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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

The PRESIDING OFFICER. Today's prayer will be offered by the guest Chaplain, Dr. Hayes Wicker, Jr., of the First Baptist Church, Naples, FL.

PRAYER

The guest Chaplain, Dr. Hayes Wicker, Jr., offered the following prayer:

Lord, we praise You as supreme sovereign; from You, through You, and to You are all things. By You we were created; in You we trust; in Your word we hope. We humble ourselves today and, Lord, we ask that You would forgive us for the pride of thinking that we are self-made. Forgive us when we desire justice on earth but not in eternity. It's not easy to live right side up in an upside down world. Help those on both sides of the aisle in the Senate to be on the Lord's side and not to be neutral with national or personal evil. Father, steel our wills to do righteousness, to defend those who cannot defend themselves, and to pursue justice for all.

God, bless America and shed Your grace on us, not because we deserve it but because of Your mercy and because the world so desperately needs a lighthouse of truth. We thank You that recent horrific events that were meant for evil can be molded into good and, Lord, we ask that You would give protection, not mainly for our lifestyle but for Your glory, for liberty, and for our children and future generations.

Father, we pray for those who are mourning right now, but we thank You that they do not mourn as those who have no hope, and we do not remember as those who have no anchor.

Lord, we ask You right now to help these leaders to be faithful, to fight the good fight, to finish the course, and to keep the faith. Give us divine wisdom today and not just a human agenda. God bless our President with the smile of Your approval and the light of Your guidance. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 26, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, there will be 30 minutes of morning business equally divided between the two leaders today. We expect to consider the Military Construction Appropriations Act today. We have not yet received it from the House, but we understand it is on its way. The two managers of the bill, who have been working on the Defense authorization bill, are at the Pentagon now. We expect them to return shortly. They have some amendments they have cleared.

As the majority leader announced last night, it is not certain we will proceed with the Defense bill. We are trying very hard, before 2 p.m. today, to have a finite list of amendments. A couple of Members were unwilling to give us a list. As has been mentioned by the two managers of the bill, Senators LEVIN and WARNER, and the majority leader, Senator DASCHLE, this bill is very important.

We have a state of emergency in this country, and it will send a very bad message to the men and women we have in the service that we cannot pass a Defense bill today. So we are hopeful and confident those two Senators who have been unwilling to allow us to have a finite list of amendments will allow us to do that. If they do not, as the majority leader said, he will have no choice but to pull this bill.

We have the airline legislation we need to complete to make sure that passengers are safe. We have important legislation dealing with employees who are left without work as a result of the terrible tragedy in New York. We have to do that. We have 12 appropriations bills that have not been completed yet. We have a lot of work to do, and therefore we need to complete the Defense bill soon. If we have to wait, with no finite list of amendments when we come back, we probably will not be able to complete it, which will be a shame.

There will be rollcall votes through the morning, with the last one being at 2 p.m. today. There will be no rollcall votes on Thursday or Friday. The leader has indicated there will be a late vote Monday afternoon more than likely.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for up to 5 minutes each. Under the previous order, the majority leader or his designee is recognized to speak for up to 15 minutes. Under the previous order, the Republican leader or his designee is recognized to speak for up to 15 minutes.

The Senator from Maine.

Ms. COLLINS. Madam President, I ask unanimous consent that I be permitted to speak in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO MARY BERRY GERWIN

Ms. COLLINS. Madam President, as our Nation mourns the loss of thousands of our citizens in the terrorist attacks on America, many of us in Washington and in Maine also grieve the passing of a very special person who devoted her professional life to public service, Mary Berry Gerwin.

Mary was only 46 when she died on September 18, after a courageous 9-year battle with cancer. In her short time on Earth, however, Mary had a greater impact on public policy and on those of us who knew her than most people accomplish in lifetimes that last twice as long as hers.

I will share with my colleagues a little bit about Mary's remarkable career in public service. Most recently, Mary held the position of Deputy Assistant Secretary of Defense for Health Affairs. During her tenure at the Pentagon, she received the Outstanding Public Servant Award from then-Secretary of Defense Bill Cohen.

Among Mary's duties at the Pentagon were working with service members, retirees, and their families on a variety of health care issues. She traveled extensively to the Middle East, Korea, and Bosnia, to meet firsthand with service members to discuss health care and quality-of-life issues. She also visited refugee camps in Kosovo to help improve conditions there as well.

I came to know Mary when we worked closely together as staff members on the Senate Subcommittee on Oversight of Government Management from 1981 to 1987. The very first day I met her, I knew Mary was a star. She was extraordinarily bright, and no one ever worked harder or longer. Her work ethic was legendary. In fact, her longtime boss, former Senator and Secretary of Defense Bill Cohen, remarked of Mary that a raised eyebrow could send her back to her desk at 8 p.m. to work another 4 hours to midnight.

She was also a lot of fun, with an optimistic outlook and a quick wit that helped to sustain her through her lengthy illness. Mary succeeded me as the subcommittee staff director in early 1987. She then went on to serve as staff director of the Senate Special Committee on Aging when Senator Bill Cohen became its chairman.

During her years in the Senate, Mary contributed enormously to legislative accomplishments. She drafted significant bills, including the Social Security disability reform bill, landmark anti fraud and abuse legislation, nursing home, and long-term care Medicaid reforms, the Independent Counsel Act, the Ethics In Government Act amendments, and a major revision of the Clinical Laboratories Improvement Act, as well as procurement and information technology reforms. Mary was particularly proud of Aging Committee hearings in 1996 that led to increased funding for the National Institutes of Health for research on diseases such as Alzheimer's, Parkinson's, and spinal cord injuries.

Mary touched so many lives. Members of our Armed Forces and senior citizens who never had the pleasure of meeting Mary have better lives because of her work. But it is we who knew her personally who were truly pleased. Mary was kind and generous, not only to those of us who were her friend but to everyone she met or with whom she came in contact. Let me tell you one story.

Every day Mary would purchase her Washington Post from an elderly man. Her husband Ed used to chuckle that Mary was the only person in Washington who would spend $5 every day buying her newspaper.

Mary approached her illness with an abiding faith and remarkable courage and cheerfulness, even as she underwent excruciatingly painful treatments for her cancer. Whenever I called to check on her, she was remarkably upbeat and optimistic. She would quickly turn the conversation to what I or another friend was doing, rather than talking about the treatments she was undergoing.

I am reminded of Walter Mondale's tribute to one of our greatest Senators, Hubert Humphrey, shortly after Senator Humphrey's death. He said: Hubert taught us how to live and he taught us how to die. Mary, too, taught us how to live and how to die.

Mary's boss for two decades, former Secretary of Defense and Senator Bill Cohen, delivered an eloquent eulogy to Mary at her funeral mass on Sunday. I ask unanimous consent that his eulogy be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit No. 1.)

Ms. COLLINS. Our thoughts and prayers are with Mary's wonderful family, particularly her mother, her husband Ed, and her two daughters, Katie and Kristen. Katie worked as an intern in my office during this past summer and she is so like her mother—bright, cheerful, strong, and hard working. Mary's legacy is reflected in those terrific daughters, as well as in her professional career. I am so thankful to have had the opportunity to have been her friend.

EXHIBIT NO. 1

EULOGY BY WILLIAM S. COHEN OF MARY GERWIN, SEPTEMBER 22, 2001

We have all been overwhelmed and immobilized by grief in the days since the terrorist attacks last week. Grief has had the power to silence us, to bring us together, to rouse us to action. As we have gathered around television sets since September 11, staring mutely at the incomprehensible carnage and horror, we may have had some acquaintance with the victims or we have simply grieved for our nation and our fellow citizens.

Today is different. Today, we are truly taking note of a death in the family. A death in Mary's immediate family, of course, but also in the family of unique individuals I have been privileged to assemble and work with during years in Congress, the Pentagon, and beyond. This is a team of talented men and women who are bound together by many invisible threads, who have worked together, played together, sometimes fought together, and looked after each other for more than 25 years.

Mary's death has brought us here today, and we grieve and we are angry. Angry that she was so sick for so long, angry that she left us at such a ridiculously young age. But even in our anger and our grief, we celebrate her. Everyone in this room knew Mary as a colleague, an employee, a boss, a mother, a daughter, a sister, a wife, or a friend. I'd like to talk about the Mary I knew, the Mary all of us knew.

My friendship with Mary started 20 years age. I was a freshman senator, and she was a kid from Portland who had just gotten out of law school. She came to work for me and, unbeknownst to either of us, we started an adventure together that led to writing and changing major laws in this country, led to her visiting and working with US troops in Korea, Bosnia and Saudi Arabia, led to her working with refugee camps in Kosovo, and led to a friendship as well.

But it started for both of us in Maine. Mary didn't come from a well-to-do family. Neither did I. Mary lost her dad when she was just a baby, and her Mother worked at the railroad and raised four terrific kids on her own. Mary knew how real people in Maine worked and loved and struggled, and that knowledge made her very effective when she helped to write and rewrite the laws that affected their lives.

Mary and I had something else in common. We both started out as practicing lawyers. But not for long. We were both drawn to the greater possibilities of public service. Mary graduated cum laude from Georgetown Law and spent a very short and uninspiring few months at a law firm, which prompted her to look for work on the Hill. It was one of the luckiest things that could have happened to me.

It seemed there was nothing Mary couldn't do. She worked closely with a great team that included another remarkable young woman named Susan Collins, whose service as a United States Senator today makes us

all very proud. Together, this group ran a subcommittee that oversaw how government programs are run and tried to improve them. Later, Mary ran the staff of the Senate Aging Committee as well, working to improve the lives of older Americans.

Once I got to know Mary and her work habits, I used to joke with her that the Nuns must have really gotten to her in Catholic school—I had never seen anyone who would stay so late, work so hard, or be so easily made to feel guilty about leaving anything undone. A simple raised eyebrow could send her back to her desk until midnight.

A truly dedicated mother, Mary understood deeply the difficult balance between being a good parent and being a professional. But instead of complaining about it, she took action—helping to create the Senate Child Care Center so that her children and others could get the highest quality child care and pre-school education.

Because of Mary Gerwin and her energy and innate sense of fairness and compassion, here are some of the ways our country is different, and better:

—Disabled Americans live in greater dignity,

—The savings of older Americans are better protected from investment fraud,

—There is less fraud and abuse in the health care system,

—People who receive Medicaid and live in nursing homes are treated better,

—The government spends its contracting dollars more wisely, resulting in billions of dollars saved,

—More research money is spent fighting conditions such as Parkinson's Disease and spinal cord injuries.

There was another effort that Mary championed, and it is called the Independent Counsel Act. Not everyone loved this law. My old boss, President Clinton, really didn't love it. But we worked hard on it because the law said, in effect, no one is above the law, even the President. Mary Gerwin kept this law alive almost single-handedly. Many people, particularly in our own party, opposed this effort. Mary fought for it anyway, and she won.

When I went to the Pentagon, I asked Mary to come with me. She was the person I turned to health issues affecting our troops, and there were many such issues. She worked with me and with a deeply talented public servant, Rudy De Leon, who also became a good friend to Mary. She didn't just know the right answers—she found out from the troops what they needed.

Even in times when her illness was sapping her strength, she was traveling to Korea, to Bosnia, to Saudi Arabia to talk to our forces and find out how the Department of Defense could serve them better.

She came with Janet and me in 1999 for our annual holiday visit to the troops, which is a very arduous trip involving several countries in just a few days and in bad weather. But she wanted to go, and she brought great comfort to the many troops she spent time with.

After I left office, Secretary Rumsfeld asked Mary to stay on, and she worked well into June before she became too weary. She loved working with the troops. In this way, she was like the father she never knew, who was a Navy recruiter and loved helping young sailors with their problems.

I mention a sampling of Mary's accomplishments for a reason—to underscore the good that can be done in a life of public service. Mary's accomplishments would be extremely impressive if they were spread over a 50 year career. She had such a short time, and she did so much.

Her accomplishments would also be impressive if they were all she did. But she saved her best energy for being a wife and a mother, as well as a daughter and a sister.

You only have to spend a few minutes with Katie and Kristen to see what kind of mother Mary has been, as well as what kind of father Ed has been. Katie and Kristen are exemplary young women—apples who have not fallen very far from the tree. And Mary and Ed had one of the best marriages I knew of—supportive and positive and loving at all times, even the bad times.

It is remarkable to reflect on Mary's degree of professional accomplishment and personal success when we consider the inescapable fact that the last ten years of her life were spent fighting an awful illness. The pain and difficulty she endured is unimaginable to most of us. Many of us would have given into despair. Mary stayed positive and productive even in the worst of times. She hated to be thought of as sick. She hated for people to cut her any slack because of her illness.

It is tempting for us all to be angry and feel cheated about a life which ended so soon and had so much suffering in the last ten years. I knew Mary for 20 years, and I wish I had 20 more with her. But we know that we were lucky to know her at all. Rarely in life are we fortunate enough to appreciate the truly special people in our lives. Mary was someone you could count on. She touched all of our lives. She made us laugh, she astonished us with her bravery and devotion to God. There will never be a day that her smile, her love, and her courage will be far from our thoughts.

On September 11, a great many friends and colleagues of ours at the Pentagon, and many more we didn't know in New York, passed from this world to a better place. Last Tuesday, they were joined by a very special angel. Mary, we will miss you.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. WYDEN. Madam President, I ask unanimous consent that morning business be extended for an additional 15 minutes to accommodate my remarks this morning.

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

Mr. WYDEN. Thank you very much, Madam President. I know Senator FEINSTEIN is here. I intend to be brief this morning.

EMERGENCY TECHNOLOGY CORPS

Mr. WYDEN. Madam President, this morning I want to discuss a proposal which I think is important in light of the tragic events that unfolded on September 11, 2001.

As all of us now understand, the communications infrastructure in New York, Washington, DC, and indeed the whole country, was severely challenged that day. Wireless telephone networks were severely overloaded and crashed. Wireless Internet access was suspended. Telephone lines were cut, and communications for people literally in communities around the east coast of the United States came to a standstill. Even the immediate communication needs of rescue workers, victims, families, and aid groups were a huge struggle to coordinate. Survivors often couldn't let family members know they were safe, and families of victims had no immediate central clearinghouse to find information or file missing person reports.

The hospitals were inundated with searches, requests for help, and offers of aid but with no way to match them to each other. Even some of this country's premier aid organizations that have done such a marvelous job helping rescue workers, survivors, and victims' families faced immediate and severe challenges with respect to information technology infrastructure. The New York Times drew a conclusion with which I strongly agree. They said: There needs to be new ways to set up emergency information systems.

That is what I would like to propose this morning. It seems to me that what this country needs is essentially a technology equivalent of the National Guard, an emergency technology guard—I have been calling it in my mind Net Guard, or a national emergency technology guard—that in times of crisis would be in a position to mobilize the Nation's information technology, or IT, community to action quickly, just as the National Guard is ready to move during emergencies.

It seems to me that in our leading technology companies in this Nation there are the brains and the equipment to put in place net guard, or this information technology guard, that could be deployed in communities across the Nation when we face tragedies such as we saw in New York City.

A national volunteer organization of trained and well-coordinated units of information technology professionals from our leading technology companies ought to be in a position to stand at ready with the designated computer equipment, satellite dishes, wireless communicators, and other equipment to quickly recreate and repair compromised communications and technology infrastructure.

With congressional support, the leaders of our Nation's technology companies could organize themselves, sell their employees and their resource for this purpose. Medium- and small-sized businesses would be able to contribute once a national framework is put in place. Certainly the resources from the standpoint of the Federal level need not be extensive. Individuals could be designated from existing human resource programs of major and medium-sized firms and the technology professionals would be trained to perform specific tasks in the event of an emergency.

I intend to use the subcommittee that I chair of the full Commerce Committee that is chaired by Senator HOLLINGS to initiate a dialog among congressional, corporate, military, and nonprofit leaders to begin a new effort to mobilize information technology in times of crises.

As we seek to prevent future disasters, I believe that the technology professionals of this Nation in many of our leading companies—as most Americans—want to use their skills, their equipment, and their talents to answer this call and do their part.

I propose with a national emergency technology guard—what I call tech guard—that we give to the leading information technology professionals in this country a chance to use their ingenuity and creativity to ensure that there is greater safety and stability for our communities and our citizens in the coming days.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mr. BYRD. Madam President, will the distinguished Senator yield?

Mrs. FEINSTEIN. Absolutely.

Mr. BYRD. I assure her that if she wants the opportunity to proceed, I will resist in my remarks and take my chair.

Mrs. FEINSTEIN. Fine. Please proceed.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

Madam President, I ask unanimous consent that I may speak for not to exceed 40 minutes. I do so with the understanding, as I have already indicated, I will be very glad to suspend my remarks at any time the distinguished Senator from California wishes to take the floor.

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

SPACE WARS

Mr. BYRD. Madam President, during the August recess, The New York Times Magazine ran a cover story entitled ''The Coming Space War'' The article caught my interest, as I am sure that it intrigued many other readers. The author's contention is that the U.S. military is considering a campaign to achieve military superiority in space similar to the kind of military superiority that U.S. forces seek in the air, on land, and from the sky. Military superiority in space is deemed critical in order to protect our increasing dependence on satellites for communications, surveillance, commercial and military purposes. On August 24, President Bush named Air Force General Richard Myers, a former chief of the U.S. Space Command and of the North American Aerospace Defense Command, as the new Chairman of the Joint Chiefs of Staff. General Myers' selection as Chairman is in keeping with President Bush's strong support for building a national missile defense, NMD, the follow-on to President Reagan's Star Wars Strategic Defense Initiative, SDI.

It is certainly true that our dependence—and that of other developed and developing nations—on these winking, blinking objects winging through the night sky has increased exponentially over the last decade. It has rapidly become almost impossible to imagine a world without the Internet, the World Wide Web, electronic mail on handheld computers or cellular phones, automated teller machines, instantaneous worldwide credit card use, and other forms of global telecommunications and electronic commerce. This expansion and its dependence on satellite links will continue to increase in future decades. We are all dependent, and, therefore, we are all vulnerable, to the seamless and uninterrupted access to satellites. Most people, however, do not understand these technologies. I certainly do not. Like most people, I can understand that I may be vulnerable in ways that are new to me, a boy from the Mercer County hills in southern West Virginia. But how best to address this new vulnerability?

The author of The New York Times Magazine article describes three fundamentally different philosophical approaches to this brave new realm of space. The first is a military approach, which opens up a Pandora's box of weapons in space. The military, it is reported, has looked into the future and come to the conclusion that space represents the ''ultimate military 'high ground,' '' requiring the military to develop and deploy whatever technology is necessary to achieve what has been termed ''Global Battlespace Dominance,'' or ''Full Spectrum Dominance.'' The tools needed might include everything from National Missile Defense to antisatellite laser or high-powered microwave weapons, or clusters of microsatellites to hyperspectral surveillance satellites and other space sensors—or all of these things. Some of these systems are under development now or due for testing soon, according to the article, already undercutting the author's assertion that the weaponization of space is coming, when, in fact, it may already be upon us. Already—already—additional funding to the tune of $190 million is being sought in the defense authorization and appropriations bills for space weapons.

Now, if I, like most people, do not really understand the technologies behind satellite communications and cell phones, it is even harder to understand the technologies behind hyperspectral surveillance satellites or space-based lasers. And that lack of technical expertise means, like most Americans, I must depend on the Pentagon to explain why these new technologies are needed, why no other alternatives will work, and what new questions and challenges might be unleashed by these choices. That is not, I suggest, the best way to perform oversight, but, unfortunately, there are few good alternatives.

The second philosophical approach to space outlined by the author is that of the purist, seeking to unilaterally ban weapons from space and seeking to return the heavens to an earlier, unsullied era—an earlier unsullied era. This is not, in the author's view, a realistic hope. The final philosophical approach, the one seemingly favored by the author, is that of the ''pragmatist''—the ''pragmatist.'' This approach recognizes the inevitable migration of commerce and the military to space, but hopes to hold the line at surveillance. Weapons for space would, in this view, remain in the research and test phase, to be launched only in response to another nation's attempt to put weapons in space. This launch-on-warning approach would come in conjunction with further diplomatic efforts to establish operating rules for space modeled on those in place for blue-water ships on the open ocean.

In the pragmatist's scenario, existing space treaties would be retained: the 1967 Outer Space Treaty banning nuclear weapons in space and the 1972 Anti-Ballistic Missile Treaty which, in addition to establishing the surveillance system to avoid nuclear conflict, also forbids most antimissile testing. One way of reducing competition and tensions in space proposed in the article is by ''mutually assured awareness'' in space. The U.S. would develop and make globally available direct video access to space, so that anyone could confirm any hostile action in space, as opposed to mishaps from natural causes. I am not sure that this is technologically feasible, but who am I to question it. The concept of greater openness is the point. It is interesting, in this light, to note that the 1975 Convention on Registration of Objects Launched into Outer Space, operated by the United Nations, has not been very successful. In fact, the nation with the largest number, if not percentage, of unregistered payloads is the United States. The United States has failed to register 141 of some 2,000 satellite payloads. Only one nation is in full compliance—Russia. And, of course, it is the Bush Administration advocating the abrogation of the ABM Treaty in order to commence construction on the first National Missile Defense ground site in Alaska.

I cannot say at this point what philosophical camp that I might find myself. The author, Jack Hitt, closes his article by pointing out that if the United States is not successful at holding the line at surveillance, if we ''plan, test, and deploy aggressively as the lone superpower, we make certain that after a brief respite from the cold war's nuclear competition, we will once again embark on a fresh and costly arms race. And with it, assume the dark burden of policing a rapid evolution in battlespace.'' This specter rings true. It should concern us, and it should be debated by the people and the people's representatives. As it stands now, the U.S. military is moving ahead on a trajectory that is both costly and one that

carries with it a kind of philosophical imperialism with dangerous ramifications.

Now, what do I mean by philosophical imperialism? The military's plans for ''full spectrum dominance,'' and space superiority, if fully realized, would mean that in some not-so-distant future, the United States would be in a position to (in the words of the Air Force Strategic Master Plan) ''operate freely in space, deny the use of space to our adversaries, protect ourselves from an attack in and through space and develop and deploy a N[ational] M[issile] D[efense] capability.'' The U.S. would presumably, then, have information dominance in this arena as well. Thus, the U.S. would be in a position to know if a conflict between two nations, say India and Pakistan, was about to explode into open, even nuclear, warfare. The U.S. would also be in a position to act, but how? Would we shoot down the missiles from one side or the other, or both? If we shot down the missiles that each nation was firing at the other, what would happen if we missed one and it destroyed a city? What is our responsibility? What if we chose not to act because the conflict did not involve us, and tens of thousands or millions of innocent people died? What is our responsibility?

If the United States achieves, at enormous expense, space superiority, how could we avoid becoming the space marshal on this dangerous new frontier? If we detect a threat against a third party, do we warn the third party? If we provide a warning, and are asked to interdict the attack because only we can, how do we say no? How do we avoid making our military personnel and our commercial enterprises overseas the targets of reprisals from those whose attacks we thwart? It is difficult for me to envision a future in which we could avoid such an imperialist, if benevolent, dictatorship in space.

The role of global policeman and space marshal would not come cheaply, either, and in this period of shrinking or perhaps vanishing surpluses, we cannot ignore those costs. Space dominance would not replace air, land, or sea dominance, but would be additive. In fact, dominance in space might conceivably add to the cost of protecting forces on ground by making them targets for the kind of retaliation I mentioned previously. Gaining and maintaining a robust presence in space is technologically challenging. An airborne laser, reportedly operational sometime around 2010, is budgeted at $11 billion. It will cost still more to build and deploy a space-based laser. The estimated cost for a working space laser test is about $4 billion—that is $4 billion merely to get to a test of a laser in space. A test is expected as early as 2010.

The defense budget already consumes a bit over half of the domestic discretionary budget that Congress must allocate among programs ranging from health research to agriculture, education to highway and air traffic safety, environmental protection to diplomacy. How much more are we willing to trade between guns and butter? How much must we trade, or might alternatives be found in the course of free and open debate?

As most people are now well aware, those large budget surpluses so optimistically predicted just a few weeks ago—it is not funny—while the economy was booming—and so irresponsibly paid out in the form of vote-buying ''tax refunds'' before the actual surpluses materialized—are now gone, gone. Indeed, the Administration has had to employ a few green-eyeshade accounting tricks just to find a few dollars beyond the Social Security surplus to spend on other priorities. And the administration's No. 1 priority seems to be the defense budget—well, that might be all right—but more particularly, the defense budget for National Missile Defense and space weapons. The President wants an additional $39 billion for defense—more, perhaps, now—including more than $8 billion to research and test his missile defense plan.

I am troubled that this Administration's number one priority is a project whose scientific feasibility is in doubt. That is the problem.

We could very well be rushing down a path that leads to spiraling costs and lengthy delays. In the 1960s, Congress was told that research of a Super Sonic Transport plane was essential to U.S. competitiveness in future decades. I was here. We spent nearly a billion dollars developing this aircraft before cancelling it in 1973, a billion dollars then would be much larger now. I do not think we have lost one whit of competitiveness because of the cancellation of that program.

We traveled down the same path again when we considered funding the Superconducting Super Collider. The $8 billion program was supposed to fulfill a supposedly vital role in basic scientific research, but we learned that the true cost was nearly fifty percent greater than expected, and we were not even sure it could ever work. Congress had to step in to end this program in 1993. Again, I do not think that we have lost any crucial advantage by not going forward with that project.

I can think of no one who believes that a national missile defense system will be deployed on-time and under budget.

I am troubled, not because such weapons might be needed, but because we are spending huge sums on them without being sure in our own minds that the weaponization of space is the best course of action to ensure our security.

If the United States builds a missile shield to shoot down enemy missiles as soon after they launch as possible, a smart adversary would attempt to shorten the amount of time that our defenses have to react, in addition to taking measures to fool our defenses. One way to shorten the time between launch and impact is to launch closer to the target—either from a submarine offshore, or, as the seas become more transparent to new technologies, from space. Another alternative for a wily adversary would be to switch gears entirely and employ other forms of weapons of mass destruction, such as chemical or biological weapons, that could be dispersed without using long range or intercontinental missiles whose launch points make determining the adversary a simple exercise in geometry. We must be aware that our actions produce reactions.

We can assume that if the United States deploys weapons in space, even in a purely defensive posture, even in a global policeman role, not all of our friends, allies, and competitors will see this as benign. We have only to consider the reaction of the world to the recent statements by the Administration concerning National Missile Defense and the potential abrogation of the 1972 Anti-Ballistic Missile Treaty. Just what would we do when some other nation—friend or competitor—threatens our space superiority by deploying their own weapons there, even if for avowedly defensive purposes? Again the vision of a space marshal comes to mind, this time facing off another gunman down the dusty main street of space. Does the U.S. Marshal fire first, second, or is it a long, tense stand-off with weapons cocked? None of the alternatives sounds particularly promising.

Though it is difficult to conceive, would a military competition in space weaponry deter commercial satellite growth or the growth of e-business that depends on global satellite networked communications? Once weapons are in space, does the cost of doing business in space go up to the point that global commerce is stifled? That would be very bad news for business, for consumers, and for the prospects of returning our national budget to surplus or even to balance.

These are all ramifications of our current course of action that merit discussion—broad, open, public discussion and debate. I do not wish for the United States to be left undefended—far from it—but neither do I wish for the military to be left, in the face of public silence, to make decisions that spend our treasure and which may create new problems for us in arenas yet unconsidered.

In his farewell address on January 17, 1961, President Dwight D. Eisenhower looked upon the rising power and influence of armament producers and at the increasing share of technological research that is performed for the federal government. He warned the councils of government to ''guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex . . .,'' and to ''be alert to the . . . danger that public policy could itself become the captive of a scientific-technological elite.''

Mr. Eisenhower was concerned that, among other things, ''democracy . . . survive for all generations to come, not to become the insolvent phantom of tomorrow.'' He urged that ''[O]nly an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.''

Coming from a former supreme commander of the Allied military forces during World War II, President Eisenhower's words carry the weight of his experience. They are also uncomfortably prophetic. Just forty years after President Eisenhower gave his warning, President Bush proposes to invest many billions of dollars to achieve military superiority in a new realm, where there currently is no threat, jeopardizing the economic health of the nation and creating instability and mistrust in the hearts of other nations. This will occur unless the citizenry—and its elected representatives—we members of the House and U.S. Senate—especially us—consider and agree upon this course of action. Silence does not equal assent. We must talk, and learn, and consider.

Again, I am admittedly a layman when it comes to high-tech gadgetry on earth, let alone in space. But it seems to me that we must set aside the whizbang and drama of lasers and satellites to consider the real, age-old questions—those that have plagued the great generals throughout time. We should be taking stock of what we have to gain and what we have to lose by moving the lines of battle. We must consider whether or not we have the necessary weapons to protect ourselves and our land before we send our military into new and vastly different frontiers. We should assess the real, known threats to our Nation, and gauge whether we have the weapons and the resources to remain secure, and whether our time, talent, and treasure would be better spent fending off those most likely threats or devising new unproven plans of attack and fabulously expensive means of battle. And we should ponder the awesome responsibility of militarizing space and then being the world's space cop before we rush headlong into the twilight zone called national missile defense.

Madam President, I believe that it would be both wise and prudent to back off just a little bit on the accelerator that is driving us in a headlong and fiscally spendthrift rush to deploy a national missile defense and to invest billions into putting weapons in space and building weapons designed to act in space. That heavy foot on the accelerator is merely the stamp and roar of rhetoric. The threat does not justify the pace. Our budget projections cannot support the pace.

Let us continue to study the matter. Let us continue to conduct research. But the threat, as I say, does not justify the pace at which we are traveling. Our budget projections cannot support the pace, so let us slow down a bit, look at the map, and consider just where this path is taking us.

Madam President, I thank the distinguished Senator from California who is here prepared to manage the appropriations bill. She is waiting patiently.

I take this opportunity to congratulate her also for the excellent work she has done in preparing this legislation. It was moved through the full Committee on Appropriations yesterday. She is here today prepared to guide its way through this Senate. I thank her on behalf of the Senate and on behalf of the Nation for the service she has rendered and is rendering and will continue to give us.

I yield the floor.

Mr. DORGAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002

Mr. REID. Mr. President, I ask unanimous consent that the Appropriations Committee be discharged from further consideration of H.R. 2904, the Military Construction Appropriations bill, and that the Senate then proceed to its consideration; that immediately after the bill is reported, Senator FEINSTEIN be recognized to offer a substitute amendment, which is the text of S. 1460, the Senate committee reported bill; that the amendment be agreed to and considered as original text for the purpose of further amendment, and the motion to reconsider be laid upon the table; that the only other amendment be a managers' amendment; that the debate time on the bill and managers' amendment be limited to 40 minutes, equally divided and controlled in the usual form; that upon disposition of the managers' amendment, the motion to reconsider be laid upon the table; that the bill be read a third time, and the Senate vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I simply didn't hear what the assistant majority leader just said.

Mr. REID. I just basically said we are going to move to the military construction appropriations bill.

Mr. KYL. Was that the nature of the unanimous consent request?

Mr. REID. Yes.

Mr. President, I further ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote on passage of the bill, H.R. 2904, occur immediately, with the time for debate on the bill to occur following the vote.

The PRESIDING OFFICER. Under the order, the bill is discharged from the committee.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2904) making appropriations for military construction, and for other purposes.

Mrs. FEINSTEIN. Mr. President, I am very pleased to join with my ranking member, Senator HUTCHISON of Texas, to bring before the Senate the 2002 military construction appropriations bill and report. I point out that it is a bipartisan bill, it is carefully thought out, it is carefully balanced, and it is timely.

The bill provides $10.5 billion in new budget authority. This represents a 17.5-percent increase over the fiscal year 2001 funding level and a 5.3-percent increase over the President's budget request. The bill, as reported from the committee, meets the budgetary authority and outlay limits established in the subcommittee's 302(b) allocation.

This is a robust bill, but it is a carefully considered and carefully balanced bill. Our goal from the outset has been to address the highest priority military construction requirements, both at home and abroad. The final product is the balanced mix of readiness projects, barracks and family housing projects, quality-of-life programs, such as child development centers, and an array of Reserve component initiatives.

It is the military construction bill that funds the installations—the home ports and the home bases—of our troops and ships and aircraft. It is the military construction bill that builds the piers and hangars and maintenance shops and operational centers that ready our troops and equipment for deployment. It is this bill that builds the barracks and family housing and childcare centers and medical facilities that serve America's military troops and their families. This bill funds the infrastructure that provides the foundation for training and preparing our military to fight, and for housing their families when they are away.

Given the events of the past few weeks, and the events that we expect to unfold over the coming weeks and months, this bill could not be more timely. The bill was reported out of the full Appropriations Committee only

yesterday. We moved it to the floor today in acknowledgement of the pressures under which we are currently operating. Our men and women in uniform cannot afford any delay in getting these projects underway.

Although the bill exceeds the President's budget request, it barely scratches the surface of the enormous need for infrastructure improvements at our military installations throughout the world. It is not overstating the case to say that many of our men and women in uniform work in deplorable conditions at their installations and often have no choice but to live in houses and neighborhoods that are substandard and unsafe. We have a duty to provide better for the members of our military and their families, especially at a time when the President has ordered them to ''be ready'' for war.

Briefly, I wish to outline some of the pertinent statistics.

The bill provides $4.7 billion for military construction for active duty components and nearly $800 million for the Reserve components.

Total military construction funded in this bill represents a 30-percent increase over the fiscal year 2001 enacted level, and a 5.8-percent increase over the President's request.

A large part of this increase is due to the acceleration of our efforts to upgrade barracks for our troops. The military construction total includes $1.2 billion for barracks construction, a 72-percent increase over the amount appropriated in fiscal year 2001.

The bill also includes $4.1 billion for family housing, a 12.9-percent increase over fiscal year 2001. As you can see from these figures, barracks and family housing projects are among the highest priorities of the subcommittee, reflecting the importance of improving living conditions for our men and women in uniform.

I point out that all the projects the ranking member and I and the subcommittee and the committee recommended were thoroughly screened and vetted with the services. They meet the rigid criteria imposed by law and by the Senate Armed Services Committee. They are good projects and they are needed projects.

The money added in this bill for BRAC environmental cleanup will help the services to meet their most urgent requirements. But I wish to point out that it is going to take far more money and far more realistic budgeting—and I stress that because there has not been realistic budgeting in some of the services for cleanup of closed BRAC bases—to meet the long-range requirements imposed by the BRAC environmental remediation process.

Before I yield the floor, I once again thank the ranking member, my friend from Texas, Senator HUTCHISON. She and her staff on the Republican side have been extraordinarily cooperative. I wish to acknowledge that and express my delight in the way in which we have been able to work together.

I also thank the Appropriations Committee staff for their work on this bill. They have worked very hard, and I can certainly testify that Christina Evans and B.G. Wright of the majority staff, and Sid Ashworth and John Kem of the minority staff, and Matt Miller of my staff have just been tremendous.

I am very grateful for the cooperation that will make this unanimous vote possible. This is an important bill for our Nation and our military forces. I now defer to the distinguished ranking member from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I, too, thank the chairman of the Military Construction Subcommittee. Senator FEINSTEIN and I have a long-time friendship. We have been able to work in a bipartisan way to meet the needs of our military, and I appreciate so much the working relationship we have.

Congress addresses the needs of our military in two separate appropriations bills: Defense and military construction. The bill we will pass today is military construction.

I could not fail to begin without saying none of us anticipated that in September of 2001 our country would be in a war on terrorism, a war that we did not expect but which we are committed to win. We are reminded once again, as we have been in every century of our country's existence, that freedom is not free.

As our forefathers and mothers did before us, we will make all the sacrifices required to protect the freedom they delivered to us, and we will pass the torch to our children. America will remain the strongest nation in the history of the world.

I am pleased to recommend the military construction bill to the Senate. We have sought a balanced bill that addresses military construction requirements for readiness, family housing, barracks, and quality of life for the Active and Reserve components. I would like to make a couple of comments about overseas military construction.

We took a close look at the overseas construction priorities of the Department of Defense to ensure the projects are consistent with the long-range policies and plans of the Department of Defense. There are a few areas that are troubling that I want to bring to everyone's attention.

The United States maintains over 74 installations outside the United States. These installations subsume funding that in some cases could have been better used to maintain or improve our critical domestic base infrastructure and training capabilities. It is important that we continue to closely monitor the overseas funding plans of the Department of Defense.

In the fiscal year 2002 military construction bill, we did not fund three of the overseas projects in the budget submission that either could not be executed next year or are not mission essential. In a resource-constrained environment, these are the types of projects I cannot support. During conference, I expect to continue to closely scrutinize overseas construction.

I also note that this bill includes $192 million for military construction in Korea. United States forces have now served in Korea for over 50 years. The funding in this bill represents a continuing American commitment to our Korean allies. I hope that in the aftermath of the September 11 attack on America, our Korean allies will demonstrate a similar commitment as our Nation responds to that attack.

Finally, our close scrutiny and review of the overseas funding priorities will obviously continue next year based on the results of the ongoing Quadrennial Defense Review, as well as any necessary future military construction resulting from the attack on America on September 11, 2001.

This bill directs the Secretary of Defense to submit a report on the overseas basing requirements as a result of the Quadrennial Defense Review to the Congress no later than April 1, 2002. All the Members of Congress who have visited the men and women of the Armed Forces at our domestic and overseas installations are aware of the critical shortfalls in our defense infrastructure. This bill begins to address those shortfalls.

It improves our national security infrastructure and our ability to support the needs of our military families. This is especially vital at this important time as America comes together to fight terrorism. We will ask more of the men and women of our Armed Forces, and we cannot ask them at the same time to live, train, and deploy from installations that cannot support their readiness and requirements.

I urge my colleagues to support this bill. Our civilian and military leaders and our warriors must go to battle knowing the Senate is committed to ensuring that our defense and military infrastructure requirements are met. America is united in our cause, and Congress will provide the support to win.

Again, I thank Senator FEINSTEIN for working in such a great bipartisan way to fund the requirements for military construction. I also thank her staff, Tina Evans, and B.G. Wright, for working with my staff. I want to especially point out the extraordinary experience and knowledge of Sid Ashworth, who has been on the Appropriations Subcommittee for Military Construction and who, with all due respect, probably knows more than all of us put together. I thank her for her help in getting this bill done, with able help from my staff, Michael Ralsky.

As I yield the floor, I am thankful for the resolve of our country and the unity we are showing in the Senate.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, once again, I thank the ranking member for her cooperation, and I thank the staff.

I want to have printed in the RECORD a letter from the Department of the Navy specifically on the subject of the Hunters Point Naval Shipyard cleanup. There have been real problems in this cleanup which has been characterized by delay and the inability to move forward. One major event was a toxic fire underground that burned undetected for 2 weeks before it was put out. I think the Navy understands certainly my depth of feeling, and I think it is supported by the ranking member, that they move expeditiously to clean up this base. This letter states their determination to do so.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
ASSISTANT SECRETARY OF THE NAVY,
Washington, DC, September 25, 2001.

Hon. DIANNE FEINSTEIN,
Chairman, Subcommittee on Military Construction, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: I am writing in response to your queries regarding the Department of the Navy's environmental clean-up program at the former Hunters Point Naval Shipyard.

The Navy fully shares your commitment to completing the environmental remediation of the former Hunters Point Naval Shipyard. While progress on the remediation efforts may have been inadequate in the past, I can assure you that the Navy is committed to fully funding the cleanup of Hunters Point, and to moving expeditiously to complete this top priority project on schedule.

With help from your Committee, the Navy is prepared to execute the total projected FY 2002 program of $50.6 million at Hunters Point. Deputy Assistant Secretary Holaday has been meeting with your staff on this issue, and is working with other congressional committee staff to ensure they understand the importance the Department places on receiving full funding for Hunters Point.

I would be happy to meet with you to discuss this issue more fully. I look forward to working closely with you and with the local community to successfully complete the environmental remediation and property transfer at Hunters Point.

H.T. JOHNSON.

AMENDMENT NO. 1692

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mrs. HUTCHISON, proposes an amendment numbered 1692.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted''.)

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1693

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk. It has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 1693.

The amendment (No. 1693) is as follows:

(Purpose: To provide funding for a feasibility study regarding an access road at the Pine Bluff Arsenal, Arkansas)

Insert at the appropriate place in the bill the following new item:

Of the funds available under the heading ''Military Construction, Defense-wide'', for the Pine Bluff Ammunition Demilitarization Facility (Phase VI), the Department may spend up to $300,000 to conduct a feasibility study of the requirement for a defense road at Pine Bluff Arsenal, Arkansas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent it be added to the managers' amendment.

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

The amendment (No. 1693) was agreed to.

The PRESIDING OFFICER. The managers' amendment is agreed to.

The amendment (No. 1692) was agreed to.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring for S. 1460, the Military Construction Appropriations Act for Fiscal Year 2002.

The Senate bill provides $10.5 billion in discretionary budget authority, all classified as defense spending, which will result in new outlays in 2002 of $2.741 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $9.253 billion in 2002. The Senate bill is within its section 302(b) allocation for budget authority and outlays. Once again, the committee has met its target without the use of any emergency designations.

I again commend Chairman BYRD and Senator STEVENS, as well as Senators FEINSTEIN and HUTCHISON, for their bipartisan effort in moving this and other appropriations bills quickly to make up for the late start in this year's appropriations process. The tragic events of September 11 demand that this bipartisanship continue and that the Congress expeditiously complete work on the 13 regular appropriation bills for 2002.

I ask unanimous consent that a table displaying the budget committee scoring of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1460, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002 SPENDING COMPARISONS—SENATE-REPORTED BILL

[In millions of dollars]

	Defense	Mandatory	Total
Senate-reported bill:			
Budget Authority	10,500	0	10,500
Outlays	9,253	0	9,253
Senate 302(b) allocation [1]:			
Budget Authority	10,500	0	10,500
Outlays	9,294	0	9,284
House-reported:			
Budget Authority	10,500	0	10,500
Outlays	9,202	0	9,202
President's request:			
Budget Authority	9,972	0	9,972
Outlays	9,165	0	9,165
SENATE–REPORTED BILL COMPARED TO			
Senate 302(b) allocation [1]:			
Budget Authority	0	0	0
Outlays	(31)	0	(31)
House-reported:			
Budget Authority	0	0	0
Outlays	51	0	51
President's request:			
Budget Authority	528	0	528
Outlays	88	0	88

S. 1460, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002 SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[In millions of dollars]

	Defense	Mandatory	Total
Outlays	9,253	0	9,253
Senate 302(b) allocation [1]:			
Budget Authority	10,500	0	10,500
Outlays	9,294	0	9,284
House-reported:			
Budget Authority	10,500	0	10,500
Outlays	9,202	0	9,202
President's request:			
Budget Authority	9,972	0	9,972
Outlays	9,165	0	9,165
SENATE–REPORTED BILL COMPARED TO			
Senate 302(b) allocation [1]:			
Budget Authority	0	0	0
Outlays	(31)	0	(31)
House-reported:			
Budget Authority	0	0	0
Outlays	51	0	51
President's request:			
Budget Authority	528	0	528
Outlays	88	0	88

[1] For enforcement purposes, the budget committee compares the Senate-reported bill to the Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. REID. Mr. President, the majority leader asked me to announce this will be the last vote today and that the next vote will be Tuesday morning.

I ask for the yeas and nays.

Mrs. HUTCHISON. Mr. President, I wanted to clarify that my amendment was added to the managers' amendment and the managers' amendment was agreed to by unanimous consent.

The PRESIDING OFFICER. That is correct.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER) and the Senator from Connecticut (Mr. DODD) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—97

Akaka	Bunning	Cochran
Allard	Burns	Collins
Allen	Byrd	Conrad
Baucus	Campbell	Corzine
Bayh	Cantwell	Craig
Bennett	Carnahan	Crapo
Bingaman	Carper	Daschle
Bond	Chafee	Dayton
Breaux	Cleland	DeWine
Brownback	Clinton	Domenici

Dorgan	Johnson	Roberts
Durbin	Kennedy	Rockefeller
Edwards	Kerry	Santorum
Ensign	Kohl	Sarbanes
Enzi	Kyl	Schumer
Feingold	Landrieu	Sessions
Feinstein	Leahy	Shelby
Fitzgerald	Levin	Smith (NH)
Frist	Lieberman	Smith (OR)
Graham	Lincoln	Snowe
Gramm	Lott	Specter
Grassley	Lugar	Stabenow
Gregg	McCain	Stevens
Hagel	McConnell	Thomas
Harkin	Mikulski	Thompson
Hatch	Miller	Thurmond
Helms	Murkowski	Torricelli
Hollings	Murray	Voinovich
Hutchinson	Nelson (FL)	Warner
Hutchison	Nelson (NE)	Wellstone
Inhofe	Nickles	Wyden
Inouye	Reed	
Jeffords	Reid	

NOT VOTING—3

Biden	Boxer	Dodd

The bill (H.R. 2904), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2904) entitled ''An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2002, and for other purposes, namely:*

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,668,957,000, to remain available until September 30, 2006: Provided, That of this amount, not to exceed $176,184,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for ''Military Construction, Army'' under division A of Public Law 106–246, $26,400,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,148,633,000, to remain available until September 30, 2006: Provided, That of this amount, not to exceed $37,332,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for ''Military Construction, Navy'' under division A of Public Law 106–246, $19,588,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,148,269,000, to remain available until September 30, 2006: Provided, That of this amount, not to exceed $83,420,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for ''Military Construction, Air Force'' under previous Military Construction Acts, $4,000,000 are rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $881,058,000, to remain available until September 30, 2006: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $88,496,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That of the funds appropriated for ''Military Construction, Defense-wide'' under division A of Public Law 106–246, $55,030,000 are rescinded: Provided further, That of the funds appropriated for ''Military Construction, Defense-wide'' under division B of Public Law 106–246, $10,250,000 are rescinded: Provided further, That of the funds appropriated for ''Military Construction, Defense-Wide'' under previous Military Construction Acts, $4,000,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $378,549,000, to remain available until September 30, 2006.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $222,767,000, to remain available until September 30, 2006.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $111,404,000, to remain available until September 30, 2006.

MILITARY CONSTRUCTION, NAVAL RESERVE

(INCLUDING RESCISSION)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $33,641,000, to remain available until September 30, 2006: Provided, That of the funds appropriated for ''Military Construction, Naval Reserve'' under division A of Public Law 106–246, $925,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $53,732,000, to remain available until September 30, 2006.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, $162,600,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $312,742,000, to remain available until September 30, 2006; for Operation and Maintenance, and for debt payment, $1,108,991,000; in all $1,421,733,000.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $312,600,000, to remain available until September 30, 2006; for Operation and Maintenance, and for debt payment, $918,095,000; in all $1,230,695,000.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $550,703,000, to remain available until September 30, 2006; for Operation and Maintenance, and for debt payment, $869,121,000; in all $1,419,824,000.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $250,000 to remain available until September 30, 2006; for Operation and Maintenance, $43,762,000; in all $44,012,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,000,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing, and supporting facilities.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For the Homeowners Assistance Fund established by Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374) $10,119,000, to remain available until expended.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $682,200,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'' to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

(TRANSFER OF FUNDS)

SEC. 121. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 122. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 123. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term ''congressional defense committees'' means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 124. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts

may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 125. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including flag and general officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification of the appropriate committees of Congress: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual flag and general officer quarters for the prior fiscal year.

SEC. 126. In addition to the amounts provided in Public Law 107–20, of the funds appropriated under the heading ''Military Construction, Air Force'' in this Act, $8,000,000 is to remain available until September 30, 2005: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction activities at the Masirah Island Airfield in Oman, not otherwise authorized by law.

SEC. 127. Not later than 90 days after the enactment of this bill, the Secretary of Defense shall submit to the congressional defense committees a master plan for the environmental remediation of Hunters Point Naval Shipyard, California. The plan shall identify an aggregate cost estimate for the entire project as well as cost estimates for individual parcels. The plan shall also include a detailed cleanup schedule and an analysis of whether the Department is meeting legal requirements and community commitments. Following submission of the initial report, the Department shall submit semi-annual progress reports to the congressional defense committees.

SEC. 128. Of the funds available under the heading ''Military Construction, Defense-wide'', for the Pine Bluff Ammunition Demilitarization Facility (Phase VI) the Department may spend up to $300,000 to conduct a feasibility study of the requirement for a defense road at Pine Bluff Arsenal, Arkansas.

This Act may be cited as the ''Military Construction Appropriations Act, 2002''.

Mrs. HUTCHISON. Madam President, I move to reconsider that vote, and I move to lay that motion on the table.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Under the previous order, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints the following conferees on the part of the Senate:

Mrs. FEINSTEIN, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, Mr. REID of Nevada, Mr. BYRD, Mrs. HUTCHISON of Texas, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, and Mr. STEVENS.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Resumed

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

A bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

Mr. LEVIN. Madam President, we made good progress on this bill yesterday. Unfortunately, we weren't successful in reaching a unanimous consent agreement on a finite list of amendments to this bill which would allow us to move quickly to final passage.

But we simply must complete action on this bill. President Bush has declared a national state of emergency. Our military forces are deploying around the world. We are calling the National Guard and Reserve units to active duty to augment our active forces.

This bill contains critically important provisions for our national security. It provides much needed increases in military pay and benefits, including housing benefits and allowances. It contains authority for bonuses and special pay to retain people with critical skills in the military services, and it contains a number of important provisions to improve the efficiency of the Defense Department operations.

The matter which has been keeping us from proceeding and completing this bill is not related to the national defense bill that is before us. Our leadership is working hard to try to address that issue.

I thank our leaders, Senator DASCHLE, Senator LOTT, and Senator REID, who have been so actively involved for their efforts to move us forward on this critically important bill.

I thank Senator WARNER. He and his staff have worked tirelessly to advance the bill. But adopting this bill would send a powerful signal to our allies and our adversaries around the world of a strong and unified sense of national unity and determination and our support for our Armed Forces.

So I am hopeful that we can continue to make progress. As part of that effort, Senator WARNER and I and our staffs worked late last night and this morning to develop a package of about 25 cleared amendments.

AMENDMENTS NOS. 1694 THROUGH 1718, EN BLOC

At this point, I ask unanimous consent that it be in order to send 25 amendments to the desk for consideration en bloc, that the amendments be agreed to, the motion to reconsider be laid upon the table, and that any statements related to the amendments be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Virginia.

Mr. WARNER. Madam President, I will address in detail some of the remarks made earlier by my distinguished chairman, but at this point in time may I say this has been worked out mutually. We are in complete concurrence on this side with this block of amendments that we will adopt en bloc.

Again, I join the Senator in crediting our staff who have worked long hours into last night and almost every night.

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

The amendments (Nos. 1694 through 1718), en bloc, were agreed to, as follows:

AMENDMENT NO. 1694

(Purpose: To amend the Small Business Act to promote the involvement of small business concerns and small business joint ventures in certain types of procurement contracts, to establish the Small Business Procurement Competition Program, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. SMALL BUSINESS PROCUREMENT COMPETITION.

(a) DEFINITION OF COVERED CONTRACTS.—Section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) is amended—

(1) by inserting after ''bundled contract'' the following: '', the aggregate dollar value of which is anticipated to be less than $5,000,000, or any contract, whether or not the contract is a bundled contract, the aggregate dollar value of which is anticipated to be $5,000,000 or more'';

(2) by striking ''In the'' and inserting the following:

''(A) IN GENERAL.—In the''; and

(3) by adding at the end the following:

''(B) CONTRACTING GOALS.—

''(i) IN GENERAL.—A contract award under this paragraph to a team that is comprised entirely of small business concerns shall be counted toward the small business contracting goals of the contracting agency, as required by this Act.

''(ii) PREPONDERANCE TEST.—The ownership of the small business that conducts the preponderance of the work in a contract awarded to a team described in clause (i) shall determine the category or type of award for purposes of meeting the contracting goals of the contracting agency.''.

(b) PROPORTIONATE WORK REQUIREMENTS FOR BUNDLED CONTRACTS.—

(1) SECTION 8.—Section 8(a)(14)(A) of the Small Business Act (15 U.S.C. 637(a)(14)(A)) is amended—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) notwithstanding clauses (i) and (ii), in the case of a bundled contract—

''(I) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

''(II) no other concern will perform a greater proportion of the work on that contract; and

''(III) no other concern that is not a small business concern will perform work on the contract.''.

(2) QUALIFIED HUBZONE SMALL BUSINESS CONCERNS.—Section 3(p)(5)(A)(i)(III) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(III)) is amended—

(A) in item (bb), by striking ''and'' at the end;

(B) by redesignating item (cc) as item (dd); and

(C) by inserting after item (bb) the following:

''(cc) notwithstanding items (aa) and (bb), in the case of a bundled contract, the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award, no other concern will perform a greater proportion of the work on that contract, and no other concern that is not a small business concern will perform work on the contract; and''.

(3) SECTION 15.—Section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)) is amended—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) notwithstanding subparagraphs (A) and (B), in the case of a bundled contract—

''(i) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

''(ii) no other concern will perform a greater proportion of the work on that contract; and

''(iii) no other concern that is not a small business concern will perform work on the contract.''.

(c) SMALL BUSINESS PROCUREMENT COMPETITION PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Administrator'' means the Administrator of the Small Business Administration;

(B) the term ''Federal agency'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(C) the term ''Program'' means the Small Business Procurement Competition Program established under paragraph (2);

(D) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(E) the term ''small business-only joint ventures'' means a team described in section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) comprised of only small business concerns.

(2) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish in the Small Business Administration a pilot program to be known as the ''Small Business Procurement Competition Program''.

(3) PURPOSES OF PROGRAM.—The purposes of the Program are—

(A) to encourage small business-only joint ventures to compete for contract awards to fulfill the procurement needs of Federal agencies;

(B) to facilitate the formation of joint ventures for procurement purposes among small business concerns;

(C) to engage in outreach to small business-only joint ventures for Federal agency procurement purposes; and

(D) to engage in outreach to the Director of the Office of Small and Disadvantaged Business Utilization and the procurement officer within each Federal agency.

(4) OUTREACH.—Under the Program, the Administrator shall establish procedures to conduct outreach to small business concerns interested in forming small business-only joint ventures for the purpose of fulfilling procurement needs of Federal agencies, subject to the rules of the Administrator, in consultation with the heads of those Federal agencies.

(5) REGULATORY AUTHORITY.—The Administrator shall promulgate such regulations as may be necessary to carry out this subsection.

(6) SMALL BUSINESS ADMINISTRATION DATABASE.—The Administrator shall establish and maintain a permanent database that identifies small business concerns interested in forming small business-only joint ventures, and shall make the database available to each Federal agency and to small business concerns in electronic form to facilitate the formation of small business-only joint ventures.

(7) TERMINATION OF PROGRAM.—The Program (other than the database established under paragraph (6)) shall terminate 3 years after the date of enactment of this Act.

(8) REPORT TO CONGRESS.—Not later than 60 days before the date of termination of the Program, the Administrator shall submit a report to Congress on the results of the Program, together with any recommendations for improvements to the Program and its potential for use Governmentwide.

(9) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection waives or modifies the applicability of any other provision of law to procurements of any Federal agency in which small business-only joint ventures may participate under the Program.

AMENDMENT NO. 1695

(Purpose: To make amendments with respect to small business concerns)

On page 270, line 9, strike ''(A)'' and all that follows through ''(4)'' on line 25.

On page 271, between lines 8 and 9, insert the following:

(c) EVALUATION OF BUNDLING EFFECTS.—Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended—

(1) in subparagraph (C), by inserting '', and whether contract bundling played a role in the failure,'' after ''agency goals''; and

(2) by adding at the end the following:

''(G) The number and dollar value of consolidations of contract requirements with a total value in excess of $5,000,000, including the number of such consolidations that were awarded to small business concerns as prime contractors.''.

(d) REPORTING REQUIREMENT.—Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is amended to read as follows:

''(p) REPORTING REQUIREMENT.—

''(1) IN GENERAL.—The Administrator shall conduct a study examining the best means to determine the accuracy of the market research required under subsection (e)(2) for each bundled contract, to determine if the anticipated benefits were realized, or if they were not realized, the reasons there for.

''(2) PROVISION OF INFORMATION.—A Federal agency shall provide to the appropriate procurement center representative a copy of market research required under subsection (e)(2) for consolidations of contract requirements with a total value in excess of $5,000,000, upon request.

''(3) REPORT.—Not later than 270 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2002, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the results of the study conducted under this subsection.''.

On page 290, between lines 3 and 4, insert the following:

SEC. 824. HUBZONE SMALL BUSINESS CONCERNS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) RULE OF CONSTRUCTION RELATING TO CITIZENSHIP.—

''(A) IN GENERAL.—A small business concern described in subparagraph (B) meets the United States citizenship requirement of paragraph (3)(A) if, at the time of application by the concern to become a qualified HUBZone small business concern for purposes of any contract and at such times as the Administrator shall require, no non-citizen has filed a disclosure under section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) as the beneficial owner of more than 10 percent of the outstanding shares of that small business concern.

''(B) CONCERNS DESCRIBED.—A small business concern is described in this subparagraph if the small business concern—

''(i) has a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781); and

''(ii) files reports with the Securities and Exchange Commission as a small business issuer.''.

''(C) NON-CITIZENS.—In this paragraph, the term 'non-citizen' means

''(i) an individual that is not a United States citizen; and

''(ii) any other person that is not organized under the laws of any State or the United States.''.

AMENDMENT NO. 1696

(Purpose: To authorize, with an offset, $11,900,000 to improve instrumentation and targets at Army live fire training ranges)

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

SEC. 306. IMPROVEMENTS IN INSTRUMENTATION AND TARGETS AT ARMY LIVE FIRE TRAINING RANGES.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for the Army for operation and maintenance is hereby increased by $11,900,000 for improvements in instrumentation and targets at Army live fire training ranges.

(b) OFFSET.—The amount authorized to be appropriated by section 302(1) for the Department of Defense for the Defense Working Capital Funds is hereby decreased by $11,900,000, with the amount of the decrease to be allocated to amounts available under that section for fuel purchases.

AMENDMENT NO. 1697

(Purpose: To increase the amount authorized to be appropriated for the Air Force for procurement of Hydra-70 rockets, and to provide an offset)

On page 18, line 13, increase the amount by $20,000,000.

On page 32, line 4, reduced the amount by $20,000,000.

AMENDMENT NO. 1698

(Purpose: To modify the provisions relating to financial management oversight of the Department of Defense)

In the section heading of section 1007, strike ''**SENIOR FINANCIAL MANAGEMENT OVERSIGHT COUNCIL**'' and insert ''**FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE**''.

In section 1007, strike the subsection caption for subsection (a) and insert the following: ''ESTABLISHMENT OF FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.—''.

In section 1007(a)(1), strike ''Senior Financial Management Oversight Council'' and insert ''Financial Management Modernization Executive Committee''.

In section 1007(a)(2), strike ''Council'' and insert ''Committee''.

In section 1007(a)(2), insert after ''(Personnel and Readiness),'' the following: ''the chief information officer of the Department of Defense,''.

In section 1007(a)(3), strike ''Council'' and insert ''Committee''.

In section 1007(a), add at the end the following:

(4) The Committee shall be accountable to the Senior Executive Council composed of the Secretary of Defense, the Deputy Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force.

In section 1007(b), in the matter preceding paragraph (1), strike ''Senior Financial Management Oversight Council'' and insert ''Financial Management Modernization Executive Committee''.

In section 1007(b), add at the end the following:

(4) To ensure that a Department of Defense financial management enterprise architecture is development and maintained in accordance with—

(A) the overall business process transformation strategy of the Department; and

(B) the Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance Architecture Framework of the Department.

(5) To ensure that investments in existing or proposed financial management systems for the Department comply with the overall business practice transformation strategy of the Department and the financial management enterprise architecture developed under paragraph (4).

(6) To provide an annual accounting of all financial and feeder system investment technology projects to ensure that such projects are being implemented at acceptable cost and within a reasonable schedule, and are contributing to tangible, observable improvements in mission performance.

In section 1007(c)(1), strike ''of all'' and all that follows through the end and insert ''of all budgetary, accounting, finance, and feeder systems that support the transformed business processes of the Department and produce financial statements.''.

In section 1007(c)(2), strike ''to financial statements before other actions are initiated.'' and insert ''to cognizant Department business functions (as part of the overall business process transformation strategy of the Department) and financial statements before other actions are initiated.''.

In section 1007(c), strike paragraphs (3), (4), and (5) and insert the following:

(3) Periodic submittal to the Secretary of Defense, the Deputy Secretary of Defense, the Senior Executive Council, or any combination thereof, of reports on the progress being made in achieving financial management transformation goals and milestone included in the annual financial management improvement plan in 2002 in accordance with subsection (e).

(4) Documentation of the completion of each phase—Awareness, Evaluation, Renovation, Validation, and Compliance—of improvements made to each accounting, finance, and feeder system.

(5) Independent audit by the Inspector General of the Department, the audit agencies of the military department, private sector firms contracted to conduct validation audits, or any combination thereof, at the validation phase for each accounting, finance, and feeder system.

In section 1007, strike subsection (d) and insert the following:

(d) ANNUAL FINANCIAL MANAGEMENT IMPROVEMENT PLAN.—(1) Subsection (a) of section 2222 of title 10, United States Code, is amended to read as follows:

''(a) ANNUAL PLAN REQUIRED.—The Secretary of Defense shall submit to Congress an annual strategic plan for the improvement of financial management within the Department of Defense. The plan shall be submitted not later than September 30 each year.''.

(2)(A) The section heading of such section is amended to read as follows:

''§ 2222. Annual financial management improvement plan''.

(B) The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to section 2222 and inserting the following new item:

''2222. Annual financial management improvement plan.''.

(e) ADDITIONAL ELEMENTS FOR FINANCIAL MANAGEMENT IMPROVEMENT PLAN IN 2002.—In the annual financial management improvement plan submitted under section 2222 of title 10, United States Code (as amended by subsection (d)), in 2002, the Secretary shall include the following:

(1) Measurable annual performance goals for improvement of the financial management of the Department.

(2) Performance milestones for initiatives under the plan for transforming the financial management operations of the Department and for implementing a financial management architecture for the Department.

(3) An assessment of the anticipated annual cost of any plans for transforming the financial management operations of the Department and for implementing a financial management architecture for the Department.

(4) A discussion of the following:

(A) The roles and responsibilities of appropriate Department officials to ensure the supervision and monitoring of the compliance of each accounting, finance, and feeder system of the Department with the business practice transformation strategy of the Department, the financial management architecture of the Department, and applicable Federal financial management systems and reporting requirements.

(B) A summary of the actions taken by the Financial Management Modernization Executive Committee to ensure that such systems comply with the business practice transformation strategy of the Department, the financial management architecture of the Department, and applicable Federal financial management systems and reporting requirements.

(f) ADDITIONAL ELEMENTS FOR FINANCIAL MANAGEMENT IMPROVEMENT PLAN AFTER 2002.—In each annual financial management improvement plan submitted under section 2222 of title 10, United States Code (as amended by subsection (d)), after 2002, the Secretary shall include the following:

(1) A description of the actions to be taken in the fiscal year beginning in the year in which the plan is submitted to implement the goals and milestones included in the financial management improvement plan in 2002 under paragraphs (1) and (2) of subsection (e).

(2) An estimate of the amount expended in the fiscal year ending in the year in which the plan is submitted to implement the financial management improvement plan in such preceding calendar year, set forth by system.

(3) If an element of the financial management improvement plan submitted in the fiscal year ending in the year in which the plan is submitted was not implemented, a justification for the lack of implementation of such element.

AMENDMENT NO. 1699

(Purpose: To require a determination on the advisability of amending the Federal Acquisition Regulation to authorize treatment of financing costs as an allowable expense under contracts for utility services from utility systems privatized under the utility privatization initiative)

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

SEC. 2806. AMENDMENT OF FEDERAL ACQUISITION REGULATION TO TREAT FINANCING COSTS AS ALLOWABLE EXPENSES UNDER CONTRACTS FOR UTILITY SERVICES FROM UTILITY SYSTEMS CONVEYED UNDER PRIVATIZATION INITIATIVE.

(a) DETERMINATION OF ADVISABILITY OF AMENDMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall determine whether or not it is advisable to modify the Federal Acquisition Regulation in order to provide that a contract for utility services from a utility system conveyed under section 2688(a) of title 10, United States Code, may include terms and conditions that recognize financing costs, such as return on equity and interest on debt, as an allowable expense when incurred by the conveyee of the utility system to acquire, operate, renovate, replace, upgrade, repair, and expand the utility system.

(b) REPORT.—If as of the date that is 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council has not modified the Federal Acquisition Regulation to provide that a contract described in subsection (a) may include terms and conditions described in that subsection, or otherwise taken action to provide that a contract referred to in that subsection may include terms and conditions described in that subsection, the Secretary shall submit to Congress on that date a report setting forth a justification for the failure to take such actions.

AMENDMENT NO. 1700

(Purpose: Relating to chemical and biological protective equipment for military and civilian personnel of the Department of Defense)

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

SEC. 1066. CHEMICAL AND BIOLOGICAL PROTECTIVE EQUIPMENT FOR MILITARY AND CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the requirements of the Department of Defense, including the reserve components, for chemical and biological protective equipment.

(2) The report shall set forth the following:

(A) A description of any current shortfalls in requirements for chemical and biological protective equipment, whether for individuals or units, for military personnel.

(B) A plan for providing appropriate chemical and biological protective equipment for all military personnel and for all civilian personnel of the Department of Defense.

(C) An assessment of the costs associated with carrying out the plan under subparagraph (B).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should consider utilizing funds available to the Secretary for chemical and biological defense programs, including funds available for

such program under this Act and funds available for such programs under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, to provide an appropriate level of protection from chemical and biological attack, including protective equipment, for all military personnel and for all civilian personnel of the Department of Defense who are not currently protected from chemical or biological attack.

AMENDMENT NO. 1701

(Purpose: To improve the provisions relating to the Rocky Flats National Wildlife Refuge)

(The text of the amendment is printed in the RECORD under ''Amendments Submitted.'')

AMENDMENT NO. 1702

(Purpose: To repeal the limitation on number of officers on active duty in the grades of general or admiral)

At the end of section 501 add the following:

(e) REPEAL OF LIMITATION ON NUMBER OF OFFICERS ON ACTIVE DUTY IN THE GRADES OF GENERAL OR ADMIRAL.—(1) Section 528 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528.

AMENDMENT NO. 1703

(Purpose: To improve the organization and management of the Department of Defense with respect to space programs and activities)

(The text of the amendment is printed in the RECORD under ''Amendments Submitted.'')

AMENDMENT NO. 1704

(Purpose: To modify certain provisions relating to Cooperative Threat Reduction programs)

In section 1202(c)(1), strike ''Subject to paragraphs (2) and (3),'' and insert ''Subject to paragraph (2),''.

In section 1202(c)(3), strike ''in any of the paragraphs'' and insert ''in paragraph (7), (10) or (11)''.

Strike section 1203 and insert the following:

SEC. 1203. CHEMICAL WEAPONS DESTRUCTION.

Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 794; 22 U.S.C. 5952 note) is amended—

(1) by inserting ''(a) LIMITATION.—'' before ''No fiscal year'';

(2) in subsection (a), as so designated, by inserting before the period at the end the following: ''until the Secretary of Defense submits to Congress a certification that there has been—

''(1) full and accurate disclosure by Russia of the size of its existing chemical weapons stockpile;

''(2) a demonstrated annual commitment by Russia to allocate at least $25,000,000 to chemical weapons elimination;

''(3) development by Russia of a practical plan for destroying its stockpile of nerve agents;

''(4) enactment of a law by Russia that provides for the elimination of all nerve agents at a single site;

''(5) an agreement by Russia to destroy or convert its chemical weapons production facilities at Volgograd and Novocheboksark; and

''(6) a demonstrated commitment from the international community to fund and build infrastructure needed to support and operate the facility.''; and

(3) by adding at the end the following new subsection:

''(b) OMISSION OF CERTAIN INFORMATION.—The Secretary may omit from the certification under subsection (a) the matter specified in paragraph (1) of that subsection, and the certification with the matter so omitted shall be effective for purposes of that subsection, if the Secretary includes with the certification notice to Congress of a determination by the Secretary that it is not in the national security interests of the United States for the matter specified in that paragraph to be included in the certification, together with a justification of the determination.''.

In section 1204(b), strike ''EXECUTIVE'' in the subsection caption and insert ''IMPLEMENTING''.

In section 1204(b), strike ''executive'' and insert ''implementing''.

AMENDMENT NO. 1705

(Purpose: Relating to the V–22 Osprey aircraft)

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

SEC. 124. ADDITIONAL MATTER RELATING TO V–22 OSPREY AIRCRAFT.

Not later than 30 days before the recommencement of flights of the V–22 Osprey aircraft, the Secretary of Defense shall submit to Congress notice of the waiver, if any, of any item capability or any other requirement specified in the Joint Operational Requirements Document for the V–22 Osprey aircraft, including a justification of each such waiver.

AMENDMENT NO. 1706

(Purpose: To authorize the appropriation of an additional amount of $1,000,000 for fiscal year 2001 that was previously appropriated for that fiscal year for RDT&E, Defense-wide, for the Intelligent Spatial Technologies for Smart Maps Initiative of the National Imagery and Mapping Agency (PE0305102BQ))

On page 31, between lines 15 and 16, insert the following:

SEC. 233. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001 FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION DEFENSE-WIDE.

Section 201(4) of Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–32) is amended by striking ''$10,873,712,000'' and inserting ''$10,874,712,000''.

AMENDMENT NO. 1707

(Purpose: To modify the land conveyance at Mukilteo Tank Farm, Everett, Washington)

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

SEC. ___. MODIFICATION OF LAND CONVEYANCE, MUKILTEO TANK FARM, EVERETT, WASHINGTON.

(a) MODIFICATION.—Section 2866 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398); 114 Stat. 436) is amended—

(1) in subsection (a), by striking ''22 acres'' and inserting ''20.9 acres'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) TRANSFER OF JURISDICTION.—(1) At the same time the Secretary of the Air Force makes the conveyance authorized by subsection (a), the Secretary shall transfer to the Secretary of Commerce administrative jurisdiction over a parcel of real property, including improvements thereon, consisting of approximately 1.1 acres located at the Mukilteo Tank Farm and including the National Marine Fisheries Service Mukilteo Research Center facility.

''(2) The Secretary of Commerce may, with the consent of the Port, exchange with the Port all or any portion of the property received under paragraph (1) for a parcel of real property of equal area at the Mukilteo Tank Farm that is owned by the Port.

''(3) The Secretary of Commerce shall administer the property under the jurisdiction of the Secretary under this subsection through the Administrator of the National Oceanic and Atmospheric Administration as part of the Administration.

''(4) The Administrator shall use the property under the jurisdiction of the Secretary of Commerce under this subsection as the location of a research facility, and may construct a new facility on the property for such research purposes as the Administrator considers appropriate.

''(5)(A) If after the 12-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, the Administrator is not using any portion of the real property under the jurisdiction of the Secretary of Commerce under this subsection, the Administrator shall convey, without consideration, to the Port all right, title, and interest in and to such portion of the real property, including improvements thereon.

