energy commodity described in section 2(j)(1).”; and

(2) by adding at the end the following:

“(j) EXEMPT TRANSACTIONS.—

“(1) TRANSACTIONS IN EXEMPT ENERGY COMMODITIES.—An agreement, contract, or transaction (including a transaction described in section 2(g)) in an exempt energy commodity shall be subject to—

“(A) sections 4b, 4c(b), 4o, and 5b;

“(B) subsections (c) and (d) of section 6 and sections 6c, 6d, and 8a, to the extent that those provisions—

“(i) provide for the enforcement of the requirements specified in this subsection; and

“(ii) prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market;

“(C) sections 6c, 6d, 8a, and 9(a)(2), to the extent that those provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market;

“(D) section 12(e)(2); and

“(E) section 22(a)(4).

“(2) BILATERAL DEALER MARKETS.—

“(A) IN GENERAL.—Except as provided in paragraph (6), a person or group of persons that constitutes, maintains, administers, or provides a physical or electronic facility or system in which a person or group of persons has the ability to offer, execute, trade, or confirm the execution of an agreement, contract, or transaction (including a transaction described in section 2(g)) (other than an agreement, contract, or transaction in an excluded commodity), by making or accepting the bids and offers of 1 or more participants on the facility or system (including facilities or systems described in clauses (i) and (iii) of section 1a(33)(B)), may offer or may allow participants in the facility or system to enter into, enter into, or confirm the execution of any agreement, contract, or transaction under paragraph (1) (other than an agreement, contract, or transaction in an excluded commodity) only if the person or group of persons meets the requirement of subparagraph (B).

“(B) REQUIREMENT.—The requirement of this subparagraph is that a person or group of persons described in subparagraph (A) shall—

“(i) provide notice to the Commission in such form as the Commission may specify by rule or regulation;

“(ii) file with the Commission any reports (including large trader position reports) that the Commission requires by rule or regulation;

“(iii) maintain sufficient capital, commensurate with the risk associated with the transaction, as determined by the Commission;

“(iv)(I) consistent with section 4i, maintain books and records relating to each transaction in such form as the Commission may specify for a period of 5 years after the date of the transaction; and

“(II) make those books and records available to representatives of the Commission and the Department of Justice for inspection for a period of 5 years after the date of each transaction; and

“(iv) make available to the public on a daily basis information on volume, settlement price, open interest, opening and closing ranges, and any other information that the Commission determines to be appropriate for public disclosure, except that the Commission may not—

“(I) require the real time publication of proprietary information; or

“(II) prohibit the commercial sale of real time proprietary information.

“(3) REPORTING REQUIREMENTS.—On request of the Commission, an eligible contract participant that trades on a facility or system described in paragraph (2)(A) shall provide to the Commission, within the time period specified in the request and in such form and manner as the Commission may specify, any information relating to the transactions of the eligible contract participant on the facility or system within 5 years after the date of any transaction that the Commission determines to be appropriate.

“(4) TRANSACTIONS EXEMPTED BY COMMISSION ACTION.—Any agreement, contract, or transaction described in paragraph (1) (other than an agreement, contract, or transaction in an excluded commodity) that would otherwise be exempted by the Commission under section 4(c) shall be subject to—

“(A) sections 4b, 4c(b), 4o, and 5b; and

“(B) subsections (c) and (d) of section 6 and sections 6c, 6d, 8a, and 9(a)(2), to the extent that those provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market.

“(5) NO EFFECT ON OTHER FERC AUTHORITY.—This subsection does not affect the authority of the Federal Energy Regulatory Commission to regulate transactions under the Federal Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C. 717 et seq.).

“(6) APPLICABILITY.—This subsection does not apply to—

“(A) a designated contract market regulated under section 5; or

“(B) a registered derivatives transaction execution facility regulated under section 5a.”

(c) CONTRACTS DESIGNED TO DEFAUD OR MISLEAD.—Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended by striking subsection (a) and inserting the following:

“(a) PROHIBITION.—It shall be unlawful for any member of a registered entity, or for any correspondent, agent, or employee of any member, in or in connection with any order to make, or the making of, any contract of sale of any commodity in interstate commerce, made, or to be made on or subject to the rules of any registered entity, or for any person, in or in connection with any order to make, or the making of, any agreement, transaction, or contract in a commodity subject to this Act—

“(1) to cheat or defraud or attempt to cheat or defraud any person;

“(2) willfully to make or cause to be made to any person any false report or statement, or willfully to enter or cause to be entered any false record;

“(3) willfully to deceive or attempt to deceive any person by any means; or

“(4) to bucket the order, or to fill the order by offset against the order of any person, or willfully, knowingly, and without the prior consent of any person to become the buyer in respect to any selling order of any person, or to become the seller in respect to any buying order of any person.”

(d) CONFORMING AMENDMENTS.—The Commodity Exchange Act is amended—

(1) in section 2 (7 U.S.C. 2)—

(A) in subsection (h)—

(i) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (7)”; and

(ii) in paragraph (3), by striking “paragraph (4)” and inserting “paragraphs (4) and (7)”; and

(B) in subsection (i)(1)(A), by striking “section 2(h) or 4(c)” and inserting “subsection (h) or (j) or section 4(c)”; and

(2) in section 4i (7 U.S.C. 6i)—

(A) by striking “any contract market or” and inserting “any contract market.”; and

(B) by inserting “, or pursuant to an exemption under section 4(c)” after “transaction execution facility”; and

(3) in section 5a(g)(1) (7 U.S.C. 7a(g)(1)), by striking “section 2(h)” and inserting “subsection (h) or (j) of section 2”; and

(4) in section 5b (7 U.S.C. 7a-1)—

(A) in subsection (a)(1), by striking “2(h) or” and inserting “2(h), 2(j), or”; and

(B) in subsection (b), by striking “2(h) or” and inserting “2(h), 2(j), or”; and

(5) in section 12(e)(2)(B) (7 U.S.C. 16(e)(2)(B)), by striking “section 2(h) or 4(c)” and inserting “subsection (h) or (j) of section 2 or section 4(c)”.