''(B) The Port shall use any real property conveyed to the Port under this paragraph for the purpose specified in subsection (a).''.

(b) CONFORMING AMENDMENT.—The section heading for that section is amended to read as follows:

''SEC. 2866. LAND CONVEYANCE AND TRANSFER, MUKILTEO TANK FARM, EVERETT, WASHINGTON.''.

AMENDMENT NO. 1708

(Purpose: To modify the authorization for a military construction project at Fort Sill, Oklahoma)

The table in section 2101(a) is amended in the item relating to Fort Sill, Oklahoma, by striking ''$18,600,000'' in the amount column and inserting ''$40,100,000''.

The table in section 2101(a) is amended by striking the amount identified as the total in the amount column and inserting ''$1,279,500,000''.

Section 2104(b)(4) is amended by striking ''and'' at the end.

Section 2104(b)(5) is amended by striking the period at the end and inserting ''; and''.

Section 2104(b) is amended by inserting after paragraph (5) the following:

(6) $21,500,000 (the balance of the amount authorized under section 2101(a) for Consolidated Logistics Complex (Phase I) at Fort Sill, Oklahoma).

AMENDMENT NO. 1709

(Purpose: To authorize, with an offset, $2,400,000 for procurement of additional M291 skin decontamination kits)

At the end of subtitle E of title I, add the following:

SEC. 142. PROCUREMENT OF ADDITIONAL M291 SKIN DECONTAMINATION KITS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE-WIDE PROCUREMENT.—(1) The amount authorized to be appropriated by section 104 for Defense-wide procurement is hereby increased by $2,400,000, with the amount of the increase available for the Navy for procurement of M291 skin decontamination kits.

(2) The amount available under paragraph (1) for procurement of M291 skin decontamination kits is in addition to any other amounts available under this Act for procurement of M291 skin decontamination kits.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby decreased by $2,400,000, with the amount to be derived from the amount available for the Technical Studies, Support and Analysis program.

AMENDMENT NO. 1710

(Purpose: To reauthorize a warranty claims recovery pilot program)

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

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

(a) EXTENSION OF AUTHORITY.—Subsection (f) of section 391 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1716; 10 U.S.C. 2304 note) is amended by striking ''September 30, 1999'' and inserting ''September 30, 2003''.

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

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

(2) in paragraph (2), by striking ''March 1, 2000'' and inserting ''March 1, 2003''.

AMENDMENT NO. 1711

(Purpose: To authorize land conveyances at Charleston Air Force Base, South Carolina)

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

SEC. 2827. LAND CONVEYANCES, CHARLESTON AIR FORCE BASE, SOUTH CAROLINA.

(a) CONVEYANCE TO STATE OF SOUTH CAROLINA AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the State of South Carolina (in this section referred to as the ''State''), all right, title, and interest of the United States in and to a portion (as determined under subsection (c)) of the real property, including any improvements thereon, consisting of approximately 24 acres at Charleston Air Force Base, South Carolina, and comprising the Air Force Family Housing Annex. The purpose of the conveyance is to facilitate the Remount Road Project.

(b) CONVEYANCE TO CITY OF NORTH CHARLESTON AUTHORIZED.—The Secretary may convey, without consideration, to the City of North Charleston, South Carolina (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a portion (as determined under subsection (c)) of the real property, including any improvements thereon, referred to in subsection (a). The purpose of the conveyance is to permit the use of the property by the City for municipal purposes.

(c) DETERMINATION OF PORTIONS OF PROPERTY TO BE CONVEYED.—(1) Subject to paragraph (2), the Secretary, the State, and the City shall jointly determine the portion of the property referred to in subsection (a) that is to be conveyed to the State under subsection (a) and the portion of the property that is to be conveyed to the City under subsection (b).

(2) In determining under paragraph (1) the portions of property to be conveyed under this section, the portion to be conveyed to the State shall be the minimum portion of the property required by the State for the purpose specified in subsection (a), and the portion to be conveyed to the City shall be the balance of the property.

(d) LIMITATION ON CONVEYANCES.—The Secretary may not carry out the conveyance of property authorized by subsection (a) or subsection (b) until the completion of an assessment of environmental contamination of the property authorized to be conveyed by such subsection for purposes of determining responsibility for environmental remediation of such property.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of the survey for the property to be conveyed under subsection (a) shall be borne by the State, and the cost of the survey for the property to be conveyed under subsection (b) shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1712

(Purpose: To authorize the sale of goods and services that are not available from any United States commercial source by the Naval Magazine, Indian Island)

Insert at the appropriate place in the bill the following new item:

The Secretary of the Navy may sell to a person outside the Department of Defense articles and services provided by the Naval Magazine, Indian Island facility that are not available from any United States commercial source; *Provided,* That a sale pursuant to this section shall conform to the requirements of 10 U.S.C. section 2563 (c) and (d); and *Provided further,* That the proceeds from the sales of articles and services under this section shall be credited to operation and maintenance funds of the Navy, that are current when the proceeds are received.

AMENDMENT NO. 1713

(Purpose: To authorize a land conveyance, Fort Des Moines, Iowa)

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

SEC. 2827. LAND CONVEYANCE, FORT DES MOINES, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Fort Des Moines Memorial Park, Inc., a nonprofit organization (in this section referred to as the ''Memorial Park''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4.6 acres located at Fort Des Moines United States Army Reserve Center, Des Moines, Iowa, for the purpose of the establishment of the Fort Des Moines Memorial Park and Education Center.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Memorial Park use the property for museum and park purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for museum and park purposes, all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Memorial Park shall reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expenses incurred by the Secretary, for the conveyance authorized in (a).

(2) The amount of the reimbursement under paragraph (1) for any activity shall be determined by the Secretary, but may not exceed the cost of such activity.

(3) Section 2695(c) of title 10 United States Code, shall apply to any amount received under this subsection.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by survey satisfactory to the Secretary. The cost of the survey shall be borne by the Memorial Park.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1714

(Purpose: To authorize participation of regular members of the Armed Forces in Senior ROTC)

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

SEC. 540. PARTICIPATION OF REGULAR MEMBERS OF THE ARMED FORCES IN THE SENIOR RESERVE OFFICERS' TRAINING CORPS.

(a) ELIGIBILITY.—Section 2104(b)(3) of title 10, United States Code, is amended by inserting ''the regular component or'' after ''enlist in''.

(b) PAY RATE WHILE ON FIELD TRAINING OR PRACTICE CRUISE.—Section 209(c) of title 37, United States Code, is amended by inserting before the period at the end the following: '', except that the rate for a cadet or midshipmen who is a member of the regular component of an armed force shall be the rate of basic pay applicable to the member under section 203 of this title''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2001.

AMENDMENT NO. 1715

(Purpose: To repeal certain limitations on the exercise of voluntary separation incentive pay authority and voluntary early retirement authority)

Strike section 1113 and insert the following:

SEC. 1113. REPEAL OF LIMITATIONS ON EXERCISE OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORITY AND VOLUNTARY EARLY RETIREMENT AUTHORITY.

Section 1153(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–323) is amended—

(1) in paragraph (1), by striking ''Subject to paragraph (2), the'' and inserting ''The'';

(2) by striking paragraph (2); and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

AMENDMENT NO. 1716

(Purpose: To make additional modifications to the Energy Employees Occupational Illness Program)

In section 3151(d), strike paragraphs (1) and (2) and insert the following:

(1) IN GENERAL.—Subsection (e) of section 3628 of that Act (114 Stat. 1654A–506) is amended to read as follows:

''(e) SURVIVORS.—(1) If a covered employee dies before accepting payment of compensation under this section, whether or not the death is the result of the covered employee's occupational illness, the survivors of the covered employee who are living at the time of payment of compensation under this section shall receive payment of compensation under this section in lieu of the covered employee as follows:

''(A) If such living survivors of the covered employee include a spouse and one or more children—

''(i) the spouse shall receive one-half of the amount of compensation provided for the covered employee under this section; and

''(ii) each child shall receive an equal share of the remaining one-half of the amount of the compensation provided for the covered employee under this section.

''(B) If such living survivors of the covered employee include a spouse or one or more children, but not both a spouse and one or more children—

''(i) the spouse shall receive the amount of compensation provided for the covered employee under this section; or

''(ii) each child shall receive an equal share of the amount of the compensation provided for the covered employee under this section.

''(C) If such living survivors of the covered employee do not include a spouse or any children, but do include one or both parents, one or more grandparents, one or more grandchildren, or any combination of such individuals, each such individual shall receive an equal share of the amount of the compensation provided for the covered employee under this section.

''(2) For purposes of this subsection, the term 'child', in the case of a covered employee, means any child of the covered employee, including a natural child, adopted child, or step-child who lived with the covered employee in a parent-child relationship.''.

(2) URANIUM EMPLOYEES.—Subsection (e) of section 3630 of that Act (114 Stat. 1654A–507) is amended to read as follows:

''(e) SURVIVORS.—(1) If a covered uranium employee dies before accepting payment of compensation under this section, whether or not the death is the result of the covered uranium employee's occupational illness, the survivors of the covered uranium employee who are living at the time of payment of compensation under this section shall receive payment of compensation under this section in lieu of the covered uranium employee as follows:

''(A) If such living survivors of the covered uranium employee include a spouse and one or more children—

''(i) the spouse shall receive one-half of the amount of compensation provided for the covered uranium employee under this section; and

''(ii) each child shall receive an equal share of the remaining one-half of the amount of the compensation provided for the covered uranium employee under this section.

''(B) If such living survivors of the covered uranium employee include a spouse or one or more children, but not both a spouse and one or more children—

''(i) the spouse shall receive the amount of compensation provided for the covered uranium employee under this section; or

''(ii) each child shall receive an equal share of the amount of the compensation provided for the covered uranium employee under this section.

''(C) If such living survivors of the covered uranium employee do not include a spouse or any children, but do include one or both parents, one or more grandparents, one or more grandchildren, or any combination of such individuals, each such individual shall receive an equal share of the amount of the compensation provided for the covered uranium employee under this section.

''(2) For purposes of this subsection, the term 'child', in the case of a covered uranium employee, means any child of the covered employee, including a natural child, adopted child, or step-child who lived with the covered employee in a parent-child relationship.''.

In section 3151(g)(1) in the matter preceding subparagraph (A), insert '', with the cooperation of the Department of Energy and the Department of Labor,'' after ''shall''.

In section 3151(g), strike paragraph (2) and insert the following:

(2)(A) Not later than 180 days after the date of the enactment of this Act, the National Institute for Occupational Safety and Health shall submit to the congressional defense committees a report on the progress made as of the date of the report on the study under paragraph (1).

(B) Not later than one year after the date of the enactment of this Act, the National Institute shall submit to the congressional defense committees a final report on the study under paragraph (1).

AMENDMENT NO. 1717

(Purpose: To set aside for land forces readiness-information operations sustainment (PE 19640) $5,000,000 of the amount provided for the Army Reserve for operation and maintenance)

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

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

Of the amount authorized to be appropriated by section 301(6), $5,000,000 may be available for land forces readiness-information operations sustainment.

AMENDMENT NO. 1718

(Purpose: To require the conveyance of certain former Minuteman III ICBM facilities)

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

SEC. 2827. LAND CONVEYANCES, CERTAIN FORMER MINUTEMAN III ICBM FACILITIES IN NORTH DAKOTA.

(a) CONVEYANCES REQUIRED.—(1) The Secretary of the Air Force may convey, without consideration, to the State Historical Society of North Dakota (in this section referred to as the ''Historical Society'') all right, title, and interest of the United States in and to parcels of real property, together with any improvements thereon, of the Minuteman III ICBM facilities of the former 321st Missile Group at Grand Forks Air Force Base, North Dakota, as follows:

(A) The parcel consisting of the launch facility designated ''November–33''.

(B) The parcel consisting of the missile alert facility and launch control center designated ''Oscar-O''.

(2) The purpose of the conveyance of the facilities is to provide for the establishment of an historical site allowing for the preservation, protection, and interpretation of the facilities.

(b) CONSULTATION.—The Secretary shall consult with the Secretary of State and the Secretary of Defense in order to ensure that the conveyances required by subsection (a) are carried out in accordance with applicable treaties.

(c) HISTORIC SITE.—The Secretary may, in cooperation with the Historical Society, enter into one or more cooperative agreements with appropriate public or private entities or individuals in order to provide for the establishment and maintenance of the historic site referred to in subsection (a)(2).

AMENDMENT NO. 1694

Mr. BOND. Mr. President, I commend Chairman KERRY for his proposal to improve access for small business to participate in joint ventures. In the 1997 Small Business Reauthorization Act, we adopted provisions to allow small businesses to join together to compete for bundled contracts that otherwise would be too large for them to perform. However, current law requires the lead contractor to perform 50 percent of the value of the contract. This is still a significant obstacle. The Kerry/Bond amendment would allow the prime contractor to perform 33 percent of the contract if no other participant performs a greater proportion and if all other participants in the joint venture are small businesses.

Mr. KERRY. Mr. President, I would like to thank Armed Services Committee Chairman LEVIN and Ranking Member WARNER for their assistance on this amendment to the National Defense Authorization Act for Fiscal Year 2002. My amendment, cosponsored by Senator BOND, will help small businesses more effectively compete for large and/or bundled contracts.

Everyone knows that small businesses are vital to the U.S. economy, accounting for 99 percent of all private sector employers, providing 75 percent of all net new jobs, and accounting for 51 percent of private-sector output. But what many of my colleagues may not realize is the vital role small businesses play in providing competition and innovation to our Federal procurement system. In fact, a major reason for the creation of the Small Business Administration was to ensure an adequate private sector base for the Department of Defense. It was actually deemed in our national security interests to have a thriving small business sector. And this has not changed, it is actually more important than ever, not just to our national security, but to our economic security as well.

The amendment is based on our legislation, the ''Small Business Procurement Competition Act of 2001,'' and begins with one simple premise that has been proven time and again, when it comes to large Federal contracts, small businesses are at a competitive disadvantage because of the amounts of money involved and the large geographic areas these contracts may serve. The practice known as contract bundling, whereby separate procurement contracts are combined into one contract, has resulted in small businesses that do business with the Federal Government being placed at an even greater disadvantage. Unfortunately, procurement streamlining has resulted in the practice of contract bundling becoming more and more common.

In fact, for Fiscal Year 2000, the Federal Government failed to meet its goal of 23 percent of Federal prime contracts being awarded to small businesses. Many experts blame the inability of small businesses to compete on large bundled contracts as a key factor in this decline. For example, the Small Business Administration's Office of Advocacy believes that for every $100 awarded on a bundled contract, there was a decrease of $33 to small businesses.

The Small Business Procurement Competition Act that has been included in this bill will address this decline in two ways. First, it draws on an existing principle known as ''joint ventures'' and expands the ability of small

businesses to form them. Second, it raises the percentage of contracts that a small business can subcontract to other small businesses.

Joint ventures, whereby small businesses can team together to bid on a bundled contract, even if the combined entity is too large to be considered a small business, is not a new concept. In fact, the Clinton Administration began to remove some of the obstacles to the formation of joint ventures. Our amendment takes this initiative, cements it into law, and makes several improvements to help and encourage the formation of joint ventures.

Many small businesses have said that they like the idea of being able to team with other small businesses to compete on bundled contracts, but they often don't know where to begin. Worse, many small businesses have said that, despite U.S. law, many contracts that should be considered bundled contracts are not, which has limited their ability to form joint ventures.

To combat these deficiencies, our amendment allows for the formation of a small business-only joint venture to bid on any contract over the amount of $5 million, regardless of whether or not the contract is bundled. To combat the knowledge gap on this issue, our legislation requires that the Small Business Administration, SBA, set up a database of companies that are actively seeking to form joint ventures. The legislation also sets up a pilot program requiring the SBA to conduct outreach and education efforts to small businesses that want to form joint ventures.

Joint ventures are not the only means to help small businesses compete for bundled contracts. Our amendment also changes the subcontracting requirements for small businesses. Under current law, a small business must perform at least 51 percent of the work on a contract to maintain its small business eligibility. Under our provision, a small business can subcontract up to 2/3 of the work to other small businesses on bundled contract, provided the prime small business contractor performs the greatest proportion of the work. In this way, small businesses can bid on larger contracts that they do not have the capacity to perform on their own.

Small businesses are vital to the economic growth of the U.S. economy. Their innovations, the competition they provide and the jobs they create are just some of the reasons we must ensure the success of our small businesses. Taken together, these provisions will help small businesses by providing them with more opportunities to compete for Federal contracts and help maintain the national supply chain.

As the Chairman of the Senate Committee on Small Business and Entrepreneurship, I have made it a priority to ensure small businesses receive their fair share of Federal procurement contracts. This legislation is an important step in fulfilling that promise.

I would also like to thank Senator BOND for his work on another amendment to the National Defense Authorization Act, which I am a cosponsor of, to make some changes to the procurement provisions pertaining to small business in this legislation. I believe it is an important amendment and I am pleased we were able to get it included in the bill.

Once again, I would like to thank Senator BOND for joining me in this effort, as well as Senator LEVIN and Senator WARNER for their assistance and their courtesy.

AMENDMENT NO. 1695

Mr. BOND. Mr. President, I appreciate the opportunity to work with Chairman KERRY of the Small Business Committee to improve certain provisions of the Small Business Act relating to Federal procurement policy. These provisions will enable us to do a better job of tracking the small business impact of contract bundling without imposing burdensome new reporting requirements on the Defense Department. The amendment will also help a new class of firm participate in our HUBZone program to expand contracting opportunities to small businesses that locate in and hire from the nation's most chronically distressed communities.

The amendment revises current burdensome reporting requirements of the Small Business Act with respect to contract bundling, and eliminates corresponding provisions—which would now be moot—of the Defense Authorization that seek to guard DoD against those burdensome requirements. A new report requirement would be imposed on the SBA Administrator on how to improve the market analyses currently required by law, to make them more systematic and meaningful. DoD would not be required to collect new data under the revised provisions, which threatens to be the case under current law.

The amendment also alters the HUBZone Act to allow small businesses to participate if their stock is publicly traded. Currently, the HUBZone law requires all HUBZone owners to be U.S. citizens. A company whose stock is publicly traded can never meet this requirement. The company does not know the citizenship of all its stockholders, and even if it did, it might change at any moment if someone decides to sell or buy shares.

The amendment piggybacks on current Securities Exchange Act disclosures to meet the citizenship requirement. The law requires people who own 5 percent or more of a company to file disclosure reports, and to file subsequent amendments if that amount materially changes. Under the HUBZone language proposed here, a firm would be deemed to meet the HUBZone citizenship requirement if no non-citizen (individual or corporate entity organized under the laws of a State or the United States) has filed a disclosure indicating ownership of more than 10 percent of the small business concern's stock. Because ownership can change at any moment, the language would provide that this must be true at the time of application and at such other subsequent times as the SBA Administrator prescribes.

One of the principal hurdles faced by small business is lack of access to capital. It makes no sense to exclude small businesses that have overcome this obstacle and gained access to the securities markets. This language would allow a publicly traded firm to rely reasonably on the disclosures they have received, so that they can participate in the HUBZone program. This will help stimulate new investment in our nation's most blighted inner cities, rural counties and Indian reservations, the areas targeted by the HUBZone Act.

AMENDMENT NO. 1698

Mr. BYRD. Mr. President, I rise to offer an amendment to address the serious accounting and financial management problems in the Department of Defense. These problems have been exhaustively detailed in reports by the General Accounting Office, the Department of Defense Inspector General's Office, and numerous independent reports on the Pentagon's books.

The problems with the Department of Defense's books is not a new one. In 1990, Congress passed the Chief Financial Officers Act, which required the departments and agencies of the Federal Government to prepare annual audited financial statements. Eleven years later, the Pentagon has yet to prepare a single financial statement that can pass an audit. In fact, the books are so poorly kept that the folks with the green eye shades can't even begin to make an informed opinion on the Department's ledgers. As a result, no one has a clue how much the Department spends or what it owns.

I first brought this issue to the attention of Secretary Rumsfeld during his confirmation hearing before the Armed Services Committee on January 11, 2001. He said at that time that he would take action on financial management, and he has since completed work on an important, comprehensive review of our military's bookkeeping. These are good steps, but sustained interest is needed to make progress on this issue. Until the problems are straightened out, this issue will need the personal attention of the Secretary of Defense, the secretaries of the military services, and many other high-level managers. The alternative is to have a financial management system that diverts the taxpayer's money from important budget items, such as training, procurement, and our fight against terrorism, to simply generating more waste, fraud, and abuse.

My amendment capitalizes on the work done by the Armed Services Committee by strengthening the Senior Financial Management Oversight Council

that is created by this bill. My amendment creates the Financial Management Modernization Executive Committee to establish guidelines for improvement of the computer systems that generate unreliable financial data, and makes the Executive Committee accountable directly to the Secretary of Defense, the Deputy Secretary, and the secretaries of the military services. It directs the Executive Committee to focus investments on improved financial systems, rather than continuing to spend money on systems that are hopelessly outdated.

In this amendment, I also strengthen the reporting requirements to Congress. The Armed Services Committee and the Appropriations Committee needs to know how long it will take to implement financial reform, and how much it will cost. We also need to know if the Department is making progress in reform, or if it is falling behind. The reporting requirements in this amendment will allow Congress to exercise better oversight of the Department's financial management reforms, and they are an integral part of this amendment.

I thank my colleague, Senator GRASSLEY, for working with me on this important issue. He has long been an advocate of improving accounting and business practices in the Pentagon, and his knowledge and experience in financial management issues contributed greatly to the text of this amendment. I look forward to working with him in the future to see that the Department effectively implements the needed reforms.

I ask my colleagues to support this important amendment.

Mr. GRASSLEY. Mr. President, I come to the floor today to cosponsor an amendment with the very distinguished gentleman from West Virginia, Senator BYRD.

Senator BYRD has crafted a very important and thoughtful piece of legislation designed to help the new Secretary of Defense bring some financial management reform to the Pentagon.

This legislation is the end result of a series of questions Senator BYRD raised at a hearing before the Armed Services Committee on January 11th. This was the hearing on the nomination of Mr. Rumsfeld to be the next Secretary of Defense.

Senator BYRD's questions pertained to the Pentagon's continuing inability to earn a passing grade, or ''clean'' audit opinion, on its annual financial statements.

Under the Chief Financial Officers or CFO Act, the Pentagon must prepare financial statements each year. These are supposed to be an accurate reflection of all the department's assets and liabilities. The financial statements are then subjected to an independent audit by either the General Accounting Office or the Inspector General.

Senator BYRD's questions pertained to the department's poor performance on the latest audit.

Senator BYRD questioning with this telling point: ''DOD's own auditors say the department cannot account for $2.3 trillion, I repeat $2.3 trillion, in transactions in one year alone.''

I believe that Senator BYRD's question had a profound effect on Mr. Rumsfeld. I think they sent shock waves through the whole department.

Since that time, Senator BYRD's staff and my staff have been working together to find a remedy.

Our amendment is a byproduct of that process, and Senator BYRD deserves most of the credit for advancing this initiative through the committee review process.

It is a great honor and privilege for the Senator from Iowa to work with someone of Senator BYRD's stature. Senator BYRD is a highly respected leader in this body and throughout our government. And when he tells the Pentagon, or any other agency for that matter, to shape up and fly right, they pay attention. They do what he asks.

As many of my colleagues know, I have been wrestling with this problem for a number of years. And quite frankly, I have not had a whole lot of success in getting the job done.

With Senator BYRD's leadership, I am now confident of success. With his leadership, I believe that meaningful reform is possible.

And my confidence is further reinforced by the attitude of the new leadership across the river over in the Pentagon.

My gut sense is that Mr. Rumsfeld was truly shocked by Senator BYRD's assessment.

As a former chief executive officer in a large corporation, Mr. Rumsfeld knows and understands the importance of having accurate financial information at his fingertips. It's absolutely essential for making informed decisions. It is essential for success.

He understands that the financial statement audits are a valuable diagnostic tool. They allow us to examine the patient's vital signs. It's kind of like doing a cat-scan on the government bookkeeping operation. If the books are in order and the numbers add up, it's so easy to roll them all up into a top-line financial statement that can stand up to scrutiny by auditors.

Mr. Rumsfeld grasped the magnitude of the problem immediately. He knows that the Secretary of Defense cannot possibly make good decisions with lousy information.

Having accurate, up-to-date financial information at his fingertips is mandatory—especially today when we appear to be on the brink of war.

The demand for financial resources is starting to escalate rapidly. If DOD does not know what it has in the inventory today and how much it is spending from one day to the next, then how could it possibly know what it needs?

I want to be certain that my colleagues understand the goal of the CFO Act. The key to this process is not passing some audit with flying colors. That's not it at all. This is no mickey mouse bean-counter exercise.

The goal is to have accurate financial information in the hands of those responsible for making decisions. A ''clean'' opinion tells us that they will have it when they need it. A ''clean'' opinion will tell us that they are in a position to make informed decisions about what needs to be done.

A disclaimer of opinion, by comparison, says they don't have it and can't make informed decisions. That's bad, but that's exactly where DOD is today.

Secretary Rumsfeld's response to Senator BYRD's questions was so encouraging. It was music to my ears.

Secretary Rumsfeld's response tells me that he understands the problem completely, and he wants to solve it. He knows he has to solve it, if he is to be a successful and effective secretary.

Secretary Rumsfeld made a personal commitment to me to clean up the department's books.

His Chief Financial Officer, Mr. Dov Zakheim, has made a personal commitment to me to fix the books.

And Mr. Zakheim's senior deputies, like Mr. Larry Lanzillotta, have made a personal commitment to me to fix the books.

So, I now see a willingness in the Pentagon to get a handle on this problem. That's half the battle right there, the will to get the job done.

To my knowledge, that attitude never existed at the Pentagon in the past.

In the past, I fought endlessly with Mr. Hamre and his predecessors. They denied the problem even existed. Clearly, we have moved way beyond that stage.

Mr. Rumsfeld and his team understand the problem and want to fix it. If the will is there, as I think it is, I think we can succeed this time.

I would like to assure my colleagues that this is not an attempt to legislate a solution. So long as the Secretary is committed to reform, a legislative solution is unnecessary.

I see our amendment more as a device to help the Secretary get the job done.

Our only objective is to help the department acquire the tools it needs to put accurate, up-to-date financial information at the secretary's fingertips.

First, our amendment establishes a Senior Financial Management Modernization Executive Committee.

This group will supervise the acquisition of highly integrated accounting systems and computer technology.

These systems will be designed to produce reliable financial statements. Those capabilities simply do not exist today.

This group will report directly to Secretary Rumsfeld.

Second, the amendment provides some much needed relief. Right now, the Inspector General is pouring audit resources down a rat hole. It makes no sense whatsoever to audit financial statements that are notoriously unreliable. It's a total waste. That practice will be suspended temporarily.

Third, while some audits are suspended, the Secretary must provide an estimate of when reliable financial statements will be available for audit.

Fourth, the department is put on notice that it has four years to get the new systems up and running.

Mr. President, every member of this body understands that the elimination of the terrorist threat to this country is the top defense priority for the foreseeable future. We understand and accept that .

Countering this terrible threat must take priority over everything else.

At the same time, I hope that efforts to ferret out fraud, waste, abuse and mismanagement are not left behind in a cloud of dust. They have a place, even in the current environment.

It will be up to Secretary Rumsfeld to decide how and where reform fits into the new priorities.

We have been repeatedly told that the coming campaign against terrorism will be long and difficult. If it is long and difficult as predicted, then we will need to be certain that we don't waste precious resources. Waste and mismanagement could get in the way of our efforts to win the war against terrorism.

AMENDMENT NO. 1703

Mr. ALLARD. Mr. President, I am pleased to be introducing with Senator BOB SMITH an amendment to improve the organization and management of the Department of Defense with respect to space programs and activities.

This amendment is more important than ever. We are about to engage in an extraordinary struggle against the forces of terrorism. This will be a far-flung and difficult fight. Good intelligence will be at a premium and our space assets play a key role in achieving that.

We must do whatever we can to be sure that all our military assets are managed as efficiently and effectively as possible. This amendment, which is based on the recommendations of the Commission to Assess United States National Security Space Management and Organization, (also known as the Space Commission), is intended to do just that for our space assets.

The Commission looked at current DOD organization and management as it pertains to the development and implementation of national-level guidance, establishing requirements, acquiring and operating systems, and planning, programming and budgeting for national security space capabilities. The Commission found that the United States is dependent on space, creating vulnerabilities and demands on our space systems requiring space to be recognized as a top national security priority. The Commission also concluded that these new vulnerabilities and demands are not adequately addressed by the current management structure at the Department. The Commission found that a number of space activities should be merged, chains of command adjusted, lines of communications opened and policies modified to achieve greater responsibility and accountability. Senator SMITH and I agree, and believe that space assets will be critical in the coming conflict with the forces of terrorism. That is why we are introducing this amendment.

The Department is making some of these changes today. However, we believe Congress should show its support to our military men and women by providing the Secretary with authority to realign his Department to make it more effective.

This legislation will provide the Secretary of Defense with the tools he needs for more effective management and organization of space program and activities. Specifically the legislation will:

Provide discretionary authority for the Secretary of Defense to establish an Under Secretary of Defense for Space, Intelligence and Information. Right now, the Secretary does not have this authority. While he has decided for the moment not to adopt this Commission recommendation, the amendment would provide him the authority to do so if he so chooses;

It would establish the Air Force as the Executive Agent for DOD space programs for DOD functions designated by the Secretary of Defense;

It would assign the Under Secretary of the Air Force as the Director of the NRO and directs the Under Secretary of the Air Force to coordinate the space activities of DOD and the NRO;

It would establish a budget mechanism to provide a better understanding of the resources we dedicate to space programs;

It would direct the Under Secretary of the Air Force to establish a space career field to promote the growth of specialists in space programs, doctrine, and operations. A budget mechanism and space career field will both help provide the needed focus on space and space activities;

And finally, the amendment would provide for joint service management of space programs to the maximum extent practicable, to assure that the Army, Navy, and Marine Corps stay actively involved in space programs.

This amendment will provide DOD the authority and flexibility to move faster and more efficiently in its reorganization and help provide the focus and attention that space programs and activities deserve. This is imperative in this dangerous world, in which our forces need the best technology, training, and support.

I want to thank my colleague for joining with me in this effort to provide the Department the tools it needs to make space a top national security priority. We welcome all Senators to join us in support of this important legislation.

Mr. SMITH of New Hampshire. Mr. President, I am glad that the Space Management Organization Amendment to this year's National Defense Authorization Act has been approved. As you all know, space issues have long been a keen interest of mine, even long before I served as the Strategic Forces Subcommittee Chairman. My interest is not derived from my New Hampshire industry constituents, because there is very little space business in my State. Rather, my interest in space is derived from my firm belief that whoever controls space will win the next war. More and more our deployed forces are relying on the ''reach'' that space communications provide and the ''high ground'' that space surveillance affords. Space is absolutely critical to future war fighting! That is why I feel proper management and operations of our space assets is absolutely critical. I look forward to working with Senator REED as the Chairman of the Strategic Forces Subcommittee to further the role of space in our strategic planning. This amendment is intended to capitalize on the expertise the Space Commission brought together, the Nation's greatest national security space experts from the military and civilian world. Ironically, military space operations are not usually run by senior officers with any space experience. Surely this lack of experience has some impact on their ability to leverage, to the maximum extent, the very complex high-technology military space assets under their command. In researching this issue, I found that the reason many of these officers don't have space experience is that they are required to be pilots in the ''dual-hatted'' relationship that U.S. Space Command has with the North American Aerospace Defense Command, NORAD. Because of the complexity of training to fly aircraft and maintain satellites, you rarely find officers with experience in both to staff appropriately U.S. Space Command, with space experts, and simultaneously meet the NORAD requirement for pilots. I think this current situation impacts our ability to leverage our space assets, precludes our best space officers from holding the highest positions, and perpetuates a culture in the Air Force that SPACE is secondary to AIR, despite the rhetoric to the contrary. This amendment is not intended to be an affront to the current or past Commanders of the U.S. Space Command or the officers who have served honorably under them. Rather, this amendment is intended to acknowledge that we have a defense space management issue and to seize the opportunity to correct it. Space is growing in importance as shown in the Gulf War, the Balkans and as will be demonstrated in the upcoming war against terrorism. It will be critical to winning the next war, and we need to establish the best space management and operations system that this Nation can bring to bear.

AMENDMENT NO. 1705

Mr. FEINGOLD. Mr. President, I have two amendments regarding the V–22 Osprey program. I understand that these amendments have been accepted, and I thank the managers, the Chairman and the Ranking Member of the

Armed Services Committee, for their cooperation on these important amendments.

The Osprey program has a troubled history and an uncertain future. Serious allegations and serious questions continue to cloud this program. Thirty Marines have died in Osprey crashes since 1991. Many questions regarding the accuracy of maintenance records and the safety and viability of this aircraft remain unanswered. We should proceed with caution, and we should have all the facts on this program.

I share the Armed Services Committee's concern about ''how the Marine Corps and the Air Force are going to meet the requirements established for the V–22 program,'' and I commend the Committee for including language in the underlying bill that directs the Department of Defense to conduct a review of potential alternatives to this troubled aircraft.

One of my amendments will require the Defense Department to submit a report to Congress regarding the status of the Osprey program. This report will be submitted to the Congress no later than 30 days before a decision to resume test flights of the Osprey. The report will include a description of how the Department is implementing or plans to implement the recommendations of the Panel to Review the V–22 Program. This Panel, which was formed by former Secretary of Defense William Cohen following the December 2000 Osprey crash that killed four Marines, has recommended that the program be restructured and enter a new ''Development Maturity Phase'' during which the Panel's design and testing recommendations would be implemented.

In addition, the Department will be required to provide a full analysis of the deficiencies in the V–22's hydraulic system components and flight control software and the steps that have been taken to correct these deficiencies. There are many questions about specific components of this experimental tilt-rotor aircraft, including the hydraulic system and the flight control software. Extensive problems with the Osprey's hydraulic system components is one of the principal concerns that has been cited in numerous reports, including the report of the Panel to Review the V–22 Program; the report of the Judge Advocate General Manual investigation into the December 2000 Osprey crash; reports by the General Accounting Office and the Defense Science Board; and the November 2000 report of the Director of Operational Testing and Evaluation. Further, the Panel recommended that no further test flights of the Osprey take place until the flight control software has been redesigned. The hydraulic system and the flight control software have been blamed for the December 2000 crash.

In addition, there are a number of concerns regarding the aeromechanics of the Osprey, including the so-called ''vortex ring state'' phenomenon that caused the April 2000 crash that killed 19 Marines. The Navy commissioned the National Aeronautics and Space Administration, NASA, to conduct a study of the tilt-rotor aeromechanics, including the vortex ring state and autorotation. The Department also will be required to include in its report to Congress an assessment of NASA's recommendations on tilt-rotor aeromechanics.

My second amendment would require the Department of Defense to provide notification to Congress thirty days before the resumption of V–22 test flights of all waivers of any item, capability, or other requirement specified in the Joint Operational Requirements Document, JORD, for the V–22, including the justification for such waivers.

As has been noted in reports including the final report of the Panel to Review the V–22, the November 2000 report of the Director of Operational Testing and Evaluation, and the Armed Services Committee report accompanying this bill, there are a number of concerns regarding the items that were waived during operational testing of the V–22. These include: the aircraft flight envelope and clearance for air combat maneuvering; defensive weapons systems; flight testing in bad weather conditions such as icing; nuclear, chemical, and biological weapons pressure protection; and the cargo handling system. The November 2000 report of the Director of Operational Testing and Evaluation states that ''several of these waived capabilities impact the operational effectiveness and suitability of the MV–22.''

My amendment will help to provide Congress with a more complete picture of the V–22 testing program by requiring the Department of Defense to provide a notification of all waivers and the justification for these waivers prior to a resumption of V–22 test flights.

Again, I thank the Chairman and the Ranking Member for accepting these amendments.

Mr. BUNNING. Mr. President, the Armed Services Committee approved an authorization increase of $10 million over the budget request for Combat Vehicle and Automotive Advanced Technology ''to support the goals of Army transformation''. The report states that ''of this amount, $5 million would be used for research into lightweight steels, vehicle weight and cost reduction, corrosion control, and vehicle architecture optimization. The committee notes that novel light truck architectures combined with advanced structural materials could reduce vehicle weight without degrading performance or increasing costs, and could support the Army's transformation into a lighter, more lethal, survivable and tactically mobile force.''

This increase refers to the research effort, competitively selected by the Army in fiscal year 1999, titled ''Improved Materials and Powertrain Architectures for 21th Century Trucks'' (IMPACT). The IMPACT program will cover light/medium military payloads up to 5 tons, including applications with an open or closed bed configuration.

Kentucky is a large commercial producer and Army Base user of such vehicles, and through the University of Louisville's involvement in this effort, plays an important research role in their design and testing. The military will realize significant procurement and O&M cost savings as a result.

Mr. LIEBERMAN. Mr. President, it is with great regret that I am come to the floor today to discuss Senator INHOFE'S amendment to this legislation. We are a nation poised for battle against a shadowy enemy that has as its aim the destruction of America and all that we stand for. Our President has prepared us for a sustained military campaign. At this time, there can be no higher priority than to pass this critically important legislation to support our armed services and the men and women who we will send into this battle to defend our freedom. Let us join together as Americans to provide our military with the funds they need, unencumbered by the distractions of debates better argued on another day.

Senator INHOFE is right to be concerned about our national energy policy. I think all of us in this Chamber share with the American people a sense of concern that we lack a comprehensive national energy plan for the future; one that combines the promises of new technologies and conservation with the important contribution of traditional fossil fuels in a responsible, efficient and clean manner.

But the time to debate the merits of the energy policy proposed by the White House and passed by our colleagues in the House is not today, and certainly not as an amendment to the defense authorization bill. We are talking about a debate of a 500-page, $40 billion energy package. The Joint Tax Committee has estimated that it will give $33.5 billion in tax breaks to industry over the next ten years. We cannot afford to be that fiscally irresponsible as we take on the new challenges of our war on terrorism.

More controversially, Senator INHOFE'S amendment would open the Arctic National Wildlife Refuge for oil production. In the view of many, myself included, opening the refuge is not just bad environmental policy, it is bad energy policy and would do little to reduce our dependence on foreign oil. Most importantly, the refuge would not provide a drop of oil for at least a decade. This 10-year figure is a conservative estimate that was made by the Department of Interior under President Bush's father. Hopefully, our current crisis will have passed ten years from now.

Debating the merits of these, and other, provisions will take time. There will be deep divisions and much disagreement. As Senator MURKOWSKI said just last week, consideration of energy

legislation on the defense bill is ''inappropriate. [T]here is a place for the consideration of domestic energy development. . . . That belongs in the energy bill where it should be debated by all individual members.''

The security of our energy supply is an essential question as we enter this phase in our history, and we will have that debate. But this is not the time nor place. We have just lost nearly seven thousand of our citizens to terrible attacks, and the Senate must put its differences aside. Now is the time for unity of purpose. Let us leave this debate for another day and focus with moon-shot intensity on the task at hand: supporting our armed forces. We cannot afford the distraction that this amendment would create.

Mr. CLELAND. Mr. President, as Chair of the Senate Armed Services Personnel Subcommittee, I am very pleased to have joined with Senator TIM HUTCHINSON to introduce an important change to the current method for hiring Department of Defense physicians, pharmacists, nurses, and other health care professionals.

Like the private sector, the Department of Defense has been beginning to experience difficulties in recruiting certain health care professionals. At both the June 14, 2001, Senate Veterans' Affairs Committee hearing on the looming nursing shortage and the June 27, 2001, Governmental Affairs Subcommittee hearing on the Federal Government's role in retaining nurses for delivery of federally funded health care services, I emphasized an alarming statistic that the Federal health sector, employing approximately 45,000 nurses, may be the hardest hit in the near future with an estimated 47 percent of its nursing workforce eligible for retirement by the year 2004.

The need for military health care workers will be further intensified with the increased need for action by our national security forces in light of last week's terrorist attacks on America. Currently, the Office of Personnel Management, OPM, must process all applications and the response times range from 115 to 161 days. This protracted processing time contributes to the shortage of needed staff and sometimes losing a qualified applicant. The Department of Veterans Affairs, VA, already has this authority and has reported an advantage over other Federal agencies and a more equal playing field with the highly competitive private sector in recruiting needed health care staff.

I urge my colleagues to support our amendment to the Defense Authorization bill to give the DoD this needed change in their regulations for hiring the health care staff needed to care for our servicemen, women and families. Now, more than ever we need to give them all the tools they need to fulfill their vital mission.

Ms. COLLINS. Mr. President, I rise today to discuss the importance of energy policy to our national security and to urge my colleagues to speed passage of the Department of Defense Authorization bill.

A sound energy policy is critical to our Nation's security. The United States is currently 56 percent dependent on foreign oil. By 2020, this number could rise to 70 percent. At that time, over 64 percent of the world's oil exports will come from Persian Gulf nations. I shudder to think what could happen if we allow ourselves to not only become so dependent on foreign oil, but also for our nation to become so dependent on such an unstable part of the world.

Senator CHUCK SCHUMER and I have spent a great deal of time developing a balanced, bipartisan energy plan which both increases supply and decreases demand. Our plan would increase American self reliance by reducing the need for energy imports. Our plan would also benefit consumers by reducing energy prices. We have a lot of good ideas, and, at the right time and on the right vehicle, we would like the opportunity to have them considered by the Senate.

However, now is not the right time and the Defense Authorization bill is not the right vehicle. Our first priorities must be to provide assistance to victims, to prevent future attacks, and to punish those responsible for the horrible acts of terror that occurred on September 11. A sound energy policy is critically important to the long-term viability of our national defense, as well as to virtually every segment of society. We cannot, however, respond to terrorist attacks by rushing through a controversial energy bill that will affect the course of domestic policy in the United States for decades to come.

Indeed, California has shown us what can happen when poor energy policies are hastily adopted. Californians will suffer from excessive energy prices for years upon years as a result of a poorly conceived energy plan. We should not risk similarly burdening all Americans by hastily attaching energy legislation to a defense bill.

Issues of timing and appropriateness aside, some of the energy proposals that have been heralded as necessary in the wake of the terrorist attacks of September 11 are in fact poor energy policy and poor environmental policy. I find particularly disingenuous the argument that we need to make an immediate decision on opening the coastal plain of the Arctic National Wildlife Refuge to oil drilling.

Drilling in ANWR will not provide any oil in time to help fuel our forces fighting the scourge of terrorism. If we were to open ANWR to oil drilling today, it would still take up to 10 years for the oil to make it to market. Furthermore, according to a report by the US Geological Survey, there is only about a 6-month supply of economically recoverable oil in ANWR. Clearly, 6 months of oil 10 years from now won't do much to help America respond to the terrible tragedies of September 11.

We can achieve greater and more immediate energy security by increasing our energy efficiency. According to one scientist who testified before the Senate Government Affairs Committee last year, the United States could cut reliance on foreign oil by more than 50 percent by increasing energy efficiency by 2.2 percent per year. This is a much greater benefit than the few percent improvement that drilling in ANWR would provide, and the benefits could start almost immediately—not in 10 years. I note that the United States has a tremendous record of increasing energy efficiency when we put our minds to it: following the 1979 OPEC energy shock, the United States increased its energy efficiency by 3.2 percent per year for several years. With today's improvements in technology, 2.2 percent is easily attainable.

In addition, Senators FEINSTEIN, SNOWE, SCHUMER and I introduced legislation earlier this year that would save consumers a million barrels of oil per day and billions of dollars by increasing CAFE standards for SUVs. That legislation would do far more to increase our energy security than would drilling in the Arctic.

We should also do more to promote alternative fuels. According to an analysis prepared by the Department of Energy, if only 10 percent of the gasoline in American cars were replaced with alternative fuels, the price of oil would fall by $3 per barrel and Americans would save over $20 billion a year, in addition to greatly improving our energy security.

The chair and ranking members of the Energy Committee, Senators BINGAMAN and MURKOWSKI, have put a tremendous amount of effort into developing comprehensive energy proposals. Each of their proposals contain many, many excellent provisions. I would like to thank them and all members of the energy committee for their hard work. However, I must emphasize that their work is too important, and the implications for the entire Nation too significant, to be hurriedly attached to another bill without adequate time for debate.

We need to adopt balanced legislation to increase our energy security, but we need to do so in a rational manner. Energy security is too important not to be addressed on its own merits by the full Senate. Furthermore, our defense needs are too important not to allow the Defense Authorization bill to go forward. Senators LEVIN and WARNER have worked extremely hard on that bill, and have put together a bill that is critical for the defense of our Nation. I implore all of my colleagues, please, for the good of America, speed passage of the Defense Authorization bill.

Mr. BINGAMAN. Mr. President, I rise in support of an amendment to S. 1438, the fiscal year 2002 National Defense Authorization Act, to provide funds badly needed for two vital test support activities in the Department of Defense. The Big Crow program provides

DoD with highly sophisticated airborne electronic warfare capabilities that enable us to test our newest weapon systems and technologies in a realistic battle environment in which electronic warfare is likely to be used. The system can also be used operationally if a requirement suddenly occurs. The Defense Systems Evaluation, DSE, program provides aircraft to replicate enemy and friendly aircraft in testing Army air defense programs and technology. Both of these programs provide vital test support assets used by all the military services. Unfortunately, it is typical for programs that provide cross-service support to be inadequately funded by their parent service organization. This year's President's budget request did not seek any funding for these programs, perhaps relying on the Congress, once again, to provide the emergency funds needed to keep them operating.

Thus we find ourselves again this year, seeking the funding needed for these two programs in order for them to continue to provide vital test support activities for all of the military services. The amendment, which Senator DOMENICI and I offer, will provide the minimum necessary funding to enable Big Crow and DSE to operate during fiscal year 2002.

There are other test support programs in the DoD that suffer the same circumstance as the two for which I am seeking funding. They refer to them in the Pentagon as ''the orphans.'' The Defense Science Board, DSB, recently completed a review of operational testing and evaluation in the Department of Defense and published a report containing a number of significant recommendations about how to improve that process to make it more effective and efficient. The DSB recommended that DoD seek ways to encourage and implement joint service testing. Among their recommendations, the DSB endorsed budget oversight responsibility for orphan programs such as Big Crow and DSE to the Director, Operational Test and Evaluation in the Office of the Secretary of Defense. Actual test and evaluation activities would remain the province of the military services.

This year's Defense Authorization bill reported out by the Armed Services Committee contains a provision requesting the Secretary of Defense to review the DSB report and to submit recommendations regarding its implementation with the budget request submission for fiscal year 2003. I am hopeful that the Secretary will endorse the DSB findings so that the Department will finally exercise appropriate oversight and support for cross-service test activities. In the meantime, the amendment I am introducing is necessary to keep those essential test activities underway. I urge my colleagues to support its adoption.

Mr. LEVIN. I thank the Chair.

Mr. WARNER. Madam President, I urge the adoption of the amendments.

The PRESIDING OFFICER. The amendments have been agreed to by unanimous consent.

Mr. WARNER. Madam President, I am not hearing.

The PRESIDING OFFICER. The amendments were agreed to by unanimous consent.

Mr. WARNER. Fine.

If it requires that I now move to reconsider the vote and to lay that motion on the table, I do that.

The PRESIDING OFFICER. That was part of the unanimous consent agreement.

Mr. WARNER. Fine.

Now, Madam President, first, the chairman and I, together with the two senior appropriators of the Senate and our counterparts in the House, started today at the Pentagon, with the Secretary of Defense, his senior staff, and the designated new Chairman of the Joint Chiefs of Staff.

The chairman and I open every day expressing our profound gratitude to the men and women of the Armed Forces and their families, and particularly our concerns are everlasting for those who suffered loss of life and injury, and the families associated with those victims on September 11.

After this meeting, I walked around again to that site where that plane committed a terrorist act against the symbol of the U.S. military strength, the Department of Defense.

I am pleased to report that, in my judgment, the Secretary is moving forward on a broad range of fronts to address all issues that the President, in his memorable speech, raised before the Congress.

Expressing for myself, and I think all others, we have tremendous confidence in the men and women of the Armed Forces in their ability to carry out the diverse set of missions, any one of which may face them at any time as we address the terrorist acts inflicted on the country, and to take every step to prepare that it shall not be repeated.

I commend our President and, indeed, the Secretaries of Defense and State, who were here yesterday and briefed almost 90 Senators on a wide range of issues.

So the consultation between the executive branch and the legislative branch, particularly those of us who have the oversight responsibility, I think is more than adequate and certainly within the spirit of all the various laws, beginning with our Constitution, which says that the Senate and the House, as a congress, are a coequal branch of the Government.

I join with my distinguished chairman in saying how important this bill is for the men and women of the Armed Forces. As we sat there at our breakfast this morning, there were further announcements on callups and movements of these individuals in uniform and the impact on their families.

It is absolutely imperative we move forward with this bill. On the matters that were addressed last night, which for a period of time held up consideration of this bill, those Senators were acting within their rights as Senators on matters which are of great concern. I am hopeful that those two issues can be resolved.

As our chairman said, Senator DASCHLE, Senator LOTT, and Senator REID are around the clock working on these issues, together with other Senators.

So I am optimistic that we can move forward and continue to work on this bill on Monday and proceed to a resolution and passage in a timely way to show that the Senate of the United States, in joining the House of Representatives, is prepared to have a bill to go to the President shortly, authorizing the very special needs we have at this time in our history.

Mr. President, I yield the floor and I thank my chairman. We have been working together for at least 23 years. We have more work to do.

Mr. LEVIN. Neither of us shows it in terms of the youthful visage we present.

Mr. WARNER. Whatever you say.

I thank my chairman. And I hope he has a safe journey wherever he is traveling on this important observance of the religious holiday.

Mr. LEVIN. We not only want to thank our good friend from Virginia for those thoughts about the religious holiday—which I am now going to leave here to celebrate—but I want to thank him for the sensitivity which he has shown to that issue and to every other issue that involves personal lives. He has consistently done that for 23 years. It is part of his makeup. He has very much worried whether I would be able to leave here in time today to get to synagogue. I very much appreciate his consideration.

Mr. WARNER. Madam President, I thank my colleague for his remarks.

I believe we would be able to say to the Senate, having consulted with the distinguished majority leader and Republican leader, that in due course they may come to this Chamber with regard to certain procedural situations which would address our return to this bill on Monday. I do not want to prejudge their final statement, but I am optimistic they will be forthcoming and we can reach resolution procedurally on some of our matters.

Mr. LEVIN. Talking about optimism, as I mentioned to my friend from Virginia, I have been optimistic since last night that we were going to be able to work out the issue which temporarily held us up yesterday. That one now seems very resolvable.

There is one big problem relative to a matter that is not related to this bill. That is the only problem that I see in the way. But our leaders will have more to say about that in a few minutes.

Mr. WARNER. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. TORRICELLI. Mr. President, I ask unanimous consent that there be a period for morning business and that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey.

AFTER SEPTEMBER 11, 2001

Mr. TORRICELLI. I thank the Chair.

Mr. President, I want to engage my colleagues and the American people in a discussion of the events of September 11, 2001. All of us recognize that much of our lives have been touched and some things have been changed forever. If it is axiomatic to say that about our country and the communities I represent and where I live in northern New Jersey, it may be as true as anywhere in the Nation.

There is not a small town or a city in northern New Jersey that has not been touched or changed. At the time the final body has been found and the search has concluded, 2,000 to 3,000 people in New Jersey may have lost their lives. It is estimated there are 1,500 orphans in my State. It struck everywhere.

In Middletown, NJ, 36 people have been lost. It is estimated it could go as high as 70. In Basking Ridge, where JON CORZINE and I visited a few days ago, 14 people were lost, two more than in all of World War II. In a single elementary school in Ridgewood, NJ, 6 children lost their fathers.

The loss of lives in Korea or Vietnam or World War II took years to accumulate. In my State of New Jersey, lives were lost in minutes.

We say the Nation will never be the same. We say that life has changed. Those are words. We do not know what they mean. All we can attest is that it is large, it is dramatic, and things will be different. Now we fill in the blanks. How will it be different and why?

The pain is so great and the loss is so enormous that our instinct is to strike immediately, overwhelmingly with the power in our possession, and, indeed, we will strike, but it must be thoughtful and it must be careful because it must be successful.

Our instinct is, because we understand there is no liberty without security, that we must immediately enhance law enforcement with money, with people, and with new powers. Indeed, many of these new powers are justified and must be required. Everything from increasing electronic surveillance to expanding wiretap authority to giving the CIA greater access to grand jury materials is being proposed. Some of it is long overdue, and already I think the Congress can justify acting.

There is no reason to have a 5-year statute of limitations on terrorist activities. The Nation has no statute of limitations for treason or for murder. Terrorism is every much as insidious and the statute of limitations should be lifted.

The Government clearly needs to have greater powers for dealing with money laundering. We recognize this from our fight against the narcotics trade, and it is true with terrorism. The laws are antiquated and must be changed.

The electronics telecommunications revolution has probably necessitated change in electronic monitoring as well.

These things we can justify, but it is here where I urge caution because we are in pain, because we are vulnerable, and because we recognize that our security is in such danger there is a rush to judgment on issues of civil liberties. It is here where I draw the line.

Everything can be discussed, and the Congress should be willing to listen to many, but it is the responsibility of this Congress, under the architecture designed by the Founding Fathers, and primarily the duty of this Senate where passions cool, better judgment reigns, civil liberties which are compromised. A Constitution which is changed to deal with the necessities of an emergency is not so easily restored when the peace is guaranteed and a victory won.

If this Congress surrenders civil liberties and rearranges constitutional rights to deal with these terrorists, then their greatest victory will not have been won in New York but in Washington.

Any administration can defeat terrorism by surrendering civil liberties and changing the Constitution. Our goal is to defeat terrorism, remain who we are, and retain the best about ourselves while defeating terrorism. It is more difficult, but it is what history requires us to do.

The history of our Nation is replete with contrary examples, and we need to learn by them. They are instructive. For even the greats of American political life have given in to the temptation of our worst instincts to defeat our worst enemies and lose the best about ourselves. Indeed, the very architect of our independence, John Adams, under the threat of British and French subversion, supported the Alien and Sedition Acts, compromising the very freedom of expression he had helped to bring to the American people only a decade before. He lived with the blemish of those acts on his public life until the day he died.

Abraham Lincoln, the Great Emancipator, the savior of our Union suspended the Constitution, its right of habeas corpus, imprisoning political opponents to save the Union.

Franklin Delano Roosevelt, who had the honor of saving the Nation not once but through the Great Depression and the Second World War, imprisoned Japanese Americans and some German and Italian Americans in a hasty effort at national security which has lived as a national shame.

If these great men, pillars of our democracy, compromised better judgment in time of national crisis, it should temper our instincts. Their actions should speak volumes about the need for caution at a time of national challenge.

There is another side. There are better instincts among us. The American people are speaking of them all across the Nation. They recognize the need to balance security and civil liberties, to change that which is required to assure victory, but recognizing that victory is measured not only by security but also by our liberties.

Across the Nation, the American people have provided us many measures of their strength as they exercise those liberties, engaging in open debate about how the Nation responds, giving unprecedented levels of donations—$200 million to the Red Cross alone.

They reached out across races and religions to express concern about each other and for the safety of Arab Americans and Muslim Americans.

They are reminders of how much the Nation has grown from previous successes.

I rise in recognition of these national strengths and these concerns and commend in particular Senator LEAHY who has extended, on behalf of the Senate, our desire to work with the administration to enhance the powers of law enforcement and to provide the necessary resources. But I think he speaks for many Members of the Senate—he certainly speaks for me—when he also asks that we act deliberately and prudently.

I ask we expand that debate because history will require, and I believe the American people will demand, that we not merely review what new powers must be given to law enforcement and the intelligence community, we must not simply debate what new resources financially are required, but there is some need for some accounting of those previous powers and resources.

At a time when we are still seeking survivors and counting the dead, no one wants to cast blame. I do not rise to cast blame, but I do ask for accountability.

I may represent 3,000 families who lost fathers and mothers and sisters and brothers and children. They demand military protection by bringing our forces abroad. They ask that we strengthen law enforcement at home. But somebody is going to have to visit these cities and small towns and answer to these families, where are the resources we gave in the past? What of the enormous intelligence and security and law enforcement apparatus we have built through these decades? What happened?

This is not to assess blame. It is so we can only learn how to correct these

errors and improve these systems if we understand the failures.

It is reported in the media that the United States, in what would otherwise be a classified figure, may spend $30 billion per year on intelligence services, including the CIA and the NSA.

The Washington Post reports the FBI counterterrorism spending grew to $423 million this year, a figure which in the last 8 years has grown by 300 percent. It is not enough to ask for more. It is necessary to assess what went wrong. Did leadership fail? Were the plans inadequate? Did we have the wrong people, or were they on the wrong mission?

Earlier this week, the Washington Post reported that over the past 2 years the Central Intelligence Agency had provided to the FBI the names of 100 suspected associates of Osama bin Laden who were either in or on their way to the United States. Yet the Washington Post concludes that the FBI ''was ill equipped and unprepared'' to deal with this information.

Some of the allegations reported in the media are stunning and deeply troubling, not simply about what happened but revealing about our inability to deal with the current crisis. Previous terrorist investigations, it is alleged, produced boxes of evidentiary material written in Arabic that remained unanalyzed for lack of translators. During the 1993 World Trade Center bombing trial, agents discovered that photos and drawings outlining the plot had been in their possession for 3 years, but they had not been analyzed.

Since 1996, the FBI had evidence that international terrorists were learning to fly passenger jets at U.S. flight schools, but that does not seem to have obviously raised sufficient concern, and there was no apparent action.

In August, the FBI received notice from French intelligence that one man who had paid cash to use flight simulators in Minnesota was a ''radical Islamic extremist'' with ties to Afghani terrorist training camps. Regrettably, this intelligence information was apparently not seen in the greater context of an actual threat that has now been realized.

On August 23 of this year, a few weeks before the World Trade Center was attacked, the CIA alerted the FBI that two suspected terrorist associates of Bin Laden were in the United States. The INS confirmed their presence in the United States, and the FBI launched a search. It was obviously unsuccessful.

It is hard to know where to begin. Life goes on, but not so quickly. Who here will come to New Jersey with me and visit these thousands of families who pay their taxes and ask little of their country, maybe nothing of their Government, other than to keep them secure, protect their liberties, and let them live their lives? Somebody failed the American people.

I know my constituents will ask me, as their representative in the Senate, to authorize foreign military adventures to find those responsible, and I have done that, and the President has my support. They will not want this pain to be shared with other Americans, so they will ask my support financially and by changing Federal statutes to ensure this never happens again, and that will have my support. Some of these children, some of the widows or widowers, are going to ask: Senator, how did this happen? All of this money and all of these resources. Why was somebody not watching to defend my family, my country, my child?

We can postpone that accountability, but it has to happen. These terrorist cells that consumed these lives and shooked our Nation to the core and now send us into foreign battle were not organized last month. This attack was not planned on the morning of September 11, 2001. Many of those arrested or detained for this terrorist attack were from the same area and may have had the same relationships to the 1993 bombing of the World Trade Center in New York. What level of surprise could this represent? There needs to be an explanation.

On behalf of the people of my State, if I need to return to this Chamber every day of every week of every month, this Senate is going to vote for some board of inquiry. I joined my colleagues after the *Challenger* accident, recognizing that that loss of life, the failure of technology and leadership, indicated something was wrong in NASA. The board of inquiry reformed NASA and the technology and gave it new leadership, and it served the Nation well.

After Pearl Harbor, we recognized something was wrong militarily. We had a board of inquiry. We found those responsible, we held them accountable, and we instituted the changes.

Indeed, that formula has served this Nation for years in numerous crises. Now I call for it again. First, review the circumstances surrounding this tragedy, the people responsible, the resources that were available, where there was a failure of action, and make recommendations and assign responsibility. Second, develop recommendations for changes of law or resources or personnel so it does not happen again. I cannot imagine we will do less. I call upon us to do more. I will not be satisfied with new assignments of powers or appropriating more money. I want to know what went wrong, and why, and who.

Just as we have moved forward, we need to give one glance back over our shoulder and give these families some answers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Having had the opportunity to visit New Jersey last week, I listened intently to the comments of my good friend and must say I was very moved with the presentation made by the various mayors who saw fit to share the extent of that tragedy—not only the residents of their communities, but the tremendous burden put on these areas to address the recovery efforts associated with the reality that nearly a third of the estimated number lost were residents of the State of New Jersey.

I extend my sympathies and assure my colleague of my willingness to assist him and his constituents in this terrible tragedy.

ENERGY SECURITY

Mr. MURKOWSKI. Mr. President, I rise today to recognize a reality that our Nation is at war. I think we all agree that never before have we been so blatantly or cowardly attacked as a consequence of this new form of terrorism, commercial airplanes having been used as weapons of terrorism. As we propose to prosecute this war, we need to make certain our Nation, our people, and our economy are prepared and ready for the battles to come.

I rise today to discuss one part of how America should work to ensure one portion, and that is our energy security. The reality is that America is dependent today on foreign sources for 57 percent of the oil we consume. Further, we are importing most of this oil from unstable foreign regimes. It is no secret to any Member of this body. I have stood on the floor many times to remind my colleagues that we are currently importing a million barrels a day from Iraq, while, at the same time, the inconsistency of the manner that we are enforcing a no-fly zone; namely, an area blockade, putting the lives of America's men and women at risk in enforcing this no-fly zone. We are funding Saddam Hussein at the time when we consider him a great risk and potentially associated with alleged funding of terrorists.

After the tragic and horrifying events of September 11, it is patently obvious that we must now prepare for war, and it is equally obvious that the tools of war are driven by one source of energy, and that is oil. The aircraft, the helicopter, the gunships, and the destroyers do not run on natural gas. They do not run on solar or hot air. In peacetime alone, our military uses more than 300,000 barrels of oil each day. I remind my colleagues that oil must be refined. I can only imagine how that number will rise in the coming weeks, the coming months. Hopefully not the coming years.

It should also be obvious that the country cannot depend on unstable regimes such as Iraq to meet our energy needs without compromising our national security. I have the greatest respect for our friends throughout the world, especially those in this hemisphere, especially my friends in Canada. However, it only makes sense for America to take steps to put its own energy house in order. We need to conserve our energy, improve our energy efficiency, but we also need to produce

as much energy as we can domestically so we can lessen our dependence on foreign sources.

I come today in response to comments by Canada's Environmental Minister, Mr. David Anderson. I will read from an article that appeared in Reuters news service yesterday. I ask unanimous consent it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CANADA URGES AGAINST HASTY U.S. MOVE ON ARCTIC OIL

(By David Ljunggren)

OTTAWA.—Canada urged the United States yesterday not to take a ''hasty and ill-considered'' decision to start drilling in an Alaskan wildlife refuge, something which Ottawa implacably opposes.

Canada has long objected to U.S. plans to drill in the Arctic National Wildlife Refuge (ANWR), saying it would ruin the calving ground of the Porcupine caribou herd upon which native Gwich'in Indians in both Alaska and Canada depend.

But Oklahoma Senator James Inhofe is threatening to add language this week to a multibillion-dollar defense-spending bill to allow drilling in ANWR as a way to secure future U.S. oil supplies.

''It's particularly important at times when you have a crisis on your hands to make sure you don't make hasty and ill-considered decisions,'' Canadian Environment Minister David Anderson told Reuters.

''It's also very important at times like this, when energy security is a major issue, that you consider all factors and not go ahead without the normal analysis and the thought that would go into such a decision,'' he said in an interview.

Canada, which says both countries should provide permanent protection for the wildlife populations that straddle the border, has already slapped a development ban on areas frequented by the Porcupine herd.

''We still believe (drilling) to be the wrong decision, we do not believe the American security situation in any way justifies a change in that position,'' said Anderson.

Canadian Energy Minister Ralph Goodale last week said there are plenty of other energy sources in North America that could be developed before ANWR needed to be touched. These included the vast tar sands of Alberta, which are believed to be richer that the entire reserves of Saudi Arabia.

Supporters of opening the refuge say U.S. oil supplies from the Middle East are at risk and the Alaska wilderness reserves are needed to make up any possible shortfall.

''That is in our view a highly questionable approach. This should be based on long-term strategic considerations—none of this oil, if it were drilled, is going to come on flow for a number of years,'' Anderson told Reuters.

He said there was no evidence of a shortfall in supplies from the Middle East and pointed to an almost 15 percent fall in the price of crude oil yesterday as supply fears eased.

Anderson was speaking from the western city of Winnipeg, Manitoba, after briefing provincial ministers on the international efforts to combat global warming.

Delegates from around 180 countries failed in July to agree to changes to the 1997 Kyoto Protocol on cutting emissions of the greenhouse gases blamed for global warming. They are due to try again next month in Marrakesh, Morocco, and Anderson said he expected that meeting to go ahead.

''Our hope is that the civilized world will be able to deal with the issue of terrorism and still maintain its values in a number of areas,'' he said.

''We have a large number of global issues, including global warming, which cannot simply be ignored. . . . We have long-term interests as nations and they continue even though we clearly have a major short-to-medium-term problem—I'm talking years now—on terrorism.''

Mr. MURKOWSKI. Canada's Environmental Minister, Mr. Anderson, this week urged America not to make hasty and ill-considered decisions to allow oil exploration in a tiny part of the Arctic coastal plain in Alaska just because of the attacks on the World Trade Center and the Pentagon, which claimed more than 6,000 American lives.

First, I am a friend of Canada. We are neighbors. We are separated from the contiguous States by Canada. I serve on the U.S.-Canada Interparliamentary Conference. I have been chairman of that committee, and I have there a number of friends and associates. I have the highest regard for our relationship with Canada, which is a very unique relationship, very friendly, and one based on healthy competition. For Mr. Anderson to make such a statement, given Canada's current energy policy, is truly the height of hypocrisy.

Let me address this in a series of charts. First, Canada has worked to tap energy from its own Northwest Territories, which, frankly, they have every right to do, and I support. But a good portion of that activity is going on within the migratory range of the Porcupine caribou.

Let me show the division of Alaska and Canada. This map shows the Canadian activity on the Canadian side of the Northwest Territories and recognition of significant offshore activities, as well as onshore activities. This is the general manner in which the Porcupine caribou go across the border. Dempster Highway goes through this area. I show this because it gives folks a bit of geography for the area and a description of what we are talking about.

This is proposed ANWR, and the 1002 area, and the effort to address the authorization by Congress to open 1.5 million acres for exploration. The Canadian activity is in a much broader area. It is, of course, appropriate that Canada makes its own decisions. They certainly have every right to do it. I point out a good portion of the activity is going on within the migratory range of the Porcupine caribou herd and is something our Canadian friends do not want to acknowledge. This is the same herd that occasionally in the last 2 years was on the Alaskan side. Canada claims it wants to protect them, and so do we. But they suggest it be done by preventing oil development in the 1002 region.

Here are the facts associated with the Canadian activity. Canada first drilled 86 wells, exploration wells, in an area finding nothing. This was in the Norman Wells area and they chose to make a park out of it. I admire and appreciate that. It is a small area and if they made a park out of it after they pretty well exhausted the prospects of finding oil and gas, and I am perfectly willing to make a park out of ANWR after we make a significant determination that there was oil and gas to address the security needs of this country, if that was the will of Congress.

In any event, in the 1970s and 1980s there were 89 wells drilled in this area, including 2 in the exact area that the Nation made into what we call the Ivvavik National Park. That was only after they were dry holes.

Canada built—and I want to show this on another map—the Dempster Highway. This is not a very vivid map. Here again is Alaska, here is Canada, and here is the Dempster Highway, which runs right through the migratory route of the Porcupine caribou. So you see this highway goes right through the range. They did this to facilitate oil-drilling equipment moving into the region and to provide access, which is certainly reasonable.

In the past 3 years, Canada has moved to markedly expand its own oil and gas development in the migratory route of the caribou. As a matter of fact, in 1999 and 2000, Canada, according to a series of articles in the Vancouver Sun newspaper, offered six onshore lease areas for oil and gas exploration in the area. I ask unanimous consent the articles from the Vancouver Sun be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Vancouver Sun, June 11, 2001]

DRILLING FOR OIL ON GWICH'IN LAND

(By Stephen Hume)

TSIIGEHTCHIC, N.W.T.—Grace Blake pauses in mid-sentence and looks out the window of the Gwich'in Cultural and Social Institute where she's the acting executive director.

Her gaze swings past the white spire of the Roman Catholic Church, past the cemetery's white crosses buried in white snowdrifts and slips over the frozen white confluence of the Mackenzie and Arctic Red Rivers reaching for something beyond what is visible to me.

Despite a bleached, blinding intensity to the exterior landscape that seeps into the emotional landscape the two of us occupy, the moment seems as still as frosted glass, brittle—and it prompts a sudden memory from 30 years before.

''Look for what's whiter than white,'' the old Gwich'in hunter told me then, teaching me not far from here how to pick-off winter plumaged ptarmigan with the lovely little Browning .22 that I still have packed away in its case somewhere.

''Find a patch of snow that's whiter than the snow—then look for the black dot. That's the eye looking at you. Shoot there, won't spoil the meat.''

Tsiigehtchic has always been a point of convergence for the old values, a place where people can still feel profound spiritual connections to the land and anguish at the dislocations of modernity, a place where to be a hunter is not considered backward, but someone to be respected.

The reverence shows in the photographs of elders adorning the walls where Grace supervises the recording of stories and legends and research into the cultural heritage of people whose ancestors might have been among the first peoples to arrive in North America—

maybe 12,000 years ago, maybe 30,000. The archaeology of the Old Crow flats isn't as precise as historians might like, but it was a long, long time before this, anyway.

The first time I was here, I visited sights where the ancient habitation patterns were being uncovered by scholars from the south even as a new way of life swept over the Mackenzie delta. I've come back here to renew my acquaintance with the place on the eve of another petroleum boom, although this time the development may be transformed by the new North as much as it transforms life for the people who live here.

More than a quarter of a century ago, when Grace was a beautiful young woman with her eight children still in her future, Tsiigehtchic represented an oasis of intelligent calm in the petroleum boom that swept over the vast delta of the Mackenzie River.

Back then the bush rang with the explosions of crews shooting seismic surveys. Drill rigs punched more than 250 wells through the permafrost and charted the outline of a Canadian elephant, the nation's second largest reservoir of conventional oil and natural gas—perhaps 1.5 billion barrels of crude and another 10 trillion cubic feet of gas.

Bush planes and corporate Learjets came and went in such numbers that the airport at Inuvik, a town freshly cut from the raw, red banks of the Mackenzie, recorded aircraft movements on a scale with Chicago and Dallas. The town of Old Crow, just across the border in the northern Yukon, population 300, inherited an air strip capable of handling big multi-engine jets.

Up the winter ice highway at Tuktoyaktuk, where the inhabitants still carry the names of American whalers and Scottish traders who arrived under sail, the town was a frenzy of marine activity. There were drilling ships, resupply barges and new islands were even being built out in the shallows of the Beaufort Sea so that rigs could drill without fear of ice floes.

Through the airport lounges came a steady stream of oil workers: geologists still sunburnt from work in the African deserts; helicopter pilots from Vietnam wearing long-billed hats and mirrored sunglasses; toolpushes fresh from Indonesia; consultants with clipboards, bureaucrats with briefcases and seismic crews toting sleeping bags rated for 60 below zero.

The old hunter, now long dead, had laughed at the spectacle as he restrung a pair of long, wide-bodied snowshoes for his nephew: ''My great-great-granddad met Alexander Mackenzie. He went. These roughnecks, they'll go. You'll go. But us, we're not gonna go. We'll be here as long as this river.''

And he was right. As abruptly as the oil boomers had come, they left. I left. Businesses withered. Towns that had seemed frantic fell into a Rip Van Winkle-like lassitude and the vastness of the Arctic closed over another example of human vanity.

Now, with an energy-hungry America once again eyeing the North as a potential source for its long-term needs, the delta quivers with an eerie sense of anticipation as somewhere over the horizon the second coming of the oil rush and planning for the pipelines required to carry the rich resources south gather momentum.

Inuvik Mayor Peter Clerkson says he expects the number of active rigs in the Mackenzie delta will quadruple next year and double again in 2003.

''This won't slow down for the next three to four years,'' he says. ''If the pipeline decision goes ahead it will project out a long way. That pipeline is very important for long-term sustained growth. We've had booms before. We need long-term growth.''

He's optimistic because of aboriginal involvement, not in spite of it.

Perhaps there's a signal here for British Columbia, where land claims settlements are stalled, uncertainty stunts investment potential and Premier Gordon Campbell is contemplating what promises to be a divisive referendum on the issue, however bland the final question.

Yet in the Northwest Territories, generous land settlements have had an enormously positive impact on natives and nonnatives alike, the mayor says.

''You've got land settlements, the aboriginal groups are in charge and the Inuvialuit have basically gone out and joint-ventured with everyone. It's a much different game. It really changes things. It's not only because they are aboriginal, it's because they are local. This is their home. The money stays in this economy.''

Over at the Gwich'in Tribal Council, newly-returned executive assistant Lawrence Norbert, born 42 years ago in Tsiigehtchic, says he's been ''grinning from ear-to-ear since I got back.''

''It's much different doing business with governments and corporations now,'' he says. ''It's like there's a new sheriff in town and they realize that the old way of doing business is over for good. That's the up-side. We all know where we stand now.''

As he and other aboriginals wait, the new drill rigs are ready to rumble north. These units are equipped with special design features that enable crews to work in the harsh winter environment—captured engine heat is recirculated to keep roughnecks' feet warm in temperatures cold enough to freeze exposed flesh in minutes, for example.

The rigs can require 80 or more trucks to move their components and cost up to $50 million each to construct. That was the price tag on each of three just built in Edmonton by Akita Drilling Ltd. and bound north for next winter's exploration season.

As with northern Alberta and northeastern B.C., the financial stakes are mind-boggling.

N.W.T. Finance Minister Joe Handley says it's estimated that if all reserves in the Arctic are fully developed, they will be worth $400 billion with royalties of $76 billion flowing to Canada, another $11 billion to the N.W.T. and billions more to the First Nations on whose treaty lands the development will occur.

Even more than in northern Alberta, the term ''Kuwaitification'' sidles into conversations about the future implications. The entire population of N.W.T. would leave empty seats around the end zones if it were to meet in B.C. Place. And although the North's aboriginal population of 21,000 forms the majority, in total it's smaller than Langley's.

The corollary is that when the new oil rush reaches its zenith, the entire weight of it is likely to descend upon the inhabitants of Tsiigehtchic. The village has the misfortune to sit in an oil patch so rich that crude seeps out of the river banks to stain the river. And the first rig into the delta in a decade has already been drilling a few kilometres away.

So this remote village of just over 170, as far north from Vancouver as Mexico is south—this is where I decide to begin the Arctic leg of my energy odyssey, talking about the looming future with Grace, who is old enough to remember the last big boom and wise enough, after an 11-year term as chief, to worry about the next one.

I find her on a Saturday morning at the back door to her log cabin, the ground freshly splattered with the bright crimson but already-frozen blood of a caribou from the immense Porcupine Herd that migrates between here and its calving grounds in the Arctic Wildlife Refuge where U.S. President George W. Bush wants to begin exploring for oil.

She'll talk, she agrees, but she won't invite me in. It's an act of hospitality.

''I was skinning this animal last night,'' she says. ''Goodness, I've got hair all over everything in there.'' And she leads the unexpected visitor down to the institute offices, instead, to talk about how things have changed—and not changed—with respect to petroleum development.

Almost 30 years ago, northern aboriginal communities presented an opposition to the building of pipelines to carry northern oil and gas down the Mackenzie Valley that was so eloquent and united in purpose that a commission on the matter headed by Tom Berger called for a 10-year moratorium on development.

With no way of transporting the resource to markets in the south, further exploration guttered out just about when world markets entered a period of oil glut. Prices fell. The boom ended.

Today, northern aboriginal leaders, including the Gwich'in, are receptive rather than hostile, Grace says.

''People are pretty open to development now, but they want control. They don't want anybody to disturb certain selected lands that they consider a priority. They want control, that's their only stipulation and this time around, people need to listen to us in the communities.''

Last time, she says, what happened in other northern communities provided a textbook example for what to avoid this time—but she wonders if anybody really took note.

''Do they even know? Do they care about the potential loss of a way of life for our people? Why haven't we studied the social impacts on Inuvik, Tuktoyaktuk and Aklavik so we can learn what to avoid? How do we protect our way of life? We don't want to lose our way—that's all we are saying. We are the last people living on the Porcupine caribou herd. We don't want to lose that.

''The Berger Report lays out everything the people want, so we don't have to reinvent the wheel. Do it right, that's what people are saying. Do it, but just do it right—meaning we are the inhabitants of this country and we deserve to be respected. And not just our leaders, the common folk.''

That's a view I'll hear corroborated by Fred Carmichael, chair of the Gwich'in Tribal Council in Inuvik, who says the seachange in attitudes has a simple basis: the affirmation of aboriginal title through land claims and the opportunity to take equity positions in any development.

In fact, northern aboriginal leaders have hammered out a tentative deal with energy companies to acquire as much as one-third ownership of a proposed $3-billion pipeline down the Mackenzie Valley to hook up with North America's supply grid in Alberta.

''The difference is that back then, we weren't the landlords. Now we are the landlords and that's a big difference. At the time of the Berger hearings, we wanted a 10-year moratorium while we got ready. We just weren't ready then. Well, we got our 10 years and now we are ready.''

One of those who's preparing to reap the bonanza is Paul Voudrach, a renewable resource officer at Tuktoyaktuk.

He and his wife Norma are in the process of buying out the nonnative owners of the Tuk Inn, a 16-room hotel and coffee shop, so that he can qualify for the preferential bookings that will come the way of a registered Inuvialuit under agreements hammered out during land claims.

Paul endured the last boom.

''What came with it was a lot of social problems,'' he says. ''We had a huge amount of money coming in and people who didn't know how to handle it. But our leaders are knowledgeable about these things now. They

felt the impact last time. This time I think it will be something that will benefit the community.''

Yet there's something grim about the atmosphere. Norma's face is tight and nine-year-old Trish is inside despite the fact that the town's annual jamboree is on.

Paul's son, John, he tells me, was killed the week before on the ice highway from Invuik. The 25-year-old was helping his boss at a local transport company bring a new pickup truck back from Edmonston when it collided with one of their own loaded gravel trucks hauling to one of the oil camps.

''We were just sitting here waiting for him to come home. We heard that he was stranded at Eagle Plains (on the Dempster Highway) waiting for the road to open after a storm. then we heard he had been in an accident and had been killed.''

It's a reminder for everyone in the community, he says, that the kind of boom that's coming will be tempered with things that nobody expects, good and bad, half a dozen of one to six of the other when it comes to benefits and problems.

''What just happened to us, it opens your eyes. You think there's going to be a tomorrow but there isn't. One minute you are here, the next you are not. All your plans don't mean anything. At least people here are a bit more aware now that when the oil company comes with a job, that job can disappear pretty fast.''

Maria Canton, filling-in as editor at The Drum newspaper in Inuvik while she waits to take up a new post at the Calgary Herald, is equally cautious.

''The streets are lined with shiny new pickup trucks that belong to workers from the south,'' she says. ''There are crews driving up and down the street all day long, all night long. The bars fill up.

''I guess you'd have to say that when they are here it's good for the economy. They have lots of money and they don't mind spending it. You have to remember that to them this is just a camp. They don't think of it as home. They don't seem to grasp that people actually live here all the time and have no plans to leave. But when the job is done, they're gone and Inuvik is left to clean up everything that comes after.''

One who's determined that this time things will be different is Nellie Cournoyea, the tough, former leader of the N.W.T. government who now directs the Inuvialuit Regional Development Corporation, the powerful business entity born of the treaty agreement with Canada.

Outside her office, a poster confronts every visitor: ''Piiguqhaililugit uqauhiqput. Uqaqta Inuvialuktun uvlutaq.—Do not forget our language. Let's talk Inuvialuktun every day.''

''I always look at the up-side,'' Nellie says of the coming boom. ''A lot of people talk about social problems—we already have social problems. We just have to learn to deal with social problems as they arise. Jobs and income are a wonderful antidote to problems with self-esteem.

''We have a lot of working age people and they have to go to work. The socialist system (of welfare) is not a good system to follow. We've always been supportive of development—but we've always wanted to be meaningful participants.'' It's when I ask Grace about this coming transition from traditional hunting and fishing to a wage economy, the sacrifice of a life governed by the rhythms of the seasons for one governed by a clock, that her gaze wanders off into the white landscape.

And now the silence in the room is deepening like the snow drifting up around the log cabins, snow that has already filled the canoes, piled up on the tarps over stacked firewood, smoothed all the indentations out of the landscape like God's giant eraser applied to all sharp edges.

I wonder to myself where her gaze has gone.

Perhaps over the bluffs and up the river to Teetchikgoghan, ''bunch of creeks piled up in one place,'' where she was born in the bush almost half a century ago.

Perhaps she is remembering those summers as a little girl growing up in the care of her grandparents, Louis and Caroline Cardinal, playing beside the river, a force of nature that only someone born to it can fully understand, the kind of presence that T.S. Eliot described as a strong, brown god, coiled for release, never the same from one moment to the next and yet containing everything changeless and eternal.

Grace told me earlier how she'd go back there in her imagination to escape the pain and loneliness of residential school, where ''every little thing that I knew about myself was just torn right out of me and I used to pee my pants right where I sat, I was so frightened.''

So she'd go inside herself, back to that camp where she was left to roam the shore and hillsides.

''My grandmother raised me as an Indian woman,'' she'd said. ''The moment I went out into the world, as you call it, I was supposed to erase all those experiences. It was like my life wasn't my own.''

So I ask about the changes that now seem inevitable, the end of a hunting economy and its replacement with market labour and she slips away from the conversation, disappearing into some deep introspection.

And begins to weep without sound, great, round, sudden tears rolling down her face.

''Why I'm crying today is because my eldest son committed suicide in January,'' she finally says.

'' 'Mum, I'm just tired,' he said. 'I'm just tired of everything. I'm tired of mad, sad faces. Nobody speaks respectfully.' He just saw everything so clearly and it blew his mind.

''He was the father of five little children and he didn't have a steady income. His dad taught him how to trap and how to hunt and how to fish. Then he listened when they talked about jobs. He got his heavy equipment licence and left the bush. But they only wanted him when they needed him, not when he needed work. He couldn't go back to the bush and he couldn't support his family,'' she says. ''We don't have a big bank account like you—we have our own bank account. Our bank account is the land, the animals, the fish in the rivers. You can't just come and empty out our bank account without asking us.''

She gestures to the windown and the rig that everyone knows is there but can't see. There are still beaver to trap, she says, but there are no muskrats. It could be a natural cycle but maybe it's a bigger thing, maybe it's because the lakes are dying. The development boom is coming and there have been no baseline studies of traditional environmental knowledge done, she says. None. And that arrogance, that assumption that the experts know best, shows the real relationship between her world and the corporate world.

''We are the first and the last people of this frontier,'' she says. ''People are supposed to be valued. Human beings have the highest value. But we see that it's not like that. This corporate guy told us they will encourage kids to stay in school—if they don't go to school they won't hire them. That is the most foolish thing I have heard. You don't encourage people by telling them they aren't good enough. Our culture is not like that. We don't push people out of the way—we take them in, we make a place for everybody, not just the best.''

I thought then about the boom that's necessary to feed the American superpower and her point about its structural disregard for the genius of her culture, these amazing people who learned to survive in the sparse boreal forest with not much more than a string of animal sinew and their creative imaginations.

This time, will things really be different as the politicians and executives promise?

Or is there a deeper truth in the cry of grief from women like Norma Voudrach and Grace Blake, already, in their own ways, bearing the quickening burden of change?

''My son was the first suicide in this community. The first ever. It's not the people, it's the system that makes us like this,'' Grace says. ''When things start to move too fast and people don't feel in control of their lives, that's when they turn to drugs and alcohol. And suicide is the final act of control, isn't it?

''We're being made to participate in our own destruction. What happened to my son happens to everyone, can't you understand that? When you are destroying us you are destroying yourselves.''

Outside, a glossy black raven flopped in the snow, pecking at the caribou blood turned to ice on her doorstep and I found that my questions for Grace about the coming oil boom and what benefits it might bring to her community had all dried up.

[From the Vancouver Sun, June 11, 2001]

MASSIVE HERD REMAINS SOUL OF NATIVE BAND: DEBATE RAGES OVER THE ENVIRONMENTAL COSTS OF DRILLING IN REFUGE

(By Stephen Hume)

OLD CROW, YUKON.—The pilot, the reporter, even the two biologists sent to do the aerial count 30 years ago, all fell into that profound silence that accompanies the total failure of words.

What could be said? As far as the eye could see, the tundra below rippled and undulated with more than 160,000 caribou. The Porcupine herd on the move covered more than 60 square kilometres, one of the natural wonders of the world.

It may be decades since I watched that herd in awestruck silence but today it is no less crucial to the survival of Gwich'in tribal culture here in Old Crow, a remote village 770 kilometres north of Whitehorse and 112 kilometres north of the Arctic Circle.

The 300 people who live here, accessible only by air or by canoe from Alaska when there's open water, represent one of the last true hunting societies on Earth.

People here depend upon the Porcupine herd for sustenance, so not surprisingly, it's here, where the herd winters each year in the trees that edge the Mackenzie River delta and the northern Yukon, that an American debate over whether or not there's to be drilling for oil in Alaska's Arctic Wildlife Refuge is watched with intense interest.

There's been an effort to join forces with the Old Crow Gwich'in to lobby the U.S. senators not to open the Arctic Wildlife Refuge,'' says Grace Blake, former chief in Tsiigehtchic, a village in the Northwest Territories that also relies on the herd. ''It's not a big movement yet, just pockets of people. We need to educate the Americans about how important this is to us.''

As one of the last near-pristine and contiguous wilderness regions in the United States, the more than eight million hectares of the AWR encompass the complete migratory routes and summer calving grounds of the Porcupine herd.

Each year the caribou, identifiable by the stark silhouettes of the antlers on mature bulls, make one of the most remarkable journeys on the planet. Sustained only by a

winter diet of sparse lichens, they swim freezing rivers, climb snowy mountain ranges and cross the blackfly- and mosquito-infested tundra on the way to the coastal plain where cold winds sweeping in from the Arctic Ocean's pack ice keep the blood-sucking insects away from newborn calves. Then, when they've fattened up on succulent new vegetation, they retrace their route to the winter shelter of the boreal forest before temperatures plunge below freezing and wind chills render the open country uninhabitable to all but the snowshoe hare, the muskox, the wolverine and the barrenground wolf. Fifteen years ago, when then-U.S. president Ronald Reagan expressed sympathy for an oil industry lobby that sought access to the region which lies adjacent to the Yukon border, the Gwich'in allied themselves with the powerful U.S. environmental lobby to successfully block development.

Now, with consumers complaining about gasoline prices and a former Texas oilman in the White House in the form of George W. Bush, the prodevelopment lobby which has been biding its time in Alaska and the Lower 48 states has reemerged with a vengeance.

Taking point for the development lobby is Arctic Power, ostensibly a grassroots citizens group which favors oil and gas exploration in the protected area. It's an organization which has hired professional lobbyists in Washington, D.C., and was recently granted almost $2 million in funds by the Alaska state legislature to do more of the same.

Rallying on the other side are organizations like the Natural Resources Defense Council, the Sierra Club, the Audubon Society and nearly 500 leading U.S. and Canadian scientists who have called on President Bush to stop trying to change the law that prohibits oil extraction in the Arctic National Wildlife Refuge.

They include world-renowned naturalist George Schaller, Edward O. Wilson, winner of the National Medal of Science and two Pulitzer Prizes for books on biology, David Klein, a noted Arctic scientist at the University of Alaska and 50 other Alaska scientists.

One major difference in the political jockeying this time around is that the dispute has become an exercise in political cyberwar.

Arctic Power has a sophisticated web site which purports to explode the ''myths'' of the Arctic Wildlife Refuge. Their opponents have launched their own information sites at which they argue that the amount of oil available from drilling in the refuge—which is the last five per cent of Alaska not available to the resource industry—would meet less than two per cent of U.S. annual needs even in its peak year of production, which couldn't come before 2027.

Citizens are invited to register their opposition with an e-mail petition.

Meanwhile, important as oil might be to the U.S. economy, the fate of the Porcupine herd is just as important to the social and economic fabric of the Gwich'in. And the First Nation's fears for the fate of the herd are growing rapidly.

Numbers of Porcupine caribou have now declined by approximately 20 per cent—to the present total of 129,000 animals—even without the added stress of additional oil exploration activity in the herd's calving grounds on the North Slope of Alaska.

And as an example of what development might mean in the future, green opponents of drilling point to Prudhoe Bay, less than 100 kilometres to the west. There, they argue, 2,500 square kilometres of fragile tundra has become a sprawling industrial zone containing more than 2,400 kilometres of roads and pipelines, 1,400 producing wells and three airports.

''The result is a landscape defaced by mountains of sewage sludge, scrap metal, garbage and more than 60 contaminated waste sites that contain—and often leak—acids, lead, pesticides, solvents, diesel fuel, corrosives and other toxics,'' says the NRDC.

Mr. MURKOWSKI. Again, Canada has every right to develop its energy. They are a formidable competitor to our own domestic production, and we enjoy access to that market and want to encourage it. But I resent the pot calling the kettle black, so to speak.

There is another chart that generally shows the extent of the activity, again in a little more detail. Here is the Alaska side. This is the Canadian Northwest Territories. This is the identification of wells that have been drilled and off-shore activity. You can see, as it moves through this area, the Porcupine caribou move through this area and it has significant exposure. And the Dempster Highway runs from Norman Wells on up to Inuvik.

The point I want to make is that as we look at the companies coming in, Anderson exploration and Petro-Canada, we can identify the companies that bought up the leases. Anderson alone has done nearly 600 square miles of 3–D seismic testing over the past three winters. Petro-Canada has already drilled exploratory wells outside of Inuvik, where Anderson now plans to drill in the Eagle Plain area. That is again shown on this chart, in this general area. It is a very significant area associated with the migratory path of the caribou.

Are these exploration plans ''hasty and ill-conceived''? I question that because these are the words of Mr. Anderson, the Canadian Environmental Minister. I am sure the answer would be no; in his opinion they are not ill-conceived. That is their opinion and I do not challenge that. But neither is America's plan to allow careful and environmentally sensitive exploration in only 2000 acres, in the sense of any permanent footprint occurring in the Alaska Arctic Coastal Plain. That is less than .01 percent of Alaska's wildlife refuge, which is much broader than that, containing about 17 million acres.

Mr. Anderson would say Canada's drilling is OK because it doesn't disturb the caribou calving, but he didn't and doesn't mention that Canada is drilling in the midst of the herd's mating area. He doesn't mention that Canada is drilling in the calving area for its own herds.

He doesn't mention that Canada's action after building the Dempster Highway has probably done more to harm the health of the Porcupine herd than anything that America would ever consider.

Consider for a moment, again, this chart and what this highway has done. It has provided access. There is nothing wrong with access. Here is the Eagle Plains. Here is the highway. This is the migration route.

In the past decade, Canada reduced the previous 8-kilometer hunting area on both sides of the Dempster Highway, dropping it to a 2-kilometer zone. Thus, Canadian hunters who want access have now access to shoot the Porcupine caribou after only a short stroll from the shoulder of the Dempster Highway. The herd has fallen from 180,000 animals to its current 129,000. That drop certainly has not been caused by any American activity.

The Canadian Environmental Minister, Mr. Anderson, in the past has complained opening Alaska's Coastal Plain would be unfair to the Gwich'in Indians of Canada and Alaska who oppose the development, but they certainly do not oppose it any longer in Canada. Canadian Gwitch'in members are clearly supporting oil and gas exploration, probably now because they will have a financial benefit, certainly the benefit of jobs and better housing, better social care, and better medicine following the completion of their land claim settlement.

Let me share a quote:

The difference is that back then—

Meaning previous years before the land claims—

we weren't landlords. Now we are the landlords and that is a big difference. . . . Now we are ready for development.

This was Fred Carmichael, the chairman of the Gwich'in Tribal Council in Canada. This article, again, came from the Vancouver Sun, the quote to which I am referring.

Could Mr. Anderson's opposition to Alaska's environmentally sensitive oil development be caused by Canada's desire to have a ready market for its Mackenzie Delta oil finds in America? I hope so. We would welcome it.

But according to Canadian press, Inuvik Mayor Peter Clerkson predicted oil drilling would quadruple in this area in the winter and double again next winter. Again, this level of activity certainly indicates that.

The Northwest Territory Finance Minister has just been quoted as hoping oil finds will generate $400 billion for Canada, all money being transferred to Canada, mostly from the pockets of American consumers as we look to Canada for energy needs.

Call it what you will, it is healthy competition. Mr. Anderson, the Environmental Minister, in his fears about American oil exploration, ignores that the legislation currently pending to open the Arctic Coastal Plain fully protects the environment and the Porcupine caribou, and to all wildlife on Alaska's Coastal Plain. The House passed language, as you know. The House did pass H.R. 4. That energy legislation authorizes the opening of ANWR. It limits development to a 2,000-acre footprint out of the 19 million-acre refuge. That would leave nearly 100 square miles of habitat between each oil-drilling pad, more than enough for the caribou to pass through, given the new advances in directional drilling, 3–D seismic.

So I think if we compare what Canada's footprint in the Canadian Arctic is, and our own, the technology would speak for itself. Further, we propose to

limit development so there will be no disturbance to calving during the June-July calving season. This is not about protecting the environment and the caribou that live in it. Mr. Anderson's objection must be about something else.

Look at the objections that opponents voice to exploring in ANWR. One is that it is an insignificant amount of oil, not worth developing. If it isn't, we will make a park out of it. But that is nonsense. The USGS estimates Alaska's portion of the Coastal Plain—I would say the occupant of the chair has been up there—the estimate is it contains between 6 and 16 billion gallons of economically recoverable oil. If it is 10 billion barrels alone, the average, it is equivalent to 30 years of oil we would import from Saudi Arabia at the current rate, and 50 years equal to what we import currently from Iraq.

By the way, 16 billion barrels is 2.5 times the size of the published estimate of the new Canadian reserves in the Mackenzie Delta area, here. It is absurd to think that ANWR only represents a 6-month supply of oil as some opponents say. That would assume that ANWR is this country's only source of oil.

Some say it will take too long to get ANWR oil flowing. But it certainly will take less time to produce than some of the potential deposits in Canada. And if we are truly at war against terrorism, we have the national will to develop Alaska oil quickly, while still protecting the environment.

We built the Pentagon in 18 months, the Empire State Building in a year and built the 1,800-mile Alaska Highway in 9 months. Oil could be flowing out of ANWR quickly if we made a total commitment to make that happen. I believe we could do this in 12 months instead of the five years, some predict.

There are many other misstatements about Alaska's potential for oil development. We will have time to discuss those in this body as we work on a national energy policy that makes sense for America. That debate must occur soon; we must give the President the tools he needs to ensure our energy security. I know members on both sides of the aisle are anxious to make this happen.

But I wanted to come and respond to the comments made by Canada's environment minister, because they were horribly unbalanced in light of Canada's oil drilling program in the migratory route of the Porcupine caribou herd.

I encourage an opportunity to debate Mr. Anderson, and I stand behind my assertion that, indeed, his comments don't reflect the reality nor the true picture of what is going on in Canada.

Again, I have fondness for our Canadian friends and Canada itself. I am not saying they are harming the environment in the least. I am pointing out what they are doing. The Members of this body need to know that as well.

I welcome additional oil production in North America, as long as it is done in an environmentally sound manner. Again, I remind all of us that we give very little thought to where our oil comes from as long as we get it. We should do it right in North America, Canada, and Alaska, as opposed to it coming from overseas, over which we have really no control.

I find the objections to be unbalanced and grossly unfair since they totally ignore the environmental issues involved in oil development in the Arctic.

I also find the Environment Minister's statement just days after the tragedy in New York and Washington not only untimely but unfortunate.

I thank the Chair. I yield the floor. I wish my colleagues a good day.

NATIONAL ENERGY POLICY

Mr. JEFFORDS. Mr. President, I rise in opposition to the energy policy-related amendments filed by the Senator from Oklahoma. While I support moving forward with comprehensive national energy policy, the underlying bill is too important to our national security to bog it down with controversial amendments.

There are many substantive problems with these amendments, not the least of which is their probable negative impact on public health and environmental quality. They take us back to the polluting past, rather than forward into a cleaner, more efficient and sustainable future.

There are also serious procedural problems with moving on these amendments. The committees of jurisdiction, including the Environment and Public Works Committee, have not completed work on important parts of comprehensive energy legislation.

Also, I would remind Senators that the administration has completed very few, if any, of the reports recommended by the Vice-President's National Energy Policy Development group. I believe these reports were intended to inform and justify to the public and Congress the need for any changes to existing law and programs.

These amendments drive us further and further away from making the truly fundamental changes in our national energy policy that are necessary to address global climate change.

The amendments will dramatically increase U.S. greenhouse gas emissions. That further violates our commitment in the Rio Agreement to reduce to 1990 levels.

The next Conference of Parties to the U.N. Framework Convention on Climate Change begins in late October. Despite the terrorist attacks on our Nation, the attendees will hope for U.S. leadership to combat global warming.

Whatever the administration may present, I hope the message from the U.S. Senate will not be the recent adoption of a national energy policy that blatantly undermines our Senate-ratified commitment to reduce greenhouse gas emissions. The underlying bill already sets us up to violate the Anti-Ballistic Missile Defense Treaty. That is enough to weigh down one bill.

We should not further encroach on the good will of our global neighbors at a time when we are seeking their support in our efforts against terrorism. I urge the defeat of these amendments when and if they are offered.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. JEFFORDS. I am happy to yield.

Mr. INHOFE. Is the Senator aware that since back to and including the First World War the outcome of every war has been determined by energy? Is the Senator aware that we are now 56.7-percent dependent upon foreign countries for our ability to fight a war and that half of it is coming from the Middle East? And is the Senator aware that the largest increase in terms of our dependency on any one country is Iraq, a country with which we are in war right now?

Mr. JEFFORDS. I am aware of the situations the Senator describes. I am just concerned about the methodology being utilized to try to solve that. I would like to work together with the members of the committee to try to see if we can find common ground.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Chair.

EVENTS OF THE LAST TWO WEEKS

Mr. DURBIN. Mr. President, I rise today to reflect on some of the experiences I have had over the last 2 weeks, and also the activity of the U.S. Congress, and in particular the Senate.

It is hard to believe it has only been 2 weeks and 1 day since the tragedy of September 11. It seems such a longer period of time because of all the emotions and all the experiences and all the visual images which have been burned into our minds and our hearts.

I think so many times of that day and what happened to me. Yet when I meet anyone on the street in Chicago or any part of Illinois and Springfield, they all go through the same life experience. They want to tell me where they were and how their lives were touched and changed by September 11. It was a defining moment for America. It is one which none of us will ever forget.

Over 6,500 innocent Americans lost their lives on that day—the greatest loss of American life, I am told, of any day in our history, including the battles of the Civil War.

Of course, we weren't the only country to lose lives in the World Trade Center. It is reported in the papers today that more German citizens lost their lives to terrorism on September 11 at the World Trade Center than in any of the terrorist acts on record in Germany. The stories are repeated many times over.

Yesterday, the father of one of the victims of American Flight 77 that

crashed into the Pentagon came to my office and spoke about his wonderful daughter. He reflected on her life and the life of so many in my home State of Illinois—lives that were lost on September 11. We have tried to address that.

Yesterday, we had a hearing on airport and airline security in the Governmental Affairs Committee under Chairman JOE LIEBERMAN, the Senator from Connecticut. Other Members came forward to hear testimony from the appropriate Federal agencies—the FAA, the Department of Transportation's inspector general, as well as the General Accounting Office.

Then we brought in a panel of those who were more directly in contact with air service—the vice president of American Airlines; airport managers from Bloomington, IL; from North Carolina; from St. Louis' Lambert; and Aubrey Harvey, who was a screener at one of the airport security stations at O'Hare, came. If I am not mistaken, he was the first person actually involved in that profession who came forward to tell his side of the story about airport security.

It was an important hearing. I think it dramatized the need for us to focus on several achievements as a nation.

First and foremost, we must restore the confidence of the American public to get back on airplanes. That will require several actions. It requires, first, to have an immediate visible security response to what occurred on September 11. Changes have taken place in every airport. I have been to O'Hare and to Dulles and to Baltimore, as well as to St. Louis since that event. I have seen the changes. They are important. They are significant. They may not be enough. We need to do more. We need to do it quickly.

I have noted that after Secretary Mineta, of the Department of Transportation, testified last week, I suggested that he immediately write to every airport manager and communicate to them the need to put in place at every airport security checkpoint a uniformed law enforcement officer.

Secretary Mineta, whom I respect and admire so very much, said some airports have done that. I urged him to make sure every airport does that because I think it changes the environment of the airport. It makes security a more serious matter.

I do not know if it was a coincidence or what, but when I went up to Baltimore to catch the plane last Friday, as I went through the airport security, there were five or six very serious screening employees and two law enforcement personnel there. They not only went through my luggage—which was something I invited them to do—then they did the wand all over me, and then checked to see if there was any explosive residue on my briefcase. I do not know if they knew who I was, but they, frankly, responded with the most amazing display of security I have ever seen at one time at an airport; and I travel a lot.

Let me tell you something else. I do not begrudge a single moment of the time they asked of me, and neither should any other American. There is a little inconvenience involved in this, but for our safety and security it is not too much to ask. When I think about giving up 30 seconds or a minute of my life, I reflect on how many people are making such extraordinary sacrifices of their time and their lives in the interest of the security of America. That is not too much to ask any airline passenger.

But now we see in airports across America a change in attitude and a change in approach. At all the airports I visited—four in the last 2 weeks—I have seen a much more serious approach to security.

Yesterday we talked about the security on the ramp, as well, in terms of all of those people who have access to airplanes. We focused on passengers and what they bring on board, but we should also focus on every single person who can enter that airplane at any time; not only the pilot and crew, but also those who are responsible for baggage handling, fueling the plane, catering services, cleanup crews. All of those people have access to that airplane.

A search of one of the grounded airplanes after the event found one of those notorious box cutters wedged in the cushion of a seat of the plane. Whether the passenger left it there or it was planted is unknown, but it at least raises an important security question.

So when we talk about security in airports, it is not just the screening, it is not just the questions asked of passengers, it is to make sure that the ramp and the perimeter around the airport is secure, that we know the people who are coming in contact with that plane, that they have been checked out, that they are hard-working, good people, who are not going to be involved in anything that would endanger the life of another.

One of the baggage handlers from O'Hare called me. I spoke to him in my office the other day. He told me about his experience. Did you know baggage handlers at O'Hare start at $8.50 an hour? I did not know that. In a few years they can get as high as $19 an hour, but, again, it reminds us that many of the people who are in direct contact with the airplane and its contents are people in starting-wage jobs that require perhaps minimal education and minimal training. I think that has to change.

I think we need to raise the standards, the skills, and the compensation to the people who are involved in security. I think we have to consider security as not just part of the process of taking a flight but an element of law enforcement. When you take that into consideration, you start changing your standards as to what you might expect.

So I believe we should federalize this activity. There have been a number of suggestions on how to do it. Some have said we should actually have Federal employees directly involved. I am not opposed to that concept. I am open to it. I am trying to keep an open mind to the most cost-efficient way to guarantee the security as best we can of airline travel.

Others have asked, how about a governmental corporation that has this responsibility that operates under the rules and standards promulgated by the Federal Government? That, too, is an approach which I think we should consider. But more than anything, we have to make it clear to the American people that we are going to do something, and we are going to do it soon, and that it is safe for them to get back on airplanes.

I am still flying commercial flights. Most of my colleagues in the Senate are—in fact, all of them. I think it is a testament to our belief that we have confidence in air travel. We have to convince the rest of the American people.

Let me address another issue that was raised a few moments ago in this Chamber by my colleague from New Jersey, Senator TORRICELLI. It is one which I have heard him express before, and one I have reflected on, and on which I have come to an agreement with him. It is the question of our preparedness as a nation for what occurred on September 11.

Back before the United States was engaged in World War II, President Franklin Roosevelt called on George Marshall, an Army general, to prepare the United States for the possibility of war. I remember, in reading the biography of George C. Marshall, one of our Nation's heroes, they talked of his first trip to the so-called War Department, I believe it was, in 1940.

He went to the War Department, and he asked what battle plans were there for him to review. They went to the vault, opened it, and pulled out the battle plan—the one battle plan—which had been prepared for the War Department of the United States of America in 1940.

George Marshall opened the folder to discover that battle plan was for the invasion of Mexico. That is all he had. No one had thought ahead about other possibilities. And in a short period of time, America was involved in a world war. We were not prepared and had to race to become prepared, not only to provide the goods and services and resources for our allies in the war but to make sure we could defend ourselves. America rose to that challenge, but we lost valuable time because we were not prepared.

The obvious question we must ask, as Members of Congress, is, Were we prepared for September 11? Well, clearly, the answer is no. For the United States to have faced the greatest invasion, the greatest attack, the greatest crisis in our history, is to say, on its face, that we were not prepared.

And I have to point to a number of areas. Whether it is in the military

field or law enforcement or intelligence, in all three levels there are important questions that need to be asked and answered about our failure to avert this terrible crisis.

We have identified some 19 alleged hijackers who were involved in this endeavor. I think we understand that there probably were hundreds more who had some part to play in this sad and tragic drama that cost so many lives. But to think what they have done to America—those people, one day in our history—it has changed our Nation.

I would like to say that we can brush it off and go on about our business. Everybody knows better. Life in this country is going to be different, and it must be different so we can avert that kind of crisis in the future and be prepared for our own defense.

Now we have requests coming to us from agencies representing the U.S. military, law enforcement, such as the FBI, and the intelligence agencies, for additional resources and additional authority. I join every other Member of the Senate in a bipartisan, solid vote giving the President and his administration all of the resources and authority they have asked for. I think we feel that party labels should be put aside. We have to stand together in Congress to wage this war against terrorism. We want to provide the President what he needs to be successful in that effort. We want to provide him the resources he needs so the men and women in uniform, and everyone involved in this effort, have the tools they need to succeed.

Now we are receiving requests from the Attorney General, and from others, to change the laws of the United States to provide additional authority to those who are involved in fighting terrorism. I do not think that is an unreasonable thing to do. In fact, some of the requests that have been made by the Department of Justice are eminently sensible.

I think it is important that we have changes, for example, in the authority to eavesdrop or have wiretaps to reflect new technology. In the old days, the FBI would turn over the name of a person and the telephone number and ask for authority from the court to put a wiretap on a phone.

Today, of course, that suspected person may have in fact a dozen cell phones and change three or four numbers a day. We have to be prepared to follow them through all of the different levels of technology people can use against us. I don't think that is unreasonable.

Changing the statute of limitations on crimes of terrorism? Of course, we should. We have to view this as more than just a garden variety crime because we have seen the terrible disaster that occurred on September 11.

Other requests have been made by the FBI and CIA for the collection of more information beyond what I have just mentioned. It raises an important point that we should pause and study. We have seen in the past that these information-gathering agencies have collected enormous amounts of data, whether it is electronic data or data from human intelligence resources. And many times that data has not been assimilated, formulated, or distributed so that it can be used in effective law enforcement and the deterrence of the kind of disaster and tragedy we experienced on September 11.

I ask, at least as part of this debate, that Congress come to these same agencies and ask them what they have done in the past with similar information, how much of a backlog of unprocessed information they currently have, and what they are going to do with any new information they receive.

Before we expand this authority to collect more information, it is reasonable to ask the capacity of these agencies to assimilate and to use this information in a valuable fashion.

How many Arabic speakers are available at the CIA and FBI if we are going to focus on those who are involved in this latest terrorism and any conversations among people who use that particular language? That is an important question and one which I think we will come to find is not answered to our satisfaction. We have to do better.

I also have to relate that for the first time in 20 years, the Judiciary Committee, just a few months ago, had a thorough investigation of the Federal Bureau of Investigation and came up with some major concerns. It is hard for me to believe that this premier law enforcement agency in America is still so far behind the times when it comes to important technology such as computers. The computer capability of the Federal Bureau of Investigation was described as 10 years behind the rest of America. At a time when it should be on the cutting edge, it is that far behind. That needs to change. It needs to change immediately.

Providing access to more information without the ability to assimilate it, to process it, to distribute it is, frankly, a waste of our time. We cannot afford to waste a moment in this war against terrorism.

I have the greatest confidence in Bob Mueller, who has been appointed as the new Director of the FBI. I salute President Bush and those who were instrumental in naming him. He is an excellent choice. I believe he and Attorney General Ashcroft have an opportunity to work together to not only give more authority and resources to the FBI but to also change the climate at the FBI in terms of how it works internally and how it works with other agencies.

Yesterday Attorney General Ashcroft told us that the FBI's wanted list and list of dangerous individuals in America had not been shared with the Federal Aviation Administration before September 11. What that meant was that those names that were suspicious were never given by the FAA to the airlines so they could monitor the travel of these people. That seems so basic. It reflects, unfortunately, a sad state of affairs when it comes to the exchange of this information.

Let me speak for a moment about the daunting task we face in challenging terrorism around the world. The President is right. He has done the appropriate thing in warning the American people that this is a long-term commitment, that we need to take a look and find the resources of this global terrorism network and cut them off where we can—financial resources, political resources, whatever they are gathering from other nations, organizations, and persons. We have to stop that flow, to try to choke off this global terrorism. That is going to take quite a bit of effort and patience.

The other day I met with a prosecutor who had spent most of his professional life prosecuting the Osama bin Laden terrorists. For 30 minutes he sat down and described for me from start to finish his experience with this group. I came away with the following impression: They are educated; they are determined; they are invisible; they are patient; and they hate us.

I was sobered by that presentation because he went through, chapter and verse, every single item he had discovered in the course of prosecuting these terrorists. I came away with the belief that we are not dealing with a ragtag bunch that got lucky, in their view, on September 11 with terrorism. They know what they are doing.

We have to know what we are doing. We have to be prepared to fight this battle and to win it as quickly and as decisively as possible.

Let me suggest that as we get into this, as we make this dedicated effort to fight terrorism as a nation, we should stop and we should reflect on the state of affairs on September 11, 2001, in America. It is time to ask the painful and hard questions of where the intelligence community failed, where law enforcement failed, where our Government failed, when it came to averting that crisis.

This is not an easy task. Some have suggested maybe we should put that aside for another day. I don't think so. There were clear omissions, and there were clear problems within our collection of intelligence that led to what happened on September 11. We need to know what they were. We need to know if they changed. We need to know, for example, whether this exchange of information by law enforcement agencies has now changed for the better and decisively.

To do that, I agree with Senator TORRICELLI, we should establish a board of inquiry that asks these hard and difficult questions and reports back to Congress, to the President, and to the American people about what we did wrong and how we need to change it.

There is a rich tradition of this sort of inquiry. Senator Harry Truman of

Missouri was involved in a similar inquiry in the 1940s when it came to defense contractors and whether they were wasting taxpayer dollars. As has been noted, the Challenger disaster led to a board of inquiry that changed the way the National Aeronautics and Space Administration did their business. There were inquiries throughout our history when something important and catastrophic was happening in America.

We can do no less today than to dedicate resources to an inquiry that gets to the heart of what our deficiencies are when it comes to fighting terrorism.

I suggest my colleagues consider that there are many we can turn to, to help us in this effort. Certainly there are committees of Congress on both sides of the aisle in the House and the Senate that could have a legitimate role to play in this question.

We might consider turning to some of our former colleagues to establish this kind of commission of inquiry to ask about what we failed to do and how we failed to avert the crisis of September 11. As I sat here today reflecting, names came to mind immediately: Senator Bob Kerrey, former Senator from Nebraska, recipient of the Congressional Medal of Honor, former chairman of the Senate Intelligence Committee; Senator Bob Dole of Kansas, Republican majority leader; Sam Nunn, former Senator from Georgia, well respected for his expertise when it comes to the armed services; former Senator from Missouri John Danforth, who just recently conducted an investigation of the FBI on the Waco incident, and his findings were accepted by all as being thorough and professional; John Glenn, former Senator from Ohio, who has a legendary reputation not only on Capitol Hill but across America; Mark Hatfield of Oregon, who served as chairman of the Senate Appropriations Committee; Chuck Robb, former marine in Vietnam and Senator from Virginia; Warren Rudman from New Hampshire.

These are eight names that could come together quickly and be willing to serve this country in a commission of inquiry as to what went wrong at the CIA and the FBI and the Pentagon and throughout the Government on September 11. I believe they can give us a roadmap so we can talk about changes that need to be made, and made immediately, to avert any future crisis.

I agree with Senator TORRICELLI: This is something we should not put off. We ought to do it and do it soon. It is not a reflection of disunity on the part of those of us who suggest it but just the opposite. As we have stood with the President to make sure he is effective in fighting this war for America, let us stand together in a bipartisan fashion to concede our weaknesses and shortfalls from the past so we don't repeat those terrible mistakes.

Mr. President, I will conclude by noting one other event that happened in the last several weeks, which has been nothing short of amazing. It is a rebirth of patriotism in America the likes of which I have never witnessed. There was a time during the Vietnam war when the American flag lapel pin was worn by some in support of the war and shunned by others as an indication of supporting a war they thought was wrong.

That has changed so much. You will find Americans across the board proud of their flag, proud of their country. I was in Chicago Saturday morning and stopped at a car rental agency, and the lady behind the desk recognized my name when I filled out the contract.

She said: Senator, I can't find a flag anywhere, and I am trying to get one I can wear.

I pulled out this ribbon from my pocket—a lapel pin that many Members have been wearing. I said: Why don't you take this one.

She said: I think I am going to break down and cry. It meant so much for her to have it, to be able to wear it. I also gave one to the lady working with her. I thought how quickly we have come together as a nation.

You have seen it in so many ways, large and small. Huge rallies are taking place at the Daly Center in Chicago. There are long lines of people waiting to donate blood. Donations are being given to the United Way and Red Cross and all of the charitable organizations. There is an intense feeling of pride and patriotism at public events across the board.

I have noticed that people are listening more carefully to our National Anthem—to the words that we used to say by memory —perhaps without thinking so many times. There is that pause when we get to the point in that great National Anthem when we say:

O say, does that star-spangled Banner yet wave,

O'er the land of the free and the home of the brave.

I think those words have special meaning for us because the Star Spangled Banner, our national flag, still waves—not just on porches and buildings across America and across Illinois, downstate and in Chicago, but in our hearts as well. We will prevail.

Those who thought they could bring us to our knees have brought us to our feet. This country will be victorious.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Chair. I ask unanimous consent that it be in order for me to make my remarks while seated at my desk.

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

AMERICAN SERVICE MEMBERS PROTECTION ACT

Mr. HELMS. Mr. President, after those dastardly terrorists deliberately murdered—and I use those words advisedly—thousands of American citizens in New York, Washington, and in the plane crash in Pennsylvania, President Bush instructed our armed services to ''be ready.''

Mr. President, our Nation is at war with terrorism. Everybody knows that. Thousands in our Armed Forces are already risking their lives around the globe, preparing to fight in that war. We bade farewell to 2,000 or 3,000 marines from North Carolina last week.

These are all courageous men and women who are not afraid to face up to evil terrorists, and they are ready to risk their lives to preserve and to protect what I like to call the miracle of America.

And that is why I am among those of their fellow countrymen who insist that these men and women who are willing to risk their lives to protect their country and fellow Americans should not have to face the persecution of the International Criminal Court—which ought to be called the International Kangaroo Court. This court will be empowered when 22 more nations ratify the Rome Treaty.

Instead of helping the United States go after real war criminals and terrorists, the International Criminal Court has the unbridled power to intimidate our military people and other citizens with bogus, politicized prosecutions.

Similar creations of the United Nations have shown that this is inevitable.

Earlier this year, the U.N. Human Rights Commission kicked off the United States—the world's foremost advocate of human rights—to the cheers of dictators around the globe.

The United Nation's conference on racism in Durban, South Africa, this past month, became an agent of hate rather than against hate. With this track record, it is not difficult to anticipate that the U.N.'s International Criminal Court will be in a position not merely to prosecute, but to persecute our soldiers and sailors for alleged war crimes as they risk their lives fighting the scourge of terrorism.

Therefore, now is the time for the Senate to move to protect those who are protecting us.

I have an amendment at the desk to serve as a sort of insurance policy for our troops. My amendment is supported by the Bush administration and is based on the ''American Service Members Protection Act,'' which I introduced this past May. It is cosponsored by Senators MILLER, HATCH, SHELBY, MURKOWSKI, BOND, and ALLEN. I ask unanimous consent that the amendment be filed with the DOD authorization bill.

The PRESIDING OFFICER. The amendment will be filed.

Mr. HELMS. Mr. President, many Americans may not realize that the Rome Treaty can apply to Americans even without the U.S. ratifying the treaty. This bewildering threat to America's men and women in our Armed Forces must be stopped.

And that is precisely what my amendment proposes to do—it protects Americans in several ways:

(1) It will prohibit cooperation with this kangaroo court, including use of taxpayer funding or sharing of classified information.

(2) It will restrict a U.S. role in peacekeeping missions unless the U.N. specifically exempts U.S. troops from prosecution by this international court.

(3) It blocks U.S. aid to allies unless they too sign accords to shield U.S. troops on their soil from being turned over to the ICC.

And

(4) It authorizes any necessary action to free U.S. soldiers improperly handed over to that Court.

My amendment to the Defense authorization bill incorporates changes negotiated with the executive branch giving the President the flexibility and authority to delegate tasks in the bill to Cabinet Secretaries and their deputies in this time of national emergency.

The Bush administration supports this slightly revised version of the American Service Members Protection Act. I have a letter from the administration in support of this amendment, which I will soon read.

Nothing is more important than the safety of our citizens, soldiers, and public servants. The terrorist attacks of September 11 have made that fact all the more obvious.

Today, we can, we must, act to protect our military personnel from abuse by the International Criminal Court.

The letter I received dated September 25 from the U.S. Department of State is signed by Paul V. Kelly, Assistant Secretary for Legislative Affairs:

Dear Senator HELMS: This letter advises that the administration supports the revised text of the American Servicemembers' Protection Act, dated September 10, 2001, proposed by you, Mr. Hyde and Mr. Delay.

We commit to supporting enactment of the revised bill in its current form based upon the agreed changes without further amendment and to oppose alternative legislative proposals.

We understand that the House ASPA legislation will be attached to the State Department Authorization Bill or to other appropriate legislation.

Signed, Paul V. Kelly, as I indicated earlier.

I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator withhold his suggestion?

Mr. HELMS. Yes.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I send to the desk a second-degree amendment to the Helms amendment and ask unanimous consent that it be considered in context with the Helms amendment on the DOD authorization bill when we return to the bill.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the majority leader for his consideration. I had asked my second-degree amendment to the Helms amendment be considered in that context upon returning to the DOD authorization bill. Mr. President, I send that amendment to the desk as a second degree.

The PRESIDING OFFICER. The amendment will be filed.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that I may make my remarks seated at my desk.

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

Mr. CRAIG. Mr. President, I ask unanimous consent that the amendment appear in the RECORD as presented.

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

Mr. CRAIG. Mr. President, I will speak briefly to it because I know there is other business to be conducted.

It is, first and foremost, very important that I say I agree with the general premise of the amendment that Senator HELMS has offered this afternoon. It is clearly of utmost importance that we speak as a nation to the world and say that our men and women in uniform may never and will never become subject to an International Criminal Court. That is the sovereign right of this Nation.

We, in general, object to what the Criminal Court under the Rome Treaty proposes. In fact, in the Commerce-State-Justice appropriations bill, just 2 weeks ago I offered an amendment to strike all necessary moneys that would bring about our activity in the Preparatory Commission and the implementation of the Criminal Court.

My amendment goes a step beyond what Senator HELMS has proposed because the International Criminal Court is not specific to men and women in uniform. It says all citizens of the world in essence; anyone over 18 years of age. Is it possible to assume that a rogue prosecutor under the Criminal Court of the United Nations could suggest that Colin Powell is in violation and, therefore, to be prosecuted before the Criminal Court for his conduct as it relates to pursuing international justice in relation to terrorists? Yes, it is.

As a result of that, my amendment proposes to protect all citizens, not just those men and women in uniform. That is critically necessary and important.

We have spoken out as a nation in general opposition to the ICC, and when the treaty was signed by former President Clinton, he talked about the inequities and the problems.

My amendment also addresses those problems, and it would remove language indicating that the United States may eventually become a party to the ICC.

There is a gratuitous endorsement of the U.N.'s ad hoc tribunals. We have just been through one of those episodes in South Africa where the United States and Israel had to walk away because of an intent to suggest that charges of racism be pursued against one of those nations. Ad hoc tribunals and the very principle with which we are trying to deal in the ICC should suggest that we do not necessarily endorse or support the U.N.'s ad hoc tribunals.

There is a new section 1411 that has been added to permit U.S. cooperation with the ICC on a case-by-case basis, including that of giving classified information to the ICC. We reject that.

Lastly, there is no mention of American sovereignty. I think it is always important when we are addressing international bodies or our relationship to them that we speak so clearly to the right of this Nation to determine its own destiny and, more importantly, that we will not be signatories to, nor will we endorse as a Senate or as a Government, concepts in the international arena that take from us our right of American sovereignty and the right, therefore, of our judicial system over the citizens of this country away from that of an international body.

That is the intent of my second degree. Without question, and I have discussed this with Senator HELMS, he and I stand strongly together in support of the protection of our troops, our men and women in uniform, in not being subject to an international criminal court of justice.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Again, Mr. President, I thank the Chair.

Let me just add a footnote to the remarks of Senator CRAIG. We have been working closely together on this issue of the International Criminal Court, and we see eye to eye on the danger of this Court presented to our fighting men and women. I appreciate very much the efforts of Senator CRAIG, who I understand may be offering a second-degree amendment, which he has already done.

I want to assure the Senate, as Senator CRAIG has, that Senator CRAIG and I will continue working together on this and other important issues in the future.

As I indicated earlier in my remarks, my amendment—the underlying amendment, that is—is supported by the Bush administration. Vice President CHENEY has personally seen to it the language in my underlying amendment has the approval of the State Department, the Defense Department, the

National Security Council, the Justice Department, along with other parts of the Government.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

DISCHARGE AND REFERRAL—H.R. 788

Mr. REID. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from consideration of H.R. 788, the land conveyance bill, and the measure be referred to the Governmental Affairs Committee.

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

SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1860, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1860) to reauthorize the Small Business Technology Transfer Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, today I rise to urge passage of H.R. 1860, the Small Business Technology Transfer Program Reauthorization Act of 2001. H.R. 1860 passed the House of Representatives on September 24, 2001. This bill is a companion to my bill, cosponsored by Ranking Member KIT BOND, S. 856 which passed the Senate unanimously on September 13, 2001. This legislation reauthorizes the Small Business Administration's highly successful Small Business Technology Transfer Program for an additional eight years and doubles its size. Absent legislative action to reauthorize the Small Business Technology Transfer program, it will expire on September 30, 2001.

The STTR program funds research and development, R&D, projects performed jointly by small companies and research institutions as an incentive to advance the government's research and development goals. It complements the Small Business Innovation Research, SBIR, program, which was reauthorized last year. The SBIR program funds R&D projects at small companies. STTR funds R&D projects between a small company and a research institution, such as a university or a Federally funded R&D lab. STTR projects help participating agencies achieve their goals in the research and development arena. It also helps convert the billions of dollars invested in research and development at our nation's universities, Federal laboratories and nonprofit research institutions into new commercial technologies.

The STTR program was started in 1992. The program was reauthorized in 1997 for four years. The program is funded out of the extramural R&D budgets of Federal agencies or departments with extramural R&D budgets of $1 billion or more. Such agencies must award at least .15 percent of that money for STTR projects. This bill increases program funding to .3 percent of that money for STTR programs in FY 2004 and thereafter. Five agencies currently participate in the STTR program: the Department of Defense, DoD, the National Institutes of Health, NIH, the National Aeronautics and Space Administration, NASA, the National Science Foundation, NSF, and the Department of Energy, DoE.

There are three phases of the STTR program. Phase I is a one-year award for $100,000, and its purpose is to determine the scientific and commercial merits of an idea. Phase II is a two-year grant for $500,000, and its purpose is to further develop the idea. In FY 2004 and thereafter this bill increases Phase II awards to $750,000. Phase III is used to pursue commercial applications of the idea and cannot be funded with STTR funds.

I thank my friend from Missouri, Senator BOND and his staff and all of the Members of the Senate Small Business and Entrepreneurship Committee for working with me and my staff on this important legislation. I would also like to recognize the cooperation and support from the House Small Business Committee, Chairman DON MANZULLO, Ranking Member NYDIA VELAZQUEZ, Subcommittee Chairman ROSCOE BARTLETT and their staffs as well as Chairman BOEHLERT and Ranking Minority Member HALL and their staffs on the House Science Committee for their work on this legislation.

Mr. President, I ask the Senate to pass H.R. 1860.

Mr. BOND. Mr. President, I rise to urge my colleagues in the Senate to support H.R. 1860, the Small Business Technology Transfer Program Reauthorization Act of 2001. This bill is identical to S. 856, which passed the Senate unanimously on September 13, 2001. Subsequently, the House of Representatives amended its version of this important legislation with the entire text of the Senate-passed bill, and it passed the House of Representatives yesterday on its Suspension Calendar. Our approval of this bill today will clear the measure for the President to sign it into law.

The STTR Program was created in 1992 to stimulate technology transfer from research institutions to small firms while, at the same time, accomplishing the Federal government's research and development goals. The program is designed to convert the billions of dollars invested in research and development at our nation's universities, federal laboratories and nonprofit research institutions into new commercial technologies. The STTR Program does this by coupling the ideas and resources of research institutions with the commercialization experience of small companies.

To receive an award under the STTR Program, a research institution and small firm jointly submit a proposal to conduct research on a topic that reflects an agency's mission and research and development needs. The proposals are then peer-reviewed and judged on their scientific, technical and commercial merit.

The STTR Program continues to provide high-quality research to the Federal government. The General Accounting Office (GAO) reported in the past that Federal agencies give high ratings to the technical quality of STTR research proposals. The Department of Energy, for example, rated the quality of the proposed research in the top ten percent of all research funded by the Department

Report after report demonstrates that small businesses innovate at a greater and faster rate then large firms. However, small businesses receive less than four percent of all Federal research and development dollars. This percentage has remained essentially unchanged for the past 22 years. Increasing funds for the STTR Programs sends a strong message that the Federal government acknowledges the contributions that small businesses have and will continue making to government research and development efforts and to our nation's economy.

Mr. President, Senator KERRY and I have worked together to produce a sound, bi-partisan bill. This legislation is good for the small business high-technology community and will ensure that our Federal research and development needs are well met in the next decade. I trust that the bill will receive overwhelming support of my colleagues.

Mr. REID. I ask unanimous consent that the bill be read the third time, passed, and the motion to reconsider be laid on the table, with no intervening action or debate.

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

The bill (H.R. 1860) was deemed read the third time and passed.

DEFENSE PRODUCTION ACT AMENDMENTS OF 2001

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2510 to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2510) entitled ''An Act to extend the expiration date of the Defense Production Act of 1950, and for other purposes'', with the following House amendments to Senate amendment:

Page 1, line 3, of the engrossed Senate amendment strike ''2002'' and insert ''2003''.

Page 1, line 7, of the engrossed Senate amendment strike ''2002'' and insert ''2003''.

REVIEW OF DPA

Mr. ENZI. Mr. President, I would like to inquire of the Senator from Maryland, Chairman SARBANES, as to the status of legislation reauthorizing the Defense Production Act?

Mr. SARBANES. I thank the Senator from Wyoming for his question. The Defense Production Act reauthorization that is awaiting further action in the Senate would currently reauthorize the act for two years and would make a number of technical corrections.

Mr. ENZI. As the chairman is aware, I feel the DPA is an important tool for supporting our national defense and for ensuring that our armed forces have the latest equipment available, in a timely manner, and that they are prepared and able to defend our Nation's interests. When used properly, the DPA not only ensures military contracts are filled in a timely manner, but it also ensures that industries are protected from liabilities that could arise from being required to prioritize military requests ahead of other private agreements. I am concerned, however, that the DPA also has a number of possible applications that may not be in the best interest of the United States. It is my fear that, in the name of national security, the DPA can be used in a way that creates a serious rippling effect on many other sectors of our Nation. The chairman is aware that I have supported just a one-year reauthorization of this act, and that I feel it is important that we conduct a complete review and reevaluation of the act to make sure it gives the President the power he needs to conduct his business without exposing the rest of the nation to possible abuse.

Mr. SARBANES. In light of U.S. national security needs, I feel Congress is justified in extending the DPA's authorization for two years. I am prepared, however, to work with the Senator from Wyoming to review his concerns with the DPA when the Banking Committee considers its future reauthorization.

Mr. REID. I ask unanimous consent that the Senate concur in the House amendments to the Senate amendment, and the motion to reconsider be laid on the table.

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

NATIONAL OVARIAN CANCER AWARENESS WEEK

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to the immediate consideration S. Res. 163.

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

The legislative clerk read as follows:

A resolution (S. Res. 163) designating the week of September 23, 2001, through September 29, 2001, as ''National Ovarian Cancer Awareness Week.''

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 163) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 163

Whereas 1 out of every 55 women will develop ovarian cancer at some point during her life;

Whereas over 70 percent of women with ovarian cancer will not be diagnosed until the cancer has spread beyond the ovaries;

Whereas prompt diagnosis of ovarian cancer is crucial to effective treatment, with the chances of curing the disease before it has spread beyond the ovaries ranging from 85 to 90 percent, as compared to between 20 and 25 percent after the cancer has spread;

Whereas several easily identifiable factors, particularly a family history of ovarian cancer, can help determine how susceptible a woman is to developing the disease;

Whereas effective early testing is available to women who have a high risk of developing ovarian cancer;

Whereas heightened public awareness can make treatment of ovarian cancer more effective for women who are at-risk; and

Whereas the Senate, as an institution, and Members of Congress, as individuals, are in unique positions to help raise awareness about the need for early diagnosis and treatment for ovarian cancer: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 23, 2001, through September 29, 2001, as 'National Ovarian Cancer Awareness Week'; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe National Ovarian Cancer Awareness Week with appropriate ceremonies and activities.

NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 118 and that the Senate proceed to the immediate consideration of S. Res. 118.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 118) to designate the month of November 2001 as ''National American Indian Heritage Month''.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, that the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 118) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 118

Whereas American Indians, Alaska Natives, and Native Hawaiians were the original inhabitants of the land that now constitutes the United States;

Whereas American Indian tribal governments developed the fundamental principles of freedom of speech and separation of powers that form the foundation of the United States Government;

Whereas American Indians, Alaska Natives, and Native Hawaiians have traditionally exhibited a respect for the finiteness of natural resources through a reverence for the earth;

Whereas American Indians, Alaska Natives, and Native Hawaiians have served with valor in all of America's wars beginning with the Revolutionary War through the conflict in the Persian Gulf, and often the percentage of American Indians who served exceeded significantly the percentage of American Indians in the population of the United States as a whole;

Whereas American Indians, Alaska Natives, and Native Hawaiians have made distinct and important contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art;

Whereas American Indians, Alaska Natives, and Native Hawaiians deserve to be recognized for their individual contributions to the United States as local and national leaders, artists, athletes, and scholars;

Whereas this recognition will encourage self-esteem, pride, and self-awareness in American Indians, Alaska Natives, and Native Hawaiians of all ages; and

Whereas November is a time when many Americans commemorate a special time in the history of the United States when American Indians and English settlers celebrated the bounty of their harvest and the promise of new kinships: Now, therefore, be it

Resolved, That the Senate designates November 2001 as 'National American Indian Heritage Month' and requests that the President issue a proclamation calling on the Federal Government and State and local governments, interested groups and organizations, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

NATIONAL PARENTS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 150 and that the Senate proceed immediately to the consideration of S. Res. 150.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 150) designating the week of September 23 through September 29, 2001, as ''National Parents Week''.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, that the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 150) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 150

Whereas parents play an indispensable role in the rearing of their children;

Whereas good-parenting is a time-consuming, emotionally demanding task that is essential not only to the health of a household but to the well-being of our Nation;

Whereas without question, the future of our Nation depends largely upon the willingness of mothers and fathers, however busy or distracted, to embrace their parental responsibilities and to vigilantly watch over and guide the lives of their children;

Whereas mothers and fathers must strive tirelessly to raise children in an atmosphere of decency, discipline, and devotion, where encouragement abounds and where kindness, affection, and cooperation are in plentiful supply;

Whereas the journey into adulthood can be perilous and lonely for a child without stability, direction, and emotional support;

Whereas children benefit enormously from parents with whom they feel safe, secure, and valued, and in an environment where adult and child alike can help one another aspire to joy and fulfillment on a variety of levels; and

Whereas such a domestic climate contributes significantly to the development of healthy, well-adjusted adults, and it is imperative that the general population not underestimate the favorable impact that positive parenting can have on society as a whole: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 23 through September 29, 2001, as ''National Parents Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

FAMILY HISTORY MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 160 and that the Senate proceed to the immediate consideration of S. Res. 160.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 160) designating the month of October 2001 as ''Family History Month.''

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

Mr. HATCH. Mr. President, I rise today in support of families and S. Res. 160 that dedicates October 2001 as Family History Month.

The concept of designating October as Family History Month began several years ago. According to the National Genealogical Society, Connecticut, Delaware, Florida, Illinois, Massachusetts, Michigan, Nevada, New Jersey, New York, Ohio, Pennsylvania, South Carolina, and Virginia all passed ''proclamations'' in the last few years declaring October as Family History Month.

Within the last month some 14,167,329 people researched their family history and 24 million people have used the Web and email to locate family or friends with whom they had lost touch. Researching ancestry is a very important component to self identity. It can lead to long-sought-after family reunions or allow for life saving medical treatments that only genetic links will allow.

At present there are some 2,500 genealogical societies in the United States that represent approximately one million people. Genealogy is currently the 2nd largest hobby in the country and is very unique in that it crosses over all religions, ethnic backgrounds, and age groups. Essentially, we are all immigrants to this country. Our ancestors came from different parts of the globe and by searching for our roots, we come closer together as a human family.

Researching family history has now moved into the digital age with the advent of the Internet. There has been an explosion of interest in family history online in fact genealogy internet sites are some of the most popular sites on the World Wide Web. My church, The Church of Jesus Christ of Latter-day Saints, has family history information on nearly 500 million individuals on its family history Web site (www.familysearch.com).

I thank the 84 members who cosponsored this important resolution and urge all my colleagues to join with me in drawing attention to our human heritage by voting for this resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, that the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 160) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 160

Whereas it is the family, striving for a future of opportunity and hope, that reflects our Nation's belief in community, stability, and love;

Whereas the family remains an institution of promise, reliance, and encouragement;

Whereas we look to the family as an unwavering symbol of constancy that will help us discover a future of prosperity, promise, and potential;

Whereas within our Nation's libraries and archives lie the treasured records that detail the history of our Nation, our States, our communities, and our citizens;

Whereas individuals from across our Nation and across the world have embarked on a genealogical journey by discovering who their ancestors were and how various forces shaped their past;

Whereas an ever-growing number in our Nation and in other nations are collecting, preserving, and sharing genealogies, personal documents, and memorabilia that detail the life and times of families around the world;

Whereas 54,000,000 individuals belong to a family where someone in the family has used the Internet to research their family history;

Whereas individuals from across our Nation and across the world continue to research their family heritage and its impact upon the history of our Nation and the world;

Whereas approximately 60 percent of Americans have expressed an interest in tracing their family history;

Whereas the study of family history gives individuals a sense of their heritage and a sense of responsibility in carrying out a legacy that their ancestors began;

Whereas as individuals learn about their ancestors who worked so hard and sacrificed so much, their commitment to honor their ancestors' memory by doing good is increased;

Whereas interest in our personal family history transcends all cultural and religious affiliations;

Whereas to encourage family history research, education, and the sharing of knowledge is to renew the commitment to the concept of home and family; and

Whereas the involvement of National, State, and local officials in promoting genealogy and in facilitating access to family history records in archives and libraries are important factors in the successful perception of nationwide camaraderie, support, and participation: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of October 2001, as ''Family History Month''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

SUPPORTING THE GOALS AND IDEALS OF THE OLYMPICS

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 99, setting forth the goals and ideals of the Olympics, and that the Senate proceed to the immediate consideration of S. Res. 99.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 99) supporting the goals and ideals of the Olympics.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 99) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 99

Whereas for over 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States Olympic Committee is dedicated to coordinating and developing amateur athletic activity in the United States to foster productive working relationships among sports-related organizations;

Whereas the United States Olympic Committee promotes and supports amateur athletic activities involving the United States and foreign nations;

Whereas the United States Olympic Committee promotes and encourages physical fitness and public participation in amateur athletic activities;

Whereas the United States Olympic Committee assists organizations and persons concerned with sports in the development of athletic programs for amateur athletes;

Whereas the United States Olympic Committee protects the opportunity of each amateur athlete, coach, trainer, manager, administrator, and official to participate in amateur athletic competition;

Whereas athletes representing the United States at the Olympic Games have achieved great success personally and for the Nation;

Whereas thousands of men and women of the United States are focusing their energy and skill on becoming part of the United States Olympic Team and aspire to compete in the 2002 Olympic Winter Games in Salt Lake City, Utah;

Whereas the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by the athletes of the United States Olympic Team; and

Whereas June 23, 2001 is the anniversary of the founding of the modern Olympic movement, representing the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of the Olympics;

(2) calls upon the President to issue a proclamation recognizing the anniversary of the founding of the modern Olympic movement; and

(3) calls upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 147 and that the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 147) to designate the month of September of 2001 as ''National Alcohol and Drug Addiction Recovery Month.''

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

AMENDMENT NO. 1723

Mr. REID. Mr. President, Senator WELLSTONE has an amendment at the desk, and I ask that the amendment be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. WELLSTONE, proposes an amendment numbered 1723.

The amendment is as follows:

In the preamble, strike the second Whereas clause and insert the following:

Whereas, according to a 1992 NIDA study, the direct and indirect costs in the United States for alcohol and drug addiction was $246 billion, in that year.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the amendment be agreed to, the preamble be agreed to, as amended, the motion to reconsider be laid upon the table, and that any statement relating thereto be printed in the RECORD.

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

The amendment (No. 1723) was agreed to.

The resolution (S. Res. 147) was agreed to.

The preamble, as amended, was agreed to.

CONDEMNING BIGOTRY AND VIOLENCE AGAINST ARAB-AMERICANS, AMERICAN MUSLIMS, AND AMERICANS FROM SOUTH ASIA

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to the immediate consideration of H. Con. Res. 227.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 227) condemning bigotry and violence against Arab-Americans, American Muslims, and Americans from South Asia in the wake of terrorist attacks in New York City, New York, and Washington, D.C., on September 11, 2001.

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

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 227) was agreed to.

The preamble was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to speak in morning business.

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

AN INTERNATIONAL CRIMINAL COURT

Mr. DODD. Mr. President, first of all, I want to share with my colleagues my expressions of gratitude to our President, President Bush, and his team as they have conducted the affairs of our state over these last number of days since the tragedy of September 11. As has been said over and over again, both in this Chamber and elsewhere, they have done, I think, a superlative job. They have done so with the complete, total cooperation of the distinguished majority leader, Senator DASCHLE, the Democratic leader in the House, RICHARD GEPHARDT, along with Speaker HASTERT and, of course, the minority leader, Senator LOTT, and others.

The past days have been a wonderful expression of the kind of unity and support that the country expected, and, I think, deserved. We are on the right track, in my view. None of us knows, as the President said so eloquently just a few feet from here in the other Chamber almost a week ago, if we can say with any certainty what course this response of ours will take or how long it will take—but we know the outcome. And the outcome for certain is that democracy will trump terrorists. It may take us weeks or months—even years—but I stand with those who say that in the final analysis, maybe long after those of us who are Members of this Chamber today are gone from our service here, we will prevail. And to those who share our values and commitment to the eradication of international terrorism, we stand with them.

So it is with that as a backdrop, in a way, that I rise to speak this afternoon, because I was so disheartened to be in my office a little while ago to hear the proposal of an amendment or two that would be offered next week to the Department of Defense authorization bill.

I listened just about 2 hours ago to my President speak to the employees of the Central Intelligence Agency, along with George Tenet, the Director. The President's words were once again eloquent, and certainly captured my feelings, my sense of gratitude to the men and women who work in our intelligence-gathering agencies for the tremendous job they do, under tremendous pressures, with tremendously high expectations.

The President, once again, reminded his audience there, as he has the American audience, and the audience of this world, that the ultimate outcome of this effort we are now undertaking will absolutely, without any equivocation, depend upon international cooperation.

The idea, somehow, that the United States, with all of our strength—economically, militarily—will be able unilaterally to seek out, find, and destroy international terrorism is a myth.

I know there are those who suggest we may be left with no one else but ourselves to deal with this. That may be the case. I doubt it, but it may be the case. But the idea that somehow we

are going to be able to, on our own, go after terrorism, in what the President has described as at least 60 other nations that harbor these groups, is totally a myth. What is going to be absolutely essential, if we are going to succeed—and I have no doubt we will—in dealing with this problem, for however long it takes, will be cooperation by our allies, by friends, by even some who may not be our friends today but who share the common goal of eradicating the scourge of terrorism.

That is going to require a herculean effort, on behalf of our people, by very bright, sophisticated leaders. I happen to think we have those leaders. I have great confidence in General Colin Powell, the Secretary of State. We have not always agreed over the years on various matters, but he is a patriot, a person who understands the kind of world in which we live.

I think Don Rumsfeld demonstrated, beyond any question of a doubt, his courage and patriotism on September 11, as he stayed in the bunker of the Pentagon during the assault on that institution.

I have no doubt that Condoleezza Rice too will serve our country well—I continue down the list. I think these are not just good people, they are bright people. They are competent people who can do a good job to go out and develop and build those relationships.

Whether this problem is solved diplomatically, militarily, or by a combination of the two, it is going to require international cooperation.