SEC. 2. RECRUITMENT AND RETENTION OF QUALIFIED PERSONNEL AT THE COMMODITY FUTURES TRADING COMMISSION.

(a) IN GENERAL.—Section 2(a)(6) of the Commodity Exchange Act (7 U.S.C. 2(a)(6)) is amended by adding at the end the following:

“(G) PERSONNEL MATTERS.—

“(i) IN GENERAL.—The Chairman may appoint and fix the compensation of any officers, attorneys, economists, examiners, and other employees that are necessary in the execution of the duties of the Commission.

“(ii) COMPENSATION.—

“(I) IN GENERAL.—Rates of basic pay for all employees of the Commission may be set and adjusted by the Chairman without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

“(II) ADDITIONAL COMPENSATION.—The Chairman may provide additional compensation and benefits to employees of the Chairman if the same type and amount of compensation or benefits are provided, or are authorized to be provided, by any other Federal agency specified in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

“(III) COMPARABILITY.—In setting and adjusting the total amount of compensation and benefits for employees under this subparagraph, the Chairman shall consult with, and seek to maintain comparability with, any other Federal agency specified in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).”

(b) CONFORMING AMENDMENTS.—

(1) Section 3132(a)(1) of title 5, United States Code, is amended—

(A) in subparagraph (C), by striking “or”; and

(B) in subparagraph (D), by adding “or” at the end; and

(C) by adding at the end the following:

“(E) the Commodity Futures Trading Commission.”

(2) Section 5316 of title 5, United States Code, is amended—

(A) by striking “General Counsel, Commodity Futures Trading Commission.”; and

(B) by striking “Executive Director, Commodity Futures Trading Commission.”

(3) Section 5373(a) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking “or” at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) section 2(a)(6)(G) of the Commodity Exchange Act.”.

(4) Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended by inserting “the Commodity Futures Trading Commission,” after “the Farm Credit Administration.”.

SEC. 3. JURISDICTION OF THE FEDERAL ENERGY REGULATORY COMMISSION OVER ENERGY TRADING MARKETS.

Section 402 of the Department of Energy Organization Act (42 U.S.C. 7172) is amended by adding at the end the following:

“(i) JURISDICTION OVER DERIVATIVES TRANSACTIONS.—

“(1) IN GENERAL.—To the extent that the Commission determines that any contract that comes before the Commission is not under the jurisdiction of the Commission, the Commission shall refer the contract to the appropriate Federal agency.

“(2) MEETINGS.—A designee of the Commission shall meet quarterly with a designee of the Commodity Futures Trading Commission, the Securities Exchange Commission, the Federal Trade Commission, and the Federal Reserve Board to discuss—

“(A) conditions and events in energy trading markets; and

“(B) any changes in Federal law (including regulations) that may be appropriate to regulate energy trading markets.

“(3) LIAISON.—The Commission shall, in cooperation with the Commodity Futures Trading Commission, maintain a liaison between the Commission and the Commodity Futures Trading Commission.”.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the subcommittee on National Parks of the Committee on Energy and Natural Resource.

The hearing will take place on Thursday, April 18, 2002, at 3 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 1441, to establish the Oil Region National Heritage Area;

S. 1526, to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes.

S. 1638, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes;

S. 1809 and H.R. 1776, to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas;

S. 1939, to establish the Great Basin National Heritage Area, Nevada and Utah; and

S. 2033 and H.R. 4004, to authorize appropriations for the John H. Chafee Blackstone River Valley Heritage Corridor in Massachusetts and Rhode Island, and for other purposes.

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

For further information, please contact David Brooks of the committee staff at (202-224-9863).

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 107-3

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 8, 2002, by the President of the United States:

Treaty with India on Mutual Legal Assistance in Criminal Matters (Treaty Document No. 107-3).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations, and ordered to be printed; and that the President’s message be printed in the RECORD.

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

The President’s message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of the Republic of India on Mutual Legal Assistance in Criminal Matters, signed at New Delhi on October 17, 2001. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties that the United States has concluded or is negotiating in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the investigation and prosecution of a wide variety of modern crimes, including terrorism-related crimes, drug trafficking, and “white collar” crimes. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters and related proceedings. Mutual assistance available under the Treaty includes: (1) taking the testimony or statements of persons; (2) providing documents, records, and items of evidence; (3) locating or identifying persons or items; (4) serving documents; (5) transferring persons in custody for testimony or other purposes; (6) executing requests for searches and seizures; (7) assisting in proceedings relating to seizure and forfeiture of assets,

restitution, and collection of fines; and (8) rendering any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

GEORGE BUSH.
THE WHITE HOUSE, April 8, 2002.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 726.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the nomination.

The legislative clerk read the nomination of Melanie Sabelhaus, of Maryland, to be Deputy Administrator of the Small Business Administration.

Mr. REID. Mr. President, I ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate’s action, that any statements appear at the appropriate place in the RECORD as though read, and the Senate return to legislative session, without any intervening action or debate.

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

The nomination was considered and confirmed as follows:

SMALL BUSINESS ADMINISTRATION

Melanie Sabelhaus, of Maryland, to be Deputy Administrator of the Small Business Administration.

ORDERS FOR TUESDAY, APRIL 9, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Tuesday, April 9; that following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees; that at 11 a.m., the Senate resume consideration of the energy reform bill; further, that the Senate recess from 12:30 to 2:15 tomorrow for the weekly party conferences.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that