Mr. President, why do I focus on this? Because I hear that we are about to vote and consider an amendment to the Department of Defense authorization bill that would absolutely prohibit the United States from being involved in developing a court of international justice, an international criminal court.

I cannot believe that at this hour this great body of the U.S. Senate is about to go on record, at the very moment we are asking the world to join us in apprehending the thugs and criminals who took 6,000 lives in New York and several hundred here in Washington, that this Chamber, this body, this Government, at this hour, would say we will have nothing to do with the establishment of an international criminal court. So I come to the Chamber to express my outrage that we might consider such a proposal. I do not object to the notion that, as presently crafted, the treaty of the Rome statute, which would establish the court, is flawed. In fact, if, for some reason, miraculously the proposal were brought to this Senate Chamber this afternoon, and I were asked to vote on it as is, I would vote against it because it is a flawed agreement. But that is not to say we should not stay at the table to try to work it out so that it becomes a viable product which we can support and gather behind.

So when I hear, on the one hand, how we need to develop international cooperation to go after these people, and we turn around and walk away from an institution which could make a significant contribution to dealing with this problem, I find it stunning. My fervent hope would be if, for whatever reason, this matter, as it is presently structured, comes up for a vote, that we would vote against it.

I do not know what vehicles may be available to me, but I am going to strenuously object to the idea we would consider such a proposal. God knows that the horrific acts we witnessed 2 weeks ago suggest that an international forum for bringing to justice those who commit terrorist acts or acts against humanity is now more needed than ever.

Let me step back a little bit in history, if I can. It was the United States, at the end of World War II, under our leadership, that created the U.N. system. With all of its warts, with all of its shortcomings, with its mounds of bureaucracy that infuriate from time to time, I do not know of any sensible person who believes that the world would be a safer or better place in the absence of that building on the East River in New York, where the world can gather to resolve, or attempt to resolve, some of the most difficult disputes and problems we face. It has not solved all of them by any stretch—and I can't prove a negative; I don't know how many were avoided because of its existence—but I happen to believe that most people—reasonable people—believe that the establishment of a U.N. system has been a worthwhile endeavor. It has made the last 50 years, with all of its various problems around the globe, a safer 50 years than it would have been had that institution not existed.

What a great irony it is that the very people who understood the value of having a U.N. system—people such as General George Marshall, people such as Harry Truman, people who came after in terms of the wisdom of our foreign policy, the John Foster Dulles giants, who said we really do need to establish these forums to try to act as a buffer, as a place where some of these efforts can be resolved without using the historic means of resolution; and that is armed confrontation—how ironic, indeed, that this great Nation, which fought tooth and nail to establish the U.N. system, the genocide convention is now shirking its international duty.

In fact, you will forgive me if I indulge in a little personal observation. As some of my colleagues here are aware, I was a 1-year-old child in 1945 when my father left my mother and five of us to go to a place called Nuremberg where for the next year and a half he was an executive trial counsel at the first Nuremberg trials.

I grew up as a child, after my father returned, hearing about what that tribunal had tried to accomplish, what it had been able to do, and how my father in many ways regretted there had not been in the 1930s such a forum in existence where we might have been able to bring a thug like Adolf Hitler to justice. He would often say the existence of a criminal tribunal that could take the Hitlers and Milosevics to task might just have avoided the problems that later emerged.

It is stunning to me, as I have said already, that at this very moment where we have watched the most significant and historic attack on innocent civilians in our Nation's history, and where we are calling with one voice for international cooperation to help find not only those responsible but to develop a system that would minimize these events from occurring again, that we might take a step away from the establishment of a forum that would be a place where those who are responsible could be brought to a bar of justice.

We saw the difficulty that occurred when we finally were able to determine who was responsible for the terrorist attack on Pan Am Flight 103, and we know how hard it was to find a forum where those people could be tried. It ultimately took a Scottish court and significant negotiations to bring those criminals to justice. Had we had an International Criminal Court as we do today in the Hague for other such matters, we might have had a forum where that matter could have been resolved without going through the difficulties we saw.

One of the arguments that has been raised is that we don't want young men and women in uniform, who are going out today to the far corners of the world to deal with this issue, to be apprehended and tried before some kangaroo court. I do not want that either. But whether we are a part of drafting this agreement or not, it may get established—in fact, it is likely to—without our participation. And our young men and women in uniform are going to be subjected to that jurisdiction whether we like it or not.

The fact that we are not a signatory to the court doesn't mean that somehow our servicemen and women are exempt from its jurisdiction. All it means is that when we retreat from helping craft this court our ability to structure it in a way that would minimize the threat of innocent men and women in uniform being brought before it is gone. The message we are sending right now is that we are going to walk away from this process and leave our young men and women subjected to the potential vagaries of such a court because we do not want to be involved in the discussions surrounding its creation.

This amendment is called, ironically, the American Servicemen's Protection Act. It is anything but. The establishment of this amendment places our men and women in uniform in greater jeopardy than they would be if we were to participate in trying to develop the structures of this court to minimize problems.

We are simply sticking a finger, at the very hour we ought to be doing otherwise, in the eyes of our friends.

Clearly, war criminals and terrorists must be thrilled at the notion that an international bar of justice continues to be blocked by their arch enemy, the United States of America.

I am prepared to take whatever steps I can in the next few days to see to it that this amendment is defeated. It was in this very Chamber on the night of September 10 that I stood and objected to the Craig amendment, which eliminated all funding for us to get involved in establishment of this court. I was urged not to ask my colleagues for a recorded vote. I didn't. I regret so now.

Within less than 24 hours of that night, we saw an international act of terrorism take the lives of many of our fellow citizens. I am not suggesting the adoption or the defeat of that amendment would have changed the course of history, but how ironic that on the eve of the September 11th attack, this body went on record as saying we are not even going to finance a commission of the United States to go in and try and improve the Rome treaty, to try to make it more workable and more acceptable to the United States.

That amendment was adopted as part of the State-Justice-Commerce appropriations bill. The question now is whether or not we are going to take the language under this so-called American Servicemen's Protection Act and incorporate it as part of the Department of Defense authorization bill.

I am disheartened because I understand that the administration, despite the fact they had expressed some opposition to such an approach only a few days ago, has now decided to give their endorsement to this proposal in exchange for which apparently the Republican leadership in the House are going to release the U.N. arrearages. That is the tradeoff apparently.

To their credit, the administration has negotiated some waiver authority in these proposals. But the overall message we are sending to the international community is a terrible one, in my view. On the one hand, the Secretary has called on everyone to stand with us, while on the other hand, we are once again suggesting that we can go it alone. It is contradictory, to say the very least.

It is just like the approach we have taken on too many other issues. I won't go into all of them here. But if we are going to be asking the world to cooperate, we have to send a better message on some of these other issues. I favor increased security measures here at home as well as additional authorities for law enforcement. I will take a back seat to no one in our common determination to improve the quality of safety in this country. But as all of my colleagues, I believe it ought to be done thoughtfully so that we don't wake up one day and find that our Nation as we know it exists no longer.

I don't want my country to become a gated community internationally. I don't want to have to go through all sorts of walls and metal detectors to get in to visit some friends. I want my country to still be a free and open place. I want us to be engaged in the world. You can't be a gated community in the international sense and also be a major player globally and economically. You certainly are not going to be successful in going after terrorists if you decide we are going to become a gated community and retreat from international agreements. Then the terrorists victory is vastly in excess of what it was on September 11.

That day they destroyed buildings and took lives and we will never forget their actions. But if beyond that they are also able to do things to cause us to walk away from international agreements and create that gated community here at home, then their victory is far beyond the terrible success they had only a few short days ago.

I hope my colleagues over the weekend will give some thought to this amendment. Don't be deceived by the title. It is anything but protecting our service men and women.

Finally, it seems to me that it is time to be honest with ourselves about why international terrorism has become such a growing threat. We need only look into the oppressed faces of citizens of some of the governments we, frankly, have supported despite their less than acceptable treatment of their own citizenry over the years. The children, teenagers, of many of these countries grow up hating their leaders and, frankly, our own country for keeping them in power, supporting them as they stay in power. These young people become foot soldiers who are all too readily persuaded by the likes of the Osama bin Ladens of this world that violence is the answer to their grievances. And I would hope, as we analyze what we need to do at home to protect our security and how we can play a more constructive role internationally and build those coalitions that are essential for our long-term success in overcoming this threat, that we also take time to stand up to some of these regimes and be on the side of humanity everywhere.

Our Founding Fathers did not only talk about those in the United States when they talked about inalienable rights; they wisely wrote about all people, not only those who lived within the borders of the then-Thirteen Colonies of what would constitute the United States. They spoke to the aspirations and hopes of other people as well.

We are that legacy, if you will. We are the generations that will come after to perpetuate those very values. This is a vastly different world than those who founded this country faced. Today, we are talking about billions of people around the globe, and about a nation whose power is vastly in excess of what is was 220 years ago. If we are going to live up to the ideals incorporated in the Declaration of Independence and the Bill of Rights and the Constitution, then we need to understand and hear those voices out there who cry out for some leadership, cry out for advocates. We ought to step back and look and see whether or not our short-term policy needs are satisfying the long-term security needs of the Nation.

We must also come to grips with the Muslim faith. That doesn't mean trying to keep secular governments in place in countries where the will of the people is otherwise. It means beginning to understand the underlying premises of that faith, and by conveying our respect. It means a commitment by our Government to spend resources so that we understand them better.

That is what President Kennedy was trying to do when he created the Peace Corps 40 years ago. The Peace Corps is a wonderful organization. I was proud to have been a member of the Peace Corps some 35 years ago. However, it has not been as active, in my view, as it could have been, particularly in Muslim countries where we might have been better served by having hundreds of thousands of young Americans working in those poor communities.

It is not an easy task for the Peace Corps to go everywhere, but the focus should be on those areas where the need is the greatest like Afghanistan and Pakistan and Indonesia. Taking the time to recruit the people with the language skills and ability and knowledge of these cultures could do an awful lot to change some of the anti-American attitudes we see, in my view. We should be getting started now so that in the aftermath of the military actions we are going to take, particularly in some of the Muslim countries, we will be ready to show a different face of our country, one that isn't simply militarily strong, but one that also incorporates justice and humanity and respect for religious faiths, in accordance with the true principles deeply imbedded in our own value systems that call for the exercise of freedom in our own Nation.

It is time to take a hard look at our path. Yes, we need to act in the coming days to address the immediate threats, as I mentioned already—the challenges confronting our Nation in the international community that stem from the tragedy at the World Trade Center and our Pentagon. But we have to take a longer and harder look at those actions at home and abroad that will make not only ourselves safer, but the world safer for our citizens and the citizens of this globe.

History will judge how we act, not only in the short term, protecting our shores, which is our primary responsibility, but also the kind of framework we establish and the kind of reaching out that will be necessary. So when the history of our generation is written on how we responded to this great crisis at home, historians will write about a great nation that did not close its doors and create a gated community,

but truly reached out to the international community and respected the rights of all human beings and made an effort to understand the grievances that built up in the ranks of these madmen terrorists that allowed them to carry out their savage attacks as they did on the World Trade Center and the Pentagon. That is a complicated task.

The world is looking to us. We are the greatest power on the face of the Earth—economically, politically, and militarily. They are looking to see how we respond to this. If next week we adopt amendments here that walk away from international criminal courts, and we just go in militarily and don't understand what is behind some of these reactions we are seeing in these places, then I think history will judge us harshly. So our first responsibility is to protect our citizens—not just the generation we presently represent, but the generations we also represent who are yet unborn whose very fate may be determined by the actions we take in the coming days.

I have no doubt that President George Walker Bush and his team are not only competent but are dedicated and have the ability to lead us. They have a Congress and a nation that wants to follow them.

I only urge that they act wisely and not cut deals and make arrangements for short-term success that could do our Nation some very long-term harm.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak as in morning business.

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

COOPERATIVE THREAT REDUCTION

Ms. LANDRIEU. Mr. President, let me begin by thanking my colleague for those eloquent and passionate and insightful remarks, and for his extraordinary leadership, not only in this time but as he shows throughout all of our work in Congress. I thank him for his guidance on this issue which is so important. I look forward to joining him on this issue when we reconvene next week.

Mr. President, as the Senator from Connecticut so eloquently spoke about for the last half hour or so—about the importance of alliances at this time, the importance of international alliances, the extraordinary opportunity that has been given to us out of this tragedy to build a new framework of mutual trust and mutual cooperation for the benefit of all citizens of this world who love freedom, who hope for a better life, who want only for themselves, their children, and their grandchildren to live free of oppression, free from fear, free from hunger, free from want, it is really an extraordinary time.

I want to acknowledge the leadership that I have seen in this body in a way that I never thought I would. I am certain that most people in my State and in many States don't completely really understand yet the extraordinary length to which the Members of this body, both Democrats and Republicans, have worked to overcome some very difficult issues in trying to work so closely with the President, and have done this in a remarkable way under his tremendous leadership, as the Senator from Connecticut also pointed out.

I think we have made great progress in the last 2 weeks, since September 11. We are on the right track and at the right pace. We just have to steady our course and continue to support our President and debate where we need to and not give up our right to judgment, and do it in a way that will strengthen our country and will honor the spirit that Americans everywhere are showing us around the world and move forward to win this war.

I want to spend a few minutes before we close today speaking about an important part of this effort, an important part of the Defense authorization bill, which we have been engaged in debating now under the great leadership of Senator LEVIN from Michigan and the Senator from Virginia, Senator WARNER.

In my mind, the cold war finally ended at 8:45 a.m. eastern time on Tuesday, September 11. Literally, up until that moment, this Congress had engaged in something akin to shadowboxing.

We swung our arms about in search of enemies, and in search of a unifying purpose to our national security. Yet in life, it is often tragedy and crisis that lifts the fog from our eyes. Suddenly, we see the world with crystal-like clarity. We understand better that which is trivial and that which is absolutely essential. We look back on our priorities before this crisis, and I think many of us have been shaking our heads wondering: What could we possibly have been thinking?

One truth that should now be evident to America's collective world view is that we need a strong and practical relationship with Russia. There is a bond between the United States and Russia that defies coincidence. Of course, we share the common experience of the cold war. It was not a pleasant experience, it was not a good experience, but it was an experience that we shared. Now it appears we will share the experience of fighting in Afghanistan.

Russia itself has been attacked by terrorists, supported by elements of the Arab Afghan army, the very force that we trained during the cold war and now has unleashed its terror upon us.

In short, our countries have a history of lashing out at each other. Yet when we do, we inevitably hurt ourselves. It is an instinct we learned during the cold war, but we must unlearn that instinct to succeed in this silent war. Hopefully, on September 11, we closed for good that chapter in our relationship.

There are many things that make me proud about this Defense authorization bill that we have been debating and will hopefully conclude that debate when we reconvene next week, but one of the things that makes me proudest about this year's Defense authorization bill is that even before the events of the 11th, we understood the importance of our relationship with Russia. Senators Nunn and LUGAR deserve the thanks of the whole of the American public for their extraordinary foresight. They realized that at the end of the cold war, in the tremendous vacuum that was created, we needed to be aggressive in forming a new relationship with Russia. It would not be a relationship based on fear, deception, and suspicion. Rather, it would be a relationship grounded in our common history, our common roles as great powers, and our mutual interest in establishing a world where our citizens could flourish.

The only way forward to this goal is up the trail blazed by Senators Nunn and LUGAR. The Cooperative Threat Reduction Program sponsored by the Department of Defense has been under assault in this Congress since I joined the Armed Services Committee. It was derided as welfare to ex-Communists. We slashed and hamstrung the programs, claiming to react to mismanagement.

With the hard work of my friend and now partner, Mr. ROBERTS, the Senator from Kansas, we reversed that trend this year. The subcommittee mark for the Emerging Threats included full funding for the Cooperative Threat Reduction Program at $403 million. Of these funds, $50 million is dedicated to chemical demilitarization of the Soviet Union.

The facts before us should be crystal clear to everyone. There should be no more urgent priority for this country than to secure and destroy the chemical, biological, and nuclear stockpiles of the former Soviet Union.

On that exact point, there was a beautifully written op-ed piece by former Senator Sam Nunn of Georgia. I ask unanimous consent to print the op-ed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Atlanta Journal-Constitution, Sept. 16, 2001]

LIVING IN A NEW ERA OF INSECURITY

(By Sam Nunn)

The bitter events of last week will never pass from the American memory. But whether they are remembered as an isolated, unrepeated horror or the first nightmare in a new era of insecurity may well depend on what we do now.

The terrorists who planned and carried out the attacks of Sept. 11 showed there is no limit to the number of innocent lives they are willing to take. Their capacity for killing was restricted only by the power of their weapons.

As we strengthen airport and airplane security, we must automatically assume that the next attack against America will be like the one we just experienced.

Though we may not yet know with certainty which group sponsored these attacks we do know that Osama bin Laden declared in 1998 that acquiring weapons of mass destruction is ''a religious duty.'' This statement should not be taken lightly. We have had a look at the face of terrorist warfare in the 21st century, and it gives us little hope that if these groups gained control of nuclear, biological and chemical weapons they would hesitate to use them.

As America prepares a response, we must build a new framework for national security that protects us from the full range of new dangers we face.

Ten years ago a communist empire broke apart. Its legacy: 30,000 nuclear warheads; more than 1,000 tons of highly enriched uranium; 150 tons of plutonium; 40,000 tons of chemical weapons; 4,500 tons of anthrax and tens of thousands of scientists who know how to make weapons and missiles but don't know how to feed their families. Russia's dysfunctional economy and eroded security systems have undercut controls on these weapons, materials and know-how and increased the risk that they may flow to hostile forces.

Our nation understands from heart-shattering experience that America is targeted for terrorist attack. But we do not fully grasp how Russia's loose controls over weapons, materials and know-how dramatically increase our vulnerability to an attack with nuclear, biological and chemical weapons. In 1998, an employee at Russia's premier nuclear weapons laboratory was arrested for trying to sell documents on weapons design to agents of Iraq and Afghanistan. Just this year, former Bin Laden associate admitted to a federal grand jury his role in a plot to purchase uranium.

Threats of terrorism and threats of weapons of mass destruction are not separate but interrelated and reinforcing. The world's security now depends in great part on who is faster and smarter—those trying to get weapons, materials and know-how, or those trying to stop them.

To reduce these threats to our own security, we have—for the past 10 years—helped the Russians secure weapons and weapons materials to prevent theft, convert nuclear weapons facilities to civilian purposes and employ their weapons scientists in peaceful pursuits. But we need to do much more.

Russia itself has experienced terrible terrorist attacks in recent years, and its outpouring of support in the past few days indicates there may be a real opportunity for enhanced U.S.-Russia cooperation.

Early this year, a distinguished bipartisan task force declared loose weapons, materials and know-how in Russia ''the most urgent unmet national security threat to the United States,'' and called for a fourfold funding increase to reduce these threats. We need to reflect this sound advice in our budget priorities. Keeping weapons of mass destruction out of terrorists' hands is either a priority or an afterthought. If it is an afterthought, after what?

The tragic events of this week have given us a rare opportunity to lead a world coalition against terrorism. NATO, for the first time in 52 years, has formally declared that the alliance has been attacked, and 19 democracies are now committed to join America in hitting back. We also have other partners in Europe Asia, the Middle East, Latin America, and Africa.

To carry out the Bush Administration's declaration of war against terrorism, we must:

Prevent terrorist groups from getting nuclear, biological or chemical weapons, weapons materials and know-how.

Eliminate terrorist cells wherever they are, including in the United States.

Enlist the support of our coalition partners to destroy the infrastructure and cut off the funding of terrorist groups wherever they are.

Make no distinction between the terrorists who committed these acts and those who knowingly harbor them, as President Bush has said.

Take every feasible and reasonable step in our military planning to avoid inflicting large numbers of civilian casualties that will only sow the seeds of the next generation of fanatical, suicidal terrorists.

Make it clear by our words and actions that our war is against terrorist, not a war against Islam at home or abroad.

Continue to address the underlying conflicts and condition around the world that breed fanatical hatred and terrorism—probably our most difficult challenge.

Promote and enhance the diplomacy, intelligence gathering and cooperation that are our first line of defense.

In implementing this strategy, we must make sure that we don't undercut the international cooperation we need to protect ourselves against a wide range of dangers.

The United States cannot identify and eliminate terrorist groups, destroy their funding and support, apply pressure to rogue regimes, secure dangerous materials, limit the spread of weapons of mass destruction and gather intelligence without the support and active cooperation of allies and former adversaries. While we must be prepared to act alone if necessary, if we are going to go after terrorists before they come to our shores, we must have partners abroad.

We must develop a comprehensive defense against the full range of threats, based on relative risk and supported by strong alliances so that the pain of today will not be known by the children of tomorrow.

Ms. LANDRIEU. Mr. President, I want to quote a few sentences from this beautifully written piece. He says:

The terrorists who planned and carried out the attacks of Sept. 11 showed there is no limit to the number of innocent lives they are willing to take. Their capacity for killing was restricted only by the power of their weapons.

Though we may not yet know with certainty which group sponsored these attacks, we do know that Osama bin Laden declared in 1998 that acquiring weapons of mass destruction is ''a religious duty.'' This statement should not be taken lightly. We have had a look at the face of terrorist warfare in the 21st century, and it gives us little hope that if these groups gained control of nuclear, biological and chemical weapons they would not hesitate to use them.

As America prepares a response, we must build a new framework for national security that protects us from the full range of the new dangers we face.

Mr. President, we cannot, we should not try, it would be foolhardy to begin to try to build this framework without a strong partnership with Russia.

We know of nearly 400 incidents to purchase or smuggle this material since the end of the cold war. We can safely assume that for every purchase or smuggling operation we stopped—and we stopped many—others succeeded. Yet the technology and framework for locking down these stockpiles is within our grasp.

Today we fund the Cooperative Threat Reduction Program at $403 million a year. We spent 100 times that amount of money in 1 day to respond to the attacks on the World Trade Center and the Pentagon.

Let me repeat that. Today we fund this Cooperative Threat Reduction Program at $403 million a year. We spent 100 times that amount in 1 day to deal with the crisis that hit us at the World Trade Center and the Pentagon 2 weeks ago.

Keep in mind that this is the immediate cost only to the stabilization, rescue, and cleanup of these sites. We will be spending billions more.

Now imagine the cleanup costs that result from an attack by a weapon of mass destruction. As horrific and as heartwrenching and as merciless as were the attacks and the casualties from those attacks on September 11, a weapon of mass destruction promises to be a whole scale of magnitude worse. The devastation could be beyond our imagination.

Yet there have been many reports on this subject. The Baker-Cutler report notes that we need to spend, in their estimation, nearly $30 billion to address just the nuclear side of this equation over the next 8 to 10 years. At our current rate of $3 billion a year, that would require a tenfold increase.

Furthermore, it is my opinion that we cannot wait 8 to 10 years, and we must address all weapons of mass destruction in a more direct, focused, urgent, and intelligent way.

All of this is a long way of saying that Russia's stockpiles of weapons of mass destruction constitute a vital national security interest second to none. No resource should be spared, no bureaucratic hurdle left standing, no diplomatic initiative left unexplored to eliminate the risk these weapons represent.

The preamble of our Constitution makes it incumbent on this Congress to ''provide for the common defence . . . and secure the Blessings of Liberty to ourselves and our Posterity.'' If we take the lessons learned from September 11 and destroy these weapons, we will have done ourselves and our posterity a great service.

As we embark on this extended and silent war against terrorism, I believe that nonproliferation represents one of the true front lines. If we lose the momentum necessary to destroy these stockpiles now, the outcome of this war must be in doubt.

I know the American people understand the heavy costs we will have to bear. This is surely one of those costs, but I am confident, because I have seen on the faces of Americans everywhere—people in my home State, children who have stopped to talk with me, friends who have called, strangers who have walked in my office and left notes and missives, telephone calls I have received—that the American people are ready, they are united, they are willing, strong enough, and without fear to accomplish this goal.

I believe there are a variety of answers to that question when people ask: When will we know this war has been won? I will say this: One of the best indications of whether or not we are winning this war is our success in cooperative threat reduction. The struggle is on, but this is an objective that freedom-loving people must take and hold.

I have every confidence the Members of this body, both Democrats and Republicans, regardless of their views, will understand, and with new insight will appreciate, because of the tragedy that is before us, the urgency of this subject. I am looking forward to doing my part, with other committees that obviously have influence in this area, to work across party lines, to work with House leaders, to work with men and women who have served before in this body, who have quite an expertise in this area, as well as our private sector, think-tanks, our universities, to put all of our best thoughts and efforts in action and to be focused as a laser so we can provide for the common defense of this Nation, the common defense of civilizations and freedom-loving people around the world, and that Americans will do what Americans do best, which is to put our best foot forward with clarity, with commitment, with purpose, with the practical way that Americans move forward to take on this task and to do it well. I am confident that as we do, we will be successful in this endeavor.

THE SEZNA FAMILY

Mr. BIDEN. Mr. President, I apologize to my colleagues and to my constituents for being absent from the Senate this morning, and especially for missing the vote on the Military Construction Appropriations bill. I was attending one of the, tragically, many funeral services being conducted across the country.

If my colleagues will permit me a point of personal privilege, this funeral service had a special and profound impact on me, for the victim was a brilliant young man who was the oldest son, and best friend, of one of my very good friends, Davis Sezna.

The young man who was killed on the 104th floor of the World Trade Center's Tower II, where he had arrived on September 11th for just his sixth day of work there, was Davis Grier Sezna, Jr., known to his family and to all who loved him as ''Deeg.'' His parents, Gail and Davis Sezna, are community leaders in Delaware; they are people I admire and respect; and, again, they are my good friends. Deeg is also survived by a younger brother, Willy, who is a senior in high school, and by his grandmother, Mrs. W.W. Sezna, his grandparents, Mr. and Mrs. H.G. Ingersoll, and numerous aunts, uncles and cousins and seemingly countless friends.

As inconceivable as it is, Deeg, who was 22 years old, was predeceased by his youngest brother, Teddy, who died in a boating accident last year at the age of 15. So the Sezna family has been struck twice by the sudden, tragic death of a healthy, vibrant and much loved son, brother and grandson. Like so many of our fellow citizens, they were so full of life, and then they were gone.

As inconceivable as the tragedy is, even more remarkable to me is the way in which the Sezna family has responded to loss that would cripple many people's faith and spirit. When Deeg was still listed as ''missing,'' they held onto hope as long as they could, joining the legions of loved ones in New York, searching hospitals and talking with the rescue workers and local officials, determined to do everything they humanly could, and asking for God's help, for themselves and for others. As Davis said then, ''It would be very selfish at a time like this for anyone to just pray for themselves. We need to pray for all of us. We're not in this alone.''

When it became undeniable that everything had been done, and that there was no more hope of bringing Deeg home alive, his family continued to reach out to others. This grieving father, who had been in the boat accident in which his youngest son was lost and who had been on the streets of New York searching for his oldest son, this man, who had more reason to feel despair and rage and fear and to just give up than almost anyone, he called me and said, ''I will go and stand with you anywhere, any time, any place to tell people, 'Don't be afraid.' ''

With those words, Davis Sezna became more than my friend, he became one of my heroes. When you feel like your world is ending, and I don't know what can do that more than the death of a child, there is immeasurable courage behind the power to believe in the future. In one of the great inspirations I have ever known, the Sezna family still believes; as Davis told Sports Illustrated, when they interviewed him for a profile on Deeg as one of the athletes killed in the terrorist attacks, all the Seznas have been great golfers, ''I live for tomorrow. I'm inspired by tomorrow. There will always be tomorrow.''

In our efforts to respond to the events of September 11th, I can think of no higher goal for us as a nation, than to endeavor to justify the Sezna family's courageous faith in tomorrow.

And I ask unanimous consent that the complete text of the Sports Illustrated profile be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From Sports Illustrated, Sept. 24, 2001]

UNPLAYABLE LIES

(By Michael Bamberger)

A father was on the golf course, and his son was at work. The morning was crisp, bright, perfect. Twenty-two-year-old Davis G. Sezna Jr., known as Deeg, was working in the south tower, 2 World Trade Center. His father, Davis Sr., was playing at Pine Hill, a new public course in southern New Jersey, just down the road from Pine Valley.

''Dad,'' Deeg would sometimes ask, ''do you think someday I'll be Pine Valley material?'' Augusta National, Cypress Point, Seminole, Pine Valley. Those are the four sacred corners of the shawl that wraps private-club golf in the U.S. For many of its members, Pine Valley is the ultimate sanctuary, Davis Sezna, 48, is one of those members.

Deeg was employed by another Pine Valley member, Jimmy Dunne, a managing principal at Sandler O'Neill & Partners, a financial-services company. The father made the introduction, but from there the son was on his own. Dunne and Deeg played a round of golf together. Golf reveals a man; that's what Dunne believes, Davis Sr. does too. ''Golf's a great interview,'' he says. Later Deeg came into the office for a sit-down meeting with Dunne and the firm's other principals. Deeg was wearing a suit. He was serious, energetic, respectful. He was offered a job.

''Can I start on May 14, Mr. Dunne?'' Deeg asked. In other words, graduate from Vanderbilt on a Friday, take the weekend off, then begin work on Monday.

''No, you cannot,'' Dunne answered. ''Take the summer off. Kiss a pretty girl. You don't have to call me Mr. Dunne, and you don't have to wear a suit.''

Deeg took the summer off. He started work the day after Labor Day. Wore a suit every day. Called his boss Mr. Dunne. He will make it here doing something, Jimmy Dunne remembers thinking. Banker, trader, salesman, something. On Sept. 11, Deeg's sixth day on the job, he arrived for work a little after seven.

Deeg's father works in golf. He's an owner of a busy public course outside Philadelphia, Hartefield National, the site of a Senior tour event in 1998 and '99. He's going into business with the owner of Pine Hill, which is why he was there on that beautiful Tuesday morning that so abruptly turned grim and gray. Somebody pulled him off the course when the first plane smashed into the north tower of the World Trade Center. He was watching the terror unfold on TV when the second plane struck his son's building. ''I knew Deeg was on the 104th floor,'' he says. ''The plane hit, an hour passed, the building crumpled. A friend drove me home.''

The Sezna house is in Delaware, in the rolling countryside outside Wilmington, near the Brandywine River, the pastoral land the Wyeths have been painting for three generations. The kitchen dates to the 17th century. The backyard is a long, sweeping hill, ending at a pond. The three Sezna boys would hit wedge shots and take divots out of that lawn all summer long. Gail Sezna, their mother, would look the other way. Her father-in-law was a superb golfer. Her husband was the 1973 Delaware Open champion. Her sons were being raised in the game as well.

''My dad used to say, 'A golfer is a gentleman,' '' Davis Sr. says. ''I raised my sons to understand that. The first time I brought Deeg to the course, he was five. As we left, he said, ''Was I a gentleman today, Daddy?'' He dabs his eyes with a napkin embossed with scallop shells.

This was last Thursday, two days after the attack. The father had spent the previous day in the detritus of the World Trade Center, searching for his son. Now he was in his backyard, in the ''final innings of hope,'' as he put it. Friends were visiting. The men were golfers, members of Pine Valley, Seminole, Merion, all clubs to which the father belongs. Sezna also owns several popular restaurants in Delaware. He was pouring good wine and slicing aged cheddar. It only looked like a late-summer cocktail party. The chatter could not mask the sorrow. Tom Fazio,

the course architect, telephoned. He's a Pine Valley member too.

''Jimmy Dunne, God bless him, he was in there in the rubble with us,'' the father told Fazio. Dunne's firm had 125 employees on the 104th floor. Half of them were missing. More than a few were serious golfers, or the sons of serious golfers. Dunne is a serious golfer. He wasn't in the office on that horrid Tuesday morning because he was attempting to qualify for the U.S. Mid-Amateur, a lifelong dream for him.

The conversation with Fazio came to a close. ''They can rip off your arms and legs, Tom, you just don't want them taking your children,'' Davis Sr. told him. ''I love you, Tom Fazio. Give Sue and your kids a big hug from me.''

Deeg once got his handicap down to four. Every third year, on a midsummer weekend, he'd play in the two-day Father-Son tournament at Pine Valley. One year the Seznas were in contention as they stood on the 16th tee in the second round. The format was alternate shot. One generation hits a shot, then the other generation plays the next. The son hooked his drive. The father needed to hit a big sweeping hook to reach the green, which is bordered by a water hazard on the right.

''Why don't you punch a safe one down in front, I'll chip up, and you'll make the putt for par,'' the son said.

''Nah, I can hook a five-iron on,'' the father said.

The five-iron shot didn't hook a bit. As it was heading for the water, Deeg said, ''How old do I have to be before you'll start listening to me?'' He was 15. From that double bogey on, his father listened.

Last Thursday, Davis Sr. was showing a friend a picture of his favorite foursome. Three boys and their father, all in shorts and polo shirts and smiles, standing on the 14th tee at Seminole, in North Palm Beach, Fla., the Atlantic Ocean behind them, nothing but years of golf in front of them. The father was on the far right, looking proud. He started to identify his boys. ''That's Willie next to me,'' said Davis Sr. ''He's a senior in high school, plays to a three [handicap]. That's Deeg on the left. Between them, that's . . . . .''

The name never came out. The boy was Teddy, the youngest child of Gail and Davis Sezna. He died last year, at age 15, on the first Saturday in July in an early-morning boating accident. The father and son were cruising in a 30-foot motorboat when they ran into a steel light pole. It took two hours for rescuers to find Teddy's body. It took seven hours to get everyone through the receiving line.

Last Saturday the father was backed in Manhattan, searching for signs of his namesake in hope's final at bat. Somehow the father found the courage, wisdom and grace to say, ''I live for tomorrow. I'm inspired by tomorrow. There will always be tomorrow.''

Willie Sezna now has a standing offer to join his father, every summer, in the Pine Valley Father-Son. They'll play in Deeg's memory. They'll play in Teddy's memory. They'll play until the day comes when they can play no more. When that day will be, no one can say. The Seznas know that far too well.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following Calendar Nos.: 386 through 402, 404 through 412, 414 through 417, and the military promotions reported out earlier today by the Armed Services Committee; that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF TRANSPORTATION

Joseph M. Clapp, of North Carolina, to be Administrator of the Federal Motor Carrier Safety Administration.

DEPARTMENT OF STATE

Roy L. Austin, Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Trinidad and Tobago.

Franklin Pierce Huddle, Jr., of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tajikistan.

Kevin Joseph McGuire, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Pamela Hyde Smith, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Moldova.

Michael E. Malinowski, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal.

Hans H. Hertell, of Puerto Rico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

John J. Danilovich, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

R. Barrie Walkley, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Mattie R. Sharpless, of North Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Arlene Render, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote d'Ivoire.

Jackson McDonald, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

Ralph Leo Boyce, Jr., of Virginia, to be a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

Clifford G. Bond, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

Rockwell A. Schnabel, of California, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

John Stern Wolf, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Non-proliferation).

Kevin E. Moley, of Arizona, to be Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

Kenneth C. Brill, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

Kenneth C. Brill, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

Patricia de Stacy Harrison, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs).

Charlotte L. Beers, of Texas, to be Under Secretary of State for Public Diplomacy.

DEPARTMENT OF DEFENSE

Michael Parker, of Mississippi, to be an Assistant Secretary of the Army.

DELTA REGIONAL AUTHORITY

P.H. Johnson, of Mississippi, to be Federal Cochairperson, Delta Regional Authority.

MISSISSIPPI RIVER COMMISSION

Brigadier General Edwin J. Arnold, Jr., United States Army, to be a Member and President of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 879 (21 Stat. 37) (33 USC 642).

Brigadier General Carl A. Strock, United States Army, to be a Member of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved 28 June 1879 (21 Stat. 37) (22 USC 642).

DEPARTMENT OF TRANSPORTATION

Mary E. Peters, of Arizona, to be Administrator of the Federal Highway Administration.

NUCLEAR REGULATORY COMMISSION

Nils J. Diaz, of Florida, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2006. (Reappointment)

DEPARTMENT OF DEFENSE

The following named officer for appointment as the vice Chairman of the Joint chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 152:

To be general

Gen. Peter Pace

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Charles F. Wald, 0000

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel William P. Ard, 0000
Colonel Rosanne Bailey, 0000
Colonel Bradley S. Baker, 0000
Colonel Mark G. Beesley, 0000
Colonel Ted F. Bowlds, 0000
Colonel John T. Brennan, 0000
Colonel Roger W. Burg, 0000
Colonel Patrick A. Burns, 0000
Colonel Kurt A. Cichowski, 0000
Colonel Maria I. Cribbs, 0000
Colonel Andrew S. Dichter, 0000
Colonel Jan D. Eakle, 0000
Colonel David M. Edgington, 0000
Colonel Silvanus T. Gilbert, III, 0000
Colonel Stephen M. Goldfein, 0000
Colonel David S. Gray, 0000
Colonel Wendell L. Griffin, 0000
Colonel Ronald J. Haeckel, 0000
Colonel Irving L. Halter, Jr., 0000
Colonel Richard S. Hassan, 0000
Colonel William L. Holland, 0000
Colonel Gilmary M. Hostage, III, 0000
Colonel James P. Hunt, 0000
Colonel John C. Koziol, 0000
Colonel William T. Lord, 0000
Colonel Arthur B. Morrill, III, 0000
Colonel Leonard E. Patterson, 0000
Colonel Jeffrey A. Remington, 0000
Colonel Edward A. Rice, Jr., 0000
Colonel David J. Scott, 0000
Colonel Winfield W. Scott, III, 0000
Colonel Mark D. Shackelford, 0000
Colonel Glenn F. Spears, 0000
Colonel David L. Stringer, 0000
Colonel Henry L. Taylor, 0000
Colonel Richard E. Webber, 0000
Colonel Roy M. Worden, 0000
Colonel Ronald D. Yaggi, 0000

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Ronald J. Bath, 0000
Brigadier General Frederick H. Forster, 0000
Brigadier General Juan A. Garcia, 0000
Brigadier General Michael J. Haugen, 0000
Brigadier General Daniel James, III, 0000
Brigadier General Steven R. McCamy, 0000
Brigadier General Jerry W. Ragsdale, 0000
Brigadier General William N. Searcy, 0000
Brigadier General Giles E. Vanderhoof, 0000

To be brigadier general

Colonel Higinio S. Chavez, 0000
Colonel Barry K. Coln, 0000
Colonel Alan L. Cowles, 0000
Colonel James B. Crawford, III, 0000
Colonel Marie T. Field, 0000
Colonel Manuel A. Guzman, 0000
Colonel Roger P. Lemke, 0000
Colonel George R. Niemann, 0000
Colonel Frank Pontelandolfo, Jr., 0000
Colonel Gene L. Ramsey, 0000
Colonel Terry L. Scherling, 0000
Colonel David A. Sprenkle, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. John W. Handy, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Teed M. Mosely, 0000

The following named officer for appointment as Vice Chief of Staff, United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 8034:

To be general

Lt. Gen. Robert H. Foglesong, 0000

IN THE ARMY

The following named officer for appointment as the Judge Advocate General, United States Army and for appointment to the grade indicated under title 10, U.S.C., section 3037:

To be major general

Brig. Gen. Thomas J. Romig, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Colby M. Broadwater, III, 0000

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Joseph D. Burns, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Scott A. Fry, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Rand H. Fisher, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Adm. James O. Ellis, Jr., 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Gregory G. Johnson, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1016 Air Force nomination of Patrick J. * Fletcher, which was received by the Senate and appeared in the Congressional Record of September 10, 2001.

IN THE ARMY

PN803 Army nomination of Christopher P. Aiken, which was received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN804 Army nomination of Rodney D. McKitrick II, which was received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN805 Army nomination of Randy J. Smeenk, which was received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN806 Army nominations (2) beginning Daniel T. Leslie, and ending William C. Willing, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN807 Army nominations (4) beginning Angelo Riddick, and ending Hekyung L. Jung, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN808 Army nominations (2) beginning Jeffrey S. Cain, and ending Ryung Suh, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN1017 Army nominations (1637) beginning Albert J. Abbadessa, and ending *X5391, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2001.

PN1055 Army nominations (28) beginning Roger L. Armstead, and ending Carl S. Young, Jr., which nominations were received by the Senate and appeared in the Congressional Record of September 19, 2001.

PN968 Army nomination of Shaofan K. Xu, which was received by the Senate and appeared in the Congressional Record of September 4, 2001.

IN THE MARINE CORPS

PN809 Marine Corps nomination of Richard W. Britton, which was received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN810 Marine Corps nomination of Samuel E. Ferguson, which was received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN1018 Marine Corps nomination of Curtis W. Marsh, which was received by the Senate and appeared in the Congressional Record of September 10, 2001.

IN THE NAVY

PN811 Navy nomination of Raymond E. Moses, Jr., which was received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN812 Navy nominations (800) beginning Johnny R. Adams, and ending Timothy J. Ziolkowski, which nominations were received by the Senate and appeared in the Congressional Record of September 4, 2001.

PN992 Navy nomination of Sandra P. Moriguchi, which was received by the Senate and appeared in the Congressional Record of September 5, 2001.

NOMINATION OF MARY PETERS

Mr. BYRD. Mr. President, I support the nomination of Ms. Mary Peters to be the next Administrator of the Federal Highway Administration. I ask my colleagues to support her as well. Ms. Peters is a true transportation professional. She served in several senior positions within the Arizona Department of Transportation, including the position of Director of the Department. In that capacity, she was responsible not only for that state's highway system but also for several other aspects of the State's transportation program.

I had the privilege of meeting with Ms. Peters this afternoon and found her to be an extraordinarily pleasant individual, well versed in the issues that will require her attention as Federal Highway Administrator. I specifically had the opportunity to discuss

with her the importance of implementing measures that will expedite the completion of the numerous highway projects for which America's taxpayers have been waiting for a great many years. Ms. Peters explained that she is committed to pursuing efforts to streamline the federal approval process. I look forward to working with her in this effort.

I again urge my colleagues to support the confirmation of Mary Peters to be our next Federal Highway Administrator.

Mr. REID. Mr. President, the Senate has just confirmed almost 30 people for various positions in the Federal Government, and that number will be more than that counting all the military people. So it is a good day for us. In fact, I have just been informed by the staff that the military who were approved today are in the hundreds, so we have done very well.

Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of the following nominations and that the Senate proceed to their immediate consideration:

Mark Edward Rey, to be Under Secretary of Agriculture;

Mark Edward Rey, to be a member of the Board of Directors of the Commodity Credit Corporation;

Hilda Gay Legg, to be Administrator of the Rural Utilities Service at the Department of Agriculture;

Elsa Murano, to be the Under Secretary of Agriculture;

Edward McPherson, to be the Chief Financial Officer for the Department of Agriculture.

Mr. President, I ask unanimous consent that these nominees be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF AGRICULTURE

Mark Edward Rey, of the District of Columbia, to be Under Secretary of Agriculture for Natural Resources and Environment.

Mark Edward Rey, of the District of Columbia, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Hilda Gay Legg, of Kentucky, to be Administrator, Rural Utilities Service, Department of Agriculture.

Elsa A. Murano, of Texas, to be Under Secretary of Agriculture for Food Safety.

Edward R. McPherson, of Texas, to be Chief Financial Officer, Department of Agriculture.

LEGISLATIVE SESSION

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

OFFICER RONALD C. SHEFFIELD

Mr. LEVIN. Mr. President, today family and friends gathered outside Detroit to pay their final respects to Federal Protective Services Officer Ronald C. Sheffield and to remember a life of sacrifice and service to others. Last Friday, September 21, 2001, Officer Sheffield was shot and killed while on duty at the McNamara Federal Building in downtown Detroit. My largest State office is in the McNamara Building and many members of my staff were in the building when the shooting occurred. His loss will be felt by the entire McNamara Building family but most deeply by those closest to him, particularly his daughters Jessica Lynn and Jinelle Marie. Officer Sheffield spent his career protecting Americans and defending our great country. He was a sergeant in the Marines during combat operations in the Persian Gulf War and a police officer with the Veterans Administration before joining the GSA.

The past 2 weeks have made all Americans even more aware of the dedication and bravery of the thousands of law enforcement officers, firefighters, military and emergency personnel who risk their lives every day to protect us. Officer Sheffield now joins the ranks of those American heros who have made the ultimate sacrifice. My thoughts and prayers are with Officer Sheffield's family, friends and fellow officers who are grieving. And my sincere thanks and admiration go out to law enforcement officers, firefighters, military and emergency personnel across the country.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 1998 in Bridgeport, PA. Greg Thorpe, 30, allegedly made anti-gay threats and assaulted a lesbian outside a bar. On September 23, 1998, he was charged with aggravated and simple assault, recklessly endangering another person, terrorist threats, harassment, stalking, disorderly conduct, conspiracy and ethnic intimidation.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

PRE-ELECTION CONDITIONS IN ZIMBABWE

Mr. FEINGOLD. Mr. President, I rise today to draw the Senate's attention to the continuing political and economic crisis in Zimbabwe.

This summer, the Subcommittee on African Affairs of the Senate Foreign Relations Committee held a hearing on this crisis. The overwhelming consensus of the witnesses at that hearing, witnesses from the administration, from NGOs, and from academia, was that Zimbabwe would continue in a downward spiral, with potentially disastrous results for the entire Southern African region, unless the rule of law is sufficiently restored to create conditions for a fair Presidential election next year.

I regret that recent events suggest that the Government of Zimbabwe is intent on taking the opposite approach. Zimbabwean authorities have expelled representatives of the widely-respected International Foundation for Electoral Systems, better known to many in this body as IFES. An IFES team had traveled to Zimbabwe to monitor pre-election conditions, which are critically important to a free and fair election. If the only information available to voters is state-controlled propaganda, if opposition party leaders and supporters are intimidated, and if the administrative structure established to prepare for and govern elections is biased, the deck is stacked against democracy before voting even begins. Without international monitors in place, the international community cannot adequately assess these important issues.

In fact, despite recent encouraging reports that the government of Zimbabwe had agreed to a rule-governed land reform strategy in return for significant assistance from Britain, conditions continue to be grim within the country. Reports indicate that 900 of 1,150 farms are unable to continue normal operations because they are still under occupation, and food supplies are inadequate.

I strongly support rule-governed land reform in Zimbabwe. It is clearly urgently needed and the United States should provide significant assistance to such an effort. But the most pressing problem in Zimbabwe is not about land. It is about the systematic destruction of the rule of law; it is about the intimidation of independent journalists; it is about executive interference with the judiciary; and it is about the abuse of Zimbabweans who support the opposition party or have the misfortune of standing between ruling party-financed thugs and the objects of their desire. So far no evidence has come to light indicating that these fundamental issues have been resolved.

As the United States quite rightly devotes itself to fighting terrorism, we must not let the horrific attacks of September 11 deter us or distract us from our other important foreign policy goals and interests. This country must continue speaking out against oppression and in favor of freedom all over the world. Sham elections will not be legitimized by the international community, and President Mugabe's government cannot regain credibility

if international monitors are barred from the country. The United States and the international community must work to keep the pressure on the government in Harare and to support the forces of democracy in Zimbabwe. I have joined my colleague, Senator FRIST, in sponsoring the Zimbabwe Democracy and Economic Recovery Act for this very purpose. The bill has passed the Senate unanimously, and I urge my colleagues in the House to take it up. In Zimbabwe, where many courageous citizens continue to struggle to protect their institutions and to save their country from lawlessness, our honesty and our solidarity is needed now more than ever.

REPORT ON FOREIGN TRAVEL: TAIWAN, CHINA, AND SOUTH KOREA

Mr. SPECTER. Mr. President, from August 4–11, 2001, I joined Senate Foreign Relations Committee Chairman JOSEPH BIDEN, Senator PAUL SARBANES and Senator FRED THOMPSON on a congressional delegation to Taiwan, mainland China, and South Korea, with a brief stopover in Honolulu, Hawaii, and Pearl Harbor Naval Base.

During our very brief time in Hawaii, the delegation met with Admiral Dennis Blair, Commander in Chief of the U.S. Pacific Command. In preparation for our scheduled meetings with various Asian heads of state, Admiral Blair outlined U.S. preparedness and presence in the Asian Pacific region.

In Taipei, following an extensive briefing from the American Institute of Taiwan Director Raymond Burghardt on the status of cross-Strait relations, the delegation met with Taiwanese President Chen Shui-bian at the Presidential Palace on Monday, August 6, 2001. President Chen seemed genuinely pleased that Taiwan was the first stop on our delegation's multi-country jaunt, and recognized and appreciated the U.S. Congress's longstanding friendship with the Republic of China.

The President discussed his efforts as Mayor of Taipei to improve cross-Strait relations, and stressed his resolve to continue down this path as President. He said he believed that he has made ''good sincere gestures'' to the People's Republic of China, but continues to be disappointed in what he sees as rebuffs of his efforts by Beijing. He cited Beijing's disregard for Taiwan's plan for tourism by citizens of mainland China as an example of this lack of Chinese engagement.

I raised the point that many in the U.S. are concerned about several issues involving Southeast Asia, such as China's allegedly illegal sales of weapons of mass destruction and China's human rights record. When facing whether to grant permanent normalized trade relations, PNTR, with China, I let him know my view that I believed it better to leave trade status subject to annual review to retain leverage in U.S.-China talks on proliferation, human rights, and many other items.

President Chen countered that in order for all countries' relationships with China to improve, China must become a trustworthy member of the international community and abide by international laws. He believed that PNTR would help this process along, and he would support the granting of such status by the U.S.

President Chen said he believed that the U.S. could play a more active role in the region, but that belief seemed to be tempered by his recognition that it is inappropriate for the U.S. to act as a mediator. He said he will continue to attempt to engage the mainland in cross-Strait talks, and that he is not discouraged by the failure of past efforts.

From Taipei we traveled to Shanghai, China, on Tuesday, August 7, 2001, for another brief stay, and conducted a working lunch meeting with members of the American Chamber of Commerce in Shanghai. That afternoon, we conducted a large ''roundtable'' discussion with a handful of professors and approximately 100 undergraduate students enrolled in the Center for American Studies at Fudan University. It was enlightening to learn how young Chinese men and women view the United States and our involvement in the region. The session provided a real opportunity to assess how our Southeast Asia policy is perceived among Chinese citizens in general and among future leaders in particular.

Upon arrival in the Chinese capital of Beijing on Wednesday, August 8, 2001, we immediately proceeded to the seaside town of Beidaihe, located 3–3.5 hours outside of the city by car. Beidaihe, a resort town popular among vacationing working class Chinese, is the site of the very private Chinese leadership retreat compound, where party leaders spend much of their summer months. Our delegation was honored to be the first Westerners invited to attend meetings on the grounds.

The delegation first met with General Chi Hao-tian, the Chinese Defense Minister, and again raised the nonproliferation issue. We expressed our grave concerns about recent intelligence reports describing the sale or transfer of missile hardware and technology to Pakistan, despite China's November 2000 pledge to cease assisting other countries develop missile capabilities.

General Chi denied the missile sales allegations, saying that China always sticks to its commitments. The General went on to blast the U.S. media for creating distrust of China, and called the reports of missile sales ''totally baseless.'' He also countered with his assertion that the U.S.'s sales of arms to Taiwan violate the ''One China'' articulated since the Nixon administration.

In our discussions later that afternoon with Chinese President Jiang Zemin, many of the same hot-button issues such as nonproliferation and China-Taiwan relations were raised. However, our audience with the President afforded an opportunity to delve more into some human rights and religious freedom concerns as well. We were dismayed to hear President Jiang, unprovoked, refer to the Falungong movement as a ''cult.'' But overall, the President's tone was positive, and he called China a connected nation with a strong market economy.

With regard to arms sales to Pakistan, President Jiang joined General Chi in a blanket denial of any wrongdoing, saying China did not violate ''any rule.'' He said that China does maintain arms sales to friendly nations, but always within international rules. He further claimed that China had done nothing to contribute to missile development in North Korea or Taiwan.

I discussed briefly with President Jiang my previous two visits to the People's Republic of China in 1982 and 1994. On PNTR, I conveyed my reluctance to support normalized trade status with his country due to concerns about proliferation of weapons of mass destruction. Despite his denials of such activities at the commencement of our meeting, I again raised the allegations of illegal weapons sales to Pakistan, Saudi Arabia, and Iran, as these were weighty matters on the minds of the international community.

Of particular concern to me during my visit to China were questions of religious freedom and detention of U.S. citizens by Chinese authorities. I asked President Jiang about the case of Mr. Yongyi Song, the librarian from Dickinson College in Pennsylvania who had been held for five months without formal charges or the benefit of legal counsel. The matter of Mr. Song was only resolved after Congressional intervention with the Chinese ambassador to the U.S. and introduction of a Senate resolution calling for Mr. Song's release. I told President Jiang that I was extremely concerned about cases like these, and I called on China to develop standards of judicial practice and a reasonable rule of law that would sustain international scrutiny.

President Jiang responded that I had made a good suggestion, and that China had been working for years to establish a rule of law. He went on to say that the Chinese constitution guarantees citizens religious freedom, with the exception of Falungong, a group he again characterized as a cult. The President concluded with a description of his hopes for the future of China in the coming decades, that his country will have completed the transformation to a market economy, accompanied by a strong infrastructure of appropriate judicial and political systems.

On Thursday, August 9, 2001, the delegation traveled to Beijing's Great Hall of the People to meet with Chinese Premier Zhu Rong-ji. The Premier was quite generous with his time, and during an hour and a half long meeting, outlined barriers and misperceptions

which can hinder U.S.-China relations. It was made clear that it is in both countries' interests to engage one another economically, but that certain actions on weapons proliferation and stifling of human rights will have consequences in the U.S. This meeting was valuable in laying out our countries' priorities and understanding each sides' domestic (both public and governmental) pressures which inevitably affect bilateral relations.

I was pleased that Premier Zhu acknowledged that there are some deficiencies in China's human rights and judicial policies, and that he said that he was willing to work on both. I raised the detention of Mr. Song, the Dickinson librarian, a case which brought into sharp focus what can happen to American citizens detained in China. I pointed out to Premier Zhu that cases like these are major irritants to U.S.-China relations. I suggested that he consider an agreement with the U.S. that when China detains an American citizen or U.S. resident and perhaps others, that those individuals be guaranteed basic points of due process, such as written documentation of charges, a limitation of time in detention, the right to an attorney, and a public legal proceeding so the U.S. and the press can review the evidence. I further suggested that the Chinese government should work with programs like the Temple University School of Law curriculum on Chinese rule of law recently established in Beijing since universities can be an excellent, non-political training ground for judges, attorneys, and other judicial officials.

Premier Zhu responded that he was not familiar with the specific case of Mr. Song, but that whatever the circumstances surrounding his detention, he was confident that the Chinese could learn from his case. I asked Premier Zhu if China would be willing to consider an agreement between the United States and China dealing with due process rights for detained American citizens and perhaps others. Premier Zhu responded that such an agreement was a ''possibility''.

Over a working lunch Thursday afternoon at Ambassador Clark Randt's residence in Beijing, the delegation had a fascinating discussion with two Chinese experts on weapons proliferation, Dr. Zhu Feng, Director of Beijing University's International Security Program; and Dr. Yang Ming-Jie, Director of Arms Control and Security Studies at the China Institute of Contemporary International Relations, a think tank loosely affiliated with China's People's Liberation Army.

Dr. Yang articulated some very interesting points about Chinese public opinion on weapons proliferation, that in fact one-third of the people believe that proliferation is a good thing. Interestingly, when asked about reports of illegal arms sales to Pakistan and other countries, neither gave the patent denials we had heard all week from Chinese officials. Instead, they insisted that any shipments must not have been new deals, but vestiges of past contracts.

The two experts discussed the fact that the Chinese do not think the U.S. is setting a good example by refusing to sign the Comprehensive Test Ban Treaty, CTBT, and by continuing to sell arms to Taiwan. They wondered why China should be first to disarm when the U.S. does not appear to be serious about its own role in international disarmament. This leads to the approach, the deadly cycle of each side reacting to what we perceive the other to be doing, thus making both countries more resolute in our respective positions to not disarm first.

On Thursday afternoon, the delegation met with Chinese Foreign Minister Tang at the impressive new Ministry of Foreign Affairs building. This meeting again focused primarily on weapons issues, and Minister Tang's denials of violations of international nonproliferation agreements were startlingly similar to those made by General Chi, President Jiang and Premier Zhu. The Foreign Minister called accusations of illegal sales to Pakistan ''totally baseless'' and was adamant that China always honors agreements in good faith.

With regard to general concerns about democratization, human rights, religious freedom and rule of law, he admitted that deficiencies remain but chose to describe the progress already made, such as shifting the culture away from rural agriculture and improving the quality of life for the average Chinese citizen.

I asked Minister Tang pointedly about whether he believes that it still made sense for a country to develop intercontinental ballistic missiles, ICBMs, as deterrents to nuclear war. He then reiterated that China is ''firmly opposed'' to the proliferation of ICBMs and that his country will cooperate in further discussions on the matter. He said that China is therefore opposed to the U.S. development of national missile defense, as it will undermine international disarmament and upset the nuclear balance, posing a real threat to China.

On Saturday, August 11, 2001, our delegation was received at the Blue House in Seoul, South Korean, to meet with President Kim Dae-jung. We complimented President Kim on his farsighted commitment to democracy, and for his patient policy of engagement with North Korea. We were interested to learn his views on what the U.S. and the world can do to bring North Korean President Kim Jong-il to the bargaining table. President Kim urged the U.S. to stop calling North Korea a rogue nation and the principal cause of our need to develop national missile defense. He believed that such language was not helpful in cultivating a circumstance in which the North Koreans would enter into a verifiable agreement to end its nuclear ballistic missile program.

I raised the issue of Jamie Penich of Derry, Pennsylvania, who was violently killed in a motel room in Seoul, South Korea, in March of this year. Jamie, a 21-year old University of Pittsburgh student, had stopped in Seoul on her way to study at Keimyung University in Taegu, South Korea, and was found stomped to death in her motel room by her friend. There was no evidence of a sexual assault and nothing was stolen from the room.

I explained the circumstances of the case to President Kim, as well as my understanding that the Korean police have sole jurisdiction over the case, but that the U.S. Army Criminal Investigation Command, CID, and the FBI are assisting in the investigation. There have been no leads in the case thus far. I asked President Kim if he would check on the progress of the investigation. Although he was not familiar with the case, he agreed to inquire about its status and to work with the Korean police force and American embassy staff on facilitating its swift resolution.

I also talked to President Kim about Boeing's bid to sell F–15 fighter aircraft to South Korea. The Republic of Korea Air Force aims to replace its aging fleet of F–4D/Es and F–5s, and Boeing is among four competitors to provide the $4 billion contract for the new aircrafts. The F–15s cultivated an outstanding win record during the Gulf War, while the competing French aircraft have never been battle tested. President Kim seemed familiar with the Boeing plane's exemplary record in the Gulf War. I also stressed to President Kim that the U.S.'s substantial contributions to South Korea should merit special consideration in awarding this contract to U.S. company. The French, the competitor for the contract, have contributed much less.

For the remainder of Saturday afternoon prior to our late evening departure from Osan Air Force Base, the delegation was escorted to the Joint Security Area by Lieutenant General Daniel Zanini, Commanding General, Eighth U.S. Army, and Chief of Staff for the United Nations Command, Combined Forces Command, and U.S. Forces Korea. Upon arrival at Camp Bonifas at the base of the JSA, Lieutenant Colonel William Miller, Commander of the U.N. Command Security Battalion–JSA. gave the delegation a tour of the demilitarized zone and outlined the status of tensions at the border of North and North Korea. The group then proceeded down to Camp Casey and received a tour of the soldiers' barracks, which are in exceedingly poor shape. General Zanini also described the need for additional vehicle maintenance facilities and for generally improved living conditions for the 375,00 U.S. troops who help ensure peace and stability on the Korean peninsula. It was obvious that the living conditions were substandard and require considerable improvement.

ADDITIONAL STATEMENTS

THE 350th ANNIVERSARY OF NEW CASTLE, DELAWARE

• Mr. BIDEN. Mr. President, we in Delaware, the first State to ratify the Constitution, take great pride in our history, and a special part of that history is represented by the City of New Castle, which is celebrating its 350th anniversary this year.

New Castle was founded by the Dutch in 1651 as Fort Casimir. Because of its strategic location on what is now the Delaware River, the settlement was sought and held by a series of colonial powers, the Dutch, the Swedes and, finally, the British.

When William Penn was given authority over the so-called ''lower three counties,'' which became the State of Delaware, he traveled to New Castle to take possession. When the counties were granted an independent legislature, New Castle became the colonial capital, and briefly, the first State capital, of Delaware.

Despite a devastating fire in 1824, which destroyed many of the structures on the historic, river-front street called The Strand, and all the changes and pressures of the intervening years, New Castle's colonial history is still a defining and very visible part of the town's life and character.

Several of its remaining colonial era buildings have been converted into museums, including the Dutch House, which dates to the 17th Century, and the Old Court House, which was built in 1732 and was the meeting place for the colonial and State assemblies from that year until 1777. George Read was one of three signers of the Declaration of Independence who lived in New Castle; although his house was destroyed by the Great Fire, the current Read House, which was built by his son in 1801, is one of the most striking attractions of the town.

But New Castle itself is not a museum. It is a residential town, it is a vibrant community. New Castle is home to two churches that date back to the earliest part of the 18th Century, and they have active congregations today. Families live in the homes that were built so long ago, families who add their own mark to those of previous owners, with a sensitivity and obligation to preserve the unique character of the town, New Castle is, not surprisingly, a National Landmark Historic Area.

With its history as a colonial seat for the legislature and the courts, New Castle has a tradition of political activity and public leadership, and many of its citizens have played prominent roles throughout the history of Delaware and our nation.

In addition, as a personal point, although I know it is a perspective shared by many Delawareans, New Castle is one of my favorite places in our State. It is more than historic and scenic; it is, simply, beautiful, a place where the past and present meet with remarkable harmony and spirit. It is inspiring.

I share the pride of Delaware with the Senate, and with the Nation, today, in marking the 350th anniversary of the founding of New Castle, and I am proud to extend congratulations and best wishes to the mayor, city council, trustees and all the citizens and friends of the town, which is a valued and unique treasure to us all.•

TRIBUTE TO LARRY WADE MORRIS

• Mr. SHELBY. Mr. President, I rise today to pay tribute to Mr. Larry Wade Morris from Alexander City, AL who assumed the presidency of the Alabama State Bar this past July. Larry has worked hard throughout his extensive career to gain a reputation as one of the premier trial lawyers in the Nation. He has also endeavored to become a civic leader and an outstanding public servant. I want to congratulate Larry on his tremendous accomplishments and to recognize his progression from promising young lawyer out of the University of Alabama in 1968 to the distinguished President of the Alabama State Bar in 2001.

If you looked up the definition of a true Alabamian in the dictionary, you would not find a better description than Larry Morris. His character and work ethic are beyond reproach, and the Southern values instilled in him in from his youth continue to guide him today. Born in Alexander City, AL, Larry grew up attending public school in Montgomery. He graduated from Robert E. Lee High School and finished his undergraduate education at Auburn University. At that point, Larry made the decision to attend law school at the University of Alabama and join the long list of prominent Alabamians who have attended this respected legal institution. He received his law degree from the University in 1968, and had the distinction of serving as the president of the Student Bar Association. After graduation, Larry returned to his hometown of Alexander City to begin his impressive career in the legal profession. Larry is now the Senior Partner in the firm of Morris, Haynes & Hornsby.

Larry has demonstrated exceptional leadership abilities throughout his scholastic and professional careers. His service as president of the Student Bar Association was very highly regarded and helped to hone the skills that he has demonstrated during his professional and political life. In 1973, he served as the president of the Young Lawyer's Section of the Alabama State Bar. He is a past president of the Chamber of Commerce for Alexander City, has served on the Task Force for Judicial Elections for the Alabama State Bar and is also a past president of the Alabama Trial Lawyers Association. From 1974 through 1978, he was elected to serve in the Alabama State Legislature. During this time, he had the distinction of being named Outstanding Freshman Legislator by the Alabama Press Association.

Larry Morris is a loyal, dedicated man who has always been very generous with his time and support for community affairs. In addition to his duties as president of the Alabama State Bar Association, Larry is also a member of the University of Alabama Law School Foundation and the Leadership Committee for the College of Arts and Sciences at the University of Alabama. He is a member of the American Board of Trial Advocates, and serves on the Task Force for Multidisciplinary Practice for the Alabama State Bar.

The many accomplishments and accolades of Larry Morris attest to his dedication to civic leadership and his deep belief in the law. I could not think of a better individual to represent the state of Alabama as the president of the State Bar Association. I join Larry's wife, Beverly, and their four children, Mark, Clark, Brian and Kevin Russell, in honoring his achievements. I know that they are proud of Larry, as are the many of us who have known him over the years.•

THE BEACH BOYS

• Mr. CLELAND. Mr. President, The Beach Boys' sunny vocal harmonies are one of the signature sounds of the modern era. Over four decades, the California quintet has become one of the most successful American bands in the history of rock and roll and their songs remain an important part of America's cultural landscape.

The Beach Boys were largely a family affair that came together in the Los Angeles suburb of Hawthorne, CA, in 1961. The three brothers, Brian, Carl and Dennis Wilson, formed the group with their cousin, Mike Love, and a friend, Alan Jardine They were joined by another of their friends, Bruce Johnston, in 1965.

Brian Wilson and Mike Love cowrote the majority of the band's many hit singles which were known for their harmonic invention and complex vocal and instrumental arrangements. The lyrics are celebrated today for their deft use of technical lingo balanced with youthful naivete.

The Beach Boys have ridden a wave of success for almost 40 years. They have recorded number one singles, garnered a huge fan base, and, by creating a sound that was uniquely their own, secured their position in Americana. They have been inducted into the Rock and Roll Hall of Fame and have been honored with the National Association of Recording Arts and Sciences Lifetime Achievement award which they received at this year's Grammy awards.

As we approach the 40th Anniversary of both the release of their first single and their first tour, I would like to recognize the contribution that these men have made, not only to the landscape

of American music, but to the lives of their fans and fellow Americans. I have always been a fan of The Beach Boys' music, but I came to recognize their devotion to other causes when I met Mike Love through our mutual work with veterans. He told me that the group as a whole and the members individually have supported important causes throughout their years together. I learned about the Carl Wilson Foundation, which raises millions of dollars each year for cancer patients and research, and I discovered that the group has always been involved in fund-raising performances that benefit a variety of groups. Bruce Johnston is dedicated to environmental causes and has been a member of the Board of Directors of the Surfrider Foundation since it inception in the mid-1980's.

Mike Love has been a longtime supporter of environmental causes and was among speakers at the Earth Summit in Rio DeJaniero in 1992 and Earth Day 2000 on the Mall in Washington, DC. Mike created the Love Foundation, which supports national environmental and educational initiatives. He is a member of the Board of Directors of the Incline Academy in Incline Village, Nevada, and has been responsible for raising over $1 million to benefit the school.

While the Beach Boys are known and loved for their musical accomplishments, the men and women whose lives the group has touched are perhaps The Beach Boys' greatest legacy. As Winston Churchill said, ''What is the use of living if it be not to strive for noble causes and to make this muddled world a better place for those who will have it after we are gone?''

I ask that my colleagues join me in celebrating the accomplishments of The Beach Boys and wishing them continued success in their future musical and personal journeys.●

RECOGNIZING JOHN O. QUINN

● Mr. TORRICELLI. Mr President, I bring to the attention of the Senate the accomplishments of one of my constituents who recently suffered a most tragic and untimely death. John O. Quinn, born on October 27, 1968 and originally from New Jersey, was senselessly murdered on August 25, 2001 while living in Puerto Cortes, Honduras.

John had moved to Honduras in November of 1999 to help the residents of Puerto Cortes, Honduras recover from the devastation that Hurricane Mitch wreaked on the country. Up to the time of his death he was still living in the country and providing humanitarian and development aid to the people of Honduras.

Now an act of violence has cut short this promising young life. While we hope his killers will quickly be brought to justice, I want today to pay tribute to what John did in the brief years of his life.

John O. Quinn was a truly special person. He possessed a quality that very few people exhibit. He took joy in helping others. His unselfishness and passion for helping the less fortunate will always be remembered and will never be forgotten by those to whom he so generously dedicated his time.

John was committed to helping people all over the world. His desire to help impoverished people took him to Honduras, Guatemala, Mozambique and Ecuador. In all of these countries he vigorously sought out people who were in desperate need of the development and humanitarian aid that he enthusiastically provided.

John was the cofounder and executive director of the organization Action for Community Transformation, ACT. He founded ACT in January 2000 as an international development organization dedicated to empowering people in need to find their own sustainable solutions to problems of poor health, lack of education and poverty. Action for Community Transformation provides assistance in four major areas of development: healthcare; youth development; education and vocational training; and income generation.

As executive director of ACT, John's work was guided by the belief that respect for people comes first, urgent situations call for rapid responses, and greater participation leads to greater commitment. This last principle is the very definition of John's lifework. When John participated in development and aid projects, he did so with all his heart. He committed himself to helping others. The focus of his life was the people and communities that he felt it was his responsibility to serve. The help that John provided to victims of Hurricane Mitch in Puerto Cortes, Honduras illustrates John's dedication to and enthusiasm for helping people who desperately needed help.

While working in Puerto Cortes, Honduras, John developed a micro lending program which allowed 45 families who lost everything during Hurricane Mitch to start micro enterprises. He was also responsible for the design and installation of a potable water system in Puerto Cortes, Honduras. He helped build a school and kindergarten that is attended by ninety-one students and he contributed to the construction of a medical clinic and over eighty houses for locals whose homes were destroyed by Hurricane Mitch. Characteristically, when John had time off from his activities associated with ACT, he spent it instructing the residents of the area in the English language. He was always looking for new people that he could help.

Felicita Carcamo, a teacher in Puerto Cortes, Honduras enthusiastically praised John in the local newspaper. She said that Quinn loved the poor and was dedicated to the people of the area. A man who will be remembered in such a fashion must have been a truly wonderful person. John was this kind of a person.

John's desire to help the poor and less fortunate began well before he came to the aid of the victims of Hurricane Mitch in Honduras and Guatemala. After graduating from the University of Vermont in 1991 he immediately joined the Peace Corps. As a member of the Peace Corps, John was stationed in Macas, Ecuador for three years. While there he worked to develop community health programs; community development programs; and livestock and agroforestry programs.

In a procession honoring John's life, residents of Puerto Cortes, Honduras carried signs that read ''John Quinn, the community cries now that you have left us, and you will always live with us'' and ''for your dedication to others, God has thanked you.''

In memory of his death, John's family has established the John Quinn Memorial Scholarship Fund that goes towards paying for the education of children living in Honduras.

The help that John provided to the people of Honduras, Guatemala, Mozambique and Ecuador and his desire to help those who could not help themselves, must never be forgotten. Even though his life has been tragically cut short, he accomplished much in his lifetime and touched many lives. His family can be justly proud of John, even as they mourn his loss.●

IN RECOGNITION OF THE 150TH ANNIVERSARY OF THE ACADEMY OF THE SACRED HEART

● Mr. LEVIN. Mr. President, earlier this month people in my home state of Michigan gathered to celebrate the 150th birthday of the Academy of the Sacred Heart an institution that, even though it was founded for the ''sake of one child,'' has been providing excellence in education to countless individuals. This celebration culminated on Sunday, September 16, 2001, when His Eminence Adam Cardinal Maida, Archbishop of Detroit conducted a celebratory liturgy for this the oldest independent school in the State of Michigan.

This year marks the third centenary anniversary of Detroit, MI. In that time, many changes have dramatically altered the city as it evolved from a small trading outpost into an international center of commerce and industry. Through all these changes, one thing has remained constant for the past century and a half: the Society of the Sacred Heart's commitment to educating the youth of metro Detroit. During this time, the Academy of the Sacred Heart has been an institution dedicated to the education of mind, body and spirit. This focus on educating the whole person has enabled the Academy to develop students that embody the hallmarks of a Catholic education: intellectual rigor combined with service to God and others.

The Academy began in 1821 when the co-founder of the University of Michigan, Father Gabriel Richard asked the Society of the Sacred Heart to establish a foundation in Detroit. In 1849,

the Society was given the land necessary to establish a school, and the doors to the first school opened on Jefferson Avenue, between St. Antoine and Beaubien Streets, in 1861.

In its first 20 years, this institution—dedicated to the pursuit of ''faith seeking understanding'' and the service of others—underwent a tenfold increase in enrollment. Detroit's economic growth paralleled the school's increasing enrollment, and the school found itself surrounded by factories and warehouses. The changing demographic led the school to sell its building, in 1918, to the Packard Motor Co. The school relocated to the corner of Lawrence and Woodrow Wilson Avenues. Further development and the establishment of the Lodge Freeway separated this new facility from the neighborhoods it served and enrollment dropped. This led the school to seek yet another new campus.

The third incarnation of the Academy of the Sacred Heart led it to its present location in Bloomfield Hills, MI. Today, the Academy continues to build on its tradition of faith and dedication to service. Attendance has blossomed at the school with nearly 500 students, of many faiths and cultural backgrounds, from all across the Detroit area. In addition to receiving quality academic instruction, students at the Academy learn by performing community service through various organizations in Detroit.

The entire Academy of the Sacred Heart community—the Society of the Sacred Heart, the faculty, alumni and current students—can take pride in the school's long and honorable service to the people of Michigan. I hope my Senate colleagues will join me in saluting the Academy of the Sacred Heart for a century and a half of achievement and in wishing them well on the next century and a half of continued success.●

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 9:30 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 248. An act to amend the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Year 2000 and 2001, to adjust a condition on the payment of arrearages to the United Nations that sets the maximum share of any United Nations peacekeeping operation's budget that may be assessed of any country.

H.J. Res. 65. An act making continuing appropriations for the fiscal year 2002, and for other purposes.

At 12:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2586. An act to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

MEASURE REFERRED

The Committee on Armed Services was discharged from further consideration of the following measure; which was referred to the Committee on Government Affairs:

H.R. 788. An act to provide for the conveyance of the excess Army Reserve Center in Kewaunee, Wisconsin.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanious consent, and placed on the calendar:

H.R. 2586. An act to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 26, 2001, she had presented to the President of the United States the following enrolled bill:

S. 248. An act to amend the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, to adjust a condition on the payment of arrearages to the United Nations that sets the maximum share of any United Nations peacekeeping operation's budget that may be assessed of any country.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4166. A communication from the Architect of the Capitol, transmitting, pursuant to law, the Semiannual Report for the period beginning October 1, 2000 through March 31, 2001; ordered to lie on the table.

EC–4167. A communication from the Investment Manager, Treasury Division, Army and Air Force Exchange Service, transmitting, pursuant to law, three reports relative to a Retirement Annuity Plan, a Supplemental Deferred Compensation Plan, and a Retirement Savings Plan ; to the Committee on Governmental Affairs.

EC–4168. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Dominican Republic; to the Committee on Banking, Housing, and Urban Affairs.

EC–4169. A communication from the Chairman of the National Capital Planning Commission, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, Treasury Account: 95–25–0001; to the Committee on Appropriations.

EC–4170. A communication from the Secretary of the Navy, transmitting, the report of a study relating to private contractors; to the Committee on Armed Services.

EC–4171. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Pesticide Registration (PR) Notice 2001–6: Disposal Instructions on Non–Antimicrobial Residential/Household Use Pesticide Products''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4172. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material'' (RIN1992–AA22) received on September 19, 2001; to the Committee on Energy and Natural Resources.

EC–4173. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Determination Regarding State Statutes adopting Revised Article 9 or the Uniform Commercial Code; Determination Regarding Rhode Island'' received on July 10, 2001; to the Committee on Finance.

EC–4174. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing Book–Entry Treasury Bonds, Notes, and Bills; Determination Regarding State Statute; South Carolina'' (31 CFR Part 357) received on August 25, 2001; to the Committee on Finance.

EC–4175. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice and Permit Proceedings; Recodification of Regulations'' (RIN1512–AC43) received on September 7, 2001; to the Committee on Finance.

EC–4176. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Federal Highway Administration, received on September 19, 2001; to the Committee on Environment and Public Works.

EC–4177. A communication from the Chairman of the Inland Waterways Users Board, transmitting, pursuant to law, the Annual Report for 2001 ; to the Committee on Environment and Public Works.

EC–4178. A communication from the Administrator of the General Service Administration, transmitting, a report concerning a new construction prospectus for the Border Station in Champlain, New York; to the Committee on Environment and Public Works.

EC–4179. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Final Approval of Operating Permits Program: State of Rhode Island'' (FRL7068–9) received on September 25, 2001; to the Committee on Environment and Public Works.

EC–4180. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''NASA Safety and Health'' (48 CFR Parts 1823 and 1852) received on September 25, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4181. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification regarding the proposed transfer

of major defense equipment valued at $14,000,000 or more to Germany; to the Committee on Foreign Relations.

EC–4182. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Foreign Assistance Act of 1961, as amended, the report of a determination regarding Assistance for Northern Iraq; to the Committee on Foreign Relations.

EC–4183. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–4184. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination returned for the position of Chair, Foreign Claims Settlement Commission, received on September 19, 2001; to the Committee on the Judiciary.

EC–4185. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of the designation of acting officer and a nomination for the position of Administrator, Office of Juvenile Justice and Delinquency Prevention, received on September 25, 2001; to the Committee on the Judiciary.

EC–4186. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Environment and Natural Resources Division, received on September 25, 2001; to the Committee on the Judiciary.

EC–4187. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Office of Justice Programs, received on September 25, 2001; to the Committee on the Judiciary.

EC–4188. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Director, Bureau of Justice Assistance, received on September 25, 2001; to the Committee on the Judiciary.

EC–4189. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Director, Office for Victims of Crime, received on September 25, 2001; to the Committee on the Judiciary.

EC–4190. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Director, Community Relations Service, received on September 25, 2001; to the Committee on the Judiciary.

EC–4191. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Office of Legal Counsel, received on September 25, 2001; to the Committee on the Judiciary.

EC–4192. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Associate Attorney General, Office of the Associate Attorney General, received on September 25, 2001; to the Committee on the Judiciary.

EC–4193. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Chair, Foreign Claims Settlement Commission, received on September 25, 2001; to the Committee on the Judiciary.

EC–4194. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Obstetrical and Gynecological Devices; Classification of the Clitoral Engorgement Device'' (Doc. No. 00P–1282) received on September 25, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4195. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Paper and Paperboard Components'' (Doc. No. 99F–1581) received on September 25, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4196. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Exemption From Notification Requirements; Class I Device'' (Doc. No. 01N–0073) received on September 25, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4197. A communication from the Director of the Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Secondary Direct Food Additives Permitted in Food for Human Consumption'' (Doc. No. 01F–1042) received on September 25, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4198. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Regulations on Statements Made for Dietary Supplements Concerning the Effect of the Product on the Structure or Function of the Body'' (RIN0910–AB97) received on September 25, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–4199. A communication from the Assistant Secretary, Office for Civil Rights, Department of Education, transmitting, pursuant to law, the Annual Report for Fiscal Year 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–4200. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the National Information System for the Community Service Block Grant Program for Fiscal Year 1998; to the Committee on Health, Education, Labor, and Pensions.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–184. A joint resolution adopted by the Legislature of the State of Maine relative to the St. Croix River; to the Committee on Foreign Relations.

JOINT RESOLUTION

Whereas, the passage of alewives, or ''gaspereaux,'' upstream of the Woodland Dam and Grand Falls Dam on the St. Croix River is a matter of mutual concern to the communities of the St. Croix River; and

Whereas, the United States Government, the State of Maine, the Government of Canada and the Province of New Brunswick have not yet completed a formal agreement regarding the release of alewives, or ''gaspereaux,'' in the St. Croix river; and

Whereas, the Canadian Department of Fisheries and Oceans has begun to truck and release hundreds of alewives, or ''gaspereaux,'' around the Woodland Dam: Now, therefore, be it

Resolved, That We, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the First Regular Session, recognize that it is the best interest of the United States Government, the Government of Canada and the Province of New Brunswick to hold public hearings and consult with interest private and public entities and Native Americans to address and resolve the issues surrounding the release of alewives, or ''gaspereaux,'' above the Woodland Dam and Grand Falls Dam; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the Prime Minister of Canada, the Premier of New Brunswick, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each Member of the Maine Congressional Delegation, the Speaker of the Senate of Canada and the Speaker of the House of Commons of Canada, the Lieutenant Governor of New Brunswick, the Speaker of the New Brunswick Legislative Assembly, the Canadian Department of Fisheries and Oceans, the United States Fish and Wildlife Service, the New Brunswick Department of Natural Resources and Energy and the Chairs of the Joint Standing Committee on Inland Fisheries and Wildlife and the Chairs of the Joint Standing Committee on Marine Resources within the Maine State Legislature.

POM–185. A joint resolution adopted by the Legislature of the State of Alaska relative to digital orthoimagery and digital elevation data; to the Committee on Appropriations.

H.J. RES. 19

Whereas reliable, current, statewide base geographic information is essential for public safety and continued economic development of our resources and to increase the livability of our state; and

Whereas orthoimagery and elevation data are considered the foundation of the framework of base geographic data; and

Whereas Alaska does not have digital orthoimagery or accurate elevation data; and

Whereas Alaska's statewide base geographic information is very poor; United States Geological Survey (USGS) maps of Alaska are over 40 years old, lack statewide coverage, and do not meet National Map Accuracy Standards; and there is no existing or planned program to replace them; and

Whereas the current imagery of Alaska acquired through the Alaska High Altitude Aerial Photography Program is over 20 years old, not in digital form, and therefore not available for modern technological use; and

Whereas leading state policymakers defined topographic and other basic mapping as the number one mapping need at the December 2000 meeting sponsored by the National Aeronautics and Space Administration; and

Whereas funding situations in federal and state agencies have not allowed Alaska to be a participant in the National Aerial Photography Program and the National Digital Orthophoto Program providing complete aerial photography and orthoimagery coverage for the lower 48 states on a regular basis; and

Whereas NASA's 2000 Shuttle Radar Topography Mission for producing elevation data for topographic mapping covered 80 percent of the world but less than 20 percent of Alaska because it did not map above 60 degrees North latitude; and

Whereas new orthoimagery and elevation data provide common data foundation layers

that would show current conditions and trends on the Alaska landscape and are the layers from which many types of geographic information are extracted and to which many types are registered that will allow Alaska agencies, Native corporations, and private organizations to better use Geographic Information Systems technology to aid in responsible decision-making; and

Whereas the Alaska Digital Orthoimagery Initiative prepared by the Alaska Geographic Data Committee outlines the need for high-resolution digital orthoimagery and digital elevation data for Alaska; and be it

Resolved, That the Alaska State Legislature urges the Congress of the United States to pass legislation to fund the acquisition of high-resolution digital orthoimagery and digital elevation data for the entire state of Alaska as outlined by the Alaska Geographic Data Committee.

POM–186. A joint resolution adopted by the Legislature of the State of Alaska relative to the transport of firearms through Canada; to the Committee on Finance.

RESOLUTION

Whereas Alaska is separated from the 48 contiguous states of the United States by Canada, and many Alaskans travel the Alaska, Taylor/Top of the World, Skagway/Klondike, and Cassiar Highways and other highways in Canada to reach the 48 contiguous states of the United States; and

Whereas Alaska borders the Yukon and British Columbia, Canadians engage in recreational activities in Alaska, and Alaskans engage in recreational activities in Canada; and

Whereas, in pursuit of these recreational opportunities, Alaskans enter Canada at locations, some of which do not have a border station or customs personnel permanently stationed; and

Whereas Alaska and the United States do not impose a fee for Canadians to transport firearms into Alaska or the United States to engage in recreational activities; and

Whereas the government of Canada recently adopted new regulations that require visitors to Canada not having a valid Canadian firearms license to declare their firearms before entering Canada at a Canadian customs station, complete a Non-Resident Firearm Declaration Form, and pay a $50 (Canadian) confirmation fee; and

Whereas the imposition of this fee on Alaskans and those traveling to and from Alaska is inconvenient and unexpected, especially when considering that neither Alaska nor the United States has a reciprocal declaration and fee requirement; and be it

Resolved, That the Alaska State Legislature urges President Bush, the United States Department of State, and the United States Congress to intervene and negotiate with the government of Canada to remove the declaration and fee requirements in a manner that allows Alaskans to engage in routine recreational, transport, and travel opportunities in Canada.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Department of Defense nomination of Gen. Peter Pace.

Air Force nomination of Lt. Gen. Charles F. Wald.

Army nomination of Brig. Gen. Thomas J. Romig.

Air Force nominations beginning Colonel William P. Ard and ending Colonel Ronald D. Yaggi, which nominations were received by the Senate and appeared in the Congressional Record on September 5, 2001.

Navy nomination of Rear Adm. (lh) Joseph D. Burns.

Air Force nominations beginning Brigadier General Ronald J. Bath and ending Colonel David A. Sprenkle, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2001.

Navy nomination of Vice Adm. Scott A. Fry.

Navy nomination of Rear Adm. (lh) Rand H. Fisher.

Air Force nomination of Gen. John W. Handy.

Air Force nomination of Maj. Gen. Teed M. Moseley.

Air Force nomination of Lt. Gen. Robert H. Foglesong.

Army nomination of Maj. Gen. Colby M. Broadwater III.

Navy nomination of Adm. James O. Ellis Jr.

By Ms. COLLINS for the Committee on Armed Services.

Navy nomination of Vice Adm. Gregory G. Johnson.

Mr. LEVIN. Mr. President, for the Committee on Armed Services, I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Army nomination of Christopher P. Aiken.

Army nomination of Rodney D. McKitrick II.

Army nomination of Randy J. Smeenk.

Army nominations beginning Daniel T. Leslie and ending William C. Willing, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2001.

Army nominations beginning Angelo Riddick and ending Hekyung L. Jung, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2001.

Army nominations beginning Jeffrey S. Cain and ending Ryung Suh, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2001.

Marine Corps nomination of Richard W. Britton.

Marine Corps nomination of Samuel E. Ferguson.

Navy nomination of Raymond E. Moses Jr.

Navy nominations beginning Johnny R. Adams and ending Timothy J. Ziolkowski, which nominations were received by the Senate and appeared in the Congressional Record on September 4, 2001.

Army nomination of Shaofan K. Xu.

Navy nomination of Sandra P. Moriguchi.

Air Force nomination of Patrick J.* Fletcher.

Army nominations beginning Albert J. Abbadessa and ending *X5391, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2001.

Marine Corps nomination of Curtis W. Marsh.

Army nominations beginning Roger L. Armstead and ending Carl S. Young Jr, which nominations were received by the Senate and appeared in the Congressional Record on September 19, 2001.

By Mr. JEFFORDS for the Committee on Environment and Public Works.

*Michael Parker, of Mississippi, to be an Assistant Secretary of the Army.

*P.H. Johnson, of Mississippi, to be Federal Cochairperson, Delta Regional Authority.

*Marianne Lamont Horinko, of Virginia, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

*Mary E. Peters, of Arizona, to be Administrator of the Federal Highway Administration.

*Brigadier General Edwin J. Arnold, Jr., United States Army, to be a Member and President of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved June 1879 (21 Stat. 37) (33 USC 642).

*Brigadier General Carl A. Strock, United States Army, to be a Member of the Mississippi River Commission, under the provisions of Section 2 of an Act of Congress, approved 28 June 1879 (21 Stat. 37) (22 USC 642).

*Nils J. Diaz, of Florida, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2006.

*Harold Craig Manson, of California, to be Assistant Secretary for Fish and Wildlife. (Nominee not placed on Executive Calendar pending the Committee on Energy and Natural Resources reporting.)

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1466. A bill to amend the Consolidated Farm and Rural Development Act to provide grants for special environmental assistance for the regulation of communities and habitat (''SEARCH grants'') to small communities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WELLSTONE (for himself, Mr. HELMS, Mr. KOHL, Mr. AKAKA, Mr. FEINGOLD, Mr. INOUYE, and Mr. REED):

S. 1467. A bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the deadlines for application and payment of fees; to the Committee on the Judiciary.

By Mr. KYL:

S. 1468. A bill for the relief of Ilko Vasilev Ivanov, Anelia Marinova Peneva, Marina Ilkova Ivanova, and Julia Ilkova Ivanova; to the Committee on the Judiciary.

By Mr. REED (for himself, Mr. TORRICELLI, Mrs. CARNAHAN, Mr. DURBIN, Mr. LIEBERMAN, Mr. WELLSTONE, and Mrs. CLINTON):

S. 1469. A bill to amend the Head Start and Early Head Start programs to ensure that children eligible to participate in those programs are identified and treated for lead poisoning, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of Oregon:

S. 1470. A bill to establish a demonstration program for school dropout prevention; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TORRICELLI (for himself, Mr. REED, Mrs. CLINTON, Mr. WELLSTONE,

Mr. DURBIN, Mrs. CARNAHAN, and Mr. LIEBERMAN):

S. 1471. A bill to amend titles XIX and XXI of the Social Security Act to ensure that children enrolled in the medicaid and State children's health insurance program are identified and treated for lead poisoning; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. BOND):

S. 1472. A bill to amend the Small Business Act to promote the involvement of small business concerns and small business joint ventures in certain types of procurement contracts, to establish the Small Business Procurement Competition Program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. JOHNSON:

S. 1473. A bill to amend title 49, United States Code, to provide for the enhancement of security at airports in the United States.

By Mr. HARKIN (for himself and Mr. LUGAR):

S. 1474. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to extend and improve the collection of maintenance fees, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BREAUX (for himself and Mr. HATCH):

S. 1475. A bill to amend the Internal Revenue Code of 1986 to provide an appropriate and permanent tax structure for investments in the Commonwealth of Puerto Rico and the possessions of the United States, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 543

At the request of Mr. DOMENICI, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 630

At the request of Mr. BURNS, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 630, a bill to prohibit senders of unsolicited commercial electronic mail from disguising the source of their messages, to give consumers the choice to cease receiving a sender's unsolicited commercial electronic mail messages, and for other purposes.

S. 685

At the request of Mr. BAYH, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 685, a bill to amend title IV of the Social Security Act to strengthen working families, and for other purposes.

S. 905

At the request of Mr. HARKIN, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 905, a bill to provide incentives for school construction, and for other purposes.

S. 1194

At the request of Mr. SPECTER, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1194, a bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes.

S. 1206

At the request of Mr. VOINOVICH, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1206, a bill to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes.

S. 1209

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1257

At the request of Mr. REID, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Oregon (Mr. SMITH of Oregon) were added as cosponsors of S. 1257, a bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War.

S. 1286

At the request of Mrs. CARNAHAN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. 1371

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1371, a bill to combat money laundering and protect the United States financial system by strengthening safeguards in private banking and correspondent banking, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1397

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1397, a bill to ensure availability of the mail to transmit shipments of day-old poultry.

S. 1400

At the request of Mr. KYL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1400, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for aliens to present a border crossing card that contains a biometric identifier matching the appropriate biometric characteristic of the alien.

S. 1434

At the request of Mr. SPECTER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1444

At the request of Mr. MCCONNELL, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1444, a bill to establish a Federal air marshals program under the Attorney General.

S. 1447

At the request of Mr. HOLLINGS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1447, a bill to improve aviation security, and for other purposes.

S. 1454

At the request of Mrs. CARNAHAN, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Louisiana (Mr. BREAUX), the Senator from Florida (Mr. NELSON of Florida), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1454, a bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.

S.J. RES. 8

At the request of Ms. LANDRIEU, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S.J. Res. 8, a joint resolution designating 2002 as the ''Year of the Rose.''

S.J. RES. 18

At the request of Mr. SARBANES, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S.J. Res. 18, a joint resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

S. CON. RES. 66

At the request of Mr. STEVENS, the names of the Senator from Kentucky

(Mr. MCCONNELL) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. Con. Res. 66, a concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001.

AMENDMENT NO. 1621

At the request of Mr. DAYTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 1621 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1636

At the request of Mr. HELMS, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 1636 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1466. A bill to amend the Consolidated Farm and Rural Development Act to provide grants for special environmental assistance for the regulation of communities and habitat (''SEARCH grants'') to small communities; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAPO. Mr. President, I rise today to introduce legislation to authorize a national environmental grants program called Project SEARCH. Project SEARCH is a simplified, flexible program that targets small communities most in need of assistance in meeting environmental goals.

I am particularly excited about the proposal. I have heard from partners interested in helping with the legislation and from colleagues who recognize the unique challenges small communities face achieving environmental goals. Because of our mutual interest in helping small communities respond to environmental problems, I invite my colleagues to join me in supporting this measure.

The national Project SEARCH, Special Environmental Assistance for the Regulation of Communities and Habitat, concept is based on a pilot program that operated with great success in Idaho in 1999 and 2000. In short, the bill establishes a simplified application process for communities with populations under 2,500 to receive assistance grants for meeting a broad array of Federal, State, or local environmental regulations. Grants would be available for initial feasibility studies, to address unanticipated costs arising during the course of a project, or when a community demonstrates that other sources of funding are unavailable or insufficient.

Some of the major highlights of the program are: a simplified application process—no special grants coordinators required; communities must first have attempted to receive funds from traditional sources; it is open to studies or projects involving any environmental regulation; applications are reviewed and approved by citizens panel of volunteers; the panel chooses the number of recipients and size of grants; the panel consists of volunteers representing all regions of the state; and no local match is required to receive the SEARCH funds.

Over the past several years, it has become increasingly apparent that small communities are having problems complying with environmental rules and regulations due primarily to lack of funding, not a willingness to do so. They, like all of us, want clean water and air and a healthy natural environment. Sometimes, they simply cannot shoulder the financial burden with their limited resources.

In addition, small communities wishing to pursue unique collaborative efforts might be discouraged by grant administrators who prefer conformity. Some run into unexpected costs during a project and have borrowed and bonded to the maximum. Others are in critical habitat locations and any project may have additional costs, which may not be recognized by traditional financial sources. Still others just need help for the initial environmental feasibility study so they can identify the most effective path forward.

With these needs in mind, in 1998, I was able to secure $1.3 million for a grant program for Idaho's small communities. Idaho's program does not replace other funding sources, but serves as a final resort when all other means have been exhausted.

The application process was simplified so that any small town mayor, county commissioner, sewer district chairman, or community leader could manage it without hiring a professional grant writer. An independent citizens committee with statewide representation was established to make the selections and get the funds on the ground as quickly as possible. No bureaucratic or political intrusions were permitted.

Forty-four communities in Idaho ultimately applied, not including two that failed to meet the eligibility requirements. Ultimately, twenty-one communities were awarded grants in several categories, and ranged in size from $9,000 to $319,000. Communities serving Native Americans and migrants, as well as several innovative collaborative efforts were included in the successful applicants. The communities that were not selected are being given assistance in exploring other funding sources and other advice.

The response and feedback from all participants has been overwhelmingly positive. Officials from the state and federal government who witnessed the process have stated that the process worked well and was able to accomplish much on a volunteer basis. There was even extraordinary appreciation from other funding agencies because some communities they were not able to reach were provided funds for feasibility studies.

The conclusion of all participants was that Project SEARCH is a program worthy of being expanded nationally. So many small communities in so many states can benefit from a program that assists underserved and often overlooked communities. This legislation provides us the opportunity to help small communities throughout the United States.

I have been encouraged by statements from regulatory officials at the Federal, State, and local level that have identified small communities as particularly in need of assistance in this area. Environmental organizations have also made favorable remarks about the importance of assisting small communities with the compliance costs of environmental regulations. Finally, I should also note that organizations representing small towns and rural areas recognize this long overlooked problem.

I invite my colleagues to take this opportunity to assist small communities in each of their States. Although the grant program provided for in this bill is not large in comparison to other things the Federal Government funds, these resources could be put to good and effective use, as Idaho has proven. Moreover, I will remind everyone that nowhere does this measure contemplate a change in environmental regulations or standards. This is simply about relief for small communities that would not otherwise be able to serve the public interest or the environment.

By Mr. WELLSTONE (for himself, Mr. HELMS, Mr. KOHL, Mr. AKAKA, Mr. FEINGOLD, Mr. INOUYE, and Mr. REED):

S. 1467. A bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the deadlines for application and payment of fees; to the Committee on the Judiciary.

Mr. WELLSTONE. Mr. President, today I am introducing the Bruce Vento Hmong Veterans' Naturalization Extension Act. The Act is named after my late colleague and dear friend, Congressman Bruce Vento. Congressman Vento dedicated much of his career to working with the Hmong community

in Minnesota. He worked for a decade to ensure the passage of the Hmong Veterans Naturalization Act. This bill would make it possible for all eligible Hmong veterans and their wives to receive the benefits they are due under this Act by extending the application deadline from November 26, 2001 to May 26, 2003.

With less than 3 months remaining before the deadline passes for most of those covered under the Act, only 25 percent of all eligible applicants have filed for citizenship. Advocates for the Hmong believe it will be impossible for all those eligible to file by the deadline. The Hmong community has faced many challenges in getting veterans and their wives filed. The Department of Justice did not release its guidelines for 2½ months and many INS regional offices were unfamiliar with the guidelines for a period of time after that, resulting in eligible Hmong applicants being turned away. The language barrier that created the need for the Hmong Veteran Naturalization Act in the first place has meant that many Hmong needed assistance from Hmong community advocates to understand the citizenship process and to fill out the citizenship application. These advocacy organizations are vastly underresourced and are overwhelmed by the demand for help from Hmong applicants.

I want to make it clear. This bill would not increase the number of eligible applicants. It in no way would change the other requirements of the law. It simply would provide a necessary extension for existing eligible applicants.

As the Senator from Minnesota, I am proud to represent one of the largest Hmong populations in America. My experience as a Senator has become much richer as a result of coming to know the history and culture of the Hmong people in Minnesota. I deeply respect their extraordinary efforts in support of the American people. I urge my colleagues' strong support of this legislation. The original Act was passed because of Hmong veterans' tremendous sacrifice on behalf of the United States during the Vietnam War and because of the unique literacy challenges the Hmong community faces. It would be wrong to deny the benefits of the Act to eligible veterans for reasons that are beyond their control. Let us fulfill the intent of the Act we passed last year and ensure that these veterans and their families receive the benefits they are due.

By Mr. KYL:

S. 1468. A bill for the relief of Ilko Vasilev Ivanov, Anelia Marinova Peneva, Marina Ilkova Ivanova, and Julia Ilkova Ivanova; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

In the administration of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Ilko Vasilev Ivanov, Anelia Marinova Peneva, Marina Ilkova Ivanova, and Julia Ilkova Ivanova shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Ilko Vasilev Ivanov, Anelia Marinova Peneva, Marina Ilkova Ivanova, and Julia Ilkova Ivanova as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under subsection (a) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153).

By Mr. REED (for himself, Mr. TORRICELLI, Mrs. CARNAHAN, Mr. DURBIN, Mr. LIEBERMAN, Mr. WELLSTONE, and Mrs. CLINTON):

S. 1469. A bill to amend the Head Start and Early Head Start programs to ensure that children eligible to participate in those programs are identified and treated for lead poisoning, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today along with my colleague, Senator TORRICELLI of New Jersey, to introduce two pieces of legislation we believe are absolutely critical to our ongoing effort to combat childhood lead poisoning. These two bills, the Early Childhood Lead Poisoning Prevention Act and the Children's Lead SAFE Act, are intended to improve our ability to detect and treat children at high risk of lead poisoning, as well as expand our network of Federal program sites where children at increased risk of lead poisoning can be screened.

The Early Childhood Lead Poisoning Prevention Act requires WIC and Head Start/Early Head Start programs with children under age 3 to assess whether a child participant has been screened for lead, and provide and track referrals for any child who has not been appropriately screened. The bill also calls upon WIC and Head Start/Early Head Start grantees to ensure that all enrolled children are screened for lead poisoning and grants these entities the authority to perform or arrange blood lead screening for program participants. Lastly, the bill allows WIC clinics and Head Start/Early Head Start grantees to seek reimbursement through Medicaid or the State Children's Heath Insurance Program, CHIP, for eligible children who have received a lead screening test in accordance with CDC recommendations or Medicaid policy.

The Children's Lead Screening Accountability for Early Intervention Act, or the Children's Lead SAFE Act, would require Medicaid contractors to comply with existing requirements to provide screening, treatment and any necessary follow-up services for Medicaid-eligible children who test positive for lead poisoning. To be clear, this is not imposing any new mandate on State Medicaid contractors. It is simply trying to make current law more effective by explicitly requiring health care providers to comply with Federal lead screening requirements that have been in existence since 1992.

This new, stronger mandate has become necessary because 82 percent of children ages one through five have never been screened for lead poisoning, even though they were receiving health care benefits or services through Medicaid, WIC, or the Health Centers program, according to a recent report from the General Accounting Office, GAO, despite long standing Federal requirements. This means that of the estimated 890,000 children in the U.S. with elevated blood lead levels, over 400,000 have never been identified or treated. Even more disconcerting is that 50 percent of our States do not have screening policies that are consistent with Federal requirements.

The reason why our two bills specifically focus on specific Federal programs stems from the GAO report, which indicated that 77 percent of U.S. children with high levels of lead in their blood are enrolled in Federal programs, highlighting the viral role of these programs in helping to eliminate the preventable tragedy of childhood lead poisoning. Better involvement by Federal programs in promoting screening and treatment is also critical to reducing the significant health care and special education costs associated with the irreversible effects of lead poisoning, which include the impairment of mental and physical development.

We need to find the will and the resources to eradicate lead hazards for millions of at-risk children. We also need to make more Americans aware of the dangers of lead poisoning. I am committed to addressing this crisis, and I hope my colleagues will join us in supporting these bills and other lead poisoning prevention efforts.

I ask consent that the text of the Early Childhood Lead Poisoning Prevention Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Early Childhood Lead Poisoning Prevention Act of 2001''.

SEC. 2. LEAD POISONING SCREENING FOR THE HEAD START AND EARLY HEAD START PROGRAMS.

Section 645A of the Head Start Act (42 U.S.C 9840a) is amended—

(1) in the first sentence of subsection (d), by inserting before the period the following: ''and shall comply with subsection (h)''; and

(2) by adding at the end the following:

''(h) LEAD POISONING SCREENING.—

''(1) IN GENERAL.—An entity shall—

''(A) determine whether a child eligible to participate in the program described in subsection (a)(1) has received a blood lead screening test using a test that is appropriate for age and risk factors upon the enrollment of the child in the program; and

''(B) in the case of a child who has not received a blood lead screening test, ensure that each enrolled child receives such a test either by referral or by performing the test (under contract or otherwise).

''(2) SCREENINGS BY ENTITIES.—

''(A) IN GENERAL.—An entity may (under contract or otherwise) perform a blood lead screening test that is appropriate for age and risk factors on a child who seeks to participate in the program.

''(B) REIMBURSEMENT.—

''(i) CHILDREN ENROLLED IN OR ELIGIBLE FOR MEDICAID.—On the request of an entity that performs or arranges for the provision of a blood lead screening test under subparagraph (A) of a child that is eligible for or receiving medical assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the Secretary of Health and Human Services, notwithstanding any other provision of, or limitation under, title XIX of the Social Security Act, shall reimburse the entity, from funds that are made available under that title, for the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) of the cost of the test and data reporting. Such costs shall include, if determined to be desirable by the State agency, the costs of providing screening through clinical laboratories certified under section 353 of the Public Health Service Act (42 U.S.C. 263a), or purchasing, for use at sites providing services under this section, blood lead testing instruments and associated supplies approved for sale by the Food and Drug Administration and used in compliance with such section 353.

''(ii) CHILDREN ENROLLED IN OR ELIGIBLE FOR SCHIP.—In the case of a blood lead screening test performed under subparagraph (A) (by the entity or under contract with the entity) on a child who is eligible for or receiving medical assistance under a State plan under title XXI of the Social Security Act, the Secretary of Health and Human Services, notwithstanding any other provision of, or limitation under, such title XXI, shall reimburse the entity, from funds that are made available under that title, for the enhanced FMAP (as defined in section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)) of the cost of the test and data reporting. Such costs shall include the costs described in the second sentence of clause (i).

''(3) AUTHORIZATION FOR EARLY HEAD START.—There is authorized to be appropriated such sums as may be necessary to carry out this subsection with respect to blood lead screening tests performed under this subsection on an infant or child, and any data reporting with respect to such infant or child, who is not eligible for coverage under title XIX or XXI of the Social Security Act, or is not otherwise covered under a health insurance plan.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as requiring a child eligible to participate in the program described in subsection (a)(1) to undergo a blood lead screening test if the child's parent or guardian objects to the test on the ground that the test is inconsistent with the parent's or guardian's religious beliefs.

''(5) HEAD START.—The provisions of this subsection shall apply to head start programs that include coverage, directly or indirectly, for infants and toddlers under the age of 3 years.''.

SEC. 3. LEAD POISONING SCREENING FOR SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

Section 17(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)) is amended by adding at the end the following:

''(4) LEAD POISONING SCREENING.—

''(A) IN GENERAL.—A State agency shall—

''(i) determine whether an infant or child eligible to participate in the program under this section has received a blood lead screening test using a test that is appropriate for age and risk factors upon the enrollment of the infant or child in the program; and

''(ii) in the case of an infant or child who has not received a blood lead screening test—

''(I) refer the infant or child for receipt of the test; and

''(II) determine whether the infant or child receives the test during a routine visit with a health care provider.

''(B) SCREENINGS BY STATE AGENCIES.—

''(i) IN GENERAL.—A State agency may (under contract or otherwise) perform a blood lead screening test that is appropriate for age and risk factors on an infant or child who seeks to participate in the program.

''(ii) REIMBURSEMENT.—

''(I) CHILDREN ENROLLED IN OR ELIGIBLE FOR MEDICAID.—On the request of a State agency that performs or arranges for the provision of a blood lead screening test under clause (i) of an infant or child that is eligible for or receiving medical assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), the Secretary of Health and Human Services, notwithstanding any other provision of, or limitation under, title XIX of the Social Security Act, shall reimburse the State agency, from funds that are made available under that title, for the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) of the cost of the test and data reporting. Such costs shall include, if determined to be desirable by the State agency, the costs of providing screening through clinical laboratories certified under section 353 of the Public Health Service Act (42 U.S.C. 263a), or purchasing, for use at sites providing services under this section, blood lead testing instruments and associated supplies approved for sale by the Food and Drug Administration and used in compliance with such section 353.

''(II) CHILDREN ENROLLED IN OR ELIGIBLE FOR SCHIP.—In the case of a blood lead screening test performed under clause (i) (by the State agency or under contract with the State agency) on an infant or child who is eligible for or receiving medical assistance under a State plan under title XXI of the Social Security Act, the Secretary of Health and Human Services, notwithstanding any other provision of, or limitation under, such title XXI, shall reimburse the State agency, from funds that are made available under that title, for the enhanced FMAP (as defined in section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)) of the cost of the test and data reporting. Such costs shall include the costs described in the second sentence of subclause (I).

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this paragraph with respect to blood lead screening tests performed under this paragraph on an infant or child, and any data reporting with respect to such infant or child, who is not eligible for coverage under title XIX or XXI of the Social Security Act, or is not otherwise covered under a health insurance plan.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as requiring a child eligible to participate in the program under this section to undergo a blood lead screening test if the child's parent or guardian objects to the test on the ground that the test is inconsistent with the parent's or guardian's religious beliefs.''.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act take effect on the date that is 18 months after the date of enactment of this Act.

(b) WIC AND EARLY HEAD START WAIVERS.—

(1) IN GENERAL.—A State agency or contractor administering the program of assistance under the special supplemental nutrition program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), or an entity carrying out activities under section 645A of the Head Start Act (42 U.S.C 9840a) may be awarded a waiver from the amendments made by sections 2 and 3 (as applicable) if the State where the agency, contractor, or entity is located establishes to the satisfaction of the Secretary of Health and Human Services, in accordance with requirements and procedures recommended in accordance with paragraph (2) to the Secretary by the Director of the Centers for Disease Control and Prevention, in consultation with the Centers for Disease Control and Prevention Advisory Committee on Childhood Lead Poisoning Prevention, a plan for increasing the number of blood lead screening tests of children enrolled in the WIC and the Early Head Start programs in the State.

(2) DEVELOPMENT OF WAIVER PROCEDURES AND REQUIREMENTS.—Not later than 12 months after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention, in consultation with the Centers for Disease Control and Prevention Advisory Committee on Childhood Lead Poisoning Prevention, shall develop and recommend to the Secretary of Health and Human Services criteria and procedures (including a timetable for the submission of the State plan described in paragraph (1)) for the award of waivers under that paragraph.

By Mr. SMITH of Oregon:

S. 1470. A bill to establish a demonstration program for school dropout prevention; to the Committee on Health, Education, Labor, and Pensions.

Mr. SMITH of Oregon. Mr. President, I rise today to introduce the Dropout Reduction Outreach Program Act of 2001 known as DROP. I have been deeply concerned about the high number of students dropping out of school in Oregon and around the country. We all know that for children at risk, having a relationship with a caring adult in school is often the only reason students choose to stay in school. But many of our schools, facing tight budgets, have had to cut guidance counselors, the very people whose top priority is helping our kids manage the difficult terrain of middle and high school academies and social life.

This bill will provide funds to demonstrate what we know by instinct: that these guidance counselors can make a significant difference in reducing our dropout rates. Funding will help districts with particularly high dropout rates hire more counselors, and train teachers and administrators in the most effective methods for working with at-risk students.

We have spent many hours in this chamber this year debating the way ahead for education in this country. We discussed and provided funding for many programs that should allow every child in this country the opportunity to receive a high quality education. And yet, recent numbers from my State project that nearly one in five children in Oregon will drop out of school before graduation.

If you think this statistic is sobering, consider that the dropout rate for minority students is higher still. Dropout rates among Hispanic, Native American, and African American children in Oregon are all in double digits for each year of high school.

We know some of the warning signs for dropping out: getting behind in coursework, working more than 15 hours each week, dysfunctional home life, substance abuse, pregnancy, and lack of parental support for education, but spotting these indicators and keeping students in school are not the same.

With the economy increasingly dependent on highly trained technical workers, a high school diploma is now a minimum credential for success in American society. Keeping students in school is one way we can help America's young people achieve success in their lives, while maintaining our status as a world leader.

The DROP Act will establish a multistate demonstration program that will fund school counselor positions in middle and high schools with high dropout rates. it will also offer specialized training to guidance counselors and teachers who work with ''at risk'' students. The effects of these demonstration projects will be carefully monitored, and evaluations reported back to the Secretary of Education, who will then share them with Congress, states, and educators who wish to address this problem.

While the DROP Act requires only a small financial commitment, it has the potential to have far-reaching implications as our society gears up to lead the world into the 21st century. I encourage my colleagues to support this legislation as a way to help all our nation's children achieve their highest potential.

By Mr. TORRICELLI (for himself, Mr. REED, Mrs. CLINTON, Mr. WELLSTONE, Mr. DURBIN, Mrs. CARNAHAN, and Mr. LIEBERMAN):

S. 1471. A bill to amend titles XIX and XXI of the Social Security Act to ensure that Children enrolled in the Medicaid and State children's health insurance program are identified and treated for lead poisoning; to the committee on Finance.

Mr. TORRICELLI. Mr. President, I rise today along with my colleague, Senator REED of Rhode Island, to introduce the Children's Lead Screening Accountability for Early-Intervention Act of 2001 and the Early Childhood Lead Poisoning Prevention Act of 2001.

Lead poisoning is one of the dangerous environmental health hazards for young children. It is estimated that 890,000 children nationally suffer from elevated blood lead levels. Lead poisoning causes damage to the brain and nervous system, loss in IQ, impaired physical development and behavioral problems. High levels of exposure to lead can result in comas, convulsions and death. Poor and minority children are most at-risk of lead poisoning because of inadequate diets and exposure to environmental hazards such as old housing.

In an effort to alleviate this problem, in 1992, Congress instructed the Health Care Financing Administration to require States to lead screen Medicaid children under the age of two. The screening would have enabled the highest-risk children to be tested and treated before lead poisoning impaired their development. Despite the Federal law, however, a study from the General Accounting Office indicates that currently two-thirds of all Medicaid children remain unscreened and that only half the States have screening policies consistent with the law. In New Jersey, only 30% of children covered by Medicaid are tested.

The Children's Lead Screening Accountability for Early-Intervention Act or Children's Lead SAFE Act will create a lead screening safety net that will, though the Medicaid and State Children's Health Insurance, SCHIP, programs, ensure that children enrolled in these programs receive blood lead screenings and appropriate follow-up care. Specifically, this legislation will require state Medicaid contracts to explicitly require health management organizations to comply with federal rules related to lead screening and treatment. The bill will expand Medicaid coverage to include lead treatment services and environmental investigations to determine the source of the poisoning.

The Early Childhood Lead Poisoning Prevention Act of 2001 requires the Head Start, Early Head Start and Women, Infants and Children, WIC, programs to determine if enrolled children under age three have received a blood lead screening test appropriate for their age and risk factors. This legislation also requires that these programs provide and track referrals for any child who has not been screened for lead poisoning. Importantly, this legislation authorizes WIC, Head Start and Early Head Start programs to seek reimbursement through Medicaid or the SCHIP program for eligible children who have received a lead screening test.

The health and safety of our children would be greatly enhanced with the passage of these important measures. Childhood lead poisoning is easily preventable and I hope my colleagues will join us in support of this legislation.

At this time, I ask that the text of the Children's Lead Screening Accountability for Early-Intervention Act of 2001 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Children's Lead Screening Accountability For Early-Intervention Act of 2001'' or the ''Children's Lead SAFE Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) lead poisoning remains a serious environmental risk, especially to the health of young children;

(2) childhood lead poisoning can cause reductions in IQ, attention span, reading, and learning disabilities, and other growth and behavior problems;

(3) children under the age of 6 are at the greatest risk of suffering the effects of lead poisoning because of the sensitivity of their developing brains and nervous systems, while children under the age of 3 are especially at risk due to their stage of development and hand-to-mouth activities;

(4) poor children and minority children are at substantially higher risk of lead poisoning;

(5) three-fourths of all children ages 1 through 5 found to have an elevated blood lead level in a Centers for Disease Control and Prevention nationally representative sample were enrolled in or targeted by Federal health care programs, specifically the medicaid program, the special supplemental nutrition program for women, infants, and children (WIC), and the community health centers programs under section 330 of the Public Health Service Act, equating to an estimated 688,000 children nationwide;

(6) the General Accounting Office estimates that ⅔ of the 688,000 children who have elevated blood lead levels and are enrolled in or targeted by Federal health care programs have never been screened for lead;

(7) although the Health Care Financing Administration has required mandatory blood lead screenings for children enrolled in the medicaid program who are not less than 1 nor more than 5 years of age, less than 20 percent of these children have received such screenings;

(8) the Health Care Financing Administration mandatory screening policy has not been effective, or sufficient, to properly identify and screen children enrolled in the medicaid program who are at risk;

(9) only about ½ of State programs have screening policies consistent with Federal policy; and

(10) adequate treatment services are not uniformly available for children with elevated blood lead levels.

(b) PURPOSE.—The purpose of this Act is to create a lead screening safety net that will, through the medicaid and State children's health insurance program, ensure that children enrolled in those programs receive blood lead screenings and appropriate followup care.

SEC. 3. INCREASED LEAD POISONING SCREENINGS AND TREATMENTS UNDER THE MEDICAID PROGRAM.

(a) REPORTING REQUIREMENT.—Section 1902(a)(43)(D) of the Social Security Act (42 U.S.C. 1396a(a)(43)(D)) is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) in clause (iv), by striking the semicolon and inserting '', and''; and

(3) by adding at the end the following new clause:

''(v) the number of children who are under the age of 3 and enrolled in the State plan

under this title and the number of those children who have received a blood lead screening test;''.

(b) MANDATORY SCREENING REQUIREMENTS.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (64), by striking ''and'' at the end;

(2) in paragraph (65), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (65) the following new paragraph:

''(66) provide that each contract entered into between the State and an entity (including a health insuring organization and a medicaid managed care organization) that is responsible for the provision (directly or through arrangements with providers of services) of medical assistance under the State plan shall provide for—

''(A) compliance with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

''(B) coverage of qualified lead treatment services described in section 1905(x) including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.''.

(c) REIMBURSEMENT FOR TREATMENT OF CHILDREN WITH ELEVATED BLOOD LEAD LEVELS.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)—

(A) in paragraph (26), by striking ''and'' at the end;

(B) by redesignating paragraph (27) as paragraph (28); and

(C) by inserting after paragraph (26) the following new paragraph:

''(27) qualified lead treatment services (as defined in subsection (x)); and''; and

(2) by adding at the end the following new subsection:

''(x)(1) In this subsection:

''(A) The term 'qualified lead treatment services' means the following:

''(i) Lead-related medical management, as defined in subparagraph (B).

''(ii) Lead-related case management, as defined in subparagraph (C), for a child described in paragraph (2).

''(iii) Lead-related anticipatory guidance, as defined in subparagraph (D), provided as part of—

''(I) prenatal services;

''(II) early and periodic screening, diagnostic, and treatment services (EPSDT) described in subsection (r) and available under subsection (a)(4)(B) (including as described and available under implementing regulations and guidelines) to individuals enrolled in the State plan under this title who have not attained age 21; and

''(III) routine pediatric preventive services.

''(B) The term 'lead-related medical management' means the provision and coordination of the diagnostic, treatment, and follow-up services provided for a child diagnosed with an elevated blood lead level (EBLL) that includes—

''(i) a clinical assessment, including a physical examination and medically indicated tests (in addition to diagnostic blood lead level tests) and other diagnostic procedures to determine the child's developmental, neurological, nutritional, and hearing status, and the extent, duration, and possible source of the child's exposure to lead;

''(ii) repeat blood lead level tests furnished when medically indicated for purposes of monitoring the blood lead concentrations in the child;

''(iii) pharmaceutical services, including chelation agents and other drugs, vitamins, and minerals prescribed for treatment of an EBLL;

''(iv) medically indicated inpatient services including pediatric intensive care and emergency services;

''(v) medical nutrition therapy when medically indicated by a nutritional assessment, that shall be furnished by a dietitian or other nutrition specialist who is authorized to provide such services under State law;

''(vi) referral—

''(I) when indicated by a nutritional assessment, to the State agency or contractor administering the program of assistance under the special supplemental nutrition program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) and coordination of clinical management with that program; and

''(II) when indicated by a clinical or developmental assessment, to the State agency responsible for early intervention and special education programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and

''(vii) environmental investigation, as defined in subparagraph (E).

''(C) The term 'lead-related case management' means the coordination, provision, and oversight of the nonmedical services for a child with an EBLL necessary to achieve reductions in the child's blood lead levels, improve the child's nutrition, and secure needed resources and services to protect the child by a case manager trained to develop and oversee a multi-disciplinary plan for a child with an EBLL or by a childhood lead poisoning prevention program, as defined by the Secretary. Such services include—

''(i) assessing the child's environmental, nutritional, housing, family, and insurance status and identifying the family's immediate needs to reduce lead exposure through an initial home visit;

''(ii) developing a multidisciplinary case management plan of action that addresses the provision and coordination of each of the following items as appropriate—

''(I) determination of whether or not such services are covered under the State plan under this title;

''(II) lead-related medical management of an EBLL (including environmental investigation);

''(III) nutrition services;

''(IV) family lead education;

''(V) housing;

''(VI) early intervention services;

''(VII) social services; and

''(VIII) other services or programs that are indicated by the child's clinical status and environmental, social, educational, housing, and other needs;

''(iii) assisting the child (and the child's family) in gaining access to covered and noncovered services in the case management plan developed under clause (ii);

''(iv) providing technical assistance to the provider that is furnishing lead-related medical management for the child; and

''(v) implementation and coordination of the case management plan developed under clause (ii) through home visits, family lead education, and referrals.

''(D) The term 'lead-related anticipatory guidance' means education and information for families of children and pregnant women enrolled in the State plan under this title about prevention of childhood lead poisoning that addresses the following topics:

''(i) The importance of lead screening tests and where and how to obtain such tests.

''(ii) Identifying lead hazards in the home.

''(iii) Specialized cleaning, home maintenance, nutritional, and other measures to minimize the risk of childhood lead poisoning.

''(iv) The rights of families under the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 et seq.).

''(E) The term 'environmental investigation' means the process of determining the source of a child's exposure to lead by an individual that is certified or registered to perform such investigations under State or local law, including the collection and analysis of information and environmental samples from a child's living environment. For purposes of this subparagraph, a child's living environment includes the child's residence or residences, residences of frequently visited caretakers, relatives, and playmates, and the child's day care site. Such investigations shall be conducted in accordance with the standards of the Department of Housing and Urban Development for the evaluation and control of lead-based paint hazards in housing and in compliance with State and local health agency standards for environmental investigation and reporting.

''(2) For purposes of paragraph (1)(A)(ii), a child described in this paragraph is a child who—

''(A) has attained 6 months but has not attained 6 years of age; and

''(B) has been identified as having a blood lead level that equals or exceeds 20 micrograms per deciliter (or after 2 consecutive tests, equals or exceeds 15 micrograms per deciliter, or the applicable number of micrograms designated for such tests under prevailing guidelines of the Centers for Disease Control and Prevention).''.

(d) ENHANCED MATCH FOR DATA COMMUNICATIONS SYSTEM.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)) is amended—

(1) in subparagraph (D), by striking ''plus'' at the end and inserting ''and''; and

(2) by inserting after subparagraph (D), the following new subparagraph:

''(E)(i) 90 percent of so much of the sums expended during such quarter as are attributable to the design, development, or installation of an information retrieval system that may be easily accessed and used by other federally-funded means-tested public benefit programs to determine whether a child is enrolled in the State plan under this title and whether an enrolled child has received mandatory early and periodic screening, diagnostic, and treatment services, as described in section 1905(r); and

''(ii) 75 percent of so much of the sums expended during such quarter as are attributable to the operation of a system (whether such system is operated directly by the State or by another person under a contract with the State) of the type described in clause (i); plus''.

(e) REPORT.—The Secretary of Health and Human Services, acting through the Administrator of the Health Care Financing Administration, annually shall report to Congress on the number of children enrolled in the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) who have received a blood lead screening test during the prior fiscal year, noting the percentage that such children represent as compared to all children enrolled in that program.

(f) EMERGENCY MEASURES.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Health and Human Services or the State agency administering the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) shall use funds provided under title XIX of that Act to reimburse a State or entity for expenditures for medically necessary activities in the home of a lead-poisoned child with an EBLL of at least 20, or a pregnant woman with an EBLL of at least 20, to prevent additional exposure to lead, including specialized cleaning of

lead-contaminated dust, emergency relocation, safe repair of peeling paint, dust control, and other activities that reduce lead exposure. Such reimbursement, when provided by the State agency administering the State plan under title XIX of the Social Security Act, shall be considered medical assistance for purposes of section 1903(a) of such Act.

(2) LIMITATION.—Not more than $1,000 in expenditures for the emergency measures described in paragraph (1) may be incurred on behalf of a child or pregnant woman to which that paragraph applies.

(g) RULE OF CONSTRUCTION.—Nothing in this Act or any amendment made by this Act shall be construed as requiring a child enrolled in the State medicaid program under title XIX of the Social Security Act to undergo a lead blood screening test if the child's parent or guardian objects to the test on the ground that the test is inconsistent with the parent's or guardian's religious beliefs.

SEC. 4. BONUS PROGRAM FOR IMPROVEMENT OF CHILDHOOD LEAD SCREENING RATES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') may establish a program to improve the blood lead screening rates of States for children under the age of 3 enrolled in the medicaid program.

(b) PAYMENTS.—If the Secretary establishes a program under subsection (a), the Secretary, using State-specific blood lead screening data, shall, subject to the availability of appropriations, annually pay a State an amount determined as follows:

(1) $25 per each 2 year-old child enrolled in the medicaid program in the State who has received the minimum required (for that age) screening blood lead level tests (capillary or venous samples) to determine the presence of elevated blood lead levels, as established by the Centers for Disease Control and Prevention, if the State rate for such screenings exceeds 65 but does not exceed 75 percent of all 2 year-old children in the State.

(2) $50 per each such child who has received such minimum required tests if the State rate for such screenings exceeds 75 but does not exceed 85 percent of all 2 year-old children in the State.

(3) $75 per each such child who has received such minimum required tests if the State rate for such screenings exceeds 85 percent of all 2 year-old children in the State.

(c) USE OF BONUS FUNDS.—Funds awarded to a State under subsection (b) shall only be used—

(1) by the State department of health in the case of a child with an elevated blood lead level who is enrolled in medicaid or another Federal means-tested program designed to reduce the source of the child's exposure to lead; or

(2) in accordance with guidelines for the use of such funds developed by the Secretary in collaboration with the Secretary of Housing and Urban Development.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $30,000,000 for each of fiscal years 2002 through 2006.

SEC. 5. AUTHORIZATION TO USE SCHIP FUNDS FOR BLOOD LEAD SCREENING.

(a) OPTIONAL APPLICATION TO SCHIP.—

(1) IN GENERAL.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following new subparagraph:

''(E) At State option, section 1902(a)(66) (relating to blood lead screening and coverage of qualified lead treatment services defined in section 1905(x)).''.

(2) CONFORMING AMENDMENT.—Section 2110(a) of the Social Security Act (42 U.S.C. 1397jj(a)) is amended—

(A) by redesignating paragraph (28) as paragraph (29); and

(B) by inserting after paragraph (27) the following new paragraph:

''(28) qualified lead treatment services (as defined in section 1905(x)), but only if the State has elected under section 2107(e)(1)(E) to apply section 1902(a)(66) to the State child health plan under this title.''.

(b) INCLUSION IN MEDICAID REPORTING REQUIREMENT.—

(1) IN GENERAL.—Section 1902(a)(43)(D)(v) of the Social Security Act (42 U.S.C. 1396a(a)(43)(D)(v)), as added by section 3(a)(3), is amended by inserting ''or, if the State has elected under section 2107(e)(1)(E) to apply paragraph (66) to the State child health plan under title XXI, in the State plan under title XXI,'' after ''this title''.

(2) REPORT TO CONGRESS.—Section 3(e) of this Act is amended—

(A) by inserting ''or in the State children's health insurance program under title XXI of that Act (42 U.S.C 1397aa et seq.)'' after ''(42 U.S.C. 1396 et seq.)''; and

(B) by striking ''that program'' and inserting ''those programs''.

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 18 months after the date of enactment of this Act.

By Mr. HARKIN (for himself and Mr. LUGAR):

S. 1474. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to extend and improve the collection of maintenance fees, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, I rise today to introduce the Pesticide Maintenance Fees Reauthorization Act of 2001 on behalf of myself and my friend, Senator LUGAR. This legislation reauthorizes several existing legislative provisions addressing pesticide fees.

As Senator LUGAR and my colleagues know, the legal authorization for the collection of so-called maintenance fees for the reregistration of pesticides expires at the end of this month. This expiration means that EPA will face a significant funding shortfall as it continues its implementation of FQPA.

This legislation has been negotiated between the Senate and House Agriculture Committees and representatives of the environmental and agrichemical industry. It would require industry to pay $20 million a year to reevaluate pesticides approved by EPA prior to 1984. In return, a controversial proposal by the Environmental Protection Agency to more than quadruple the amount of fees paid by the pesticide industry will be shelved.

The $20 million per year represents an increase over the previous fee schedule that had ranged from $14 to $17.6 million a year. $20 million reflects the amount of money that EPA says is necessary to pay the salaries and expenses of the 200 employees that review older pesticides.

If this reauthorization were not provided, EPA would have to make up the money from elsewhere in its budget or layoff some of those employees. If that were to happen there is widespread concern that EPA's review of pesticides would slow down significantly. EPA has been charged with reviewing all pesticides to make sure they are safe for the environment and safe for kids. The last we need is for EPA to lose the workers vital to accomplishing that.

I hope that the Senate will be able to move quickly on this legislation, and I thank Senator LUGAR for working with me to get it introduced.

By Mr. BREAUX (for himself and Mr. HATCH):

S. 1475. A bill to amend the Internal Revenue Code of 1986 to provide an appropriate and permanent tax structure for investments in the Commonwealth of Puerto Rico and the possessions of the United States, and for other purposes; to the Committee on Finance.

Mr. BREAUX. Mr. President, I am proud to be an original co-sponsor of the Economic Revitalization Tax Act of 2001. This legislation is designed to revitalize one of America's most important economic partners. As we discuss economic stimulus measures for our Nation during these difficult times, it is important the we do not leave behind the 3.9 million U.S. citizens of the Commonwealth of Puerto Rico.

Puerto Rico purchases over $16 billion a year in goods and services from the rest of the United States. This is more than much larger nations such as Russia, China, Italy and Brazil. A strong economy in Puerto Rico helps generate over 320,000 jobs in the U.S. mainland. It is important that we maintain this economic partnership as strong as ever.

The economy of Puerto Rico was weak even before the current national crisis. Since the beginning of the year, plant closures have been announced affecting over 7 percent of the manufacturing workforce. Since Congress repealed tax incentives for investment in Puerto Rico in October 1996, manufacturing employment has declined by over 15 percent—more than any state in the U.S. mainland. Employment in other sectors of the economy has not increased enough to offset the loss in manufacturing jobs. Consequently, total employment in Puerto Rico has declined over the last five years. By contrast, during the same period, jobs increased by over 10 percent in the average state, and no state experienced a net job loss.

The negative economic impacts of the current state of national alert will be felt most in those regions of the country that are dependent on tourism and air transportation. As a small island, Puerto Rico is four times more dependent on external trade as a share of GDP than the U.S. mainland, and 45 percent of Puerto Rico's trade is transported by air, compared to only 5 percent for the U.S. American Airlines which employs thousands at its major hub in Puerto Rico will be dramatically affected by the reduction in air travel.

Tourist expenditures are an essential component of Puerto Rico's economy.

Occupancy rates at Puerto Rico hotels have already been cut in half, with more losses expected as convention cancellations mount. Absent a turnaround, a significant portion of Puerto Rico's economy is directly at risk, with ripple effects beyond the tourism sector.

Puerto Rico's economy is closely linked to the U.S. economy. When the United States goes into recession, the impact is immediately felt on the Island where the rate of unemployment currently is running at about 13 percent. Retail sales are down over 30 percent since the terrorist acts.

It is essential to adopt measures to help Puerto Rico, like the rest of the country, recover economically and financially. Proposed national economic recovery legislation will not, without special provisions, help Puerto Rico. For example, because Puerto Rico is considered a separate taxing jurisdiction, investment tax credits and other business incentives do not apply to investments in Puerto Rico.

''The Economic Revitalization Tax Act of 2001,'' will materially assist in mitigating the impact of the expected economic losses in Puerto Rico as a result of the tragic recent events, as well as halt the continuing loss of manufacturing jobs due to the 1996 repeal of U.S. tax incentives. This legislation would provide a new tax regime to encourage American companies to retain their Puerto Rico operations and to reinvest profits earned in Puerto Rico and the U.S. possessions in the United States on a tax preferred basis. This will not only help Puerto Rico directly, but it will also help the American economy by returning profits to the U.S. where they can be invested in other job creating activities.

Puerto Rico is a vital partner in the American family. The new administration of Governor Sila Maria Calderón, is bringing a renewed vision of a prosperous Puerto Rico and is implementing a coherent development plan that will make that vision a reality. Governor Calderón understands that reform of the Commonwealth government and its economic development policies are necessary for Puerto Rico's economic development. She is doing this in close collaboration with business and community leaders in Puerto Rico.

This proposal is a win-win situation for Puerto Rico and for the American worker and taxpayer. We help create jobs in Puerto Rico, and those jobs will help create jobs in the U.S. mainland.

Please join me in supporting this legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1691. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1692. Mrs. FEINSTEIN (for herself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by her to the bill H.R. 2904, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

SA 1693. Mrs. HUTCHISON (for Mr. HUTCHINSON) proposed an amendment to the bill H.R. 2904, supra.

SA 1694. Mr. LEVIN (for Mr. KERRY) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SA 1695. Mr. WARNER (for Mr. BOND) proposed an amendment to the bill S. 1438, supra.

SA 1696. Mr. LEVIN (for Mr. DAYTON) proposed an amendment to the bill S. 1438, supra.

SA 1697. Mr. WARNER proposed an amendment to the bill S. 1438, supra.

SA 1698. Mr. LEVIN (for Mr. BYRD (for himself and Mr. GRASSLEY)) proposed an amendment to the bill S. 1438, supra.

SA 1699. Mr. WARNER (for Mr. BUNNING) proposed an amendment to the bill S. 1438, supra.

SA 1700. Mr. LEVIN (for Mrs. CARNAHAN) proposed an amendment to the bill S. 1438, supra.

SA 1701. Mr. WARNER (for Mr. ALLARD) proposed an amendment to the bill S. 1438, supra.

SA 1702. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 1438, supra.

SA 1703. Mr. WARNER (for Mr. ALLARD (for himself and Mr. SMITH, of New Hampshire)) proposed an amendment to the bill S. 1438, supra.

SA 1704. Mr. WARNER (for Mr. LUGAR (for himself, Mr. LEVIN, Ms. LANDRIEU, Mr. BINGAMAN, Mr. DOMENICI, and Mr. HAGEL)) proposed an amendment to the bill S. 1438, supra.

SA 1705. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 1438, supra.

SA 1706. Mr. WARNER (for Ms. COLLINS) proposed an amendment to the bill S. 1438, supra.

SA 1707. Mr. LEVIN (for Mrs. MURRAY) proposed an amendment to the bill S. 1438, supra.

SA 1708. Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill S. 1438, supra.

SA 1709. Mr. LEVIN (for Mrs. LINCOLN (for himself and Mr. HUTCHINSON)) proposed an amendment to the bill S. 1438, supra.

SA 1710. Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill S. 1438, supra.

SA 1711. Mr. LEVIN (for Mr. HOLLINGS) proposed an amendment to the bill S. 1438, supra.

SA 1712. Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill S. 1438, supra.

SA 1713. Mr. LEVIN (for Mr. HARKIN) proposed an amendment to the bill S. 1438, supra.

SA 1714. Mr. WARNER (for Mr. SHELBY) proposed an amendment to the bill S. 1438, supra.

SA 1715. Mr. WARNER (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill S. 1438, supra.

SA 1716. Mr. LEVIN (for Mr. REID) proposed an amendment to the bill S. 1438, supra.

SA 1717. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1438, supra.

SA 1718. Mr. LEVIN (for Mr. CONRAD) proposed an amendment to the bill S. 1438, supra.

SA 1719. Mr. WARNER (for himself and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1720. Mr. WARNER (for himself and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1721. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1722. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1723. Mr. REID (for Mr. WELLSTONE) proposed an amendment to the bill S. Res. 147, to designate the month of September of 2001, as ''National Alcohol and Drug Addiction Recovery Month''.

SA 1724. Mr. HELMS (for himself, Mr. MILLER, Mr. ALLEN, Mr. BOND, Mr. HATCH, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1725. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 1724 submitted by Mr. HELMS and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1691. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was ordered to lie on the table; as follows:

At the end of bill insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Securing America's Future Energy Act of 2001'' or the ''SAFE Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. ENERGY POLICY.

It shall be the sense of the Congress that the United States should take all actions necessary in the areas of conservation, efficiency, alternative source, technology development, and domestic production to reduce the United States dependence on foreign energy sources from 56 percent to 45 percent by January 1, 2012, and to reduce United States dependence on Iraqi energy sources from 700,000 barrels per day to 250,000 barrels per day by January 1, 2012.

DIVISION A

SEC. 100. SHORT TITLE.

This division may be cited as the ''Energy Advancement and Conservation Act of 2001''.

TITLE I—ENERGY CONSERVATION

Subtitle A—Reauthorization of Federal Energy Conservation Programs

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 660 of the Department of Energy Organization Act (42 U.S.C. 7270) is amended as follows:

(1) By inserting ''(a)'' before ''Appropriations''.

(2) By inserting at the end the following new subsection:

''(b) There are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002, $950,000,000; for fiscal year 2003, $1,000,000,000; for fiscal year 2004, $1,050,000,000; for fiscal year 2005, $1,100,000,000; and for fiscal year 2006, $1,150,000,000, to carry out energy efficiency activities under the following laws, such sums to remain available until expended:

''(1) Energy Policy and Conservation Act, including section 256(d)(42 U.S.C. 6276(d))

(promote export of energy efficient products), sections 321 through 346 (42 U.S.C. 6291–6317) (appliances program).

''(2) Energy Conservation and Production Act, including sections 301 through 308 (42 U.S.C. 6831–6837) (energy conservation standards for new buildings).

''(3) National Energy Conservation Policy Act, including sections 541–551 (42 U.S.C. 8251–8259) (Federal Energy Management Program).

''(4) Energy Policy Act of 1992, including sections 103 (42 U.S.C. 13458) (energy efficient lighting and building centers), 121 (42 U.S.C. 6292 note) (energy efficiency labeling for windows and window systems), 125 (42 U.S.C. 6292 note) (energy efficiency information for commercial office equipment), 126 (42 U.S.C. 6292 note) (energy efficiency information for luminaires), 131 (42 U.S.C. 6348) (energy efficiency in industrial facilities), and 132 (42 U.S.C. 6349) (process-oriented industrial energy efficiency).''.

Subtitle B—Federal Leadership in Energy Conservation

SEC. 121. FEDERAL FACILITIES AND NATIONAL ENERGY SECURITY.

(a) PURPOSE.—Section 542 of the National Energy Conservation Policy Act (42 U.S.C. 8252) is amended by inserting '', and generally to promote the production, supply, and marketing of energy efficiency products and services and the production, supply, and marketing of unconventional and renewable energy resources'' after ''by the Federal Government''.

(b) ENERGY MANAGEMENT REQUIREMENTS.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended as follows:

(1) In subsection (a)(1), by striking ''during the fiscal year 1995'' and all that follows through the end and inserting ''during—

''(1) fiscal year 1995 is at least 10 percent;

''(2) fiscal year 2000 is at least 20 percent;

''(3) fiscal year 2005 is at least 30 percent;

''(4) fiscal year 2010 is at least 35 percent;

''(5) fiscal year 2015 is at least 40 percent; and

''(6) fiscal year 2020 is at least 45 percent, less than the energy consumption per gross square foot of its Federal buildings in use during fiscal year 1985. To achieve the reductions required by this paragraph, an agency shall make maximum practicable use of energy efficiency products and services and unconventional and renewable energy resources, using guidelines issued by the Secretary under subsection (d) of this section.''.

(2) In subsection (d), by inserting ''Such guidelines shall include appropriate model technical standards for energy efficiency and unconventional and renewable energy resources products and services. Such standards shall reflect, to the extent practicable, evaluation of both currently marketed and potentially marketable products and services that could be used by agencies to improve energy efficiency and increase unconventional and renewable energy resources.'' after ''implementation of this part.''.

(3) By adding at the end the following new subsection:

''(e) STUDIES.—To assist in developing the guidelines issued by the Secretary under subsection (d) and in furtherance of the purposes of this section, the Secretary shall conduct studies to identify and encourage the production and marketing of energy efficiency products and services and unconventional and renewable energy resources. To conduct such studies, and to provide grants to accelerate the use of unconventional and renewable energy, there are authorized to be appropriated to the Secretary $20,000,000 for each of the fiscal years 2003 through 2010.''.

(c) DEFINITION.—Section 551 of the National Energy Conservation Policy Act (42 U.S.C. 8259) is amended as follows:

(1) By striking ''and'' at the end of paragraph (8).

(2) By striking the period at the end of paragraph (9) and inserting ''; and''.

(3) By adding at the end the following new paragraph:

''(10) the term 'unconventional and renewable energy resources' includes renewable energy sources, hydrogen, fuel cells, cogeneration, combined heat and power, heat recovery (including by use of a Stirling heat engine), and distributed generation.''.

(d) EXCLUSIONS FROM REQUIREMENT.—The National Energy Conservation Policy Act (42 U.S.C. 7201 and following) is amended as follows:

(1) In section 543(a)—

(A) by striking ''(1) Subject to paragraph (2)'' and inserting ''Subject to subsection (c)''; and

(B) by striking ''(2) An agency'' and all that follows through ''such exclusion.''.

(2) By amending subsection (c) of such section 543 to read as follows:

''(c) EXCLUSIONS.—(1) A Federal building may be excluded from the requirements of subsections (a) and (b) only if—

''(A) the President declares the building to require exclusion for national security reasons; and

''(B) the agency responsible for the building has—

''(i) completed and submitted all federally required energy management reports; and

''(ii) achieved compliance with the energy efficiency requirements of this Act, the Energy Policy Act of 1992, Executive Orders, and other Federal law;

''(iii) implemented all practical, life cycle cost-effective projects in the excluded building.

''(2) The President shall only declare buildings described in paragraph (1)(A) to be excluded, not ancillary or nearby facilities that are not in themselves national security facilities.''.

(3) In section 548(b)(1)(A)—

(A) by striking ''copy of the''; and

(B) by striking ''sections 543(a)(2) and 543(c)(3)'' and inserting ''section 543(c)''.

(e) ACQUISITION REQUIREMENT.—Section 543(b) of such Act is amended—

(1) in paragraph (1), by striking ''(1) Not'' and inserting ''(1) Except as provided in paragraph (5), not''; and

(2) by adding at the end the following new paragraph:

''(5)(A)(i) Agencies shall select only Energy Star products when available when acquiring energy-using products. For product groups where Energy Star labels are not yet available, agencies shall select products that are in the upper 25 percent of energy efficiency as designated by FEMP. In the case of electric motors of 1 to 500 horsepower, agencies shall select only premium efficiency motors that meet a standard designated by the Secretary, and shall replace (not rewind) failed motors with motors meeting such standard. The Secretary shall designate such standard within 90 days of the enactment of paragraph, after considering recommendations by the National Electrical Manufacturers Association. The Secretary of Energy shall develop guidelines within 180 days after the enactment of this paragraph for exemptions to this section when equivalent products do not exist, are impractical, or do not meet the agency mission requirements.

''(ii) The Administrator of the General Services Administration and the Secretary of Defense (acting through the Defense Logistics Agency), with assistance from the Administrator of the Environmental Protection Agency and the Secretary of Energy, shall create clear catalogue listings that designate Energy Star products in both print and electronic formats. After any existing federal inventories are exhausted, Administrator of the General Services Administration and the Secretary of Defense (acting through the Defense Logistics Agency) shall only replace inventories with energy-using products that are Energy Star, products that are rated in the top 25 percent of energy efficiency, or products that are exempted as designated by FEMP and defined in clause (i).

''(iii) Agencies shall incorporate energy-efficient criteria consistent with Energy Star and other FEMP designated energy efficiency levels into all guide specifications and project specifications developed for new construction and renovation, as well as into product specification language developed for Basic Ordering Agreements, Blanket Purchasing Agreements, Government Wide Acquisition Contracts, and all other purchasing procedures.

''(iv) The legislative branch shall be subject to this subparagraph to the same extent and in the same manner as are the Federal agencies referred to in section 521(1).

''(B) Not later than 6 months after the date of the enactment of this paragraph, the Secretary of Energy shall establish guidelines defining the circumstances under which an agency shall not be required to comply with subparagraph (A). Such circumstances may include the absence of Energy Star products, systems, or designs that serve the purpose of the agency, issues relating to the compatibility of a product, system, or design with existing buildings or equipment, and excessive cost compared to other available and appropriate products, systems, or designs.

''(C) Subparagraph (A) shall apply to agency acquisitions occurring on or after October 1, 2002.''.

(f) METERING.—Section 543 of such Act (42 U.S.C. 8254) is amended by adding at the end the following new subsection:

''(f) METERING.—(1) By October 1, 2004, all Federal buildings including buildings owned by the legislative branch and the Federal court system and other energy-using structures shall be metered or submetered in accordance with guidelines established by the Secretary under paragraph (2).

''(2) Not later than 6 months after the date of the enactment of this subsection, the Secretary, in consultation with the General Services Administration and representatives from the metering industry, energy services industry, national laboratories, colleges of higher education, and federal facilities energy managers, shall establish guidelines for agencies to carry out paragraph (1). Such guidelines shall take into consideration each of the following:

''(A) Cost.

''(B) Resources, including personnel, required to maintain, interpret, and report on data so that the meters are continually reviewed.

''(C) Energy management potential.

''(D) Energy savings.

''(E) Utility contract aggregation.

''(F) Savings from operations and maintenance.

''(3) A building shall be exempt from the requirement of this section to the extent that compliance is deemed impractical by the Secretary. A finding of impracticability shall be based on the same factors as identified in subsection (c) of this section.''.

(g) RETENTION OF ENERGY SAVINGS.—Section 546 of such Act (42 U.S.C. 8256) is amended by adding at the end the following new subsection:

''(e) RETENTION OF ENERGY SAVINGS.—An agency may retain any funds appropriated to that agency for energy expenditures, at buildings subject to the requirements of section 543(a) and (b), that are not made because of energy savings. Except as otherwise provided by law, such funds may be used only

for energy efficiency or unconventional and renewable energy resources projects.''.

(h) REPORTS.—Section 548 of such Act (42 U.S.C. 8258) is amended as follows:

(1) In subsection (a)—

(A) by inserting ''in accordance with guidelines established by and'' after ''to the Secretary,'';

(B) by striking ''and'' at the end of paragraph (1);

(C) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(D) by adding at the end the following new paragraph:

''(3) an energy emergency response plan developed by the agency.''.

(2) In subsection (b)—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(5) all information transmitted to the Secretary under subsection (a).''.

(3) By amending subsection (c) to read as follows:

''(c) AGENCY REPORTS TO CONGRESS.—Each agency shall annually report to the Congress, as part of the agency's annual budget request, on all of the agency's activities implementing any Federal energy management requirement.''.

(i) INSPECTOR GENERAL ENERGY AUDITS.—Section 160(c) of the Energy Policy Act of 1992 (42 U.S.C. 8262f(c)) is amended by striking ''is encouraged to conduct periodic'' and inserting ''shall conduct periodic''.

(j) FEDERAL ENERGY MANAGEMENT REVIEWS.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

''(g) PRIORITY RESPONSE REVIEWS.—Each agency shall—

''(1) not later than 9 months after the date of the enactment of this subsection, undertake a comprehensive review of all practicable measures for—

''(A) increasing energy and water conservation, and

''(B) using renewable energy sources; and

''(2) not later than 180 days after completing the review, develop plans to achieve not less than 50 percent of the potential efficiency and renewable savings identified in the review.

The agency shall implement such measures as soon thereafter as is practicable, consistent with compliance with the requirements of this section.''.

SEC. 122. ENHANCEMENT AND EXTENSION OF AUTHORITY RELATING TO FEDERAL ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) COST SAVINGS FROM OPERATION AND MAINTENANCE EFFICIENCIES IN REPLACEMENT FACILITIES.—Section 801(a) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)) is amended by adding at the end the following new paragraph:

''(3)(A) In the case of an energy savings contract or energy savings performance contract providing for energy savings through the construction and operation of one or more buildings or facilities to replace one or more existing buildings or facilities, benefits ancillary to the purpose of such contract under paragraph (1) may include savings resulting from reduced costs of operation and maintenance at such replacement buildings or facilities when compared with costs of operation and maintenance at the buildings or facilities being replaced, established through a methodology set forth in the contract.

''(B) Notwithstanding paragraph (2)(B), aggregate annual payments by an agency under an energy savings contract or energy savings performance contract referred to in subparagraph (A) may take into account (through the procedures developed pursuant to this section) savings resulting from reduced costs of operation and maintenance as described in that subparagraph.''.

(b) EXPANSION OF DEFINITION OF ENERGY SAVINGS TO INCLUDE WATER AND REPLACEMENT FACILITIES.—

(1) ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

''(2)(A) The term 'energy savings' means a reduction in the cost of energy or water, from a base cost established through a methodology set forth in the contract, used in an existing federally owned building or buildings or other federally owned facilities as a result of—

''(i) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

''(ii) the increased efficient use of existing energy sources by solar and ground source geothermal resources, cogeneration or heat recovery (including by the use of a Stirling heat engine), excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

''(iii) the increased efficient use of existing water sources.

''(B) The term 'energy savings' also means, in the case of a replacement building or facility described in section 801(a)(3), a reduction in the cost of energy, from a base cost established through a methodology set forth in the contract, that would otherwise be utilized in one or more existing federally owned buildings or other federally owned facilities by reason of the construction and operation of the replacement building or facility.''.

(2) ENERGY SAVINGS CONTRACT.—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

''(3) The terms 'energy savings contract' and 'energy savings performance contract' mean a contract which provides for—

''(A) the performance of services for the design, acquisition, installation, testing, operation, and, where appropriate, maintenance and repair, of an identified energy or water conservation measure or series of measures at one or more locations; or

''(B) energy savings through the construction and operation of one or more buildings or facilities to replace one or more existing buildings or facilities.''.

(3) ENERGY OR WATER CONSERVATION MEASURE.—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

''(4) The term 'energy or water conservation measure' means—

''(A) an energy conservation measure, as defined in section 551(4) (42 U.S.C. 8259(4)); or

''(B) a water conservation measure that improves water efficiency, is life cycle cost effective, and involves water conservation, water recycling or reuse, improvements in operation or maintenance efficiencies, retrofit activities, or other related activities, not at a Federal hydroelectric facility.''.

(4) CONFORMING AMENDMENT.—Section 801(a)(2)(C) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(C)) is amended by inserting ''or water'' after ''financing energy''.

(c) EXTENSION OF AUTHORITY.—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is repealed.

(d) CONTRACTING AND AUDITING.—Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended by adding at the end the following new subparagraph:

''(E) A Federal agency shall engage in contracting and auditing to implement energy savings performance contracts as necessary and appropriate to ensure compliance with the requirements of this Act, particularly the energy efficiency requirements of section 543.''.

SEC. 123. CLARIFICATION AND ENHANCEMENT OF AUTHORITY TO ENTER UTILITY INCENTIVE PROGRAMS FOR ENERGY SAVINGS.

Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended as follows:

(1) In paragraph (3) by adding at the end the following: ''Such a utility incentive program may include a contract or contract term designed to provide for cost-effective electricity demand management, energy efficiency, or water conservation.''.

(2) By adding at the end of the following new paragraphs:

''(6) A utility incentive program may include a contract or contract term for a reduction in the energy, from a base cost established through a methodology set forth in such a contract, that would otherwise be utilized in one or more federally owned buildings or other federally owned facilities by reason of the construction or operation of one or more replacement buildings or facilities, as well as benefits ancillary to the purpose of such contract or contract term, including savings resulting from reduced costs of operation and maintenance at new or additional buildings or facilities when compared with the costs of operation and maintenance at existing buildings or facilities.

''(7) Federal agencies are encouraged to participate in State or regional demand side reduction programs, including those operated by wholesale market institutions such as independent system operators, regional transmission organizations and other entities. The availability of such programs, and the savings resulting from such participation, should be included in the evaluation of energy options for Federal facilities.''.

SEC. 124. FEDERAL CENTRAL AIR CONDITIONER AND HEAT PUMP EFFICIENCY.

(a) REQUIREMENT.—Federal agencies shall be required to acquire central air conditioners and heat pumps that meet or exceed the standards established under subsection (b) or (c) in the case of all central air conditioners and heat pumps acquired after the date of the enactment of this Act.

(b) STANDARDS.—The standards referred to in subsection (a) are the following:

(1) For air-cooled air conditioners with cooling capacities of less than 65,000 Btu/hour, a Seasonal Energy Efficiency Ratio of 12.0.

(2) For air-source heat pumps with cooling capacities less than 65,000 Btu/hour, a Seasonal Energy Efficiency Ratio of 12 SEER, and a Heating Seasonal Performance Factor of 7.4.

(c) MODIFIED STANDARDS.—The Secretary of Energy may establish, after appropriate notice and comment, revised standards providing for reduced energy consumption or increased energy efficiency of central air conditioners and heat pumps acquired by the Federal Government, but may not establish standards less rigorous than those established by subsection (b).

(d) DEFINITIONS.—For purposes of this section, the terms ''Energy Efficiency Ratio'', ''Seasonal Energy Efficiency Ratio'', ''Heating Seasonal Performance Factor'', and ''Coefficient of Performance'' have the meanings used for those terms in Appendix M to Subpart B of Part 430 of title 10 of the Code of Federal Regulations, as in effect on May 24, 2001.

(e) EXEMPTIONS.—An agency shall be exempt from the requirements of this section with respect to air conditioner or heat pump purchases for particular uses where the agency head determines that purchase of a air

conditioner or heat pump for such use would be impractical. A finding of impracticability shall be based on whether—

(1) the energy savings pay-back period for such purchase would be less than 10 years;

(2) space constraints or other technical factors would make compliance with this section cost-prohibitive; or

(3) in the case of the Departments of Defense and Energy, compliance with this section would be inconsistent with the proper discharge of national security functions.

SEC. 125. ADVANCED BUILDING EFFICIENCY TESTBED.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish an Advanced Building Efficiency Testbed program for the development, testing, and demonstration of advanced engineering systems, components, and materials to enable innovations in building technologies. The program shall evaluate government and industry building efficiency concepts, and demonstrate the ability of next generation buildings to support individual and organizational productivity and health as well as flexibility and technological change to improve environmental sustainability.

(b) PARTICIPANTS.—The program established under subsection (a) shall be led by a university having demonstrated experience with the application of intelligent workplaces and advanced building systems in improving the quality of built environments. Such university shall also have the ability to combine the expertise from more than 12 academic fields, including electrical and computer engineering, computer science, architecture, urban design, and environmental and mechanical engineering. Such university shall partner with other universities and entities who have established programs and the capability of advancing innovative building efficiency technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section $18,000,000 for fiscal year 2002, to remain available until expended, of which $6,000,000 shall be provided to the lead university described in subsection (b), and the remainder shall be provided equally to each of the other participants referred to in subsection (b).

SEC. 126. USE OF INTERVAL DATA IN FEDERAL BUILDINGS.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following new subsection:

''(h) USE OF INTERVAL DATA IN FEDERAL BUILDINGS.—Not later than January 1, 2003, each agency shall utilize, to the maximum extent practicable, for the purposes of efficient use of energy and reduction in the cost of electricity consumed in its Federal buildings, interval consumption data that measure on a real time or daily basis consumption of electricity in its Federal buildings. To meet the requirements of this subsection each agency shall prepare and submit at the earliest opportunity pursuant to section 548(a) to the Secretary, a plan describing how the agency intends to meet such requirements, including how it will designate personnel primarily responsible for achieving such requirements, and otherwise implement this subsection.''.

SEC. 127. REVIEW OF ENERGY SAVINGS PERFORMANCE CONTRACT PROGRAM.

Within 180 days after the date of the enactment of this Act, the Secretary of Energy shall complete a review of the Energy Savings Performance Contract program to identify statutory, regulatory, and administrative obstacles that prevent Federal agencies from fully utilizing the program. In addition, this review shall identify all areas for increasing program flexibility and effectiveness, including audit and measurement verification requirements, accounting for energy use in determining savings, contracting requirements, and energy efficiency services covered. The Secretary shall report these findings to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, and shall implement identified administrative and regulatory changes to increase program flexibility and effectiveness to the extent that such changes are consistent with statutory authority.

SEC. 128. CAPITOL COMPLEX.

(a) ENERGY INFRASTRUCTURE.—The Architect of the Capitol, building on the Master Plan Study completed in July 2000, shall commission a study to evaluate the energy infrastructure of the Capital Complex to determine how the infrastructure could be augmented to become more energy efficient, using unconventional and renewable energy resources, in a way that would enable the Complex to have reliable utility service in the event of power fluctuations, shortages, or outages.

(b) AUTHORIZATION.—There is authorized to be appropriated to the Architect of the Capitol to carry out this section, not more than $2,000,000 for fiscal years after the enactment of this Act.

Subtitle C—State Programs

SEC. 131. AMENDMENTS TO STATE ENERGY PROGRAMS.

(a) STATE ENERGY CONSERVATION PLANS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by inserting at the end the following new subsection:

''(g) The Secretary shall, at least once every 3 years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of such State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions carried out in pursuit of common energy conservation goals.''.

(b) STATE ENERGY EFFICIENCY GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended by inserting ''Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of the enactment of Energy Advancement and Conservation Act of 2001, shall contain a goal, consisting of an improvement of 25 percent or more in the efficiency of use of energy in the State concerned in the calendar year 2010 as compared to the calendar year 1990, and may contain interim goals.'' after ''contain interim goals.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking ''for fiscal years 1999 through 2003 such sums as may be necessary'' and inserting ''$75,000,000 for fiscal year 2002, $100,000,000 for fiscal years 2003 and 2004, $125,000,000 for fiscal year 2005''.

SEC. 132. REAUTHORIZATION OF ENERGY CONSERVATION PROGRAM FOR SCHOOLS AND HOSPITALS.

Section 397 of the Energy Policy and Conservation Act (42 U.S.C. 6371f) is amended by striking ''2003'' and inserting ''2010''.

SEC. 133. AMENDMENTS TO WEATHERIZATION ASSISTANCE PROGRAM.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking ''for fiscal years 1999 through 2003 such sums as may be necessary'' and inserting ''$273,000,000 for fiscal year 2002, $325,000,000 for fiscal year 2003, $400,000,000 for fiscal year 2004, and $500,000,000 for fiscal year 2005''.

SEC. 134. LIHEAP.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking the first sentence and inserting the following: ''There are authorized to be appropriated to carry out the provisions of this title (other than section 2607A), $3,400,000,000 for each of fiscal years 2001 through 2005.''.

(b) GAO STUDY.—The Comptroller General of the United States shall conduct a study to determine—

(1) the extent to which Low-Income Home Energy Assistance (LIHEAP) and other government energy subsidies paid to consumers discourage or encourage energy conservation and energy efficiency investments when compared to structures of the same physical description and occupancy in compatible geographic locations;

(2) the extent to which education could increase the conservation of low-income households who opt to receive supplemental income instead of Low-Income Home Energy Assistance funds;

(3) the benefit in energy efficiency and energy savings that can be achieved through the annual maintenance of heating and cooling appliances in the homes of those receiving Low-Income Home Energy Assistance funds; and

(4) the loss of energy conservation that results from structural inadequacies in a structure that is unhealthy, not energy efficient, and environmentally unsound and that receives Low-Income Home Energy Assistance funds for weatherization.

SEC. 135. HIGH PERFORMANCE PUBLIC BUILDINGS.

(a) PROGRAM ESTABLISHMENT AND ADMINISTRATION.—

(1) ESTABLISHMENT.—There is established in the Department of Energy the High Performance Public Buildings Program (in this section referred to as the ''Program'').

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

(A) to assist units of local government in the production, through construction or renovation of buildings and facilities they own and operate, of high performance public buildings and facilities that are healthful, productive, energy efficient, and environmentally sound;

(B) to State energy offices to administer the program of assistance to units of local government pursuant to this section; and

(C) to State energy offices to promote participation by units of local government in the Program.

(3) GRANTS TO ASSIST UNITS OF LOCAL GOVERNMENT.—Grants under paragraph (2)(A) for new public buildings shall be used to achieve energy efficiency performance that reduces energy use at least 30 percent below that of a public building constructed in compliance with standards prescribed in Chapter 8 of the 2000 International Energy Conservation Code, or a similar State code intended to achieve substantially equivalent results. Grants under paragraph (2)(A) for existing public buildings shall be used to achieve energy efficiency performance that reduces energy use below the public building baseline consumption, assuming a 3-year, weather-normalized average for calculating such baseline. Grants under paragraph (2)(A) shall be made to units of local government that have—

(A) demonstrated a need for such grants in order to respond appropriately to increasing population or to make major investments in renovation of public buildings; and

(B) made a commitment to use the grant funds to develop high performance public buildings in accordance with a plan developed and approved pursuant to paragraph (5)(A).

(4) OTHER GRANTS.—

(A) GRANTS FOR ADMINISTRATION.—Grants under paragraph (2)(B) shall be used to evaluate compliance by units of local government with the requirements of this section, and in addition may be used for—

(i) distributing information and materials to clearly define and promote the development of high performance public buildings for both new and existing facilities;

(ii) organizing and conducting programs for local government personnel, architects, engineers, and others to advance the concepts of high performance public buildings;

(iii) obtaining technical services and assistance in planning and designing high performance public buildings; and

(iv) collecting and monitoring data and information pertaining to the high performance public building projects.

(B) GRANTS TO PROMOTE PARTICIPATION.—Grants under paragraph (2)(C) may be used for promotional and marketing activities, including facilitating private and public financing, promoting the use of energy service companies, working with public building users, and communities, and coordinating public benefit programs.

(5) IMPLEMENTATION.—

(A) PLANS.—A grant under paragraph (2)(A) shall be provided only to a unit of local government that, in consultation with its State office of energy, has developed a plan that the State energy office determines to be feasible and appropriate in order to achieve the purposes for which such grants are made.

(B) SUPPLEMENTING GRANT FUNDS.—State energy offices shall encourage qualifying units of local government to supplement their grant funds with funds from other sources in the implementation of their plans.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (3), funds appropriated to carry out this section shall be provided to State energy offices.

(2) PURPOSES.—Except as provided in paragraph (3), funds appropriated to carry out this section shall be allocated as follows:

(A) Seventy percent shall be used to make grants under subsection (a)(2)(A).

(B) Fifteen percent shall be used to make grants under subsection (a)(2)(B).

(C) Fifteen percent shall be used to make grants under subsection (a)(2)(C).

(3) OTHER FUNDS.—The Secretary of Energy may retain not to exceed $300,000 per year from amounts appropriated under subsection (c) to assist State energy offices in coordinating and implementing the Program. Such funds may be used to develop reference materials to further define the principles and criteria to achieve high performance public buildings.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section such sums as may be necessary for each of the fiscal years 2002 through 2010.

(d) REPORT TO CONGRESS.—The Secretary of Energy shall conduct a biennial review of State actions implementing this section, and the Secretary shall report to Congress on the results of such reviews. In conducting such reviews, the Secretary shall assess the effectiveness of the calculation procedures used by the States in establishing eligibility of units of local government for funding under this section, and may assess other aspects of the State program to determine whether they have been effectively implemented.

(e) DEFINITIONS.—For purposes of this section:

(1) HIGH PERFORMANCE PUBLIC BUILDING.—The term ''high performance public building'' means a public building which, in its design, construction, operation, and maintenance, maximizes use of unconventional and renewable energy resources and energy efficiency practices, is cost-effective on a life cycle basis, uses affordable, environmentally preferable, durable materials, enhances indoor environmental quality, protects and conserves water, and optimizes site potential.

(2) RENEWABLE ENERGY.—The term ''renewable energy'' means energy produced by solar, wind, geothermal, hydroelectric, or biomass power.

(3) UNCONVENTIONAL AND RENEWABLE ENERGY RESOURCES.—The term ''unconventional and renewable energy resources'' means renewable energy, hydrogen, fuel cells, cogeneration, combined heat and power, heat recovery (including by use of a Stirling heat engine), and distributed generation.

Subtitle D—Energy Efficiency for Consumer Products

SEC. 141. ENERGY STAR PROGRAM.

(a) AMENDMENT.—The Energy Policy and Conservation Act (42 U.S.C. 6201 and following) is amended by inserting the following after section 324:

''SEC. 324A. ENERGY STAR PROGRAM.

''(a) IN GENERAL.—There is established at the Department of Energy and the Environmental Protection Agency a program to identify and promote energy-efficient products and buildings in order to reduce energy consumption, improve energy security, and reduce pollution through labeling of products and buildings that meet the highest energy efficiency standards. Responsibilities under the program shall be divided between the Department of Energy and the Environmental Protection Agency consistent with the terms of agreements between the two agencies. The Administrator and the Secretary shall—

''(1) promote Energy Star compliant technologies as the preferred technologies in the marketplace for achieving energy efficiency and to reduce pollution;

''(2) work to enhance public awareness of the Energy Star label; and

''(3) preserve the integrity of the Energy Star label.

For the purposes of carrying out this section, there is authorized to be appropriated for fiscal years 2002 through 2006 such sums as may be necessary, to remain available until expended.

''(b) STUDY OF CERTAIN PRODUCTS AND BUILDINGS.—Within 180 days after the date of the enactment of this section, the Secretary and the Administrator, consistent with the terms of agreements between the two agencies (including existing agreements with respect to which agency shall handle a particular product or building), shall determine whether the Energy Star label should be extended to additional products and buildings, including the following:

''(1) Air cleaners.

''(2) Ceiling fans.

''(3) Light commercial heating and cooling products.

''(4) Reach-in refrigerators and freezers.

''(5) Telephony.

''(6) Vending machines.

''(7) Residential water heaters.

''(8) Refrigerated beverage merchandisers.

''(9) Commercial ice makers.

''(10) School buildings.

''(11) Retail buildings.

''(12) Health care facilities.

''(13) Homes.

''(14) Hotels and other commercial lodging facilities.

''(15) Restaurants and other food service facilities.

''(16) Solar water heaters.

''(17) Building-integrated photovoltaic systems.

''(18) Reflective pigment coatings.

''(19) Windows.

''(20) Boilers.

''(21) Devices to extend the life of motor vehicle oil.

''(c) COOL ROOFING.—In determining whether the Energy Star label should be extended to roofing products, the Secretary and the Administrator shall work with the roofing products industry to determine the appropriate solar reflective index of roofing products.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act is amended by inserting after the item relating to section 324 the following new item:

''Sec. 324A. Energy Star program.''.

SEC. 141A. ENERGY SUN RENEWABLE AND ALTERNATIVE ENERGY PROGRAM.

(a) AMENDMENT.—The Energy Policy and Conservation Act (42 U.S.C. 6201 and following) is amended by inserting the following after section 324A:

''SEC. 324B. ENERGY SUN RENEWABLE AND ALTERNATIVE ENERGY PROGRAM.

''(a) PROGRAM.—There is established at the Environmental Protection Agency and the Department of Energy a government-industry partnership program to identify and promote the purchase of renewable and alternative energy products, to recognize companies that purchase renewable and alternative energy products for the environmental and energy security benefits of such purchases, and to educate consumers about the environmental and energy security benefits of renewable and alternative energy. Responsibilities under the program shall be divided between the Environmental Protection Agency and the Department of Energy consistent with the terms of agreements between the two agencies. The Administrator of the Environmental Protection Agency and the Secretary of Energy—

''(1) establish an Energy Sun label for renewable and alternative energy products and technologies that the Administrator or the Secretary (consistent with the terms of agreements between the two agencies regarding responsibility for specific product categories) determine to have substantial environmental and energy security benefits and commercial marketability.

''(2) establish an Energy Sun Company program to recognize private companies that draw a substantial portion of their energy from renewable and alternative sources that provide substantial environmental and energy security benefits, as determined by the Administrator or the Secretary.

''(3) promote Energy Sun compliant products and technologies as the preferred products and technologies in the marketplace for reducing pollution and achieving energy security; and

''(4) work to enhance public awareness and preserve the integrity of the Energy Sun label.

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

''(b) STUDY OF CERTAIN PRODUCTS, TECHNOLOGIES, AND BUILDINGS.—Within 18 months after the enactment of this section, the Administrator and the Secretary, consistent with the terms of agreements between the two agencies, shall conduct a study to determine whether the Energy Sun label should be authorized for products, technologies, and buildings in the following categories:

''(1) Passive solar, solar thermal, concentrating solar energy, solar water heating, and related solar products and building technologies.

''(2) Solar photovoltaics and other solar electric power generation technologies.

''(3) Wind.

''(4) Geothermal.

''(5) Biomass.

''(6) Distributed energy (including, but not limited to, microturbines, combined heat and power, fuel cells, and stirling heat engines).

''(7) Green power or other renewables and alternative based electric power products (including green tag credit programs) sold to retail consumers of electricity.

''(8) Homes.

''(9) School buildings.

''(10) Retail buildings.

''(11) Health care facilities.

''(12) Hotels and other commercial lodging facilities.

''(13) Restaurants and other food service facilities.

''(14) Rest area facilities along interstate highways.

''(15) Sports stadia, arenas, and concert facilities.

''(16) Any other product, technology or building category, the accelerated recognition of which the Administrator or the Secretary determines to be necessary or appropriate for the achievement of the purposes of this section.

Nothing in this subsection shall be construed to limit the discretion of the Administrator or the Secretary under subsection (a)(1) to include in the Energy Sun program additional products, technologies, and buildings not listed in this subsection. Participation by private-sector entities in programs or studies authorized by this section shall be (A) voluntary, and (B) by permission of the Administrator or Secretary, on terms and conditions the Administrator or the Secretary (consistent with agreements between the agencies) deems necessary or appropriate to carry out the purposes and requirements of this section.

''(c) DEFINITION.—For the purposes of this section, the term 'renewable and alternative energy' shall have the same meaning as the term 'unconventional and renewable energy resources' in Section 551 of the National Energy Conservation Policy Act (42 U.S.C. 8259).''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act is amended by inserting after the item relating to section 324A the following new item:

''Sec. 324B. Energy Sun renewable and alternative energy program.''.

SEC. 142. LABELING OF ENERGY EFFICIENT APPLIANCES.

(a) STUDY.—Section 324(e) of the Energy Policy and Conservation Act (42 U.S.C. 6294(e)) is amended as follows:

(1) By inserting ''(1)'' before ''The Secretary, in consultation''.

(2) By redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively.

(3) By adding the following new paragraph at the end:

''(2) The Secretary shall make recommendations to the Commission within 180 days of the date of the enactment of this paragraph regarding labeling of consumer products that are not covered products in accordance with this section, where such labeling is likely to assist consumers in making purchasing decisions and is technologically and economically feasible.''.

(b) NONCOVERED PRODUCTS.—Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding the following at the end:

''(F) Not later than 1 year after the date of the enactment of this subparagraph, the Commission shall initiate a rulemaking to prescribe labeling rules under this section applicable to consumer products that are not covered products if it determines that labeling of such products is likely to assist consumers in making purchasing decisions and is technologically and economically feasible.

''(G) Not later than 3 months after the date of the enactment of this subparagraph, the Commission shall initiate a rulemaking to consider the effectiveness of the current consumer products labeling program in assisting consumers in making purchasing decisions and improving energy efficiency and to consider changes to the label that would improve the effectiveness of the label. Such rule making shall be completed within 15 months of the date of the enactment of this subparagraph.''.

SEC. 143. APPLIANCE STANDARDS.

(a) STANDARDS FOR HOUSEHOLD APPLIANCES IN STANDBY MODE.—(1) Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

''(u) STANDBY MODE ELECTRIC ENERGY CONSUMPTION BY HOUSEHOLD APPLIANCES.—(1) In this subsection:

''(A) The term 'household appliance' means any device that uses household electric current, operates in a standby mode, and is identified by the Secretary as a major consumer of electricity in standby mode, except digital televisions, digital set top boxes, digital video recorders, any product recognized under the Energy Star program, any product that was on the date of the enactment of this Act subject to an energy conservation standard under this section, and any product regarding which the Secretary finds that the expected additional cost to the consumer of purchasing such product as a result of complying with a standard established under this section is not economically justified within the meaning of subsection (o).

''(B) The term 'standby mode' means a mode in which a household appliance consumes the least amount of electric energy that the household appliance is capable of consuming without being completely switched off (provided that, the amount of electric energy consumed in such mode is substantially less than the amount the household appliance would consume in its normal operational mode).

''(C) The term 'major consumer of electricity in standby mode' means a product for which a standard prescribed under this section would result in substantial energy savings as compared to energy savings achieved or expected to be achieved by standards established by the Secretary under subsections (o) and (p) of this section for products that were, at the time of the enactment of this subsection, covered products under this section.

''(2)(A) Except as provided in subparagraph (B), a household appliance that is manufactured in, or imported for sale in, the United States on or after the date that is 2 years after the date of the enactment of this subsection shall not consume in standby mode more than 1 watt.

''(B) In the case of analog televisions, the Secretary shall prescribe, on or after the date that is 2 years after the date of the enactment of this subsection, in accordance with subsections (o) and (p) of section 325, an energy conservation standard that is technologically feasible and economically justified under section 325(o)(2)(A) (in lieu of the 1 watt standard under subparagraph (A)).

''(3)(A) A manufacturer or importer of a household appliance may submit to the Secretary an application for an exemption of the household appliance from the standard under paragraph (2).

''(B) The Secretary shall grant an exemption for a household appliance for which an application is made under subparagraph (A) if the applicant provides evidence showing that, and the Secretary determines that—

''(i) it is not technically feasible to modify the household appliance to enable the household appliance to meet the standard;

''(ii) the standard is incompatible with an energy efficiency standard applicable to the household appliance under another subsection; or

''(iii) the cost of electricity that a typical consumer would save in operating the household appliance meeting the standard would not equal the increase in the price of the household appliance that would be attributable to the modifications that would be necessary to enable the household appliance to meet the standard by the earlier of—

''(I) the date that is 7 years after the date of purchase of the household appliance; or

''(II) the end of the useful life of the household appliance.

''(C) If the Secretary determines that it is not technically feasible to modify a household appliance to meet the standard under paragraph (2), the Secretary shall establish a different standard for the household appliance in accordance with the criteria under subsection (l).

''(4)(A) Not later than 1 year after the date of the enactment of this subsection, the Secretary shall establish a test procedure for determining the amount of consumption of power by a household appliance operating in standby mode.

''(B) In establishing the test procedure, the Secretary shall consider—

''(i) international test procedures under development;

''(ii) test procedures used in connection with the Energy Star program; and

''(iii) test procedures used for measuring power consumption in standby mode in other countries.

''(5) FURTHER REDUCTION OF STANDBY POWER CONSUMPTION.—The Secretary shall provide technical assistance to manufacturers in achieving further reductions in standby mode electric energy consumption by household appliances.

''(v) STANDBY MODE ELECTRIC ENERGY CONSUMPTION BY DIGITAL TELEVISIONS, DIGITAL SET TOP BOXES, AND DIGITAL VIDEO RECORDERS.—The Secretary shall initiate on January 1, 2007 a rulemaking to prescribe, in accordance with subsections (o) and (p), an energy conservation standard of standby mode electric energy consumption by digital television sets, digital set top boxes, and digital video recorders. The Secretary shall issue a final rule prescribing such standards not later than 18 months thereafter. In determining whether a standard under this section is technologically feasible and economically justified under section 325(o)(2)(A), the Secretary shall consider the potential effects on market penetration by digital products covered under this section, and shall consider any recommendations by the FCC regarding such effects.''.

(2) Section 325(o)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(n)(1)) is amended by inserting at the end of the paragraph the following: ''Notwithstanding any provision of this part, the Secretary shall not amend a standard established under subsection (u) or (v) of this section.''.

(b) STANDARDS FOR NONCOVERED PRODUCTS.—Section 325(m) of the Energy Policy and Conservation Act (42 U.S.C. 6295(m)) is amended as follows:

(1) Inserting ''(1)'' before ''After''.

(2) Inserting the following at the end:

''(2) Not later than 1 year after the date of the enactment of the Energy Advancement

and Conservation Act of 2001, the Secretary shall conduct a rulemaking to determine whether consumer products not classified as a covered product under section 322(a)(1) through (18) meet the criteria of section 322(b)(1) and is a major consumer of electricity. If the Secretary finds that a consumer product not classified as a covered product meets the criteria of section 322(b)(1), he shall prescribe, in accordance with subsections (o) and (p), an energy conservation standard for such consumer product, if such standard is reasonably probable to be technologically feasible and economically justified within the meaning of subsection (o)(2)(A). As used in this paragraph, the term 'major consumer of electricity' means a product for which a standard prescribed under this section would result in substantial aggregate energy savings as compared to energy savings achieved or expected to be achieved by standards established by the Secretary under paragraphs (o) and (p) of this section for products that were, at the time of the enactment of this paragraph, covered products under this section.''.

(c) CONSUMER EDUCATION ON ENERGY EFFICIENCY BENEFITS OF AIR CONDITIONING, HEATING AND VENTILATION MAINTENANCE.—Section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) is amended by adding the following new subsection after subsection (b):

''(c) HVAC MAINTENANCE.—For the purpose of ensuring that installed air conditioning and heating systems operate at their maximum rated efficiency levels, the Secretary shall, within 180 days of the date of the enactment of this subsection, develop and implement a public education campaign to educate homeowners and small business owners concerning the energy savings resulting from regularly scheduled maintenance of air conditioning, heating, and ventilating systems. In developing and implementing this campaign, the Secretary shall consider support by the Department of public education programs sponsored by trade and professional and energy efficiency organizations. The public service information shall provide sufficient information to allow consumers to make informed choices from among professional, licensed (where State or local licensing is required) contractors. There are authorized to be appropriated to carry out this subsection $5,000,000 for fiscal years 2002 and 2003 in addition to amounts otherwise appropriated in this part.''.

(d) EFFICIENCY STANDARDS FOR FURNACE FANS, CEILING FANS, AND COLD DRINK VENDING MACHINES.—

(1) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by adding the following at the end thereof:

''(32) The term 'residential furnace fan' means an electric fan installed as part of a furnace for purposes of circulating air through the system air filters, the heat exchangers or heating elements of the furnace, and the duct work.

''(33) The terms 'residential central air conditioner fan' and 'heat pump circulation fan' mean an electric fan installed as part of a central air conditioner or heat pump for purposes of circulating air through the system air filters, the heat exchangers of the air conditioner or heat pump, and the duct work.

''(34) The term 'suspended ceiling fan' means a fan intended to be mounted to a ceiling outlet box, ceiling building structure, or to a vertical rod suspended from the ceiling, and which as blades which rotate below the ceiling and consists of an electric motor, fan blades (which rotate in a direction parallel to the floor), an optional lighting kit, and one or more electrical controls (integral or remote) governing fan speed and lighting operation.

''(35) The term 'refrigerated bottled or canned beverage vending machine' means a machine that cools bottled or canned beverages and dispenses them upon payment.''.

(2) TESTING REQUIREMENTS.—Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended by adding the following at the end thereof:

''(f) ADDITIONAL CONSUMER PRODUCTS.—The Secretary shall within 18 months after the date of the enactment of this subsection prescribe testing requirements for residential furnace fans, residential central air conditioner fans, heat pump circulation fans, suspended ceiling fans, and refrigerated bottled or canned beverage vending machines. Such testing requirements shall be based on existing test procedures used in industry to the extent practical and reasonable. In the case of residential furnace fans, residential central air conditioner fans, heat pump circulation fans, and suspended ceiling fans, such test procedures shall include efficiency at both maximum output and at an output no more than 50 percent of the maximum output.''.

(3) STANDARDS FOR ADDITIONAL CONSUMER PRODUCTS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding the following at the end thereof:

''(w) RESIDENTIAL FURNACE FANS, CENTRAL AIR AND HEAT PUMP CIRCULATION FANS, SUSPENDED CEILING FANS, AND VENDING MACHINES.—(1) The Secretary shall, within 18 months after the date of the enactment of this subsection, assess the current and projected future market for residential furnace fans, residential central air conditioner and heat pump circulation fans, suspended ceiling fans, and refrigerated bottled or canned beverage vending machines. This assessment shall include an examination of the types of products sold, the number of products in use, annual sales of these products, energy used by these products sold, the number of products in use, annual sales of these products, energy used by these products, estimates of the potential energy savings from specific technical improvements to these products, and an examination of the cost-effectiveness of these improvements. Prior to the end of this time period, the Secretary shall hold an initial scoping workshop to discuss and receive input to plans for developing minimum efficiency standards for these products.

''(2) The Secretary shall within 24 months after the date on which testing requirements are prescribed by the Secretary pursuant to section 323(f), prescribe, by rule, energy conservation standards for residential furnace fans, residential central air conditioner and heat pump circulation fans, suspended ceiling fans, and refrigerated bottled or canned beverage vending machines. In establishing these standards, the Secretary shall use the criteria and procedures contained in subsections (l) and (m). Any standard prescribed under this section shall apply to products manufactured 36 months after the date such rule is published.''.

(4) LABELING.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is amended by adding the following at the end thereof:

''(5) The Secretary shall within 6 months after the date on which energy conservation standards are prescribed by the Secretary for covered products referred to in section 325(w), prescribe, by rule, labeling requirements for such products. These requirements shall take effect on the same date as the standards prescribed pursuant to section 325(w).''.

(5) COVERED PRODUCTS.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended by redesignating paragraph (19) as paragraph (20) and by inserting after paragraph (18) the following:

''(19) Beginning on the effective date for standards established pursuant to subsection (v) of section 325, each product referred to in such subsection (v).''.

Subtitle E—Energy Efficient Vehicles

SEC. 151. HIGH OCCUPANCY VEHICLE EXCEPTION.

(a) IN GENERAL.—Notwithstanding section 102(a)(1) of title 23, United States Code, a State may, for the purpose of promoting energy conservation, permit a vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if such vehicle is a hybrid vehicle or is fueled by an alternative fuel.

(b) HYBRID VEHICLE DEFINED.—In this section, the term ''hybrid vehicle'' means a motor vehicle—

(1) which draws propulsion energy from onboard sources of stored energy which are both—

(A) an internal combustion or heat engine using combustible fuel; and

(B) a rechargeable energy storage system;

(2) which, in the case of a passenger automobile or light truck—

(A) for 2002 and later model vehicles, has received a certificate of conformity under section 206 of the Clean Air Act (42 U.S.C. 7525) and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act (42 U.S.C. 7583(e)(2)) for that make and model year; and

(B) for 2004 and later model vehicles, has received a certificate that such vehicle meets the Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and

(3) which is made by a manufacturer.

(c) ALTERNATIVE FUEL DEFINED.—In this section, the term ''alternative fuel'' has the meaning such term has under section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

SEC. 152. RAILROAD EFFICIENCY.

(a) LOCOMOTIVE TECHNOLOGY DEMONSTRATION.—The Secretary of Energy shall establish a public-private research partnership with railroad carriers, locomotive manufacturers, and a world-class research and test center dedicated to the advancement of railroad technology, efficiency, and safety that is owned by the Federal Railroad Administration and operated in the private sector, for the development and demonstration of locomotive technologies that increase fuel economy and reduce emissions.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy $25,000,000 for fiscal year 2002, $30,000,000 for fiscal year 2003, and $35,000,000 for fiscal year 2004 for carrying out this section.

SEC. 153. BIODIESEL FUEL USE CREDITS.

Section 312(c) of the Energy Policy Act of 1992 (42 U.S.C. 13220(c)) is amended—

(1) by striking ''NOT'' in the subsection heading; and

(2) by striking ''not''.

SEC. 154. MOBILE TO STATIONARY SOURCE TRADING.

Within 90 days after the enactment of this section, the Administrator of the Environmental Protection Agency is directed to commence a review of the Agency's policies regarding the use of mobile to stationary source trading of emission credits under the Clean Air Act to determine whether such trading can provide both nonattainment and attainment areas with additional flexibility

in achieving and maintaining healthy air quality and increasing use of alternative fuel and advanced technology vehicles, thereby reducing United States dependence on foreign oil.

Subtitle F—Other Provisions

SEC. 161. REVIEW OF REGULATIONS TO ELIMINATE BARRIERS TO EMERGING ENERGY TECHNOLOGY.

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

(b) REPORT TO CONGRESS.—No later than 18 months after the date of the enactment of this section, each agency shall provide a report to Congress and the President detailing all regulatory barriers to emerging energy-efficient technologies, along with actions the agency intends to take, or has taken, to remove such barriers.

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

SEC. 162. ADVANCED IDLE ELIMINATION SYSTEMS.

(a) DEFINITIONS.—

(1) ADVANCED IDLE ELIMINATION SYSTEM.—The term ''advanced idle elimination system'' means a device or system of devices that is installed at a truck stop or other location (for example, a loading, unloading, or transfer facility) where vehicles (such as trucks, trains, buses, boats, automobiles, and recreational vehicles) are parked and that is designed to provide to the vehicle the services (such as heat, air conditioning, and electricity) that would otherwise require the operation of the auxiliary or drive train engine or both while the vehicle is stationary and parked.

(2) EXTENDED IDLING.—The term ''extended idling'' means the idling of a motor vehicle for a period greater than 60 minutes.

(b) RECOGNITION OF BENEFITS OF ADVANCED IDLE ELIMINATION SYSTEMS.—Within 90 days after the date of the enactment of this subsection, the Administrator of the Environmental Protection Agency is directed to commence a review of the Agency's mobile source air emissions models used under the Clean Air Act to determine whether such models accurately reflect the emissions resulting from extended idling of heavy-duty trucks and other vehicles and engines, and shall update those models as the Administrator deems appropriate. Additionally, within 90-days after the date of the enactment of this subsection, the Administrator shall commence a review as to the appropriate emissions reductions credit that should be allotted under the Clean Air Act for the use of advanced idle elimination systems, and whether such credits should be subject to an emissions trading system, and shall revise Agency regulations and guidance as the Administrator deems appropriate.

SEC. 163. STUDY OF BENEFITS AND FEASIBILITY OF OIL BYPASS FILTRATION TECHNOLOGY.

(a) STUDY.—The Secretary of Energy and the Administrator of the Environmental Protection Agency shall jointly conduct a study of oil bypass filtration technology in motor vehicle engines. The study shall analyze and quantify the potential benefits of such technology in terms of reduced demand for oil and the potential environmental benefits of the technology in terms of reduced waste and air pollution. The Secretary and the Administrator shall also examine the feasibility of using such technology in the Federal motor vehicle fleet.

(b) REPORT.—Not later than 6 months after the enactment of this Act, the Secretary of Energy and the Administrator of the Environmental Protection Agency shall jointly submit a report containing the results of the study conducted under subsection (a) to the Committee on Energy and Commerce of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate.

SEC. 164. GAS FLARE STUDY.

(a) STUDY.—The Secretary of Energy shall conduct a study of the economic feasibility of installing small cogeneration facilities utilizing excess gas flares at petrochemical facilities to provide reduced electricity costs to customers living within 3 miles of the petrochemical facilities. The Secretary shall solicit public comment to assist in preparing the report required under subsection (b).

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Energy shall transmit a report to the Congress on the results of the study conducted under subsection (a).

SEC. 165. TELECOMMUTING STUDY.

(a) STUDY REQUIRED.—The Secretary, in consultation with Commission, and the NTIA, shall conduct a study of the energy conservation implications of the widespread adoption of telecommuting in the United States.

(b) REQUIRED SUBJECTS OF STUDY.—The study required by subsection (a) shall analyze the following subjects in relation to the energy saving potential of telecommuting:

(1) Reductions of energy use and energy costs in commuting and regular office heating, cooling, and other operations.

(2) Other energy reductions accomplished by telecommuting.

(3) Existing regulatory barriers that hamper telecommuting, including barriers to broadband telecommunications services deployment.

(4) Collateral benefits to the environment, family life, and other values.

(c) REPORT REQUIRED.—The Secretary shall submit to the President and the Congress a report on the study required by this section not later than 6 months after the date of the enactment of this Act. Such report shall include a description of the results of the analysis of each of the subject described in subsection (b).

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

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(3) NTIA.—The term ''NTIA'' means the National Telecommunications and Information Administration of the Department of Commerce.

(4) TELECOMMUTING.—The term ''telecommuting'' means the performance of work functions using communications technologies, thereby eliminating or substantially reducing the need to commute to and from traditional worksites.

TITLE II—AUTOMOBILE FUEL ECONOMY

SEC. 201. AVERAGE FUEL ECONOMY STANDARDS FOR NONPASSENGER AUTOMOBILES.

Section 32902(a) of title 49, United States Code, is amended—

(1) by inserting ''(1)'' after ''NONPASSENGER AUTOMOBILES.—''; and

(2) by adding at the end the following:

''(2) The Secretary shall prescribe under paragraph (1) average fuel economy standards for automobiles (except passenger automobiles) manufactured in model years 2004 through 2010 that are calculated to ensure that the aggregate amount of gasoline projected to be used in those model years by automobiles to which the standards apply is at least 5 billion gallons less than the aggregate amount of gasoline that would be used in those model years by such automobiles if they achieved only the fuel economy required under the average fuel economy standard that applies under this subsection to automobiles (except passenger automobiles) manufactured in model year 2002.''.

SEC. 202. CONSIDERATION OF PRESCRIBING DIFFERENT AVERAGE FUEL ECONOMY STANDARDS FOR NONPASSENGER AUTOMOBILES.

(a) IN GENERAL.—The Secretary of Transportation shall, in prescribing average fuel economy standards under section 32902(a) of title 49, United States Code, for automobiles (except passenger automobiles) manufactured in model year 2004, consider the potential benefits of—

(1) establishing a weight-based system for automobiles, that is based on the inertia weight, curb weight, gross vehicle weight rating, or another appropriate measure of such automobiles; and

(2) prescribing different fuel economy standards for automobiles that are subject to the weight-based system.

(b) SPECIFIC CONSIDERATIONS.—In implementing this section the Secretary—

(1) shall consider any recommendations made in the National Academy of Sciences study completed pursuant to the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106–346; 114 Stat. 2763 et seq.); and

(2) shall evaluate the merits of any weight-based system in terms of motor vehicle safety, energy conservation, and competitiveness of and employment in the United States automotive sector, and if a weight-based system is established by the Secretary a manufacturer may trade credits between or among the automobiles (except passenger automobiles) manufactured by the manufacturer.

SEC. 203. DUAL FUELED AUTOMOBILES.

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

(1) to extend the manufacturing incentives for dual fueled automobiles, as set forth in subsections (b) and (d) of section 32905 of title 49, United States Code, through the 2008 model year; and

(2) to similarly extend the limitation on the maximum average fuel economy increase for such automobiles, as set forth in subsection (a)(1) of section 32906 of title 49, United States Code.

(b) AMENDMENTS.—

(1) MANUFACTURING INCENTIVES.—Section 32905 of title 49, United States Code, is amended as follows:

(A) Subsections (b) and (d) are each amended by striking ''model years 1993–2004'' and inserting ''model years 1993–2008''.

(B) Subsection (f) is amended by striking ''Not later than December 31, 2001, the Secretary'' and inserting ''Not later than December 31, 2005, the Secretary''.

(C) Subsection (f)(1) is amended by striking ''model year 2004'' and inserting ''model year 2008''.

(D) Subsection (g) is amended by striking ''Not later than September 30, 2000'' and inserting ''Not later than September 30, 2004''.

(2) MAXIMUM FUEL ECONOMY INCREASE.—Subsection (a)(1) of section 32906 of title 49, United States Code, is amended as follows:

(A) Subparagraph (A) is amended by striking ''the model years 1993–2004'' and inserting ''model years 1993–2008''.

(B) Subparagraph (B) is amended by striking ''the model years 2005–2008'' and inserting ''model years 2009–2012''.

SEC. 204. FUEL ECONOMY OF THE FEDERAL FLEET OF AUTOMOBILES.

Section 32917 of title 49, United States Code, is amended to read as follows:

''§ 32917. Standards for executive agency automobiles

''(a) BASELINE AVERAGE FUEL ECONOMY.—The head of each executive agency shall determine, for all automobiles in the agency's fleet of automobiles that were leased or bought as a new vehicle in fiscal year 1999, the average fuel economy for such automobiles. For the purposes of this section, the average fuel economy so determined shall be the baseline average fuel economy for the agency's fleet of automobiles.

''(b) INCREASE OF AVERAGE FUEL ECONOMY.—The head of an executive agency shall manage the procurement of automobiles for that agency in such a manner that—

''(1) not later than September 30, 2003, the average fuel economy of the new automobiles in the agency's fleet of automobiles is not less than 1 mile per gallon higher than the baseline average fuel economy determined under subsection (a) for that fleet; and

''(2) not later than September 30, 2005, the average fuel economy of the new automobiles in the agency's fleet of automobiles is not less than 3 miles per gallon higher than the baseline average fuel economy determined under subsection (a) for that fleet.

''(c) CALCULATION OF AVERAGE FUEL ECONOMY.—Average fuel economy shall be calculated for the purposes of this section in accordance with guidance which the Secretary of Transportation shall prescribe for the implementation of this section.

''(d) DEFINITIONS.—In this section:

''(1) The term 'automobile' does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.

''(2) The term 'executive agency' has the meaning given that term in section 105 of title 5.

''(3) The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the agency, after September 30, 1999.''.

SEC. 205. HYBRID VEHICLES AND ALTERNATIVE VEHICLES.

(a) IN GENERAL.—Section 303(b)(1) of the Energy Policy Act of 1992 is amended by adding the following at the end: ''Of the total number of vehicles acquired by a Federal fleet in fiscal years 2004 and 2005, at least 5 percent of the vehicles in addition to those covered by the preceding sentence shall be alternative fueled vehicles or hybrid vehicles and in fiscal year 2006 and thereafter at least 10 percent of the vehicles in addition to those covered by the preceding sentence shall be alternative fueled vehicles or hybrid vehicles.''.

(b) DEFINITION.—Section 301 of such Act is amended by striking ''and'' at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting ''; and'' and by adding at the end the following:

''(15) The term 'hybrid vehicle' means a motor vehicle which draws propulsion energy from onboard sources of stored energy which are both—

''(A) an internal combustion or heat engine using combustible fuel; and

''(B) a rechargeable energy storage system.''.

SEC. 206. FEDERAL FLEET PETROLEUM-BASED NONALTERNATIVE FUELS.

(a) IN GENERAL.—Title III of the Energy Policy Act of 1992 (42 U.S.C. 13212 et seq.) is amended as follows:

(1) By adding at the end thereof the following:

''SEC. 313. CONSERVATION OF PETROLEUM-BASED FUELS BY THE FEDERAL GOVERNMENT FOR LIGHT-DUTY MOTOR VEHICLES.

''(a) PURPOSES.—The purposes of this section are to complement and supplement the requirements of section 303 of this Act that Federal fleets, as that term is defined in section 303(b)(3), acquire in the aggregate a minimum percentage of alternative fuel vehicles, to encourage the manufacture and sale or lease of such vehicles nationwide, and to achieve, in the aggregate, a reduction in the amount of the petroleum-based fuels (other than the alternative fuels defined in this title) used by new light-duty motor vehicles acquired by the Federal Government in model years 2004 through 2010 and thereafter.

''(b) IMPLEMENTATION.—In furtherance of such purposes, such Federal fleets in the aggregate shall reduce the purchase of petroleum-based nonalternative fuels for such fleets beginning October 1, 2003, through September 30, 2009, from the amount purchased for such fleets over a comparable period since enactment of this Act, as determined by the Secretary, through the annual purchase, in accordance with section 304, and the use of alternative fuels for the light-duty motor vehicles of such Federal fleets, so as to achieve levels which reflect total reliance by such fleets on the consumptive use of alternative fuels consistent with the provisions of section 303(b) of this Act. The Secretary shall, within 120 days after the enactment of this section, promulgate, in consultation with the Administrator of the General Services Administration and the Director of the Office of Management and Budget and such other heads of entities referenced in section 303 within the executive branch as such Director may designate, standards for the full and prompt implementation of this section by such entities. The Secretary shall monitor compliance with this section and such standards by all such fleets and shall report annually to the Congress, based on reports by the heads of such fleets, on the extent to which the requirements of this section and such standards are being achieved. The report shall include information on annual reductions achieved of petroleum-based fuels and the problems, if any, encountered in acquiring alternative fuels and in requiring their use.''.

(2) By amending section 304(b) of such Act to read as follows:

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary or, as appropriate, the head of each Federal fleet subject to the provisions of this section and section 313 of this Act, such sums as may be necessary to achieve the purposes of section 313(a) and the provisions of this section. Such sums shall remain available until expended.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title III the following:

''Sec. 313. Conservation of petroleum-based fuels by the Federal Government for light-duty motor vehicles.''.

SEC. 207. STUDY OF FEASIBILITY AND EFFECTS OF REDUCING USE OF FUEL FOR AUTOMOBILES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation shall enter into an arrangement with the National Academy of Sciences under which the Academy shall study the feasibility and effects of reducing by model year 2010, by a significant percentage, the use of fuel for automobiles.

(b) SUBJECTS OF STUDY.—The study under this section shall include—

(1) examination of, and recommendation of alternatives to, the policy under current Federal law of establishing average fuel economy standards for automobiles and requiring each automobile manufacturer to comply with average fuel economy standards that apply to the automobiles it manufactures;

(2) examination of how automobile manufacturers could contribute toward achieving the reduction referred to in subsection (a);

(3) examination of the potential of fuel cell technology in motor vehicles in order to determine the extent to which such technology may contribute to achieving the reduction referred to in subsection (a); and

(4) examination of the effects of the reduction referred to in subsection (a) on—

(A) gasoline supplies;

(B) the automobile industry, including sales of automobiles manufactured in the United States;

(C) motor vehicle safety; and

(D) air quality.

(c) REPORT.—The Secretary shall require the National Academy of Sciences to submit to the Secretary and the Congress a report on the findings, conclusion, and recommendations of the study under this section by not later than 1 year after the date of the enactment of this Act.

TITLE III—NUCLEAR ENERGY

SEC. 301. LICENSE PERIOD.

Section 103 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking ''c. Each such'' and inserting the following:

''c. LICENSE PERIOD.—

''(1) IN GENERAL.—Each such''; and

(2) by adding at the end the following:

''(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185 b., the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185 b. are met.''.

SEC. 302. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161 w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking ''for or is issued'' and all that follows through ''1702'' and inserting ''to the Commission for, or is issued by the Commission, a license or certificate'';

(2) by striking ''483a'' and inserting ''9701''; and

(3) by striking '', of applicants for, or holders of, such licenses or certificates''.

SEC. 303. DEPLETED URANIUM HEXAFLUORIDE.

Section 1(b) of Public Law 105–204 is amended by striking ''fiscal year 2002'' and inserting ''fiscal year 2005''.

SEC. 304. NUCLEAR REGULATORY COMMISSION MEETINGS.

If a quorum of the Nuclear Regulatory Commission gathers to discuss official Commission business the discussions shall be recorded, and the Commission shall notify the public of such discussions within 15 days after they occur. The Commission shall promptly make a transcript of the recording available to the public on request, except to the extent that public disclosure is exempted or prohibited by law. This section shall not apply to a meeting, within the meaning of that term under section 552b(a)(2) of title 5, United States Code.

SEC. 305. COOPERATIVE RESEARCH AND DEVELOPMENT AND SPECIAL DEMONSTRATION PROJECTS FOR THE URANIUM MINING INDUSTRY.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $10,000,000 for each of fiscal years 2002, 2003, and 2004 for—

(1) cooperative, cost-shared, agreements between the Department of Energy and domestic uranium producers to identify, test,

and develop improved in situ leaching mining technologies, including low-cost environmental restoration technologies that may be applied to sites after completion of in situ leaching operations; and

(2) funding for competitively selected demonstration projects with domestic uranium producers relating to—

(A) enhanced production with minimal environmental impacts;

(B) restoration of well fields; and

(C) decommissioning and decontamination activities.

(b) DOMESTIC URANIUM PRODUCER.—For purposes of this section, the term ''domestic uranium producer'' has the meaning given that term in section 1018(4) of the Energy Policy Act of 1992 (42 U.S.C. 2296b–7(4)), except that the term shall not include any producer that has not produced uranium from domestic reserves on or after July 30, 1998.

SEC. 306. MAINTENANCE OF A VIABLE DOMESTIC URANIUM CONVERSION INDUSTRY.

There are authorized to be appropriated to the Secretary $800,000 for contracting with the Nation's sole remaining uranium converter for the purpose of performing research and development to improve the environmental and economic performance of United States uranium conversion operations.

SEC. 307. PADUCAH DECONTAMINATION AND DECOMMISSIONING PLAN.

The Secretary of Energy shall prepare and submit a plan to Congress within 180 days after the date of the enactment of this Act that establishes scope, cost, schedule, sequence of activities, and contracting strategy for—

(1) the decontamination and decommissioning of the Department of Energy's surplus buildings and facilities at the Paducah Gaseous Diffusion Plant that have no future anticipated reuse; and

(2) the remediation of Department of Energy Material Storage Areas at the Paducah Gaseous Diffusion Plant.

Such plan shall inventory all surplus facilities and buildings, and identify and rank health and safety risks associated with such facilities and buildings. Such plan shall inventory all Department of Energy Material Storage Areas, and identify and rank health and safety risks associated with such Department of Energy Material Storage Areas. The Department of Energy shall incorporate these risk factors in designing the sequence and schedule for the plan. Such plan shall identify funding requirements that are in addition to the expected outlays included in the Department of Energy's Environmental Management Plan for the Paducah Gaseous Diffusion Plan.

SEC. 308. STUDY TO DETERMINE FEASIBILITY OF DEVELOPING COMMERCIAL NUCLEAR ENERGY PRODUCTION FACILITIES AT EXISTING DEPARTMENT OF ENERGY SITES.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study to determine the feasibility of developing commercial nuclear energy production facilities at Department of Energy sites in existence on the date of the enactment of this Act, including—

(1) options for how and where nuclear power plants can be developed on existing Department of Energy sites;

(2) estimates on cost savings to the Federal Government that may be realized by locating new nuclear power plants on Federal sites;

(3) the feasibility of incorporating new technology into nuclear power plants located on Federal sites;

(4) potential improvements in the licensing and safety oversight procedures of nuclear power plants located on Federal sites;

(5) an assessment of the effects of nuclear waste management policies and projects as a result of locating nuclear power plants located on Federal sites; and

(6) any other factors that the Secretary believes would be relevant in making the determination.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

SEC. 309. PROHIBITION OF COMMERCIAL SALES OF URANIUM BY THE UNITED STATES UNTIL 2009.

Section 3112 of the USEC Privatization Act (42 U.S.C. 2297h–10) is amended by adding at the end the following new subsection:

''(g) PROHIBITION ON SALES.—With the exception of sales pursuant to subsection (b)(2) (42 U.S.C.2297h-10(b)(2)), notwithstanding any other provision of law, the United States Government shall not sell or transfer any uranium (including natural uranium concentrates, natural uranium hexafluoride, enriched uranium, depleted uranium, or uranium in any other form) through March 23, 2009 (except sales or transfers for use by the Tennessee Valley Authority in relation to the Department of Energy's HEU or Tritium programs, or the Department or Energy research reactor sales program, or any depleted uranium hexaflouride to be transferred to a designated Department of Energy contractor in conjunction with the planned construction of the Depleted Uranium Hexaflouride conversion plants in Portsmouth, Ohio, and Paducah, Kentucky, to any natural uranium transferred to the U.S. Enrichment Corporation from the Department of Energy to replace contaminated uranium received from the Department of Energy when the U.S. Enrichment Corporation was privatized in July, 1998, or for emergency purposes in the event of a disruption in supply to end users in the United States). The aggregate of sales or transfers of uranium by the United States Government after March 23, 2009, shall not exceed 3,000,000 pounds U_3O_8 per calendar year.''.

TITLE IV—HYDROELECTRIC ENERGY

SEC. 401. ALTERNATIVE CONDITIONS AND FISHWAYS.

(a) ALTERNATIVE MANDATORY CONDITIONS.—Section 4 of the Federal Power Act (16 U.S.C. 797) is amended by adding at the end the following:

''(h)(1) Whenever any person applies for a license for any project works within any reservation of the United States, and the Secretary of the department under whose supervision such reservation falls deems a condition to such license to be necessary under the first proviso of subsection (e), the license applicant or any other party to the licensing proceeding may propose an alternative condition.

''(2) Notwithstanding the first proviso of subsection (e), the Secretary of the department under whose supervision the reservation falls shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative condition, that the alternative condition—

''(A) provides no less protection for the reservation than provided by the condition deemed necessary by the Secretary; and

''(B) will either—

''(i) cost less to implement, or

''(ii) result in improved operation of the project works for electricity production,

as compared to the condition deemed necessary by the Secretary.

''(3) Within 1 year after the enactment of this subsection, each Secretary concerned shall, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.''.

(b) ALTERNATIVE FISHWAYS.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by—

(1) inserting ''(a)'' before the first sentence; and

(2) adding at the end the following:

''(b)(1) Whenever the Commission shall require a licensee to construct, maintain, or operate a fishway prescribed by the Secretary of the Interior or the Secretary of Commerce under this section, the licensee or any other party to the proceeding may propose an alternative to such prescription to construct, maintain, or operate a fishway.

''(2) Notwithstanding subsection (a), the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative, that the alternative—

''(A) will be no less effective than the fishway initially prescribed by the Secretary, and

''(B) will either—

''(i) cost less to implement, or

''(ii) result in improved operation of the project works for electricity production,

as compared to the fishway initially prescribed by the Secretary.

''(3) Within 1 year after the enactment of this subsection, the Secretary of the Interior and the Secretary of Commerce shall each, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.''.

SEC. 402. FERC DATA ON HYDROELECTRIC LICENSING.

(a) DATA COLLECTION PROCEDURES.—The Federal Energy Regulatory Commission shall revise its procedures regarding the collection of data in connection with the Commission's consideration of hydroelectric licenses under the Federal Power Act. Such revised data collection procedures shall be designed to provide the Commission with complete and accurate information concerning the time and costs to parties involved in the licensing process. Such data shall be available for each significant stage in the licensing process and shall be designed to identify projects with similar characteristics so that analyses can be made of the time and costs involved in licensing proceedings based upon the different characteristics of those proceedings.

(b) REPORTS.—Within 6 months after the date of the enactment of this Act, the Commission shall notify the Committee on Energy and Commerce of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate of the progress made by the Commission under subsection (a), and within 1 year after such date of the enactment, the Commission shall submit a report to such Committees specifying the measures taken by the Commission pursuant to subsection (a).

TITLE V—FUELS

SEC. 501. TANK DRAINING DURING TRANSITION TO SUMMERTIME RFG.

Not later than 60 days after the enactment of the Act, the Administrator of the Environmental Protection Agency shall commence a rulemaking to determine whether modifications to the regulations set forth in 40 CFR Section 80.78 and any associated regulations regarding the transition to high ozone season reformulated gasoline are necessary to ensure that the transition to high

ozone season reformulated gasoline is conducted in a manner that minimizes disruptions to the general availability and affordability of gasoline, and maximizes flexibility with regard to the draining and inventory management of gasoline storage tanks located at refineries, terminals, wholesale and retail outlets, consistent with the goals of the Clean Air Act. The Administrator shall propose and take final action in such rulemaking to ensure that any modifications are effective and implemented at least 60 days prior to the beginning of the high ozone season for the year 2002.

SEC. 502. GASOLINE BLENDSTOCK REQUIREMENTS.

Not later than 60 days after the enactment of this Act, the Administrator of the Environmental Protection Agency shall commence a rulemaking to determine whether modifications to product transfer documentation, accounting, compliance calculation, and other requirements contained in the regulations of the Administrator set forth in section 80.102 of title 40 of the Code of Federal Regulations relating to gasoline blendstocks are necessary to facilitate the movement of gasoline and gasoline feedstocks among different regions throughout the country and to improve the ability of petroleum refiners and importers to respond to regional gasoline shortages and prevent unreasonable short-term price increases. The Administrator shall take into consideration the extent to which such requirements have been, or will be, rendered unnecessary or inefficient by reason of subsequent environmental safeguards that were not in effect at the time the regulations in section 80.102 of title 40 of the Code of Federal Regulations were promulgated. The Administrator shall propose and take final action in such rulemaking to ensure that any modifications are effective and implemented at least 60 days prior to the beginning of the high ozone season for the year 2002.

SEC. 503. BOUTIQUE FUELS.

(a) JOINT STUDY.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of all Federal, State, and local requirements regarding motor vehicle fuels, including requirements relating to reformulated gasoline, volatility (Reid Vapor Pressure), oxygenated fuel, diesel fuel and other requirements that vary from State to State, region to region, or locality to locality. The study shall analyze—

(1) the effect of the variety of such requirements on the price of motor vehicle fuels to the consumer;

(2) the availability and affordability of motor vehicle fuels in different States and localities;

(3) the effect of Federal, State, and local regulations, including multiple fuel requirements, on domestic refineries and the fuel distribution system;

(4) the effect of such requirements on local, regional, and national air quality requirements and goals;

(5) the effect of such requirements on vehicle emissions;

(6) the feasibility of developing national or regional fuel specifications for the contiguous United States that would—

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

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

(C) meet local, regional, and national air quality requirements and goals; and

(D) provide increased gasoline market liquidity;

(7) the extent to which the Environmental Protection Agency's Tier II requirements for conventional gasoline may achieve in future years the same or similar air quality results as State reformulated gasoline programs and State programs regarding gasoline volatility (RVP); and

(8) the feasibility of providing incentives to promote cleaner burning fuel.

(b) REPORT.—By December 31, 2001, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall submit a report to the Congress containing the results of the study conducted under subsection (a). Such report shall contain recommendations for legislative and administrative actions that may be taken to simplify the national distribution system for motor vehicle fuel, make such system more cost-effective, and reduce the costs and increase the availability of motor vehicle fuel to the end user while meeting the requirements of the Clean Air Act. Such recommendations shall take into account the need to provide lead time for refinery and fuel distribution system modifications necessary to assure adequate fuel supply for all States.

SEC. 504. FUNDING FOR MTBE CONTAMINATION.

Notwithstanding any other provision of law, there is authorized to be appropriated to the Administrator of the Environmental Protection Agency from the Leaking Underground Storage Trust Fund not more than $200,000,000 to be used for taking such action, limited to assessment, corrective action, inspection of underground storage tank systems, and groundwater monitoring in connection with MTBE contamination, as the Administrator deems necessary to protect human health and the environment from releases of methyl tertiary butyl ether (MTBE) from underground storage tanks.

TITLE VI—RENEWABLE ENERGY

SEC. 601. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.

(a) RESOURCE ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, and each year thereafter, the Secretary of Energy shall publish an assessment by the National Laboratories of all renewable energy resources available within the United States.

(b) CONTENTS OF REPORT.—The report published under subsection (a) shall contain each of the following:

(1) A detailed inventory describing the available amount and characteristics of solar, wind, biomass, geothermal, hydroelectric and other renewable energy sources.

(2) Such other information as the Secretary of Energy believes would be useful in developing such renewable energy resources, including descriptions of surrounding terrain, population and load centers, nearby energy infrastructure, location of energy and water resources, and available estimates of the costs needed to develop each resource.

SEC. 602. RENEWABLE ENERGY PRODUCTION INCENTIVE.

Section 1212 of the Energy Policy Act of 1992 (42 U.S.C. 13317) is amended as follows:

(1) In subsection (a) by striking ''and which satisfies'' and all that follows through ''Secretary shall establish.'' and inserting ''. The Secretary shall establish other procedures necessary for efficient administration of the program. The Secretary shall not establish any criteria or procedures that have the effect of assigning to proposals a higher or lower priority for eligibility or allocation of appropriated funds on the basis of the energy source proposed.''.

(2) In subsection (b)—

(A) by striking ''a State or any political'' and all that follows through ''nonprofit electrical cooperative'' and inserting ''an electricity-generating cooperative exempt from taxation under section 501(c)(12) or section 1381(a)(2)(C) of the Internal Revenue Code of 1986, a public utility described in section 115 of such Code, a State, Commonwealth, territory, or possession of the United States or the District of Columbia, or a political subdivision thereof, or an Indian tribal government or subdivision thereof,''; and

(B) By inserting ''landfill gas,'' after ''wind, biomass,''.

(3) In subsection (c) by striking ''during the 10-fiscal year period beginning with the first full fiscal year occurring after the enactment of this section'' and inserting ''before October 1, 2013''.

(4) In subsection (d) by inserting ''or in which the Secretary finds that all necessary Federal and State authorizations have been obtained to begin construction of the facility'' after ''eligible for such payments''.

(5) In subsection (e)(1) by inserting ''landfill gas,'' after ''wind, biomass,''.

(6) In subsection (f) by striking ''the expiration of'' and all that follows through ''of this section'' and inserting ''September 30, 2023''.

(7) In subsection (g)—

(A) by striking ''1993, 1994, and 1995'' and inserting ''2003 through 2023''; and

(B) by inserting ''Funds may be appropriated pursuant to this subsection to remain available until expended.'' after ''purposes of this section.''.

SEC. 603. STUDY OF ETHANOL FROM SOLID WASTE LOAN GUARANTEE PROGRAM.

The Secretary of Energy shall conduct a study of the feasibility of providing guarantees for loans by private banking and investment institutions for facilities for the processing and conversion of municipal solid waste and sewage sludge into fuel ethanol and other commercial byproducts, and not later than 90 days after the date of the enactment of this Act shall transmit to the Congress a report on the results of the study.

SEC. 604. STUDY OF RENEWABLE FUEL CONTENT.

(a) STUDY.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of the feasibility of developing a requirement that motor vehicle fuel sold or introduced into commerce in the United States in calendar year 2002 or any calendar year thereafter by a refiner, blender, or importer shall, on a 6-month average basis, be comprised of a quantity of renewable fuel, measured in gasoline-equivalent gallons. As part of this study, the Administrator and Secretary shall evaluate the use of a banking and trading credit system and the feasibility and desirability of requiring an increasing percentage of renewable fuel to be phased in over a 15-year period.

(b) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Administrator and the Secretary shall transmit to the Congress a report on the results of the study conducted under this section.

TITLE VII—PIPELINES

SEC. 701. 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.

SEC. 702. HISTORIC PIPELINES.

Section 7 of the Natural Gas Act (15 U.S.C. 717(f)) is amended by adding at the end the following new subsection:

''(i) Notwithstanding the National Historic Preservation Act, a transportation facility shall not be eligible for inclusion on the National Register of Historic Places unless—

''(1) the Commission has permitted the abandonment of the transportation facility pursuant to subsection (b) of this section, or

''(2) the owner of the facility has given written consent to such eligibility.

Any transportation facility deemed eligible for inclusion on the National Register of Historic Places prior to the date of the enactment of this subsection shall no longer be eligible unless the owner of the facility gives written consent to such eligibility.''.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. WASTE REDUCTION AND USE OF ALTERNATIVES.

(a) GRANT AUTHORITY.—The Secretary of Energy is authorized to make a single grant to a qualified institution to examine and develop the feasibility of burning post-consumer carpet in cement kilns as an alternative energy source. The purposes of the grant shall include determining—

(1) how post-consumer carpet can be burned without disrupting kiln operations;

(2) the extent to which overall kiln emissions may be reduced; and

(3) how this process provides benefits to both cement kiln operations and carpet suppliers.

(b) QUALIFIED INSTITUTION.—For the purposes of subsection (a), a qualified institution is a research-intensive institution of higher learning with demonstrated expertise in the fields of fiber recycling and logistical modeling of carpet waste collection and preparation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for carrying out this section $275,000 for fiscal year 2002, to remain available until expended.

SEC. 802. ANNUAL REPORT ON UNITED STATES ENERGY INDEPENDENCE.

(a) REPORT.—The Secretary of Energy, in consultation with the heads of other relevant Federal agencies, shall include in each report under section 801(c) of the Department of Energy Organization Act a section which evaluates the progress the United States has made toward obtaining the goal of not more than 50 percent dependence on foreign oil sources by 2010.

(b) ALTERNATIVES.—The information required under this section to be included in the reports under section 801(c) of the Department of Energy Organization Act shall include a specification of what legislative or administrative actions must be implemented to meet this goal and set forth a range of options and alternatives with a cost/benefit analysis for each option or alternative together with an estimate of the contribution each option or alternative could make to reduce foreign oil imports. The Secretary shall solicit information from the public and request information from the Energy Information Agency and other agencies to develop the information required under this section. The information shall indicate, in detail, options and alternatives to—

(1) increase the use of renewable domestic energy sources, including conventional and nonconventional sources;

(2) conserve energy resources, including improving efficiencies and decreasing consumption; and

(3) increase domestic production and use of oil, natural gas, nuclear, and coal, including any actions necessary to provide access to, and transportation of, these energy resources.

SEC. 803. STUDY OF AIRCRAFT EMISSIONS.

The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall jointly commence a study within 60 days after the enactment of this Act to investigate the impact of aircraft emissions on air quality in areas that are considered to be in nonattainment for the national ambient air quality standard for ozone. As part of this study, the Secretary and the Administrator shall focus on the impact of emissions by aircraft idling at airports and on the contribution of such emissions as a percentage of total emissions in the nonattainment area. Within 180 days of the commencement of the study, the Secretary and the Administrator shall submit a report to the Committees on Energy and Commerce and Transportation and Infrastructure of the United States House of Representatives and to the Committees on Environment and Public Works and Commerce, Science, and Transportation of the United States Senate containing the results of the study and recommendations with respect to a plan to maintain comprehensive data on aircraft emissions and methods by which such emissions may be reduced, without increasing individual aircraft noise, in order to assist in the attainment of the national ambient air quality standards.

DIVISION B

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Comprehensive Energy Research and Technology Act of 2001''.

SEC. 2002. FINDINGS.

The Congress finds that—

(1) the Nation's prosperity and way of life are sustained by energy use;

(2) the growing imbalance between domestic energy production and consumption means that the Nation is becoming increasingly reliant on imported energy, which has the potential to undermine the Nation's economy, standard of living, and national security;

(3) energy conservation and energy efficiency help maximize the use of available energy resources, reduce energy shortages, lower the Nation's reliance on energy imports, mitigate the impacts of high energy prices, and help protect the environment and public health;

(4) development of a balanced portfolio of domestic energy supplies will ensure that future generations of Americans will have access to the energy they need;

(5) energy efficiency technologies, renewable and alternative energy technologies, and advanced energy systems technologies will help diversify the Nation's energy portfolio with few adverse environmental impacts and are vital to delivering clean energy to fuel the Nation's economic growth;

(6) development of reliable, affordable, and environmentally sound energy efficiency technologies, renewable and alternative energy technologies, and advanced energy systems technologies will require maintenance of a vibrant fundamental scientific knowledge base and continued scientific and technological innovations that can be accelerated by Federal funding, whereas commercial deployment of such systems and technologies are the responsibility of the private sector;

(7) Federal funding should focus on those programs, projects, and activities that are long-term, high-risk, noncommercial, and well-managed, and that provide the potential for scientific and technological advances; and

(8) public-private partnerships should be encouraged to leverage scarce taxpayer dollars.

SEC. 2003. PURPOSES.

The purposes of this division are to—

(1) protect and strengthen the Nation's economy, standard of living, and national security by reducing dependence on imported energy;

(2) meet future needs for energy services at the lowest total cost to the Nation, including environmental costs, giving balanced and comprehensive consideration to technologies that improve the efficiency of energy end uses and that enhance energy supply;

(3) reduce the air, water, and other environmental impacts (including emissions of greenhouse gases) of energy production, distribution, transportation, and use through the development of environmentally sustainable energy systems;

(4) consider the comparative environmental impacts of the energy saved or produced by specific programs, projects, or activities;

(5) maintain the technological competitiveness of the United States and stimulate economic growth through the development of advanced energy systems and technologies;

(6) foster international cooperation by developing international markets for domestically produced sustainable energy technologies, and by transferring environmentally sound, advanced energy systems and technologies to developing countries to promote sustainable development;

(7) provide sufficient funding of programs, projects, and activities that are performance-based and modeled as public-private partnerships, as appropriate; and

(8) enhance the contribution of a given program, project, or activity to fundamental scientific knowledge.

SEC. 2004. GOALS.

(a) IN GENERAL.—Subject to subsection (b), in order to achieve the purposes of this division under section 2003, the Secretary should conduct a balanced energy research, development, demonstration, and commercial application portfolio of programs guided by the following goals to meet the purposes of this division under section 2003.

(1) ENERGY CONSERVATION AND ENERGY EFFICIENCY.—

(A) For the Building Technology, State and Community Sector, the program should develop technologies, housing components, designs, and production methods that will, by 2010—

(i) reduce the monthly energy cost of new housing by 20 percent, compared to the cost as of the date of the enactment of this Act;

(ii) cut the environmental impact and energy use of new housing by 50 percent, compared to the impact and use as of the date of the enactment of this Act; and

(iii) improve durability and reduce maintenance costs by 50 percent compared to the durability and costs as of the date of the enactment of this Act.

(B) For the Industry Sector, the program should, in cooperation with the affected industries, improve the energy intensity of the major energy-consuming industries by at least 25 percent by 2010, compared to the energy intensity as of the date of the enactment of this Act.

(C) For Power Technologies, the program should, in cooperation with the affected industries—

(i) develop a microturbine (40 to 300 kilowatt) that is more than 40 percent more efficient by 2006, and more than 50 percent more efficient by 2010, compared to the efficiency as of the date of the enactment of this Act; and

(ii) develop advanced materials for combustion systems that reduce emissions of nitrogen oxides by 30 to 50 percent while increasing efficiency 5 to 10 percent by 2007, compared to such emissions as of the date of the enactment of this Act.

(D) For the Transportation Sector, the program should, in cooperation with affected industries—

(i) develop a production prototype passenger automobile that has fuel economy equivalent to 80 miles per gallon of gasoline by 2004;

(ii) develop class 7 and 8 heavy duty trucks and buses with ultra low emissions and the ability to use an alternative fuel that has an average fuel economy equivalent to—

(I) 10 miles per gallon of gasoline by 2007; and

(II) 13 miles per gallon of gasoline by 2010;

(iii) develop a production prototype of a passenger automobile with zero equivalent emissions that has an average fuel economy of 100 miles per gallon of gasoline by 2010; and

(iv) improve, by 2010, the average fuel economy of trucks—

(I) in classes 1 and 2 by 300 percent; and

(II) in classes 3 through 6 by 200 percent,

compared to the fuel economy as of the date of the enactment of this Act.

(2) RENEWABLE ENERGY.—

(A) For Hydrogen Research, to carry out the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, as amended by subtitle A of title II of this division.

(B) For bioenergy:

(i) The program should reduce the cost of bioenergy relative to other energy sources to enable the United States to triple bioenergy use by 2010.

(ii) For biopower systems, the program should reduce the cost of such systems to enable commercialization of integrated power-generating technologies that employ gas turbines and fuel cells integrated with bioenergy gasifiers within 5 years after the date of the enactment of this Act.

(iii) For biofuels, the program should accelerate research, development, and demonstration on advanced enzymatic hydrolysis technology for making ethanol from cellulosic feedstock, with the goal that between 2010 and 2015 ethanol produced from energy crops would be fully competitive in terms of price with gasoline as a neat fuel, in either internal combustion engines or fuel cell vehicles.

(C) For Geothermal Technology Development, the program should focus on advanced concepts for the long term. The first priority should be high-grade enhanced geothermal systems; the second priority should be lower grade, hot dry rock, and geopressured systems; and the third priority should be support of field demonstrations of enhanced geothermal systems technology, including sites in lower grade areas to demonstrate the benefits of reservoir concepts to different conditions.

(D) For Hydropower, the program should provide a new generation of turbine technologies that will increase generating capacity and will be less damaging to fish and aquatic ecosystems.

(E) For Concentrating Solar Power, the program should strengthen ongoing research, development, and demonstration combining high-efficiency and high-temperature receivers with advanced thermal storage and power cycles, with the goal of making solar-only power (including baseload solar power) widely competitive with fossil fuel power by 2015. The program should limit or halt its research and development on power-tower and power-trough technologies because further refinements to these concepts will not further their deployment, and should assess the market prospects for solar dish/engine technologies to determine whether continued research and development is warranted.

(F) For Photovoltaic Energy Systems, the program should pursue research, development, and demonstration that will, by 2005, increase the efficiency of thin film modules from the current 7 percent to 11 percent in multi-million watt production; reduce the direct manufacturing cost of photovoltaic modules by 30 percent from the current $2.50 per watt to $1.75 per watt by 2005; and establish greater than a 20-year lifetime of photovoltaic systems by improving the reliability and lifetime of balance-of-system components and reducing recurring cost by 40 percent. The program's top priority should be the development of sound manufacturing technologies for thin-film modules, and the program should make a concerted effort to integrate fundamental research and basic engineering research.

(G) For Solar Building Technology Research, the program should complete research and development on new polymers and manufacturing processes to reduce the cost of solar water heating by 50 percent by 2004, compared to the cost as of the date of the enactment of this Act.

(H) For Wind Energy Systems, the program should reduce the cost of wind energy to three cents per kilowatt-hour at Class 6 (15 miles-per-hour annual average) wind sites by 2004, and 4 cents per kilowatt-hour in Class 4 (13 miles-per-hour annual average) wind sites by 2015, and further if required so that wind power can be widely competitive with fossil-fuel-based electricity in a restructured electric industry. Program research on advanced wind turbine technology should focus on turbulent flow studies, durable materials to extend turbine life, blade efficiency, and higher efficiency operation in low quality wind regimes.

(I) For Electric Energy Systems and Storage, including High Temperature Superconducting Research and Development, Energy Storage Systems, and Transmission Reliability, the program should develop high capacity superconducting transmission lines and generators, highly reliable energy storage systems, and distributed generating systems to accommodate multiple types of energy sources under common interconnect standards.

(J) For the International Renewable Energy and Renewable Energy Production Incentive programs, and Renewable Program Support, the program should encourage the commercial application of renewable energy technologies by developed and developing countries, State and local governmental entities and nonprofit electric cooperatives, and by the competitive domestic market.

(3) NUCLEAR ENERGY.—

(A) For university nuclear science and engineering, the program should carry out the provisions of subtitle A of title III of this division.

(B) For fuel cycle research, development, and demonstration, the program should carry out the provisions of subtitle B of title III of this division.

(C) For the Nuclear Energy Research Initiative, the program should accomplish the objectives of section 2341(b) of this Act.

(D) For the Nuclear Energy Plant Optimization Program, the program should accomplish the objectives of section 2342(b) of this Act.

(E) For Nuclear Energy Technologies, the program should carry out the provisions of section 2343 of this Act.

(F) For Advanced Radioisotope Power Systems, the program should ensure that the United States has adequate capability to power future satellite and space missions.

(4) FOSSIL ENERGY.—

(A) For core fossil energy research and development, the program should achieve the goals outlined by the Department's Vision 21 Program. This research should address fuel-flexible gasification and turbines, fuel cells, advanced-combustion systems, advanced fuels and chemicals, advanced modeling and systems analysis, materials and heat exchangers, environmental control technologies, gas-stream purification, gas-separation technology, and sequestration research and development focused on cost-effective novel concepts for capturing, reusing or storing, or otherwise mitigating carbon and other greenhouse gas emissions.

(B) For offshore oil and natural gas resources, the program should investigate and develop technologies to—

(i) extract methane hydrates in coastal waters of the United States, in accordance with the provisions of the Methane Hydrate Research and Development Act of 2000; and

(ii) develop natural gas and oil reserves in the ultra-deepwater of the Central and Western Gulf of Mexico. Research and development on ultra-deepwater resource recovery shall focus on improving the safety and efficiency of such recovery and of sub-sea production technology used for such recovery, while lowering costs.

(C) For transportation fuels, the program should support a comprehensive transportation fuels strategy to increase the price elasticity of oil supply and demand by focusing research on reducing the cost of producing transportation fuels from natural gas and indirect liquefaction of coal.

(5) SCIENCE.—The Secretary, through the Office of Science, should—

(A) develop and maintain a robust portfolio of fundamental scientific and energy research, including High Energy and Nuclear Physics, Biological and Environmental Research, Basic Energy Sciences (including Materials Sciences, Chemical Sciences, Engineering and Geosciences, and Energy Biosciences), Advanced Scientific Computing, Energy Research and Analysis, Multiprogram Energy Laboratories-Facilities Support, Fusion Energy Sciences, and Facilities and Infrastructure;

(B) maintain, upgrade, and expand, as appropriate, and in accordance with the provisions of this division, the scientific user facilities maintained by the Office of Science, and ensure that they are an integral part of the Department's mission for exploring the frontiers of fundamental energy sciences; and

(C) ensure that its fundamental energy sciences programs, where appropriate, help inform the applied research and development programs of the Department.

(b) REVIEW AND ASSESSMENT.—The Secretary shall perform an assessment that establishes measurable cost and performance-based goals, or that modifies the goals under subsection (a), as appropriate, for 2005, 2010, 2015, and 2020 for each of the programs authorized by this division that would enable each such program to meet the purposes of this division under section 2003. Such assessment shall be based on the latest scientific and technical knowledge, and shall also take into consideration, as appropriate, the comparative environmental impacts (including emissions of greenhouse gases) of the energy saved or produced by specific programs.

(c) CONSULTATION.—In establishing the measurable cost and performance-based goals under subsection (b), the Secretary shall consult with the private sector, institutions of higher learning, national laboratories, environmental organizations, professional and technical societies, and any other persons as the Secretary considers appropriate.

(d) SCHEDULE.—The Secretary shall—

(1) issue and publish in the Federal Register a set of draft measurable cost and performance-based goals for the programs authorized by this division for public comment—

(A) in the case of a program established before the date of the enactment of this Act, not later than 120 days after the date of the enactment of this Act; and

(B) in the case of a program not established before the date of the enactment of this Act, not later than 120 days after the date of establishment of the program;

(2) not later than 60 days after the date of publication under paragraph (1), after taking into consideration any public comments received, transmit to the Congress and publish in the Federal Register the final measurable cost and performance-based goals; and

(3) update all such cost and performance-based goals on a biennial basis.

SEC. 2005. DEFINITIONS.

For purposes of this division, except as otherwise provided—

(1) the term ''Administrator'' means the Administrator of the Environmental Protection Agency;

(2) the term ''appropriate congressional committees'' means—

(A) the Committee on Science and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate;

(3) the term ''Department'' means the Department of Energy; and

(4) the term ''Secretary'' means the Secretary of Energy.

SEC. 2006. AUTHORIZATIONS.

Authorizations of appropriations under this division are for environmental research and development, scientific and energy research, development, and demonstration, and commercial application of energy technology programs, projects, and activities.

SEC. 2007. BALANCE OF FUNDING PRIORITIES.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the funding of the various programs authorized by titles I through IV of this division should remain in the same proportion to each other as provided in this division, regardless of the total amount of funding made available for those programs.

(b) REPORT TO CONGRESS.—If for fiscal year 2002, 2003, or 2004 the amounts appropriated in general appropriations Acts for the programs authorized in titles I through IV of this division are not in the same proportion to one another as are the authorizations for such programs in this division, the Secretary and the Administrator shall, within 60 days after the date of the enactment of the last general appropriations Act appropriating amounts for such programs, transmit to the appropriate congressional committees a report describing the programs, projects, and activities that would have been funded if the proportions provided for in this division had been maintained in the appropriations. The amount appropriated for the program receiving the highest percentage of its authorized funding for a fiscal year shall be used as the baseline for calculating the proportional deficiencies of appropriations for other programs in that fiscal year.

TITLE I—ENERGY CONSERVATION AND ENERGY EFFICIENCY

Subtitle A—Alternative Fuel Vehicles

SEC. 2101. SHORT TITLE.

This subtitle may be cited as the ''Alternative Fuel Vehicle Acceleration Act of 2001''.

SEC. 2102. DEFINITIONS.

For the purposes of this subtitle, the following definitions apply:

(1) ALTERNATIVE FUEL VEHICLE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''alternative fuel vehicle'' means a motor vehicle that is powered—

(i) in whole or in part by electricity, including electricity supplied by a fuel cell;

(ii) by liquefied natural gas;

(iii) by compressed natural gas;

(iv) by liquefied petroleum gas;

(v) by hydrogen;

(vi) by methanol or ethanol at no less than 85 percent by volume; or

(vii) by propane.

(B) EXCLUSIONS.—The term ''alternative fuel vehicle'' does not include—

(i) any vehicle designed to operate solely on gasoline or diesel derived from fossil fuels, regardless of whether it can also be operated on an alternative fuel; or

(ii) any vehicle that the Secretary determines, by rule, does not yield substantial environmental benefits over a vehicle operating solely on gasoline or diesel derived from fossil fuels.

(2) PILOT PROGRAM.—The term ''pilot program'' means the competitive grant program established under section 2103.

(3) ULTRA-LOW SULFUR DIESEL VEHICLE.—The term ''ultra-low sulfur diesel vehicle'' means a vehicle powered by a heavy-duty diesel engine that—

(A) is fueled by diesel fuel which contains sulfur at not more than 15 parts per million; and

(B) emits not more than the lesser of—

(i) for vehicles manufactured in—

(I) model years 2001 through 2003, 3.0 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(II) model years 2004 through 2006, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; or

(ii) the emissions of nonmethane hydrocarbons, oxides of nitrogen, and particulate matter of the best performing technology of ultra-low sulfur diesel vehicles of the same type that are commercially available.

SEC. 2103. PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a competitive grant pilot program to provide not more than 15 grants to State governments, local governments, or metropolitan transportation authorities to carry out a project or projects for the purposes described in subsection (b).

(b) GRANT PURPOSES.—Grants under this section may be used for the following purposes:

(1) The acquisition of alternative fuel vehicles, including—

(A) passenger vehicles;

(B) buses used for public transportation or transportation to and from schools;

(C) delivery vehicles for goods or services;

(D) ground support vehicles at public airports, including vehicles to carry baggage or push airplanes away from terminal gates; and

(E) motorized two-wheel bicycles, scooters, or other vehicles for use by law enforcement personnel or other State or local government or metropolitan transportation authority employees.

(2) The acquisition of ultra-low sulfur diesel vehicles.

(3) Infrastructure necessary to directly support an alternative fuel vehicle project funded by the grant, including fueling and other support equipment.

(4) Operation and maintenance of vehicles, infrastructure, and equipment acquired as part of a project funded by the grant.

(c) APPLICATIONS.—

(1) REQUIREMENTS.—The Secretary shall issue requirements for applying for grants under the pilot program. At a minimum, the Secretary shall require that applications be submitted by the head of a State or local government or a metropolitan transportation authority, or any combination thereof, and shall include—

(A) at least one project to enable passengers or goods to be transferred directly from one alternative fuel vehicle or ultra-low sulfur diesel vehicle to another in a linked transportation system;

(B) a description of the projects proposed in the application, including how they meet the requirements of this subtitle;

(C) an estimate of the ridership or degree of use of the projects proposed in the application;

(D) an estimate of the air pollution emissions reduced and fossil fuel displaced as a result of the projects proposed in the application, and a plan to collect and disseminate environmental data, related to the projects to be funded under the grant, over the life of the projects;

(E) a description of how the projects proposed in the application will be sustainable without Federal assistance after the completion of the term of the grant;

(F) a complete description of the costs of each project proposed in the application, including acquisition, construction, operation, and maintenance costs over the expected life of the project;

(G) a description of which costs of the projects proposed in the application will be supported by Federal assistance under this subtitle; and

(H) documentation to the satisfaction of the Secretary that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the projects, and a commitment by the applicant to use such fuel in carrying out the projects.

(2) PARTNERS.—An applicant under paragraph (1) may carry out projects under the pilot program in partnership with public and private entities.

(d) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall consider each applicant's previous experience with similar projects and shall give priority consideration to applications that—

(1) are most likely to maximize protection of the environment;

(2) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed projects and the greatest likelihood that each project proposed in the application will be maintained or expanded after Federal assistance under this subtitle is completed; and

(3) exceed the minimum requirements of subsection (c)(1)(A).

(e) PILOT PROJECT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall not provide more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(2) COST SHARING.—The Secretary shall not provide more than 50 percent of the cost, incurred during the period of the grant, of any project under the pilot program.

(3) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not fund any applicant under the pilot program for more than 5 years.

(4) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek to the maximum extent practicable to achieve nationwide deployment of alternative fuel vehicles through the pilot program, and shall ensure a broad geographic distribution of project sites.

(5) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) SCHEDULE.—

(1) PUBLICATION.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and elsewhere as appropriate, a request for applications to undertake projects under the pilot program. Applications shall be due within 6 months of the publication of the notice.

(2) SELECTION.—Not later than 6 months after the date by which applications for grants are due, the Secretary shall select by competitive, peer review all applications for projects to be awarded a grant under the pilot program.

(g) LIMIT ON FUNDING.—The Secretary shall provide not less than 20 percent and not more than 25 percent of the grant funding made available under this section for the acquisition of ultra-low sulfur diesel vehicles.

SEC. 2104. REPORTS TO CONGRESS.

(a) INITIAL REPORT.—Not later than 2 months after the date grants are awarded under this subtitle, the Secretary shall transmit to the appropriate congressional committees a report containing—

(1) an identification of the grant recipients and a description of the projects to be funded;

(2) an identification of other applicants that submitted applications for the pilot program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(b) EVALUATION.—Not later than 3 years after the date of the enactment of this Act, and annually thereafter until the pilot program ends, the Secretary shall transmit to the appropriate congressional committees a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the benefits to the environment derived from the projects included in the pilot program as well as an estimate of the potential benefits to the environment to be derived from widespread application of alternative fuel vehicles and ultra-low sulfur diesel vehicles.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary $200,000,000 to carry out this subtitle, to remain available until expended.

Subtitle B—Distributed Power Hybrid Energy Systems

SEC. 2121. FINDINGS.

The Congress makes the following findings:

(1) Our ability to take advantage of our renewable, indigenous resources in a cost-effective manner can be greatly advanced through systems that compensate for the intermittent nature of these resources through distributed power hybrid systems.

(2) Distributed power hybrid systems can—

(A) shelter consumers from temporary energy price volatility created by supply and demand mismatches;

(B) increase the reliability of energy supply; and

(C) address significant local differences in power and economic development needs and resource availability that exist throughout the United States.

(3) Realizing these benefits will require a concerted and integrated effort to remove market barriers to adopting distributed power hybrid systems by—

(A) developing the technological foundation that enables designing, testing, certifying, and operating distributed power hybrid systems; and

(B) providing the policy framework that reduces such barriers.

(4) While many of the individual distributed power hybrid systems components are either available or under development in existing private and public sector programs, the capabilities to integrate these components into workable distributed power hybrid systems that maximize benefits to consumers in a safe manner often are not coherently being addressed.

SEC. 2122. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''distributed power hybrid system'' means a system using 2 or more distributed power sources, operated together with associated supporting equipment, including storage equipment, and software necessary to provide electric power onsite and to an electric distribution system; and

(2) the term ''distributed power source'' means an independent electric energy source of usually 10 megawatts or less located close to a residential, commercial, or industrial load center, including—

(A) reciprocating engines;

(B) turbines;

(C) microturbines;

(D) fuel cells;

(E) solar electric systems;

(F) wind energy systems;

(G) biopower systems;

(H) geothermal power systems; or

(I) combined heat and power systems.

SEC. 2123. STRATEGY.

(a) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop and transmit to the Congress a distributed power hybrid systems strategy showing—

(1) needs best met with distributed power hybrid systems configurations, especially systems including one or more solar or renewable power sources; and

(2) technology gaps and barriers (including barriers to efficient connection with the power grid) that hamper the use of distributed power hybrid systems.

(b) ELEMENTS.—The strategy shall provide for development of—

(1) system integration tools (including databases, computer models, software, sensors, and controls) needed to plan, design, build, and operate distributed power hybrid systems for maximum benefits;

(2) tests of distributed power hybrid systems, power parks, and microgrids, including field tests and cost-shared demonstrations with industry;

(3) design tools to characterize the benefits of distributed power hybrid systems for consumers, to reduce testing needs, to speed commercialization, and to generate data characterizing grid operations, including interconnection requirements;

(4) precise resource assessment tools to map local resources for distributed power hybrid systems; and

(5) a comprehensive research, development, demonstration, and commercial application program to ensure the reliability, efficiency, and environmental integrity of distributed energy resources, focused on filling gaps in distributed power hybrid systems technologies identified under subsection (a)(2), which may include—

(A) integration of a wide variety of advanced technologies into distributed power hybrid systems;

(B) energy storage devices;

(C) environmental control technologies;

(D) interconnection standards, protocols, and equipment; and

(E) ancillary equipment for dispatch and control.

(c) IMPLEMENTATION AND INTEGRATION.—The Secretary shall implement the strategy transmitted under subsection (a) and the research program under subsection (b)(5). Activities pursuant to the strategy shall be integrated with other activities of the Department's Office of Power Technologies.

SEC. 2124. HIGH POWER DENSITY INDUSTRY PROGRAM.

(a) IN GENERAL.—The Secretary shall develop and implement a comprehensive research, development, demonstration, and commercial application program to improve energy efficiency, reliability, and environmental responsibility in high power density industries, such as data centers, server farms, telecommunications facilities, and heavy industry.

(b) AREAS.—In carrying out this section, the Secretary shall consider technologies that provide—

(1) significant improvement in efficiency of high power density facilities, and in data and telecommunications centers, using advanced thermal control technologies;

(2) significant improvements in air-conditioning efficiency in facilities such as data centers and telecommunications facilities;

(3) significant advances in peak load reduction; and

(4) advanced real time metering and load management and control devices.

(c) IMPLEMENTATION AND INTEGRATION.—Activities pursuant to this program shall be integrated with other activities of the Department's Office of Power Technologies.

SEC. 2125. MICRO-COGENERATION ENERGY TECHNOLOGY.

The Secretary shall make competitive, merit-based grants to consortia of private sector entities for the development of micro-cogeneration energy technology. The consortia shall explore the creation of small-scale combined heat and power through the use of residential heating appliances. There are authorized to be appropriated to the Secretary $20,000,000 to carry out this section, to remain available until expended.

SEC. 2126. PROGRAM PLAN.

Within 4 months after the date of the enactment of this Act, the Secretary, in consultation with other appropriate Federal agencies, shall prepare and transmit to the Congress a 5-year program plan to guide activities under this subtitle. In preparing the program plan, the Secretary shall consult with appropriate representatives of the distributed energy resources, power transmission, and high power density industries to prioritize appropriate program areas. The Secretary shall also seek the advice of utilities, energy services providers, manufacturers, institutions of higher learning, other appropriate State and local agencies, environmental organizations, professional and technical societies, and any other persons the Secretary considers appropriate.

SEC. 2127. REPORT.

Two years after date of the enactment of this Act and at 2-year intervals thereafter, the Secretary, jointly with other appropriate Federal agencies, shall transmit a report to Congress describing the progress made to achieve the purposes of this subtitle.

SEC. 2128. VOLUNTARY CONSENSUS STANDARDS.

Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with the National Institute of Standards and Technology, shall work with the Institute of Electrical and Electronic Engineers and other standards development organizations toward the development of voluntary consensus standards for distributed energy systems for use in manufacturing and using equipment and systems for connection with electric distribution systems, for obtaining electricity from, or providing electricity to, such systems.

Subtitle C—Secondary Electric Vehicle Battery Use

SEC. 2131. DEFINITIONS.

For purposes of this subtitle, the term—

(1) ''battery'' means an energy storage device that previously has been used to provide motive power in a vehicle powered in whole or in part by electricity; and

(2) ''associated equipment'' means equipment located at the location where the batteries will be used that is necessary to enable the use of the energy stored in the batteries.

SEC. 2132. ESTABLISHMENT OF SECONDARY ELECTRIC VEHICLE BATTERY USE PROGRAM.

(a) PROGRAM.—The Secretary shall establish and conduct a research, development, and demonstration program for the secondary use of batteries where the original use of such batteries was in transportation applications. Such program shall be—

(1) designed to demonstrate the use of batteries in secondary application, including utility and commercial power storage and power quality;

(2) structured to evaluate the performance, including longevity of useful service life and costs, of such batteries in field operations, and evaluate the necessary supporting infrastructure, including disposal and reuse of batteries; and

(3) coordinated with ongoing secondary battery use programs underway at the national laboratories and in industry.

(b) SOLICITATION.—(1) Not later than 6 months after the date of the enactment of this Act, the Secretary shall solicit proposals to demonstrate the secondary use of batteries and associated equipment and supporting infrastructure in geographic locations throughout the United States. The Secretary may make additional solicitations for proposals if the Secretary determines that such solicitations are necessary to carry out this section.

(2)(A) Proposals submitted in response to a solicitation under this section shall include—

(i) a description of the project, including the batteries to be used in the project, the proposed locations and applications for the batteries, the number of batteries to be demonstrated, and the type, characteristics, and estimated life-cycle costs of the batteries compared to other energy storage devices currently used;

(ii) the contribution, if any, of State or local governments and other persons to the demonstration project;

(iii) the type of associated equipment to be demonstrated and the type of supporting infrastructure to be demonstrated; and

(iv) any other information the Secretary considers appropriate.

(B) If the proposal includes a lease arrangement, the proposal shall indicate the terms of such lease arrangement for the batteries and associated equipment.

(c) SELECTION OF PROPOSALS.—(1)(A) The Secretary shall, not later than 3 months after the closing date established by the Secretary for receipt of proposals under subsection (b), select at least 5 proposals to receive financial assistance under this section.

(B) No one project selected under this section shall receive more than 25 percent of the funds authorized under this section. No more than 3 projects selected under this section shall demonstrate the same battery type.

(2) In selecting a proposal under this section, the Secretary shall consider—

(A) the ability of the proposer to acquire the batteries and associated equipment and to successfully manage and conduct the demonstration project, including the reporting requirements set forth in paragraph (3)(B);

(B) the geographic and climatic diversity of the projects selected;

(C) the long-term technical and competitive viability of the batteries to be used in the project and of the original manufacturer of such batteries;

(D) the suitability of the batteries for their intended uses;

(E) the technical performance of the battery, including the expected additional useful life and the battery's ability to retain energy;

(F) the environmental effects of the use of and disposal of the batteries proposed to be used in the project selected;

(G) the extent of involvement of State or local government and other persons in the demonstration project and whether such involvement will—

(i) permit a reduction of the Federal cost share per project; or

(ii) otherwise be used to allow the Federal contribution to be provided to demonstrate a greater number of batteries; and

(H) such other criteria as the Secretary considers appropriate.

(3) CONDITIONS.—The Secretary shall require that—

(A) as a part of a demonstration project, the users of the batteries provide to the proposer information regarding the operation, maintenance, performance, and use of the batteries, and the proposer provide such information to the battery manufacturer, for 3 years after the beginning of the demonstration project;

(B) the proposer provide to the Secretary such information regarding the operation, maintenance, performance, and use of the batteries as the Secretary may request during the period of the demonstration project; and

(C) the proposer provide at least 50 percent of the costs associated with the proposal.

SEC. 2133. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary, from amounts authorized under section 2161(a), for purposes of this subtitle—

(1) $1,000,000 for fiscal year 2002;

(2) $7,000,000 for fiscal year 2003; and

(3) $7,000,000 for fiscal year 2004.

Such appropriations may remain available until expended.

Subtitle D—Green School Buses

SEC. 2141. SHORT TITLE.

This subtitle may be cited as the ''Clean Green School Bus Act of 2001''.

SEC. 2142. ESTABLISHMENT OF PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a pilot program for awarding grants on a competitive basis to eligible entities for the demonstration and commercial application of alternative fuel school buses and ultra-low sulfur diesel school buses.

(b) REQUIREMENTS.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall establish and publish in the Federal register grant requirements on eligibility for assistance, and on implementation of the program established under subsection (a), including certification requirements to ensure compliance with this subtitle.

(c) SOLICITATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall solicit proposals for grants under this section.

(d) ELIGIBLE RECIPIENTS.—A grant shall be awarded under this section only—

(1) to a local governmental entity responsible for providing school bus service for one or more public school systems; or

(2) jointly to an entity described in paragraph (1) and a contracting entity that provides school bus service to the public school system or systems.

(e) TYPES OF GRANTS.—

(1) IN GENERAL.—Grants under this section shall be for the demonstration and commercial application of technologies to facilitate the use of alternative fuel school buses and ultra-low sulfur diesel school buses in lieu of buses manufactured before model year 1977 and diesel-powered buses manufactured before model year 1991.

(2) NO ECONOMIC BENEFIT.—Other than the receipt of the grant, a recipient of a grant under this section may not receive any economic benefit in connection with the receipt of the grant.

(3) PRIORITY OF GRANT APPLICATIONS.—The Secretary shall give priority to awarding grants to applicants who can demonstrate the use of alternative fuel buses and ultra-low sulfur diesel school buses in lieu of buses manufactured before model year 1977.

(f) CONDITIONS OF GRANT.—A grant provided under this section shall include the following conditions:

(1) All buses acquired with funds provided under the grant shall be operated as part of the school bus fleet for which the grant was made for a minimum of 5 years.

(2) Funds provided under the grant may only be used—

(A) to pay the cost, except as provided in paragraph (3), of new alternative fuel school buses or ultra-low sulfur diesel school buses, including State taxes and contract fees; and

(B) to provide—

(i) up to 10 percent of the price of the alternative fuel buses acquired, for necessary alternative fuel infrastructure if the infrastructure will only be available to the grant recipient; and

(ii) up to 15 percent of the price of the alternative fuel buses acquired, for necessary alternative fuel infrastructure if the infrastructure will be available to the grant recipient and to other bus fleets.

(3) The grant recipient shall be required to provide at least the lesser of 15 percent of the total cost of each bus received or $15,000 per bus.

(4) In the case of a grant recipient receiving a grant to demonstrate ultra-low sulfur diesel school buses, the grant recipient shall be required to provide documentation to the satisfaction of the Secretary that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the purposes of the grant, and a commitment by the applicant to use such fuel in carrying out the purposes of the grant.

(g) BUSES.—Funding under a grant made under this section may be used to demonstrate the use only of new alternative fuel school buses or ultra-low sulfur diesel school buses—

(1) with a gross vehicle weight of greater than 14,000 pounds;

(2) that are powered by a heavy duty engine;

(3) that, in the case of alternative fuel school buses, emit not more than—

(A) for buses manufactured in model years 2001 and 2002, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(B) for buses manufactured in model years 2003 through 2006, 1.8 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(4) that, in the case of ultra-low sulfur diesel school buses, emit not more than—

(A) for buses manufactured in model years 2001 through 2003, 3.0 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(B) for buses manufactured in model years 2004 through 2006, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter,

except that under no circumstances shall buses be acquired under this section that

emit nonmethane hydrocarbons, oxides of nitrogen, or particulate matter at a rate greater than the best performing technology of ultra-low sulfur diesel school buses commercially available at the time the grant is made.

(h) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek to the maximum extent practicable to achieve nationwide deployment of alternative fuel school buses through the program under this section, and shall ensure a broad geographic distribution of grant awards, with a goal of no State receiving more than 10 percent of the grant funding made available under this section for a fiscal year.

(i) LIMIT ON FUNDING.—The Secretary shall provide not less than 20 percent and not more than 25 percent of the grant funding made available under this section for any fiscal year for the acquisition of ultra-low sulfur diesel school buses.

(j) DEFINITIONS.—For purposes of this section—

(1) the term ''alternative fuel school bus'' means a bus powered substantially by electricity (including electricity supplied by a fuel cell), or by liquefied natural gas, compressed natural gas, liquefied petroleum gas, hydrogen, propane, or methanol or ethanol at no less than 85 percent by volume; and

(2) the term ''ultra-low sulfur diesel school bus'' means a school bus powered by diesel fuel which contains sulfur at not more than 15 parts per million.

SEC. 2143. FUEL CELL BUS DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program for entering into cooperative agreements with private sector fuel cell bus developers for the development of fuel cell-powered school buses, and subsequently with not less than 2 units of local government using natural gas-powered school buses and such private sector fuel cell bus developers to demonstrate the use of fuel cell-powered school buses.

(b) COST SHARING.—The non-Federal contribution for activities funded under this section shall be not less than—

(1) 20 percent for fuel infrastructure development activities; and

(2) 50 percent for demonstration activities and for development activities not described in paragraph (1).

(c) FUNDING.—No more than $25,000,000 of the amounts authorized under section 2144 may be used for carrying out this section for the period encompassing fiscal years 2002 through 2006.

(d) REPORTS TO CONGRESS.—Not later than 3 years after the date of the enactment of this Act, and not later than October 1, 2006, the Secretary shall transmit to the appropriate congressional committees a report that—

(1) evaluates the process of converting natural gas infrastructure to accommodate fuel cell-powered school buses; and

(2) assesses the results of the development and demonstration program under this section.

SEC. 2144. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for carrying out this subtitle, to remain available until expended—

(1) $40,000,000 for fiscal year 2002;
(2) $50,000,000 for fiscal year 2003;
(3) $60,000,000 for fiscal year 2004;
(4) $70,000,000 for fiscal year 2005; and
(5) $80,000,000 for fiscal year 2006.

Subtitle E—Next Generation Lighting Initiative

SEC. 2151. SHORT TITLE.

This subtitle may be cited as ''Next Generation Lighting Initiative Act''.

SEC. 2152. DEFINITION.

In this subtitle, the term ''Lighting Initiative'' means the ''Next Generation Lighting Initiative'' established under section 2153(a).

SEC. 2153. NEXT GENERATION LIGHTING INITIATIVE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish a lighting initiative to be known as the ''Next Generation Lighting Initiative'' to research, develop, and conduct demonstration activities on advanced lighting technologies, including white light emitting diodes.

(b) RESEARCH OBJECTIVES.—The research objectives of the Lighting Initiative shall be to develop, by 2011, advanced lighting technologies that, compared to incandescent and fluorescent lighting technologies as of the date of the enactment of this Act, are—

(1) longer lasting;
(2) more energy-efficient; and
(3) cost-competitive.

SEC. 2154. STUDY.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with other Federal agencies, as appropriate, shall complete a study on strategies for the development and commercial application of advanced lighting technologies. The Secretary shall request a review by the National Academies of Sciences and Engineering of the study under this subsection, and shall transmit the results of the study to the appropriate congressional committees.

(b) REQUIREMENTS.—The study shall—

(1) develop a comprehensive strategy to implement the Lighting Initiative; and

(2) identify the research and development, manufacturing, deployment, and marketing barriers that must be overcome to achieve a goal of a 25 percent market penetration by advanced lighting technologies into the incandescent and fluorescent lighting market by the year 2012.

(c) IMPLEMENTATION.—As soon as practicable after the review of the study under subsection (a) is transmitted to the Secretary by the National Academies of Sciences and Engineering, the Secretary shall adapt the implementation of the Lighting Initiative taking into consideration the recommendations of the National Academies of Sciences and Engineering.

SEC. 2155. GRANT PROGRAM.

(a) IN GENERAL.—Subject to section 2603 of this Act, the Secretary may make merit-based competitive grants to firms and research organizations that conduct research, development, and demonstration projects related to advanced lighting technologies.

(b) ANNUAL REVIEW.—

(1) IN GENERAL.—An annual independent review of the grant-related activities of firms and research organizations receiving a grant under this section shall be conducted by a committee appointed by the Secretary under the Federal Advisory Committee Act (5 U.S.C. App.), or, at the request of the Secretary, a committee appointed by the National Academies of Sciences and Engineering.

(2) REQUIREMENTS.—Using clearly defined standards established by the Secretary, the review shall assess technology advances and progress toward commercialization of the grant-related activities of firms or research organizations during each fiscal year of the grant program.

(c) TECHNICAL AND FINANCIAL ASSISTANCE.—The national laboratories and other Federal agencies, as appropriate, shall cooperate with and provide technical and financial assistance to firms and research organizations conducting research, development, and demonstration projects carried out under this subtitle.

Subtitle F—Department of Energy Authorization of Appropriations

SEC. 2161. AUTHORIZATION OF APPROPRIATIONS.

(a) OPERATION AND MAINTENANCE.—In addition to amounts authorized to be appropriated under section 2105, section 2125, and section 2144, there are authorized to be appropriated to the Secretary for subtitle B, subtitle C, subtitle E, and for Energy Conservation operation and maintenance (including Building Technology, State and Community Sector (Nongrants), Industry Sector, Transportation Sector, Power Technologies, and Policy and Management) $625,000,000 for fiscal year 2002, $700,000,000 for fiscal year 2003, and $800,000,000 for fiscal year 2004, to remain available until expended.

(b) LIMITS ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (a) may be used for—

(1) Building Technology, State and Community Sector—

(A) Residential Building Energy Codes;
(B) Commercial Building Energy Codes;
(C) Lighting and Appliance Standards;
(D) Weatherization Assistance Program; or
(E) State Energy Program; or

(2) Federal Energy Management Program.

Subtitle G—Environmental Protection Agency Office of Air and Radiation Authorization of Appropriations

SEC. 2171. SHORT TITLE.

This subtitle may be cited as the ''Environmental Protection Agency Office of Air and Radiation Authorization Act of 2001''.

SEC. 2172. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator for Office of Air and Radiation Climate Change Protection Programs $121,942,000 for fiscal year 2002, $126,800,000 for fiscal year 2003, and $131,800,000 for fiscal year 2004 to remain available until expended, of which—

(1) $52,731,000 for fiscal year 2002, $54,800,000 for fiscal year 2003, and $57,000,000 for fiscal year 2004 shall be for Buildings;

(2) $32,441,000 for fiscal year 2002, $33,700,000 for fiscal year 2003, and $35,000,000 for fiscal year 2004 shall be for Transportation;

(3) $27,295,000 for fiscal year 2002, $28,400,000 for fiscal year 2003, and $29,500,000 for fiscal year 2004 shall be for Industry;

(4) $1,700,000 for fiscal year 2002, $1,800,000 for fiscal year 2003, and $1,900,000 for fiscal year 2004 shall be for Carbon Removal;

(5) $2,500,000 for fiscal year 2002, $2,600,000 for fiscal year 2003, and $2,700,000 for fiscal year 2004 shall be for State and Local Climate; and

(6) $5,275,000 for fiscal year 2002, $5,500,000 for fiscal year 2003, and $5,700,000 for fiscal year 2004 shall be for International Capacity Building.

SEC. 2173. LIMITS ON USE OF FUNDS.

(a) PRODUCTION OR PROVISION OF ARTICLES OR SERVICES.—None of the funds authorized to be appropriated by this subtitle may be used to produce or provide articles or services for the purpose of selling the articles or services to a person outside the Federal Government, unless the Administrator determines that comparable articles or services are not available from a commercial source in the United States.

(b) REQUESTS FOR PROPOSALS.—None of the funds authorized to be appropriated by this subtitle may be used by the Environmental Protection Agency to prepare or initiate Requests for Proposals for a program if the program has not been authorized by Congress.

SEC. 2174. COST SHARING.

(a) RESEARCH AND DEVELOPMENT.—Except as otherwise provided in this subtitle, for research and development programs carried out under this subtitle, the Administrator

shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Administrator may reduce or eliminate the non-Federal requirement under this subsection if the Administrator determines that the research and development is of a basic or fundamental nature.

(b) DEMONSTRATION AND COMMERCIAL APPLICATION.—Except as otherwise provided in this subtitle, the Administrator shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this subtitle to be provided from non-Federal sources. The Administrator may reduce the non-Federal requirement under this subsection if the Administrator determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this subtitle.

(c) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Administrator may include personnel, services, equipment, and other resources.

SEC. 2175. LIMITATION ON DEMONSTRATION AND COMMERCIAL APPLICATIONS OF ENERGY TECHNOLOGY.

The Administrator shall provide funding for scientific or energy demonstration or commercial application of energy technology programs, projects, or activities of the Office of Air and Radiation only for technologies or processes that can be reasonably expected to yield new, measurable benefits to the cost, efficiency, or performance of the technology or process.

SEC. 2176. REPROGRAMMING.

(a) AUTHORITY.—The Administrator may use amounts appropriated under this subtitle for a program, project, or activity other than the program, project, or activity for which such amounts were appropriated only if—

(1) the Administrator has transmitted to the appropriate congressional committees a report described in subsection (b) and a period of 30 days has elapsed after such committees receive the report;

(2) amounts used for the program, project, or activity do not exceed—

(A) 105 percent of the amount authorized for the program, project, or activity; or

(B) $250,000 more than the amount authorized for the program, project, or activity,

whichever is less; and

(3) the program, project, or activity has been presented to, or requested of, the Congress by the Administrator.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this subtitle exceed the total amount authorized to be appropriated by this subtitle.

(2) Funds appropriated pursuant to this subtitle may not be used for an item for which Congress has declined to authorize funds.

SEC. 2177. BUDGET REQUEST FORMAT.

The Administrator shall provide to the appropriate congressional committees, to be transmitted at the same time as the Environmental Protection Agency's annual budget request submission, a detailed justification for budget authorization for the programs, projects, and activities for which funds are authorized by this subtitle. Each such document shall include, for the fiscal year for which funding is being requested and for the 2 previous fiscal years—

(1) a description of, and funding requested or allocated for, each such program, project, or activity;

(2) an identification of all recipients of funds to conduct such programs, projects, and activities; and

(3) an estimate of the amounts to be expended by each recipient of funds identified under paragraph (2).

SEC. 2178. OTHER PROVISIONS.

(a) ANNUAL OPERATING PLAN AND REPORTS.—The Administrator shall provide simultaneously to the Committee on Science of the House of Representatives—

(1) any annual operating plan or other operational funding document, including any additions or amendments thereto; and

(2) any report relating to the environmental research or development, scientific or energy research, development, or demonstration, or commercial application of energy technology programs, projects, or activities of the Environmental Protection Agency,

provided to any committee of Congress.

(b) NOTICE OF REORGANIZATION.—The Administrator shall provide notice to the appropriate congressional committees not later than 15 days before any reorganization of any environmental research or development, scientific or energy research, development, or demonstration, or commercial application of energy technology program, project, or activity of the Office of Air and Radiation.

Subtitle H—National Building Performance Initiative

SEC. 2181. NATIONAL BUILDING PERFORMANCE INITIATIVE.

(a) INTERAGENCY GROUP.—Not later than 3 months after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall establish an Interagency Group responsible for the development and implementation of a National Building Performance Initiative to address energy conservation and research and development and related issues. The National Institute of Standards and Technology shall provide necessary administrative support for the Interagency Group.

(b) PLAN.—Not later than 9 months after the date of the enactment of this Act, the Interagency Group shall transmit to the Congress a multiyear implementation plan describing the Federal role in reducing the costs, including energy costs, of using, owning, and operating commercial, institutional, residential, and industrial buildings by 30 percent by 2020. The plan shall include—

(1) research, development, and demonstration of systems and materials for new construction and retrofit, on the building envelope and components; and

(2) the collection and dissemination in a usable form of research results and other pertinent information to the design and construction industry, government officials, and the general public.

(c) NATIONAL BUILDING PERFORMANCE ADVISORY COMMITTEE.—A National Building Performance Advisory Committee shall be established to advise on creation of the plan, review progress made under the plan, advise on any improvements that should be made to the plan, and report to the Congress on actions that have been taken to advance the Nation's capability in furtherance of the plan. The members shall include representatives of a broad cross-section of interests such as the research, technology transfer, architectural, engineering, and financial communities; materials and systems suppliers; State, county, and local governments; the residential, multifamily, and commercial sectors of the construction industry; and the insurance industry.

(d) REPORT.—The Interagency Group shall, within 90 days after the end of each fiscal year, transmit a report to the Congress describing progress achieved during the preceding fiscal year by government at all levels and by the private sector, toward implementing the plan developed under subsection (b), and including any amendments to the plan.

TITLE II—RENEWABLE ENERGY

Subtitle A—Hydrogen

SEC. 2201. SHORT TITLE.

This subtitle may be cited as the ''Robert S. Walker and George E. Brown, Jr. Hydrogen Energy Act of 2001''.

SEC. 2202. PURPOSES.

Section 102(b) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

''(b) PURPOSES.—The purposes of this Act are—

''(1) to direct the Secretary to conduct research, development, and demonstration activities leading to the production, storage, transportation, and use of hydrogen for industrial, commercial, residential, transportation, and utility applications;

''(2) to direct the Secretary to develop a program of technology assessment, information dissemination, and education in which Federal, State, and local agencies, members of the energy, transportation, and other industries, and other entities may participate; and

''(3) to develop methods of hydrogen production that minimize adverse environmental impacts, with emphasis on efficient and cost-effective production from renewable energy resources.''.

SEC. 2203. DEFINITIONS.

Section 102(c) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2), as so redesignated by paragraph (1) of this section, the following new paragraph:

''(1) 'advisory committee' means the advisory committee established under section 108;''.

SEC. 2204. REPORTS TO CONGRESS.

Section 103 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

''SEC. 103. REPORTS TO CONGRESS.

''(a) REQUIREMENT.—Not later than 1 year after the date of the enactment of the Robert S. Walker and George E. Brown, Jr. Hydrogen Energy Act of 2001, and biennially thereafter, the Secretary shall transmit to Congress a detailed report on the status and progress of the programs and activities authorized under this Act.

''(b) CONTENTS.—A report under subsection (a) shall include, in addition to any views and recommendations of the Secretary—

''(1) an assessment of the extent to which the program is meeting the purposes specified in section 102(b);

''(2) a determination of the effectiveness of the technology assessment, information dissemination, and education program established under section 106;

''(3) an analysis of Federal, State, local, and private sector hydrogen-related research, development, and demonstration activities to identify productive areas for increased intergovernmental and private-public sector collaboration; and

''(4) recommendations of the advisory committee for any improvements needed in the programs and activities authorized by this Act.''.

SEC. 2205. HYDROGEN RESEARCH AND DEVELOPMENT.

Section 104 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

''SEC. 104. HYDROGEN RESEARCH AND DEVELOPMENT.

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall conduct a hydrogen research and development program relating to production, storage, transportation, and use of hydrogen, with the goal of enabling the private sector to demonstrate the technical feasibility of using hydrogen for industrial, commercial, residential, transportation, and utility applications.

''(b) ELEMENTS.—In conducting the program authorized by this section, the Secretary shall—

''(1) give particular attention to developing an understanding and resolution of critical technical issues preventing the introduction of hydrogen as an energy carrier into the marketplace;

''(2) initiate or accelerate existing research and development in critical technical issues that will contribute to the development of more economical hydrogen production, storage, transportation, and use, including critical technical issues with respect to production (giving priority to those production techniques that use renewable energy resources as their primary source of energy for hydrogen production), liquefaction, transmission, distribution, storage, and use (including use of hydrogen in surface transportation); and

''(3) survey private sector and public sector hydrogen research and development activities worldwide, and take steps to ensure that research and development activities under this section do not—

''(A) duplicate any available research and development results; or

''(B) displace or compete with the privately funded hydrogen research and development activities of United States industry.

''(c) EVALUATION OF TECHNOLOGIES.—The Secretary shall evaluate, for the purpose of determining whether to undertake or fund research and development activities under this section, any reasonable new or improved technology that could lead or contribute to the development of economical hydrogen production, storage, transportation, and use.

''(d) RESEARCH AND DEVELOPMENT SUPPORT.—The Secretary is authorized to arrange for tests and demonstrations and to disseminate to researchers and developers information, data, and other materials necessary to support the research and development activities authorized under this section and other efforts authorized under this Act, consistent with section 106 of this Act.

''(e) COMPETITIVE PEER REVIEW.—The Secretary shall carry out or fund research and development activities under this section only on a competitive basis using peer review.

''(f) COST SHARING.—For research and development programs carried out under this section, the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this subsection if the Secretary determines that the research and development is of a basic or fundamental nature.''.

SEC. 2206. DEMONSTRATIONS.

Section 105 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended—

(1) in subsection (a), by striking '', preferably in self-contained locations,'';

(2) in subsection (b), by striking ''at self-contained sites'' and inserting '', which shall include a fuel cell bus demonstration program to address hydrogen production, storage, and use in transit bus applications''; and

(3) in subsection (c), by inserting ''NON-FEDERAL FUNDING REQUIREMENT.—'' after ''(c)''.

SEC. 2207. TECHNOLOGY TRANSFER.

Section 106 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

''SEC. 106. TECHNOLOGY ASSESSMENT, INFORMATION DISSEMINATION, AND EDUCATION PROGRAM.

''(a) PROGRAM.—The Secretary shall, in consultation with the advisory committee, conduct a program designed to accelerate wider application of hydrogen production, storage, transportation, and use technologies, including application in foreign countries to increase the global market for the technologies and foster global economic development without harmful environmental effects.

''(b) INFORMATION.—The Secretary, in carrying out the program authorized by subsection (a), shall—

''(1) undertake an update of the inventory and assessment, required under section 106(b)(1) of this Act as in effect before the date of the enactment of the Robert S. Walker and George E. Brown, Jr. Hydrogen Energy Act of 2001, of hydrogen technologies and their commercial capability to economically produce, store, transport, or use hydrogen in industrial, commercial, residential, transportation, and utility sector; and

''(2) develop, with other Federal agencies as appropriate and industry, an information exchange program to improve technology transfer for hydrogen production, storage, transportation, and use, which may consist of workshops, publications, conferences, and a database for the use by the public and private sectors.''.

SEC. 2208. COORDINATION AND CONSULTATION.

Section 107 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended—

(1) by amending paragraph (1) of subsection (a) to read as follows:

''(1) shall establish a central point for the coordination of all hydrogen research, development, and demonstration activities of the Department; and''; and

(2) by amending subsection (c) to read as follows:

''(c) CONSULTATION.—The Secretary shall consult with other Federal agencies as appropriate, and the advisory committee, in carrying out the Secretary's authorities pursuant to this Act.''.

SEC. 2209. ADVISORY COMMITTEE.

Section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

''SEC. 108. ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—The Secretary shall enter into appropriate arrangements with the National Academies of Sciences and Engineering to establish an advisory committee consisting of experts drawn from domestic industry, academia, Governmental laboratories, and financial, environmental, and other organizations, as appropriate, to review and advise on the progress made through the programs and activities authorized under this Act.

''(b) COOPERATION.—The heads of Federal agencies shall cooperate with the advisory committee in carrying out this section and shall furnish to the advisory committee such information as the advisory committee reasonably deems necessary to carry out this section.

''(c) REVIEW.—The advisory committee shall review and make any necessary recommendations to the Secretary on—

''(1) the implementation and conduct of programs and activities authorized under this Act; and

''(2) the economic, technological, and environmental consequences of the deployment of hydrogen production, storage, transportation, and use systems.

''(d) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall consider, but need not adopt, any recommendations of the advisory committee under subsection (c). The Secretary shall provide an explanation of the reasons that any such recommendations will not be implemented and include such explanation in the report to Congress under section 103(a) of this Act.''.

SEC. 2210. AUTHORIZATION OF APPROPRIATIONS.

Section 109 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 is amended to read as follows:

''SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

''(a) RESEARCH AND DEVELOPMENT; ADVISORY COMMITTEE.—There are authorized to be appropriated to the Secretary to carry out sections 104 and 108—

''(1) $40,000,000 for fiscal year 2002;
''(2) $45,000,000 for fiscal year 2003;
''(3) $50,000,000 for fiscal year 2004;
''(4) $55,000,000 for fiscal year 2005; and
''(5) $60,000,000 for fiscal year 2006.

''(b) DEMONSTRATION.—There are authorized to be appropriated to the Secretary to carry out section 105—

''(1) $20,000,000 for fiscal year 2002;
''(2) $25,000,000 for fiscal year 2003;
''(3) $30,000,000 for fiscal year 2004;
''(4) $35,000,000 for fiscal year 2005; and
''(5) $40,000,000 for fiscal year 2006.''.

SEC. 2211. REPEAL.

(a) REPEAL.—Title II of the Hydrogen Future Act of 1996 is repealed.

(b) CONFORMING AMENDMENT.—Section 2 of the Hydrogen Future Act of 1996 is amended by striking ''titles II and III'' and inserting ''title III''.

Subtitle B—Bioenergy

SEC. 2221. SHORT TITLE.

This subtitle may be cited as the ''Bioenergy Act of 2001''.

SEC. 2222. FINDINGS.

Congress finds that bioenergy has potential to help—

(1) meet the Nation's energy needs;

(2) reduce reliance on imported fuels;

(3) promote rural economic development;

(4) provide for productive utilization of agricultural residues and waste materials, and forestry residues and byproducts; and

(5) protect the environment.

SEC. 2223. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''bioenergy'' means energy derived from any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, and animal and other organic wastes;

(2) the term ''biofuels'' includes liquid or gaseous fuels, industrial chemicals, or both;

(3) the term ''biopower'' includes the generation of electricity or process steam or both; and

(4) the term ''integrated bioenergy research and development'' includes biopower and biofuels applications.

SEC. 2224. AUTHORIZATION.

The Secretary is authorized to conduct environmental research and development, scientific and energy research, development,

and demonstration, and commercial application of energy technology programs, projects, and activities related to bioenergy, including biopower energy systems, biofuels energy systems, and integrated bioenergy research and development.

SEC. 2225. AUTHORIZATION OF APPROPRIATIONS.

(a) BIOPOWER ENERGY SYSTEMS.—There are authorized to be appropriated to the Secretary for Biopower Energy Systems programs, projects, and activities—

(1) $45,700,000 for fiscal year 2002;
(2) $52,500,000 for fiscal year 2003;
(3) $60,300,000 for fiscal year 2004;
(4) $69,300,000 for fiscal year 2005; and
(5) $79,600,000 for fiscal year 2006.

(b) BIOFUELS ENERGY SYSTEMS.—There are authorized to be appropriated to the Secretary for biofuels energy systems programs, projects, and activities—

(1) $53,500,000 for fiscal year 2002;
(2) $61,400,000 for fiscal year 2003;
(3) $70,600,000 for fiscal year 2004;
(4) $81,100,000 for fiscal year 2005; and
(5) $93,200,000 for fiscal year 2006.

(c) INTEGRATED BIOENERGY RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the Secretary for integrated bioenergy research and development programs, projects, and activities, $49,000,000 for each of the fiscal years 2002 through 2006. Activities funded under this subsection shall be coordinated with ongoing related programs of other Federal agencies, including the Plant Genome Program of the National Science Foundation. Of the funds authorized under this subsection, at least $5,000,000 for each fiscal year shall be for training and education targeted to minority and social disadvantaged farmers and ranchers.

(d) INTEGRATED APPLICATIONS.—Amounts authorized to be appropriated under this subtitle may be used to assist in the planning, design, and implementation of projects to convert rice straw and barley grain into biopower or biofuels.

Subtitle C—Transmission Infrastructure Systems

SEC. 2241. TRANSMISSION INFRASTRUCTURE SYSTEMS RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.

(a) IN GENERAL.—The Secretary shall develop and implement a comprehensive research, development, demonstration, and commercial application program to ensure the reliability, efficiency, and environmental integrity of electrical transmission systems. Such program shall include advanced energy technologies and systems, high capacity superconducting transmission lines and generators, advanced grid reliability and efficiency technologies development, technologies contributing to significant load reductions, advanced metering, load management and control technologies, and technology transfer and education.

(b) TECHNOLOGY.—In carrying out this subtitle, the Secretary may include research, development, and demonstration on and commercial application of improved transmission technologies including the integration of the following technologies into improved transmission systems:

(1) High temperature superconductivity.
(2) Advanced transmission materials.
(3) Self-adjusting equipment, processes, or software for survivability, security, and failure containment.
(4) Enhancements of energy transfer over existing lines.
(5) Any other infrastructure technologies, as appropriate.

SEC. 2242. PROGRAM PLAN.

Within 4 months after the date of the enactment of this Act, the Secretary, in consultation with other appropriate Federal agencies, shall prepare and transmit to Congress a 5-year program plan to guide activities under this subtitle. In preparing the program plan, the Secretary shall consult with appropriate representatives of the transmission infrastructure systems industry to select and prioritize appropriate program areas. The Secretary shall also seek the advice of utilities, energy services providers, manufacturers, institutions of higher learning, other appropriate State and local agencies, environmental organizations, professional and technical societies, and any other persons as the Secretary considers appropriate.

SEC. 2243. REPORT.

Two years after the date of the enactment of this Act, and at 2-year intervals thereafter, the Secretary, in consultation with other appropriate Federal agencies, shall transmit a report to Congress describing the progress made to achieve the purposes of this subtitle and identifying any additional resources needed to continue the development and commercial application of transmission infrastructure technologies.

Subtitle D—Department of Energy Authorization of Appropriations

SEC. 2261. AUTHORIZATION OF APPROPRIATIONS.

(a) OPERATION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary for Renewable Energy operation and maintenance, including activities under subtitle C, Geothermal Technology Development, Hydropower, Concentrating Solar Power, Photovoltaic Energy Systems, Solar Building Technology Research, Wind Energy Systems, High Temperature Superconducting Research and Development, Energy Storage Systems, Transmission Reliability, International Renewable Energy Program, Renewable Energy Production Incentive Program, Renewable Program Support, National Renewable Energy Laboratory, and Program Direction, and including amounts authorized under the amendment made by section 2210 and amounts authorized under section 2225, $535,000,000 for fiscal year 2002, $639,000,000 for fiscal year 2003, and $683,000,000 for fiscal year 2004, to remain available until expended.

(b) WAVE POWERED ELECTRIC GENERATION.—Within the amounts authorized to be appropriated to the Secretary under subsection (a), the Secretary shall carry out a research program, in conjunction with other appropriate Federal agencies, on wave powered electric generation.

(c) ASSESSMENT OF RENEWABLE ENERGY RESOURCES.—

(1) IN GENERAL.—Using funds authorized in subsection (a), of this section, the Secretary shall transmit to the Congress, within 1 year after the date of the enactment of this Act, an assessment of all renewable energy resources available within the United States.

(2) RESOURCE ASSESSMENT.—Such report shall include a detailed inventory describing the available amount and characteristics of solar, wind, biomass, geothermal, hydroelectric, and other renewable energy sources, and an estimate of the costs needed to develop each resource. The report shall also include such other information as the Secretary believes would be useful in siting renewable energy generation, such as appropriate terrain, population and load centers, nearby energy infrastructure, and location of energy resources.

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

(4) SUNSET.—This subsection shall expire at the end of fiscal year 2004.

(d) LIMITS ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (a) may be used for—

(1) Departmental Energy Management Program; or
(2) Renewable Indian Energy Resources.

TITLE III—NUCLEAR ENERGY

Subtitle A—University Nuclear Science and Engineering

SEC. 2301. SHORT TITLE.

This subtitle may be cited as ''Department of Energy University Nuclear Science and Engineering Act''.

SEC. 2302. FINDINGS.

The Congress finds the following:

(1) United States university nuclear science and engineering programs are in a state of serious decline, with nuclear engineering enrollment at a 35-year low. Since 1980, the number of nuclear engineering university programs has declined nearly 40 percent, and over two-thirds of the faculty in these programs are 45 years of age or older. Also, since 1980, the number of university research and training reactors in the United States has declined by over 50 percent. Most of these reactors were built in the late 1950s and 1960s with 30-year to 40-year operating licenses, and many will require relicensing in the next several years.

(2) A decline in a competent nuclear workforce, and the lack of adequately trained nuclear scientists and engineers, will affect the ability of the United States to solve future nuclear waste storage issues, operate existing and design future fission reactors in the United States, respond to future nuclear events worldwide, help stem the proliferation of nuclear weapons, and design and operate naval nuclear reactors.

(3) The Department of Energy's Office of Nuclear Energy, Science and Technology, a principal Federal agency for civilian research in nuclear science and engineering, is well suited to help maintain tomorrow's human resource and training investment in the nuclear sciences and engineering.

SEC. 2303. DEPARTMENT OF ENERGY PROGRAM.

(a) ESTABLISHMENT.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall support a program to maintain the Nation's human resource investment and infrastructure in the nuclear sciences and engineering consistent with the Department's statutory authorities related to civilian nuclear research, development, and demonstration and commercial application of energy technology.

(b) DUTIES OF THE OFFICE OF NUCLEAR ENERGY, SCIENCE AND TECHNOLOGY.—In carrying out the program under this subtitle, the Director of the Office of Nuclear Energy, Science and Technology shall—

(1) develop a robust graduate and undergraduate fellowship program to attract new and talented students;
(2) assist universities in recruiting and retaining new faculty in the nuclear sciences and engineering through a Junior Faculty Research Initiation Grant Program;
(3) maintain a robust investment in the fundamental nuclear sciences and engineering through the Nuclear Engineering Education Research Program;
(4) encourage collaborative nuclear research among industry, national laboratories, and universities through the Nuclear Energy Research Initiative;
(5) assist universities in maintaining reactor infrastructure; and
(6) support communication and outreach related to nuclear science and engineering.

(c) MAINTAINING UNIVERSITY RESEARCH AND TRAINING REACTORS AND ASSOCIATED INFRASTRUCTURE.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall provide for the following university research and training reactor infrastructure maintenance and research activities:

(1) Refueling of university research reactors with low enriched fuels, upgrade of operational instrumentation, and sharing of reactors among universities.

(2) In collaboration with the United States nuclear industry, assistance, where necessary, in relicensing and upgrading university training reactors as part of a student training program.

(3) A university reactor research and training award program that provides for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) UNIVERSITY-DOE LABORATORY INTERACTIONS.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall develop—

(1) a sabbatical fellowship program for university faculty to spend extended periods of time at Department of Energy laboratories in the areas of nuclear science and technology; and

(2) a visiting scientist program in which laboratory staff can spend time in academic nuclear science and engineering departments.

The Secretary may under subsection (b)(1) provide for fellowships for students to spend time at Department of Energy laboratories in the areas of nuclear science and technology under the mentorship of laboratory staff.

(e) OPERATIONS AND MAINTENANCE.—To the extent that the use of a university research reactor is funded under this subtitle, funds authorized under this subtitle may be used to supplement operation of the research reactor during the investigator's proposed effort. The host institution shall provide at least 50 percent of the cost of the reactor's operation.

(f) MERIT REVIEW REQUIRED.—All grants, contracts, cooperative agreements, or other financial assistance awards under this subtitle shall be made only after independent merit review.

(g) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall prepare and transmit to the appropriate congressional committees a 5-year plan on how the programs authorized in this subtitle will be implemented. The plan shall include a review of the projected personnel needs in the fields of nuclear science and engineering and of the scope of nuclear science and engineering education programs at the Department and other Federal agencies.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS.

(a) TOTAL AUTHORIZATION.—The following sums are authorized to be appropriated to the Secretary, to remain available until expended, for the purposes of carrying out this subtitle:

(1) $30,200,000 for fiscal year 2002.
(2) $41,000,000 for fiscal year 2003.
(3) $47,900,000 for fiscal year 2004.
(4) $55,600,000 for fiscal year 2005.
(5) $64,100,000 for fiscal year 2006.

(b) GRADUATE AND UNDERGRADUATE FELLOWSHIPS.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(b)(1):

(1) $3,000,000 for fiscal year 2002.
(2) $3,100,000 for fiscal year 2003.
(3) $3,200,000 for fiscal year 2004.
(4) $3,200,000 for fiscal year 2005.
(5) $3,200,000 for fiscal year 2006.

(c) JUNIOR FACULTY RESEARCH INITIATION GRANT PROGRAM.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(b)(2):

(1) $5,000,000 for fiscal year 2002.
(2) $7,000,000 for fiscal year 2003.
(3) $8,000,000 for fiscal year 2004.
(4) $9,000,000 for fiscal year 2005.
(5) $10,000,000 for fiscal year 2006.

(d) NUCLEAR ENGINEERING EDUCATION RESEARCH PROGRAM.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(b)(3):

(1) $8,000,000 for fiscal year 2002.
(2) $12,000,000 for fiscal year 2003.
(3) $13,000,000 for fiscal year 2004.
(4) $15,000,000 for fiscal year 2005.
(5) $20,000,000 for fiscal year 2006.

(e) COMMUNICATION AND OUTREACH RELATED TO NUCLEAR SCIENCE AND ENGINEERING.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(b)(5):

(1) $200,000 for fiscal year 2002.
(2) $200,000 for fiscal year 2003.
(3) $300,000 for fiscal year 2004.
(4) $300,000 for fiscal year 2005.
(5) $300,000 for fiscal year 2006.

(f) REFUELING OF UNIVERSITY RESEARCH REACTORS AND INSTRUMENTATION UPGRADES.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(c)(1):

(1) $6,000,000 for fiscal year 2002.
(2) $6,500,000 for fiscal year 2003.
(3) $7,000,000 for fiscal year 2004.
(4) $7,500,000 for fiscal year 2005.
(5) $8,000,000 for fiscal year 2006.

(g) RELICENSING ASSISTANCE.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(c)(2):

(1) $1,000,000 for fiscal year 2002.
(2) $1,100,000 for fiscal year 2003.
(3) $1,200,000 for fiscal year 2004.
(4) $1,300,000 for fiscal year 2005.
(5) $1,300,000 for fiscal year 2006.

(h) REACTOR RESEARCH AND TRAINING AWARD PROGRAM.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(c)(3):

(1) $6,000,000 for fiscal year 2002.
(2) $10,000,000 for fiscal year 2003.
(3) $14,000,000 for fiscal year 2004.
(4) $18,000,000 for fiscal year 2005.
(5) $20,000,000 for fiscal year 2006.

(i) UNIVERSITY-DOE LABORATORY INTERACTIONS.—Of the funds authorized by subsection (a), the following sums are authorized to be appropriated to carry out section 2303(d):

(1) $1,000,000 for fiscal year 2002.
(2) $1,100,000 for fiscal year 2003.
(3) $1,200,000 for fiscal year 2004.
(4) $1,300,000 for fiscal year 2005.
(5) $1,300,000 for fiscal year 2006.

Subtitle B—Advanced Fuel Recycling Technology Research and Development Program

SEC. 2321. PROGRAM.

(a) IN GENERAL.—The Secretary, through the Director of the Office of Nuclear Energy, Science and Technology, shall conduct an advanced fuel recycling technology research and development program to further the availability of proliferation-resistant fuel recycling technologies as an alternative to aqueous reprocessing in support of evaluation of alternative national strategies for spent nuclear fuel and the Generation IV advanced reactor concepts, subject to annual review by the Secretary's Nuclear Energy Research Advisory Committee or other independent entity, as appropriate.

(b) REPORTS.—The Secretary shall report on the activities of the advanced fuel recycling technology research and development program, as part of the Department's annual budget submission.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $10,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal year 2003 and fiscal year 2004.

Subtitle C—Department of Energy Authorization of Appropriations

SEC. 2341. NUCLEAR ENERGY RESEARCH INITIATIVE.

(a) PROGRAM.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall conduct a Nuclear Energy Research Initiative for grants to be competitively awarded and subject to peer review for research relating to nuclear energy.

(b) OBJECTIVES.—The program shall be directed toward accomplishing the objectives of—

(1) developing advanced concepts and scientific breakthroughs in nuclear fission and reactor technology to address and overcome the principal technical and scientific obstacles to the expanded use of nuclear energy in the United States;

(2) advancing the state of nuclear technology to maintain a competitive position in foreign markets and a future domestic market;

(3) promoting and maintaining a United States nuclear science and engineering infrastructure to meet future technical challenges;

(4) providing an effective means to collaborate on a cost-shared basis with international agencies and research organizations to address and influence nuclear technology development worldwide; and

(5) promoting United States leadership and partnerships in bilateral and multilateral nuclear energy research.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $60,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal year 2003 and fiscal year 2004.

SEC. 2342. NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.

(a) PROGRAM.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall conduct a Nuclear Energy Plant Optimization research and development program jointly with industry and cost-shared by industry by at least 50 percent and subject to annual review by the Secretary's Nuclear Energy Research Advisory Committee or other independent entity, as appropriate.

(b) OBJECTIVES.—The program shall be directed toward accomplishing the objectives of—

(1) managing long-term effects of component aging; and

(2) improving the efficiency and productivity of existing nuclear power stations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $15,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 and 2004.

SEC. 2343. NUCLEAR ENERGY TECHNOLOGIES.

(a) IN GENERAL.—The Secretary, through the Office of Nuclear Energy, Science and Technology, shall conduct a study of Generation IV nuclear energy systems, including development of a technology roadmap and performance of research and development necessary to make an informed technical decision regarding the most promising candidates for commercial application.

(b) REACTOR CHARACTERISTICS.—To the extent practicable, in conducting the study under subsection (a), the Secretary shall study nuclear energy systems that offer the highest probability of achieving the goals for Generation IV nuclear energy systems, including—

(1) economics competitive with any other generators;

(2) enhanced safety features, including passive safety features;

(3) substantially reduced production of high-level waste, as compared with the quantity of waste produced by reactors in operation on the date of the enactment of this Act;

(4) highly proliferation-resistant fuel and waste;

(5) sustainable energy generation including optimized fuel utilization; and

(6) substantially improved thermal efficiency, as compared with the thermal efficiency of reactors in operation on the date of the enactment of this Act.

(c) CONSULTATION.—In conducting the study under subsection (a), the Secretary shall consult with appropriate representatives of industry, institutions of higher education, Federal agencies, and international, professional, and technical organizations.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2002, the Secretary shall transmit to the appropriate congressional committees a report describing the activities of the Secretary under this section, and plans for research and development leading to a public/private cooperative demonstration of one or more Generation IV nuclear energy systems.

(2) CONTENTS.—The report shall contain—

(A) an assessment of all available technologies;

(B) a summary of actions needed for the most promising candidates to be considered as viable commercial options within the five to ten years after the date of the report, with consideration of regulatory, economic, and technical issues;

(C) a recommendation of not more than three promising Generation IV nuclear energy system concepts for further development;

(D) an evaluation of opportunities for public/private partnerships;

(E) a recommendation for structure of a public/private partnership to share in development and construction costs;

(F) a plan leading to the selection and conceptual design, by September 30, 2004, of at least one Generation IV nuclear energy system concept recommended under subparagraph (C) for demonstration through a public/private partnership;

(G) an evaluation of opportunities for siting demonstration facilities on Department of Energy land; and

(H) a recommendation for appropriate involvement of other Federal agencies.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section and to carry out the recommendations in the report transmitted under subsection (d)—

(1) $20,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal year 2003 and fiscal year 2004.

SEC. 2344. AUTHORIZATION OF APPROPRIATIONS.

(a) OPERATION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary to carry out activities authorized under this title for nuclear energy operation and maintenance, including amounts authorized under sections 2304(a), 2321(c), 2341(c), 2342(c), and 2343(e), and including Advanced Radioisotope Power Systems, Test Reactor Landlord, and Program Direction, $191,200,000 for fiscal year 2002, $199,000,000 for fiscal year 2003, and $207,000,000 for fiscal year 2004, to remain available until expended.

(b) CONSTRUCTION.—There are authorized to be appropriated to the Secretary—

(1) $950,000 for fiscal year 2002, $2,200,000 for fiscal year 2003, $1,246,000 for fiscal year 2004, and $1,699,000 for fiscal year 2005 for completion of construction of Project 99-E-200, Test Reactor Area Electric Utility Upgrade, Idaho National Engineering and Environmental Laboratory; and

(2) $500,000 for fiscal year 2002, $500,000 for fiscal year 2003, $500,000 for fiscal year 2004, and $500,000 for fiscal year 2005, for completion of construction of Project 95-E-201, Test Reactor Area Fire and Life Safety Improvements, Idaho National Engineering and Environmental Laboratory.

(c) LIMITS ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (a) may be used for—

(1) Nuclear Energy Isotope Support and Production;

(2) Argonne National Laboratory-West Operations;

(3) Fast Flux Test Facility; or

(4) Nuclear Facilities Management.

TITLE IV—FOSSIL ENERGY

Subtitle A—Coal

SEC. 2401. COAL AND RELATED TECHNOLOGIES PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $172,000,000 for fiscal year 2002, $179,000,000 for fiscal year 2003, and $186,000,000 for fiscal year 2004, to remain available until expended, for other coal and related technologies research and development programs, which shall include—

(1) Innovations for Existing Plants;

(2) Integrated Gasification Combined Cycle;

(3) advanced combustion systems;

(4) Turbines;

(5) Sequestration Research and Development;

(6) innovative technologies for demonstration;

(7) Transportation Fuels and Chemicals;

(8) Solid Fuels and Feedstocks;

(9) Advanced Fuels Research; and

(10) Advanced Research.

(b) LIMIT ON USE OF FUNDS.—Notwithstanding subsection (a), no funds may be used to carry out the activities authorized by this section after September 30, 2002, unless the Secretary has transmitted to the Congress the report required by this subsection and 1 month has elapsed since that transmission. The report shall include a plan containing—

(1) a detailed description of how proposals will be solicited and evaluated, including a list of all activities expected to be undertaken;

(2) a detailed list of technical milestones for each coal and related technology that will be pursued;

(3) a description of how the programs authorized in this section will be carried out so as to complement and not duplicate activities authorized under division E.

(c) GASIFICATION.—The Secretary shall fund at least one gasification project with the funds authorized under this section.

Subtitle B—Oil and Gas

SEC. 2421. PETROLEUM-OIL TECHNOLOGY.

The Secretary shall conduct a program of research, development, demonstration, and commercial application on petroleum-oil technology. The program shall address—

(1) Exploration and Production Supporting Research;

(2) Oil Technology Reservoir Management/Extension; and

(3) Effective Environmental Protection.

SEC. 2422. GAS.

The Secretary shall conduct a program of research, development, demonstration, and commercial application on natural gas technologies. The program shall address—

(1) Exploration and Production;

(2) Infrastructure; and

(3) Effective Environmental Protection.

SEC. 2423. NATURAL GAS AND OIL DEPOSITS REPORT.

Two years after the date of the enactment of this Act, and at 2-year intervals thereafter, the Secretary of the Interior, in consultation with other appropriate Federal agencies, shall transmit a report to the Congress assessing the contents of natural gas and oil deposits at existing drilling sites off the coast of Louisiana and Texas.

SEC. 2424. OIL SHALE RESEARCH.

There are authorized to be appropriated to the Secretary of Energy for fiscal year 2002 $10,000,000, to be divided equally between grants for research on Eastern oil shale and grants for research on Western oil shale.

Subtitle C—Ultra-Deepwater and Unconventional Drilling

SEC. 2441. SHORT TITLE.

This subtitle may be cited as the ''Natural Gas and Other Petroleum Research, Development, and Demonstration Act of 2001''.

SEC. 2442. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''deepwater'' means water depths greater than 200 meters but less than 1,500 meters;

(2) the term ''Fund'' means the Ultra-Deepwater and Unconventional Gas Research Fund established under section 2450;

(3) the term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

(4) the term ''Research Organization'' means the Research Organization created pursuant to section 2446(a);

(5) the term ''ultra-deepwater'' means water depths greater than 1,500 meters; and

(6) the term ''unconventional'' means located in heretofore inaccessible or uneconomic formations on land.

SEC. 2443. ULTRA-DEEPWATER PROGRAM.

The Secretary shall establish a program of research, development, and demonstration of ultra-deepwater natural gas and other petroleum exploration and production technologies, in areas currently available for Outer Continental Shelf leasing. The program shall be carried out by the Research Organization as provided in this subtitle.

SEC. 2444. NATIONAL ENERGY TECHNOLOGY LABORATORY.

The National Energy Technology Laboratory and the United States Geological Survey, when appropriate, shall carry out programs of long-term research into new natural gas and other petroleum exploration and production technologies and environmental mitigation technologies for production from unconventional and ultra-deepwater resources, including methane hydrates. Such Laboratory shall also conduct a program of research, development, and demonstration of new technologies for the reduction of greenhouse gas emissions from unconventional and ultra-deepwater natural gas or other petroleum exploration and production activities, including sub-sea floor carbon sequestration technologies.

SEC. 2445. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary shall, within 3 months after the date of the enactment of this Act, establish an Advisory Committee consisting of 7 members, each having extensive operational knowledge of and experience in the natural gas and other petroleum exploration and production industry

who are not Federal Government employees or contractors. A minimum of 4 members shall have extensive knowledge of ultra-deepwater natural gas or other petroleum exploration and production technologies, a minimum of 2 members shall have extensive knowledge of unconventional natural gas or other petroleum exploration and production technologies, and at least 1 member shall have extensive knowledge of greenhouse gas emission reduction technologies, including carbon sequestration.

(b) FUNCTION.—The Advisory Committee shall advise the Secretary on the selection of an organization to create the Research Organization and on the implementation of this subtitle.

(c) COMPENSATION.—Members of the Advisory Committee shall serve without compensation but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(d) ADMINISTRATIVE COSTS.—The costs of activities carried out by the Secretary and the Advisory Committee under this subtitle shall be paid or reimbursed from the Fund.

(e) DURATION OF ADVISORY COMMITTEE.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

SEC. 2446. RESEARCH ORGANIZATION.

(a) SELECTION OF RESEARCH ORGANIZATION.—The Secretary, within 6 months after the date of the enactment of this Act, shall solicit proposals from eligible entities for the creation of the Research Organization, and within 3 months after such solicitation, shall select an entity to create the Research Organization.

(b) ELIGIBLE ENTITIES.—Entities eligible to create the Research Organization shall—

(1) have been in existence as of the date of the enactment of this Act;

(2) be entities exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986; and

(3) be experienced in planning and managing programs in natural gas or other petroleum exploration and production research, development, and demonstration.

(c) PROPOSALS.—A proposal from an entity seeking to create the Research Organization shall include a detailed description of the proposed membership and structure of the Research Organization.

(d) FUNCTIONS.—The Research Organization shall—

(1) award grants on a competitive basis to qualified—

(A) research institutions;

(B) institutions of higher education;

(C) companies; and

(D) consortia formed among institutions and companies described in subparagraphs (A) through (C) for the purpose of conducting research, development, and demonstration of unconventional and ultra-deepwater natural gas or other petroleum exploration and production technologies; and

(2) review activities under those grants to ensure that they comply with the requirements of this subtitle and serve the purposes for which the grant was made.

SEC. 2447. GRANTS.

(a) TYPES OF GRANTS.—

(1) UNCONVENTIONAL.—The Research Organization shall award grants for research, development, and demonstration of technologies to maximize the value of the Government's natural gas and other petroleum resources in unconventional reservoirs, and to develop technologies to increase the supply of natural gas and other petroleum resources by lowering the cost and improving the efficiency of exploration and production of unconventional reservoirs, while improving safety and minimizing environmental impacts.

(2) ULTRA-DEEPWATER.—The Research Organization shall award grants for research, development, and demonstration of natural gas or other petroleum exploration and production technologies to—

(A) maximize the value of the Federal Government's natural gas and other petroleum resources in the ultra-deepwater areas;

(B) increase the supply of natural gas and other petroleum resources by lowering the cost and improving the efficiency of exploration and production of ultra-deepwater reservoirs; and

(C) improve safety and minimize the environmental impacts of ultra-deepwater developments.

(3) ULTRA-DEEPWATER ARCHITECTURE.—The Research Organization shall award a grant to one or more consortia described in section 2446(d)(1)(D) for the purpose of developing and demonstrating the next generation architecture for ultra-deepwater production of natural gas and other petroleum in furtherance of the purposes stated in paragraph (2)(A) through (C).

(b) CONDITIONS FOR GRANTS.—Grants provided under this section shall contain the following conditions:

(1) If the grant recipient consists of more than one entity, the recipient shall provide a signed contract agreed to by all participating members clearly defining all rights to intellectual property for existing technology and for future inventions conceived and developed using funds provided under the grant, in a manner that is consistent with applicable laws.

(2) There shall be a repayment schedule for Federal dollars provided for demonstration projects under the grant in the event of a successful commercialization of the demonstrated technology. Such repayment schedule shall provide that the payments are made to the Secretary with the express intent that these payments not impede the adoption of the demonstrated technology in the marketplace. In the event that such impedance occurs due to market forces or other factors, the Research Organization shall renegotiate the grant agreement so that the acceptance of the technology in the marketplace is enabled.

(3) Applications for grants for demonstration projects shall clearly state the intended commercial applications of the technology demonstrated.

(4) The total amount of funds made available under a grant provided under subsection (a)(3) shall not exceed 50 percent of the total cost of the activities for which the grant is provided.

(5) The total amount of funds made available under a grant provided under subsection (a)(1) or (2) shall not exceed 50 percent of the total cost of the activities covered by the grant, except that the Research Organization may elect to provide grants covering a higher percentage, not to exceed 90 percent, of total project costs in the case of grants made solely to independent producers.

(6) An appropriate amount of funds provided under a grant shall be used for the broad dissemination of technologies developed under the grant to interested institutions of higher education, industry, and appropriate Federal and State technology entities to ensure the greatest possible benefits for the public and use of government resources.

(7) Demonstrations of ultra-deepwater technologies for which funds are provided under a grant may be conducted in ultra-deepwater or deepwater locations.

(c) ALLOCATION OF FUNDS.—Funds available for grants under this subtitle shall be allocated as follows:

(1) 15 percent shall be for grants under subsection (a)(1).

(2) 15 percent shall be for grants under subsection (a)(2).

(3) 60 percent shall be for grants under subsection (a)(3).

(4) 10 percent shall be for carrying out section 2444.

SEC. 2448. PLAN AND FUNDING.

(a) TRANSMITTAL TO SECRETARY.—The Research Organization shall transmit to the Secretary an annual plan proposing projects and funding of activities under each paragraph of section 2447(a).

(b) REVIEW.—The Secretary shall have 1 month to review the annual plan, and shall approve the plan, if it is consistent with this subtitle. If the Secretary approves the plan, the Secretary shall provide funding as proposed in the plan.

(c) DISAPPROVAL.—If the Secretary does not approve the plan, the Secretary shall notify the Research Organization of the reasons for disapproval and shall withhold funding until a new plan is submitted which the Secretary approves. Within 1 month after notifying the Research Organization of a disapproval, the Secretary shall notify the appropriate congressional committees of the disapproval.

SEC. 2449. AUDIT.

The Secretary shall retain an independent, commercial auditor to determine the extent to which the funds authorized by this subtitle have been expended in a manner consistent with the purposes of this subtitle. The auditor shall transmit a report annually to the Secretary, who shall transmit the report to the appropriate congressional committees, along with a plan to remedy any deficiencies cited in the report.

SEC. 2450. FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Ultra-Deepwater and Unconventional Gas Research Fund'' which shall be available for obligation to the extent provided in advance in appropriations Acts for allocation under section 2447(c).

(b) FUNDING SOURCES.—

(1) LOANS FROM TREASURY.—There are authorized to be appropriated to the Secretary $900,000,000 for the period encompassing fiscal years 2002 through 2009. Such amounts shall be deposited by the Secretary in the Fund, and shall be considered loans from the Treasury. Income received by the United States in connection with any ultra-deepwater oil and gas leases shall be deposited in the Treasury and considered as repayment for the loans under this paragraph.

(2) ADDITIONAL APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for the fiscal years 2002 through 2009, to be deposited in the Fund.

(3) OIL AND GAS LEASE INCOME.—To the extent provided in advance in appropriations Acts, not more than 7.5 percent of the income of the United States from Federal oil and gas leases may be deposited in the Fund for fiscal years 2002 through 2009.

SEC. 2451. SUNSET.

No funds are authorized to be appropriated for carrying out this subtitle after fiscal year 2009. The Research Organization shall be terminated when it has expended all funds made available pursuant to this subtitle.

Subtitle D—Fuel Cells

SEC. 2461. FUEL CELLS.

(a) IN GENERAL.—The Secretary shall conduct a program of research, development, demonstration, and commercial application on fuel cells. The program shall address—

(1) Advanced Research;
(2) Systems Development;
(3) Vision 21-Hybrids; and
(4) Innovative Concepts.

(b) MANUFACTURING PRODUCTION AND PROCESSES.—In addition to the program under subsection (a), the Secretary, in consultation other Federal agencies, as appropriate, shall establish a program for the demonstration of fuel cell technologies, including fuel cell proton exchange membrane technology, for commercial, residential, and transportation applications. The program shall specifically focus on promoting the application of and improved manufacturing production and processes for fuel cell technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—Within the amounts authorized to be appropriated under section 2481(a), there are authorized to be appropriated to the Secretary for the purpose of carrying out subsection (b), $28,000,000 for each of fiscal years 2002 through 2004.

Subtitle E—Department of Energy Authorization of Appropriations

SEC. 2481. AUTHORIZATION OF APPROPRIATIONS.

(a) OPERATION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary for operation and maintenance for subtitle B and subtitle D, and for Fossil Energy Research and Development Headquarters Program Direction, Field Program Direction, Plant and Capital Equipment, Cooperative Research and Development, Import/Export Authorization, and Advanced Metallurgical Processes $282,000,000 for fiscal year 2002, $293,000,000 for fiscal year 2003, and $305,000,000 for fiscal year 2004, to remain available until expended.

(b) LIMITS ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (a) may be used for—

(1) Gas Hydrates.

(2) Fossil Energy Environmental Restoration; or

(3) research, development, demonstration, and commercial application on coal and related technologies, including activities under subtitle A.

TITLE V—SCIENCE

Subtitle A—Fusion Energy Sciences

SEC. 2501. SHORT TITLE.

This subtitle may be cited as the ''Fusion Energy Sciences Act of 2001''.

SEC. 2502. FINDINGS.

The Congress finds that—

(1) economic prosperity is closely linked to an affordable and ample energy supply;

(2) environmental quality is closely linked to energy production and use;

(3) population, worldwide economic development, energy consumption, and stress on the environment are all expected to increase substantially in the coming decades;

(4) the few energy options with the potential to meet economic and environmental needs for the long-term future should be pursued as part of a balanced national energy plan;

(5) fusion energy is an attractive long-term energy source because of the virtually inexhaustible supply of fuel, and the promise of minimal adverse environmental impact and inherent safety;

(6) the National Research Council, the President's Committee of Advisers on Science and Technology, and the Secretary of Energy Advisory Board have each recently reviewed the Fusion Energy Sciences Program and each strongly supports the fundamental science and creative innovation of the program, and has confirmed that progress toward the goal of producing practical fusion energy has been excellent, although much scientific and engineering work remains to be done;

(7) each of these reviews stressed the need for a magnetic fusion burning plasma experiment to address key scientific issues and as a necessary step in the development of fusion energy;

(8) the National Research Council has also called for a broadening of the Fusion Energy Sciences Program research base as a means to more fully integrate the fusion science community into the broader scientific community; and

(9) the Fusion Energy Sciences Program budget is inadequate to support the necessary science and innovation for the present generation of experiments, and cannot accommodate the cost of a burning plasma experiment constructed by the United States, or even the cost of key participation by the United States in an international effort.

SEC. 2503. PLAN FOR FUSION EXPERIMENT.

(a) PLAN FOR UNITED STATES FUSION EXPERIMENT.—The Secretary, on the basis of full consultation with the Fusion Energy Sciences Advisory Committee and the Secretary of Energy Advisory Board, as appropriate, shall develop a plan for United States construction of a magnetic fusion burning plasma experiment for the purpose of accelerating scientific understanding of fusion plasmas. The Secretary shall request a review of the plan by the National Academy of Sciences, and shall transmit the plan and the review to the Congress by July 1, 2004.

(b) REQUIREMENTS OF PLAN.—The plan described in subsection (a) shall—

(1) address key burning plasma physics issues; and

(2) include specific information on the scientific capabilities of the proposed experiment, the relevance of these capabilities to the goal of practical fusion energy, and the overall design of the experiment including its estimated cost and potential construction sites.

(c) UNITED STATES PARTICIPATION IN AN INTERNATIONAL EXPERIMENT.—In addition to the plan described in subsection (a), the Secretary, on the basis of full consultation with the Fusion Energy Sciences Advisory Committee and the Secretary of Energy Advisory Board, as appropriate, may also develop a plan for United States participation in an international burning plasma experiment for the same purpose, whose construction is found by the Secretary to be highly likely and where United States participation is cost effective relative to the cost and scientific benefits of a domestic experiment described in subsection (a). If the Secretary elects to develop a plan under this subsection, he shall include the information described in subsection (b), and an estimate of the cost of United States participation in such an international experiment. The Secretary shall request a review by the National Academies of Sciences and Engineering of a plan developed under this subsection, and shall transmit the plan and the review to the Congress not later than July 1, 2004.

(d) AUTHORIZATION OF RESEARCH AND DEVELOPMENT.—The Secretary, through the Fusion Energy Sciences Program, may conduct any research and development necessary to fully develop the plans described in this section.

SEC. 2504. PLAN FOR FUSION ENERGY SCIENCES PROGRAM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in full consultation with FESAC, shall develop and transmit to the Congress a plan for the purpose of ensuring a strong scientific base for the Fusion Energy Sciences Program and to enable the experiments described in section 2503. Such plan shall include as its objectives—

(1) to ensure that existing fusion research facilities and equipment are more fully utilized with appropriate measurements and control tools;

(2) to ensure a strengthened fusion science theory and computational base;

(3) to ensure that the selection of and funding for new magnetic and inertial fusion research facilities is based on scientific innovation and cost effectiveness;

(4) to improve the communication of scientific results and methods between the fusion science community and the wider scientific community;

(5) to ensure that adequate support is provided to optimize the design of the magnetic fusion burning plasma experiments referred to in section 2503;

(6) to ensure that inertial confinement fusion facilities are utilized to the extent practicable for the purpose of inertial fusion energy research and development;

(7) to develop a roadmap for a fusion-based energy source that shows the important scientific questions, the evolution of confinement configurations, the relation between these two features, and their relation to the fusion energy goal;

(8) to establish several new centers of excellence, selected through a competitive peer-review process and devoted to exploring the frontiers of fusion science;

(9) to ensure that the National Science Foundation, and other agencies, as appropriate, play a role in extending the reach of fusion science and in sponsoring general plasma science; and

(10) to ensure that there be continuing broad assessments of the outlook for fusion energy and periodic external reviews of fusion energy sciences.

SEC. 2505. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for the development and review, but not for implementation, of the plans described in this subtitle and for activities of the Fusion Energy Sciences Program $320,000,000 for fiscal year 2002 and $335,000,000 for fiscal year 2003, of which up to $15,000,000 for each of fiscal year 2002 and fiscal year 2003 may be used to establish several new centers of excellence, selected through a competitive peer-review process and devoted to exploring the frontiers of fusion science.

Subtitle B—Spallation Neutron Source

SEC. 2521. DEFINITION.

For the purposes of this subtitle, the term ''Spallation Neutron Source'' means Department Project 99–E–334, Oak Ridge National Laboratory, Oak Ridge, Tennessee.

SEC. 2522. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF CONSTRUCTION FUNDING.—There are authorized to be appropriated to the Secretary for construction of the Spallation Neutron Source—

(1) $276,300,000 for fiscal year 2002;
(2) $210,571,000 for fiscal year 2003;
(3) $124,600,000 for fiscal year 2004;
(4) $79,800,000 for fiscal year 2005; and
(5) $41,100,000 for fiscal year 2006 for completion of construction.

(b) AUTHORIZATION OF OTHER PROJECT FUNDING.—There are authorized to be appropriated to the Secretary for other project costs (including research and development necessary to complete the project, preoperations costs, and capital equipment not related to construction) of the Spallation Neutron Source $15,353,000 for fiscal year 2002 and $103,279,000 for the period encompassing fiscal years 2003 through 2006, to remain available until expended through September 30, 2006.

SEC. 2523. REPORT.

The Secretary shall report on the Spallation Neutron Source as part of the Department's annual budget submission, including

a description of the achievement of milestones, a comparison of actual costs to estimated costs, and any changes in estimated project costs or schedule.

SEC. 2524. LIMITATIONS.

The total amount obligated by the Department, including prior year appropriations, for the Spallation Neutron Source may not exceed—

(1) $1,192,700,000 for costs of construction;

(2) $219,000,000 for other project costs; and

(3) $1,411,700,000 for total project cost.

Subtitle C—Facilities, Infrastructure, and User Facilities

SEC. 2541. DEFINITION.

For purposes of this subtitle—

(1) the term ''nonmilitary energy laboratory'' means—

(A) Ames Laboratory;

(B) Argonne National Laboratory;

(C) Brookhaven National Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Lawrence Berkeley National Laboratory;

(F) Oak Ridge National Laboratory;

(G) Pacific Northwest National Laboratory;

(H) Princeton Plasma Physics Laboratory;

(I) Stanford Linear Accelerator Center;

(J) Thomas Jefferson National Accelerator Facility; or

(K) any other facility of the Department that the Secretary, in consultation with the Director, Office of Science and the appropriate congressional committees, determines to be consistent with the mission of the Office of Science; and

(2) the term ''user facility'' means—

(A) an Office of Science facility at a nonmilitary energy laboratory that provides special scientific and research capabilities, including technical expertise and support as appropriate, to serve the research needs of the Nation's universities, industry, private laboratories, Federal laboratories, and others, including research institutions or individuals from other nations where reciprocal accommodations are provided to United States research institutions and individuals or where the Secretary considers such accommodation to be in the national interest; and

(B) any other Office of Science funded facility designated by the Secretary as a user facility.

SEC. 2542. FACILITY AND INFRASTRUCTURE SUPPORT FOR NONMILITARY ENERGY LABORATORIES.

(a) FACILITY POLICY.—The Secretary shall develop and implement a least-cost nonmilitary energy laboratory facility and infrastructure strategy for—

(1) maintaining existing facilities and infrastructure, as needed;

(2) closing unneeded facilities;

(3) making facility modifications; and

(4) building new facilities.

(b) PLAN.—The Secretary shall prepare a comprehensive 10-year plan for conducting future facility maintenance, making repairs, modifications, and new additions, and constructing new facilities at each nonmilitary energy laboratory. Such plan shall provide for facilities work in accordance with the following priorities:

(1) Providing for the safety and health of employees, visitors, and the general public with regard to correcting existing structural, mechanical, electrical, and environmental deficiencies.

(2) Providing for the repair and rehabilitation of existing facilities to keep them in use and prevent deterioration, if feasible.

(3) Providing engineering design and construction services for those facilities that require modification or additions in order to meet the needs of new or expanded programs.

(c) REPORT.—

(1) TRANSMITTAL.—Within 1 year after the date of the enactment of this Act, the Secretary shall prepare and transmit to the appropriate congressional committees a report containing the plan prepared under subsection (b).

(2) CONTENTS.—For each nonmilitary energy laboratory, such report shall contain—

(A) the current priority list of proposed facilities and infrastructure projects, including cost and schedule requirements;

(B) a current ten-year plan that demonstrates the reconfiguration of its facilities and infrastructure to meet its missions and to address its long-term operational costs and return on investment;

(C) the total current budget for all facilities and infrastructure funding; and

(D) the current status of each facilities and infrastructure project compared to the original baseline cost, schedule, and scope.

(3) ADDITIONAL ELEMENTS.—The report shall also—

(A) include a plan for new facilities and facility modifications at each nonmilitary energy laboratory that will be required to meet the Department's changing missions of the twenty-first century, including schedules and estimates for implementation, and including a section outlining long-term funding requirements consistent with anticipated budgets and annual authorization of appropriations;

(B) address the coordination of modernization and consolidation of facilities among the nonmilitary energy laboratories in order to meet changing mission requirements; and

(C) provide for annual reports to the appropriate congressional committees on accomplishments, conformance to schedules, commitments, and expenditures.

SEC. 2543. USER FACILITIES.

(a) NOTICE REQUIREMENT.—When the Department makes a user facility available to universities and other potential users, or seeks input from universities and other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users.

(b) COMPETITION REQUIREMENT.—When the Department considers the participation of a university or other potential user in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a participant.

(c) PROHIBITION.—The Department may not redesignate a user facility, as defined by section 2541(b) as something other than a user facility for avoid the requirements of subsections (a) and (b).

Subtitle D—Advisory Panel on Office of Science

SEC. 2561. ESTABLISHMENT.

The Director of the Office of Science and Technology Policy, in consultation with the Secretary, shall establish an Advisory Panel on the Office of Science comprised of knowledgeable individuals to—

(1) address concerns about the current status and the future of scientific research supported by the Office;

(2) examine alternatives to the current organizational structure of the Office within the Department, taking into consideration existing structures for the support of scientific research in other Federal agencies and the private sector; and

(3) suggest actions to strengthen the scientific research supported by the Office that might be taken jointly by the Department and Congress.

SEC. 2562. REPORT.

Within 6 months after the date of the enactment of this Act, the Advisory Panel shall transmit its findings and recommendations in a report to the Director of the Office of Science and Technology Policy and the Secretary. The Director and the Secretary shall jointly—

(1) consider each of the Panel's findings and recommendations, and comment on each as they consider appropriate; and

(2) transmit the Panel's report and the comments of the Director and the Secretary on the report to the appropriate congressional committees within 9 months after the date of the enactment of this Act.

Subtitle E—Department of Energy Authorization of Appropriations

SEC. 2581. AUTHORIZATION OF APPROPRIATIONS.

(a) OPERATION AND MAINTENANCE.—Including the amounts authorized to be appropriated for fiscal year 2002 under section 2505 for Fusion Energy Sciences and under section 2522(b) for the Spallation Neutron Source, there are authorized to be appropriated to the Secretary for the Office of Science (also including subtitle C, High Energy Physics, Nuclear Physics, Biological and Environmental Research, Basic Energy Sciences (except for the Spallation Neutron Source), Advanced Scientific Computing Research, Energy Research Analysis, Multiprogram Energy Laboratories-Facilities Support, Facilities and Infrastructure, Safeguards and Security, and Program Direction) operation and maintenance $3,299,558,000 for fiscal year 2002, to remain available until expended.

(b) RESEARCH REGARDING PRECIOUS METAL CATALYSIS.—Within the amounts authorized to be appropriated to the Secretary under subsection (a), $5,000,000 for fiscal year 2002 may be used to carry out research in the use of precious metals (excluding platinum, palladium, and rhodium) in catalysis, either directly though national laboratories, or through the award of grants, cooperative agreements, or contracts with public or nonprofit entities.

(c) CONSTRUCTION.—In addition to the amounts authorized to be appropriated under section 2522(a) for construction of the Spallation Neutron Source, there are authorized to be appropriated to the Secretary for Science—

(1) $19,400,000 for fiscal year 2002, $14,800,000 for fiscal year 2003, and $8,900,000 for fiscal year 2004 for completion of constuction of Project 98–G–304, Neutrinos at the Main Injector, Fermi National Accelerator Laboratory;

(2) $11,405,000 for fiscal year 2002 for completion of construction of Project 01-E-300, Laboratory for Comparative and Functional Genomics, Oak Ridge National Laboratory;

(3) $4,000,000 for fiscal year 2002, $8,000,000 for fiscal year 2003, and $2,000,000 for fiscal year 2004 for completion of construction of Project 02-SC-002, Project Engineering Design (PED), Various Locations;

(4) $3,183,000 for fiscal year 2002 for completion of construction of Project 02-SC-002, Multiprogram Energy Laboratories Infrastructure Project Engineering Design (PED), Various Locations; and

(5) $18,633,000 for fiscal year 2002 and $13,029,000 for fiscal year 2003 for completion of construction of Project MEL-001, Multiprogram Energy Laboratories, Infrastructure, Various Locations.

(d) LIMITS ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (c) may be used for construction at any national security laboratory as defined in section 3281(1) of the National Defense Authorization Act for Fiscal Year 2000 (50 U.S.C. 2471(1)) or at any nuclear weapons production facility as defined in section 3281(2) of the National Defense Authorization Act for Fiscal Year 2000 (50 U.S.C. 2471(2)).

TITLE VI—MISCELLANEOUS

Subtitle A—General Provisions for the Department of Energy

SEC. 2601. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION OF ENERGY TECHNOLOGY PROGRAMS, PROJECTS, AND ACTIVITIES.

(a) AUTHORIZED ACTIVITIES.—Except as otherwise provided in this division, research, development, demonstration, and commercial application programs, projects, and activities for which appropriations are authorized under this division may be carried out under the procedures of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.), the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), or any other Act under which the Secretary is authorized to carry out such programs, projects, and activities, but only to the extent the Secretary is authorized to carry out such activities under each such Act.

(b) AUTHORIZED AGREEMENTS.—Except as otherwise provided in this division, in carrying out research, development, demonstration, and commercial application programs, projects, and activities for which appropriations are authorized under this division, the Secretary may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, and any other form of agreement available to the Secretary.

(c) DEFINITION.—For purposes of this section, the term ''joint venture'' has the meaning given that term under section 2 of the National Cooperative Research and Production Act of 1993 (15 U.S.C. 4301), except that such term may apply under this section to research, development, demonstration, and commercial application of energy technology joint ventures.

(d) PROTECTION OF INFORMATION.—Section 12(c)(7) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)), relating to the protection of information, shall apply to research, development, demonstration, and commercial application of energy technology programs, projects, and activities for which appropriations are authorized under this division.

(e) INVENTIONS.—An invention conceived and developed by any person using funds provided through a grant under this division shall be considered a subject invention for the purposes of chapter 18 of title 35, United States Code (commonly referred to as the Bayh-Dole Act).

(f) OUTREACH.—The Secretary shall ensure that each program authorized by this division includes an outreach component to provide information, as appropriate, to manufacturers, consumers, engineers, architects, builders, energy service companies, universities, facility planners and managers, State and local governments, and other entities.

(g) GUIDELINES AND PROCEDURES.—The Secretary shall provide guidelines and procedures for the transition, where appropriate, of energy technologies from research through development and demonstration to commercial application of energy technology. Nothing in this section shall preclude the Secretary from—

(1) entering into a contract, cooperative agreement, cooperative research and development agreement under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grant, joint venture, or any other form of agreement available to the Secretary under this section that relates to research, development, demonstration, and commercial application of energy technology; or

(2) extending a contract, cooperative agreement, cooperative research and development agreement under the Stevenson-Wydler Technology Innovation Act of 1980, grant, joint venture, or any other form of agreement available to the Secretary that relates to research, development, and demonstration to cover commercial application of energy technology.

(h) APPLICATION OF SECTION.—This section shall not apply to any contract, cooperative agreement, cooperative research and development agreement under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grant, joint venture, or any other form of agreement available to the Secretary that is in effect as of the date of the enactment of this Act.

SEC. 2602. LIMITS ON USE OF FUNDS.

(a) MANAGEMENT AND OPERATING CONTRACTS.—

(1) COMPETITIVE PROCEDURE REQUIREMENT.—None of the funds authorized to be appropriated to the Secretary by this division may be used to award a management and operating contract for a federally owned or operated nonmilitary energy laboratory of the Department unless such contract is awarded using competitive procedures or the Secretary grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(2) CONGRESSIONAL NOTICE.—At least 2 months before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the appropriate congressional committees a report notifying the committees of the waiver and setting forth the reasons for the waiver.

(b) PRODUCTION OR PROVISION OF ARTICLES OR SERVICES.—None of the funds authorized to be appropriated to the Secretary by this division may be used to produce or provide articles or services for the purpose of selling the articles or services to a person outside the Federal Government, unless the Secretary determines that comparable articles or services are not available from a commercial source in the United States.

(c) REQUESTS FOR PROPOSALS.—None of the funds authorized to be appropriated to the Secretary by this division may be used by the Department to prepare or initiate Requests for Proposals for a program if the program has not been authorized by Congress.

SEC. 2603. COST SHARING.

(a) RESEARCH AND DEVELOPMENT.—Except as otherwise provided in this division, for research and development programs carried out under this division, the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this subsection if the Secretary determines that the research and development is of a basic or fundamental nature.

(b) DEMONSTRATION AND COMMERCIAL APPLICATION.—Except as otherwise provided in this division, the Secretary shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this division to be provided from non-Federal sources. The Secretary may reduce the non-Federal requirement under this subsection if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this division.

(c) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Secretary may include personnel, services, equipment, and other resources.

SEC. 2604. LIMITATION ON DEMONSTRATION AND COMMERCIAL APPLICATION OF ENERGY TECHNOLOGY.

Except as otherwise provided in this division, the Secretary shall provide funding for scientific or energy demonstration and commercial application of energy technology programs, projects, or activities only for technologies or processes that can be reasonably expected to yield new, measurable benefits to the cost, efficiency, or performance of the technology or process.

SEC. 2605. REPROGRAMMING.

(a) AUTHORITY.—The Secretary may use amounts appropriated under this division for a program, project, or activity other than the program, project, or activity for which such amounts were appropriated only if—

(1) the Secretary has transmitted to the appropriate congressional committees a report described in subsection (b) and a period of 30 days has elapsed after such committees receive the report;

(2) amounts used for the program, project, or activity do not exceed—

(A) 105 percent of the amount authorized for the program, project, or activity; or

(B) $250,000 more than the amount authorized for the program, project, or activity,

whichever is less; and

(3) the program, project, or activity has been presented to, or requested of, the Congress by the Secretary.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated by the Secretary pursuant to this division exceed the total amount authorized to be appropriated to the Secretary by this division.

(2) Funds appropriated to the Secretary pursuant to this division may not be used for an item for which Congress has declined to authorize funds.

Subtitle B—Other Miscellaneous Provisions

SEC. 2611. NOTICE OF REORGANIZATION.

The Secretary shall provide notice to the appropriate congressional committees not later than 15 days before any reorganization of any environmental research or development, scientific or energy research, development, or demonstration, or commercial application of energy technology program, project, or activity of the Department.

SEC. 2612. LIMITS ON GENERAL PLANT PROJECTS.

If, at any time during the construction of a civilian environmental research and development, scientific or energy research, development, or demonstration, or commercial application of energy technology project of the Department for which no specific funding level is provided by law, the estimated cost (including any revision thereof) of the project exceeds $5,000,000, the Secretary may not continue such construction unless the Secretary has furnished a complete report to the appropriate congressional committees explaining the project and the reasons for the estimate or revision.

SEC. 2613. LIMITS ON CONSTRUCTION PROJECTS.

(a) LIMITATION.—Except as provided in subsection (b), construction on a civilian environmental research and development, scientific or energy research, development, or demonstration, or commercial application of energy technology project of the Department for which funding has been specifically provided by law may not be started, and additional obligations may not be incurred in

connection with the project above the authorized funding amount, whenever the current estimated cost of the construction project exceeds by more than 10 percent the higher of—

(1) the amount authorized for the project, if the entire project has been funded by the Congress; or

(2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(b) NOTICE.—An action described in subsection (a) may be taken if—

(1) the Secretary has submitted to the appropriate congressional committees a report on the proposed actions and the circumstances making such actions necessary; and

(2) a period of 30 days has elapsed after the date on which the report is received by the committees.

(c) EXCLUSION.—In the computation of the 30-day period described in subsection (b)(2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(d) EXCEPTION.—Subsections (a) and (b) shall not apply to any construction project that has a current estimated cost of less than $5,000,000.

SEC. 2614. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a civilian environmental research and development, scientific or energy research, development, or demonstration, or commercial application of energy technology program, project, or activity of the Department, the Secretary shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $750,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds for a construction project, the total estimated cost of which is less than $5,000,000.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) The Secretary may carry out construction design (including architectural and engineering services) in connection with any proposed construction project that is in support of a civilian environmental research and development, scientific or energy research, development, and demonstration, or commercial application of energy technology program, project, or activity of the Department if the total estimated cost for such design does not exceed $250,000.

(2) If the total estimated cost for construction design in connection with any construction project described in paragraph (1) exceeds $250,000, funds for such design must be specifically authorized by law.

SEC. 2615. NATIONAL ENERGY POLICY DEVELOPMENT GROUP MANDATED REPORTS.

(a) THE SECRETARY'S REVIEW OF ENERGY EFFICIENCY RENEWABLE ENERGY, AND ALTERNATIVE ENERGY RESEARCH AND DEVELOPMENT.—Upon completion of the Secretary's review of current funding and historic performance of the Department's energy efficiency, renewable energy, and alternative energy research and development programs in response to the recommendations of the May 16, 2001, Report of the National Energy Policy Development Group, the Secretary shall transmit a report containing the results of such review to the appropriate congressional committees.

(b) REVIEW AND RECOMMENDATIONS ON USING THE NATION'S ENERGY RESOURCES MORE EFFICIENTLY.—Upon completion of the Office of Science and Technology Policy and the President's Council of Advisors on Science and Technology reviewing and making recommendations on using the Nation's energy resources more efficiently, in response to the recommendation of the May 16, 2001, Report of the National Energy Policy Development Group, the Director of the Office of Science and Technology Policy shall transmit a report containing the results of such review and recommendations to the appropriate congressional committees.

SEC. 2616. PERIODIC REVIEWS AND ASSESSMENTS.

The Secretary shall enter into appropriate arrangements with the National Academies of Sciences and Engineering to ensure that there be periodic reviews and assessments of the programs authorized by this division, as well as the measurable cost and performance-based goals for such programs as established under section 2004, and the progress on meeting such goals. Such reviews and assessments shall be conducted at least every 5 years, or more often as the Secretary considers necessary, and the Secretary shall transmit to the appropriate congressional committees reports containing the results of such reviews and assessments.

DIVISION C

SEC. 4101. CAPACITY BUILDING FOR ENERGY-EFFICIENT, AFFORDABLE HOUSING.

Section 4(b) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in paragraph (1), by inserting before the semicolon at the end the following: '', including capabilities regarding the provision of energy efficient, affordable housing and residential energy conservation measures''; and

(2) in paragraph (2), by inserting before the semicolon the following: '', including such activities relating to the provision of energy efficient, affordable housing and residential energy conservation measures that benefit low-income families''.

SEC. 4102. INCREASE OF CDBG PUBLIC SERVICES CAP FOR ENERGY CONSERVATION AND EFFICIENCY ACTIVITIES.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended—

(1) by inserting ''or efficiency'' after ''energy conservation'';

(2) by striking '', and except that'' and inserting ''; except that''; and

(3) by inserting before the period at the end the following: ''; and except that each percentage limitation under this paragraph on the amount of assistance provided under this title that may be used for the provision of public services is hereby increased by 10 percent, but such percentage increase may be used only for the provision of public services concerning energy conservation or efficiency''.

SEC. 4103. FHA MORTGAGE INSURANCE INCENTIVES FOR ENERGY EFFICIENT HOUSING.

(a) SINGLE FAMILY HOUSING MORTGAGE INSURANCE.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended, in the first undesignated paragraph beginning after subparagraph (B)(iii) (relating to solar energy systems)—

(1) by inserting ''or paragraph (10)''; and

(2) by striking ''20 percent'' and inserting ''30 percent''.

(b) MULTIFAMILY HOUSING MORTGAGE INSURANCE.—Section 207(c) of the National Housing Act (12 U.S.C. 1713(c)) is amended, in the second undesignated paragraph beginning after paragraph (3) (relating to solar energy systems and residential energy conservation measures), by striking ''20 percent'' and inserting ''30 percent''.

(c) COOPERATIVE HOUSING MORTGAGE INSURANCE.—Section 213(p) of the National Housing Act (12 U.S.C. 1715e(p)) is amended by striking ''20 per centum'' and inserting ''30 percent''.

(d) REHABILITATION AND NEIGHBORHOOD CONSERVATION HOUSING MORTGAGE INSURANCE.—Section 220(d)(3)(B)(iii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)) is amended by striking ''20 per centum'' and inserting ''30 percent''.

(e) LOW-INCOME MULTIFAMILY HOUSING MORTGAGE INSURANCE.—Section 221(k) of the National Housing Act (12 U.S.C. 1715l(k)) is amended by striking ''20 per centum'' and inserting ''30 percent''.

(f) ELDERLY HOUSING MORTGAGE INSURANCE.—The proviso at the end of section 213(c)(2) of the National Housing Act (12 U.S.C. 1715v(c)(2)) is amended by striking ''20 per centum'' and inserting ''30 percent''.

(g) CONDOMINIUM HOUSING MORTGAGE INSURANCE.—Section 234(j) of the National Housing Act (12 U.S.C. 1715y(j)) is amended by striking ''20 per centum'' and inserting ''30 percent''.

SEC. 4104. PUBLIC HOUSING CAPITAL FUND.

Section 9(d)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)(1)) is amended—

(1) in subparagraph (I), by striking ''and'' at the end;

(2) in subparagraph (K), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(L) improvement of energy and water-use efficiency by installing fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2-1998 and A112.18.1-2000, or any revision thereto, applicable at the time of installation, and by increasing energy efficiency and water conservation by such other means as the Secretary determines are appropriate.''.

SEC. 4105. GRANTS FOR ENERGY-CONSERVING IMPROVEMENTS FOR ASSISTED HOUSING.

Section 251(b)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8231(1)) is amended—

(1) by striking ''financed with loans'' and inserting ''assisted'';

(2) by inserting after ''1959,'' the following: ''which are eligible multifamily housing projects (as such term is defined in section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note)) and are subject to a mortgage restructuring and rental assistance sufficiency plans under such Act,''; and

(3) by inserting after the period at the end of the first sentence the following new sentence: ''Such improvements may also include the installation of energy and water conserving fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2-1998 and A112.18.1-2000, or any revision thereto, applicable at the time of installation.''.

SEC. 4106. NORTH AMERICAN DEVELOPMENT BANK.

Part 2 of subtitle D of title V of the North American Free Trade Agreement Implementation Act (22 U.S.C. 290m–290m-3) is amended by adding at the end the following:

''SEC. 545. SUPPORT FOR CERTAIN ENERGY POLICIES.

''Consistent with the focus of the Bank's Charter on environmental infrastructure projects, the Board members representing the United States should use their voice and

vote to encourage the Bank to finance projects related to clean and efficient energy, including energy conservation, that prevent, control, or reduce environmental pollutants or contaminants.''.

DIVISION E

SEC. 5000. SHORT TITLE.

This division may be cited as the ''Clean Coal Power Initiative Act of 2001''.

SEC. 5001. FINDINGS.

Congress finds that—

(1) reliable, affordable, increasingly clean electricity will continue to power the growing United States economy;

(2) an increasing use of electrotechnologies, the desire for continuous environmental improvement, a more competitive electricity market, and concerns about rising energy prices add importance to the need for reliable, affordable, increasingly clean electricity;

(3) coal, which, as of the date of the enactment of this Act, accounts for more than ½ of all electricity generated in the United States, is the most abundant fossil energy resource of the United States;

(4) coal comprises more than 85 percent of all fossil resources in the United States and exists in quantities sufficient to supply the United States for 250 years at current usage rates;

(5) investments in electricity generating facility emissions control technology over the past 30 years have reduced the aggregate emissions of pollutants from coal-based generating facilities by 21 percent, even as coal use for electricity generation has nearly tripled;

(6) continuous improvement in efficiency and environmental performance from electricity generating facilities would allow continued use of coal and preserve less abundant energy resources for other energy uses;

(7) new ways to convert coal into electricity can effectively eliminate health-threatening emissions and improve efficiency by as much as 50 percent, but initial deployment of new coal generation methods and equipment entails significant risk that generators may be unable to accept in a newly competitive electricity market; and

(8) continued environmental improvement in coal-based generation and increasing the production and supply of power generation facilities with less air emissions, with the ultimate goal of near-zero emissions, is important and desirable.

SEC. 5002. DEFINITIONS.

In this division:

(1) COST AND PERFORMANCE GOALS.—The term ''cost and performance goals'' means the cost and performance goals established under section 5004.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 5003. CLEAN COAL POWER INITIATIVE.

(a) IN GENERAL.—The Secretary shall carry out a program under—

(1) this division;

(2) the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.);

(3) the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.); and

(4) title XIII of the Energy Policy Act of 1992 (42 U.S.C. 13331 et seq.),

to achieve cost and performance goals established by the Secretary under section 5004.

SEC. 5004. COST AND PERFORMANCE GOALS.

(a) REVIEW AND ASSESSMENT.—The Secretary shall perform an assessment that establishes measurable cost and performance goals for 2005, 2010, 2015, and 2020 for the programs authorized by this division. Such assessment shall be based on the latest scientific, economic, and technical knowledge.

(b) CONSULTATION.—In establishing the cost and performance goals, the Secretary shall consult with representatives of—

(1) the United States coal industry;

(2) State coal development agencies;

(3) the electric utility industry;

(4) railroads and other transportation industries;

(5) manufacturers of advanced coal-based equipment;

(6) institutions of higher learning, national laboratories, and professional and technical societies;

(7) organizations representing workers;

(8) organizations formed to—

(A) promote the use of coal;

(B) further the goals of environmental protection; and

(C) promote the production and generation of coal-based power from advanced facilities; and

(9) other appropriate Federal and State agencies.

(c) TIMING.—The Secretary shall—

(1) not later than 120 days after the date of the enactment of this Act, issue a set of draft cost and performance goals for public comment; and

(2) not later than 180 days after the date of the enactment of this Act, after taking into consideration any public comments received, submit to the Committee on Energy and Commerce and the Committee on Science of the House of Representatives, and to the Senate, the final cost and performance goals.

SEC. 5005. AUTHORIZATION OF APPROPRIATIONS.

(a) CLEAN COAL POWER INITIATIVE.—Except as provided in subsection (b), there are authorized to be appropriated to the Secretary to carry out the Clean Coal Power Initiative under section 5003 $200,000,000 for each of the fiscal years 2002 through 2011, to remain available until expended.

(b) LIMIT ON USE OF FUNDS.—Notwithstanding subsection (a), no funds may be used to carry out the activities authorized by this Act after September 30, 2002, unless the Secretary has transmitted to the Committee on Energy and Commerce and the Committee on Science of the House of Representatives, and to the Senate, the report required by this subsection and 1 month has elapsed since that transmission. The report shall include, with respect to subsection (a), a 10-year plan containing—

(1) a detailed assessment of whether the aggregate funding levels provided under subsection (a) are the appropriate funding levels for that program;

(2) a detailed description of how proposals will be solicited and evaluated, including a list of all activities expected to be undertaken;

(3) a detailed list of technical milestones for each coal and related technology that will be pursued;

(4) recommendations for a mechanism for recoupment of Federal funding for successful commercial projects; and

(5) a detailed description of how the program will avoid problems enumerated in General Accounting Office reports on the Clean Coal Technology Program, including problems that have resulted in unspent funds and projects that failed either financially or scientifically.

(c) APPLICABILITY.—Subsection (b) shall not apply to any project begun before September 30, 2002.

SEC. 5006. PROJECT CRITERIA.

(a) IN GENERAL.—The Secretary shall not provide funding under this division for any project that does not advance efficiency, environmental performance, and cost competitiveness well beyond the level of technologies that are in operation or have been demonstrated as of the date of the enactment of this Act.

(b) TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.—

(1) GASIFICATION.—(A) In allocating the funds authorized under section 5005(a), the Secretary shall ensure that at least 80 percent of the funds are used only for projects on coal-based gasification technologies, including gasification combined cycle, gasification fuel cells, gasification coproduction and hybrid gasification/combustion.

(B) The Secretary shall set technical milestones specifying emissions levels that coal gasification projects must be designed to and reasonably expected to achieve. The milestones shall get more restrictive through the life of the program. The milestones shall be designed to achieve by 2020 coal gasification projects able—

(i) to remove 99 percent of sulfur dioxide;

(ii) to emit no more than .05 lbs of NOx per million BTU;

(iii) to achieve substantial reductions in mercury emissions; and

(iv) to achieve a thermal efficiency of 60 percent (higher heating value).

(2) OTHER PROJECTS.—For projects not described in paragraph (1), the Secretary shall set technical milestones specifying emissions levels that the projects must be designed to and reasonably expected to achieve. The milestones shall get more restrictive through the life of the program. The milestones shall be designed to achieve by 2010 projects able—

(A) to remove 97 percent of sulfur dioxide;

(B) to emit no more than .08 lbs of NOx per million BTU;

(C) to achieve substantial reductions in mercury emissions; and

(D) to achieve a thermal efficiency of 45 percent (higher heating value).

(c) FINANCIAL CRITERIA.—The Secretary shall not provide a funding award under this division unless the recipient has documented to the satisfaction of the Secretary that—

(1) the award recipient is financially viable without the receipt of additional Federal funding;

(2) the recipient will provide sufficient information to the Secretary for the Secretary to ensure that the award funds are spent efficiently and effectively; and

(3) a market exists for the technology being demonstrated or applied, as evidenced by statements of interest in writing from potential purchasers of the technology.

(d) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to projects that meet the requirements of subsections (a), (b), and (c) and are likely to—

(1) achieve overall cost reductions in the utilization of coal to generate useful forms of energy;

(2) improve the competitiveness of coal among various forms of energy in order to maintain a diversity of fuel choices in the United States to meet electricity generation requirements; and

(3) demonstrate methods and equipment that are applicable to 25 percent of the electricity generating facilities that use coal as the primary feedstock as of the date of the enactment of this Act.

(e) FEDERAL SHARE.—The Federal share of the cost of a coal or related technology project funded by the Secretary shall not exceed 50 percent.

(f) APPLICABILITY.—Neither the use of any particular technology, nor the achievement of any emission reduction, by any facility receiving assistance under this title shall be taken into account for purposes of making any determination under the Clean Air Act in applying the provisions of that Act to a facility not receiving assistance under this title, including any determination concerning new source performance standards,

lowest achievable emission rate, best available control technology, or any other standard, requirement, or limitation.

SEC. 5007. STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and once every 2 years thereafter through 2016, the Secretary, in cooperation with other appropriate Federal agencies, shall transmit to the Committee on Energy and Commerce and the Committee on Science of the House of Representatives, and to the Senate, a report containing the results of a study to—

(1) identify efforts (and the costs and periods of time associated with those efforts) that, by themselves or in combination with other efforts, may be capable of achieving the cost and performance goals;

(2) develop recommendations for the Department of Energy to promote the efforts identified under paragraph (1); and

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

(b) EXPERT ADVICE.—In carrying out this section, the Secretary shall give due weight to the expert advice of representatives of the entities described in section 5004(b).

SEC. 5008. CLEAN COAL CENTERS OF EXCELLENCE.

As part of the program authorized in section 5003, the Secretary shall award competitive, merit-based grants to universities for the establishment of Centers of Excellence for Energy Systems of the Future. The Secretary shall provide grants to universities that can show the greatest potential for advancing new clean coal technologies.

DIVISION D

SEC. 6001. SHORT TITLE.

This division may be cited as the ''Energy Security Act''.

TITLE I—GENERAL PROTECTIONS FOR ENERGY SUPPLY AND SECURITY

SEC. 6101. STUDY OF EXISTING RIGHTS-OF-WAY ON FEDERAL LANDS TO DETERMINE CAPABILITY TO SUPPORT NEW PIPELINES OR OTHER TRANSMISSION FACILITIES.

(a) IN GENERAL.—Within 1 year after the date of the enactment of this Act, the head of each Federal agency that has authorized a right-of-way across Federal lands for transportation of energy supplies or transmission of electricity shall review each such right-of-way and submit a report to the Secretary of Energy and the Chairman of the Federal Energy Regulatory Commission regarding—

(1) whether the right-of-way can be used to support new or additional capacity; and

(2) what modifications or other changes, if any, would be necessary to accommodate such additional capacity.

(b) CONSULTATIONS AND CONSIDERATIONS.—In performing the review, the head of each agency shall—

(1) consult with agencies of State, tribal, or local units of government as appropriate; and

(2) consider whether safety or other concerns related to current uses might preclude the availability of a right-of-way for additional or new transportation or transmission facilities, and set forth those considerations in the report.

SEC. 6102. INVENTORY OF ENERGY PRODUCTION POTENTIAL OF ALL FEDERAL PUBLIC LANDS.

(a) INVENTORY REQUIREMENT.—The Secretary of the Interior, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall conduct an inventory of the energy production potential of all Federal public lands other than national park lands and lands in any wilderness area, with respect to wind, solar, coal, and geothermal power production.

(b) LIMITATIONS.—

(1) IN GENERAL.—The Secretary shall not include in the inventory under this section the matters to be identified in the inventory under section 604 of the Energy Act of 2000 (43 U.S.C. 6217).

(2) WIND AND SOLAR POWER.—The inventory under this section—

(A) with respect to wind power production shall be limited to sites having a mean average wind speed—

(i) exceeding 12.5 miles per hour at a height of 33 feet; and

(ii) exceeding 15.7 miles per hour at a height of 164 feet; and

(B) with respect to solar power production shall be limited to areas rated as receiving 450 watts per square meter or greater.

(c) EXAMINATION OF RESTRICTIONS AND IMPEDIMENTS.—The inventory shall identify the extent and nature of any restrictions or impediments to the development of such energy production potential.

(d) GEOTHERMAL POWER.—The inventory shall include an update of the 1978 Assessment of Geothermal Resources by the United States Geological Survey.

(e) COMPLETION AND UPDATING.—The Secretary—

(1) shall complete the inventory by not later than 2 years after the date of the enactment of this Act; and

(2) shall update the inventory regularly thereafter.

(f) REPORTS.—The Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate and make publicly available—

(1) a report containing the inventory under this section, by not later than 2 years after the effective date of this section; and

(2) each update of such inventory.

SEC. 6103. REVIEW OF REGULATIONS TO ELIMINATE BARRIERS TO EMERGING ENERGY TECHNOLOGY.

(a) IN GENERAL.—Each Federal agency shall carry out a review of its regulations and standards to determine those that act as a barrier to market entry for emerging energy-efficient technologies, including fuel cells, combined heat and power, and distributed generation (including small-scale renewable energy).

(b) REPORT TO CONGRESS.—No later than 18 months after date of the enactment of this Act, each agency shall provide a report to the Congress and the President detailing all regulatory barriers to emerging energy-efficient technologies, along with actions the agency intends to take, or has taken, to remove such barriers.

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

SEC. 6104. INTERAGENCY AGREEMENT ON ENVIRONMENTAL REVIEW OF INTERSTATE NATURAL GAS PIPELINE PROJECTS.

(a) IN GENERAL.—The Secretary of Energy, in coordination with the Federal Energy Regulatory Commission, shall establish an administrative interagency task force to develop an interagency agreement to expedite and facilitate the environmental review and permitting of interstate natural gas pipeline projects.

(b) TASK FORCE MEMBERS.—The task force shall include a representative of each of the Bureau of Land Management, the United States Fish and Wildlife Service, the Army Corps of Engineers, the Forest Service, the Environmental Protection Agency, the Advisory Council on Historic Preservation, and such other agencies as the Secretary of Energy and the Federal Energy Regulatory Commission consider appropriate.

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

(d) SUBMITTAL OF AGREEMENT.—The Secretary of Energy shall submit a final interagency agreement under this section to the Congress by not later than 6 months after the effective date of this section.

SEC. 6105. ENHANCING ENERGY EFFICIENCY IN MANAGEMENT OF FEDERAL LANDS.

(a) SENSE OF THE CONGRESS.—It is the sense of Congress that Federal land managing agencies should enhance the use of energy efficient technologies in the management of natural resources.

(b) ENERGY EFFICIENT BUILDINGS.—To the extent economically practicable, the Secretary of the Interior and the Secretary of Agriculture shall seek to incorporate energy efficient technologies in public and administrative buildings associated with management of the National Park System, National Wildlife Refuge System, National Forest System, and other public lands and resources managed by such Secretaries.

(c) ENERGY EFFICIENT VEHICLES.—To the extent economically practicable, the Secretary of the Interior and the Secretary of Agriculture shall seek to use energy efficient motor vehicles, including vehicles equipped with biodiesel or hybrid engine technologies, in the management of the National Park System, National Wildlife Refuge System, and other public lands and managed by the Secretaries.

SEC. 6106. EFFICIENT INFRASTRUCTURE DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Energy and the Chairman of the Federal Energy Regulatory Commission shall jointly undertake a study of the location and extent of anticipated demand growth for natural gas consumption in the Western States, herein defined as the area covered by the Western System Coordinating Council.

(b) CONTENTS.—The study under subsection (a) shall include the following:

(1) A review of natural gas demand forecasts by Western State officials, such as the California Energy Commission and the California Public Utilities Commission, which indicate the forecasted levels of demand for natural gas and the geographic distribution of that forecasted demand.

(2) A review of the locations of proposed new natural gas-fired electric generation facilities currently in the approval process in the Western States, and their forecasted impact on natural gas demand.

(3) A review of the locations of existing interstate natural gas transmission pipelines, and interstate natural gas pipelines currently in the planning stage or approval process, throughout the Western States.

(4) A review of the locations and capacity of intrastate natural gas pipelines in the Western States.

(5) Recommendations for the coordination of the development of the natural gas infrastructure indicated in paragraphs (1) through (4).

(c) REPORT.—The Secretary shall report the findings and recommendations resulting from the study required by this section to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate no later than 6 months after the date of the enactment of this Act. The Chairman of the Federal Energy Regulatory

Commission shall report on how the Commission will factor these results into its review of applications of interstate pipelines within the Western States to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate no later than 6 months after the date of the enactment of this Act.

TITLE II—OIL AND GAS DEVELOPMENT

Subtitle A—Offshore Oil and Gas

SEC. 6201. SHORT TITLE.

This subtitle may be referred to as the ''Royalty Relief Extension Act of 2001''.

SEC. 6202. LEASE SALES IN WESTERN AND CENTRAL PLANNING AREA OF THE GULF OF MEXICO.

(a) IN GENERAL.—For all tracts located in water depths of greater than 200 meters in the Western and Central Planning Area of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any oil or gas lease sale under the Outer Continental Shelf Lands Act occurring within 2 years after the date of the enactment of this Act shall use the bidding system authorized in section 8(a)(1)(H) of the Outer Continental Shelf Lands Act (30 U.S.C. 1337(a)(1)(H)), except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 5 million barrels of oil equivalent for each lease in water depths of 400 to 800 meters.

(2) 9 million barrels of oil equivalent for each lease in water depths of 800 to 1,600 meters.

(3) 12 million barrels of oil equivalent for each lease in water depths greater than 1,600 meters.

(b) RELATIONSHIP TO EXISTING AUTHORITY.—Except as expressly provided in this section, nothing in this section is intended to limit the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.) to provide royalty suspension.

SEC. 6203. SAVINGS CLAUSE.

Nothing in this subtitle shall be construed to affect any offshore pre-leasing, leasing, or development moratorium, including any moratorium applicable to the Eastern Planning Area of the Gulf of Mexico located off the Gulf Coast of Florida.

SEC. 6204. ANALYSIS OF GULF OF MEXICO FIELD SIZE DISTRIBUTION, INTERNATIONAL COMPETITIVENESS, AND INCENTIVES FOR DEVELOPMENT.

(a) IN GENERAL.—The Secretary of the Interior and the Secretary of Energy shall enter into appropriate arrangements with the National Academy of Sciences to commission the Academy to perform the following:

(1) Conduct an analysis and review of existing Gulf of Mexico oil and natural gas resource assessments, including—

(A) analysis and review of assessments recently performed by the Minerals Management Service, the 1999 National Petroleum Council Gas Study, the Department of Energy's Offshore Marginal Property Study, and the Advanced Resources International, Inc. Deepwater Gulf of Mexico model; and

(B) evaluation and comparison of the accuracy of assumptions of the existing assessments with respect to resource field size distribution, hydrocarbon potential, and scenarios for leasing, exploration, and development.

(2) Evaluate the lease terms and conditions offered by the Minerals Management Service for Lease Sale 178, and compare the financial incentives offered by such terms and conditions to financial incentives offered by the terms and conditions that apply under leases for other offshore areas that are competing for the same limited offshore oil and gas exploration and development capital, including offshore areas of West Africa and Brazil.

(3) Recommend what level of incentives for all water depths are appropriate in order to ensure that the United States optimizes the domestic supply of oil and natural gas from the offshore areas of the Gulf of Mexico that are not subject to current leasing moratoria. Recommendations under this paragraph should be made in the context of the importance of the oil and natural gas resources of the Gulf of Mexico to the future energy and economic needs of the United States.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall submit a report to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate, summarizing the findings of the National Academy of Sciences pursuant to subsection (a) and providing recommendations of the Secretary for new policies or other actions that could help to further increase oil and natural gas production from the Gulf of Mexico.

Subtitle B—Improvements to Federal Oil and Gas Management

SEC. 6221. SHORT TITLE.

This subtitle may be cited as the ''Federal Oil and Gas Lease Management Improvement Demonstration Program Act of 2001''.

SEC. 6222. STUDY OF IMPEDIMENTS TO EFFICIENT LEASE OPERATIONS.

(a) IN GENERAL.—The Secretary of the Interior and the Secretary of Agriculture shall jointly undertake a study of the impediments to efficient oil and gas leasing and operations on Federal onshore lands in order to identify means by which unnecessary impediments to the expeditious exploration and production of oil and natural gas on such lands can be removed.

(b) CONTENTS.—The study under subsection (a) shall include the following:

(1) A review of the process by which Federal land managers accept or reject an offer to lease, including the timeframes in which such offers are acted upon, the reasons for any delays in acting upon such offers, and any recommendations for expediting the response to such offers.

(2) A review of the approval process for applications for permits to drill, including the timeframes in which such applications are approved, the impact of compliance with other Federal laws on such timeframes, any other reasons for delays in making such approvals, and any recommendations for expediting such approvals.

(3) A review of the approval process for surface use plans of operation, including the timeframes in which such applications are approved, the impact of compliance with other Federal laws on such timeframes, any other reasons for delays in making such approvals, and any recommendations for expediting such approvals.

(4) A review of the process for administrative appeal of decisions or orders of officers or employees of the Bureau of Land Management with respect to a Federal oil or gas lease, including the timeframes in which such appeals are heard and decided, any reasons for delays in hearing or deciding such appeals, and any recommendations for expediting the appeals process.

(c) REPORT.—The Secretaries shall report the findings and recommendations resulting from the study required by this section to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate no later than 6 months after the date of the enactment of this Act.

SEC. 6223. ELIMINATION OF UNWARRANTED DENIALS AND STAYS.

(a) IN GENERAL.—The Secretary shall ensure that unwarranted denials and stays of lease issuance and unwarranted restrictions on lease operations are eliminated from the administration of oil and natural gas leasing on Federal land.

(b) PREPARATION OF LEASING PLAN OR ANALYSIS.—In preparing a management plan or leasing analysis for oil or natural gas leasing on Federal lands administered by the Bureau of Land Management or the Forest Service, the Secretary concerned shall—

(1) identify and review the restrictions on surface use and operations imposed under the laws (including regulations) of the State in which the lands are located;

(2) consult with the appropriate State agency regarding the reasons for the State restrictions identified under paragraph (1);

(3) identify any differences between the State restrictions identified under paragraph (1) and any restrictions on surface use and operations that would apply under the lease; and

(4) prepare and provide upon request a written explanation of such differences.

(c) REJECTION OF OFFER TO LEASE.—

(1) IN GENERAL.—If the Secretary rejects an offer to lease Federal lands for oil or natural gas development on the ground that the land is unavailable for oil and natural gas leasing, the Secretary shall provide a written, detailed explanation of the reasons the land is unavailable for leasing.

(2) PREVIOUS RESOURCE MANAGEMENT DECISION.—If the determination of unavailability is based on a previous resource management decision, the explanation shall include a careful assessment of whether the reasons underlying the previous decision are still persuasive.

(3) SEGREGATION OF AVAILABLE LAND FROM UNAVAILABLE LAND.—The Secretary may not reject an offer to lease Federal land for oil and natural gas development that is available for such leasing on the ground that the offer includes land unavailable for leasing. The Secretary shall segregate available land from unavailable land, on the offeror's request following notice by the Secretary, before acting on the offer to lease.

(d) DISAPPROVAL OR REQUIRED MODIFICATION OF SURFACE USE PLANS OF OPERATIONS AND APPLICATION FOR PERMIT TO DRILL.—The Secretary shall provide a written, detailed explanation of the reasons for disapproving or requiring modifications of any surface use plan of operations or application for permit to drill with respect to oil or natural gas development on Federal lands.

(e) PRESERVATION OF FEDERAL AUTHORITY.—Nothing in this section or in any identification, review, or explanation prepared under this section shall be construed—

(1) to limit the authority of the Federal Government to impose lease stipulations, restrictions, requirements, or other terms that are different than those that apply under State law; or

(2) to affect the procedures that apply to judicial review of actions taken under this subsection.

SEC. 6224. LIMITATION ON COST RECOVERY FOR APPLICATIONS.

Notwithstanding sections 304 and 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 9701 of title 31, United States Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating to oil and gas leases.

SEC. 6225. CONSULTATION WITH SECRETARY OF AGRICULTURE.

Section 17(h) of the Mineral Leasing Act (30 U.S.C. 226(h)) is amended to read as follows:

''(h)(1) In issuing any lease on National Forest System lands reserved from the public domain, the Secretary of the Interior shall consult with the Secretary of Agriculture in determining stipulations on surface use under the lease.

''(2)(A) A lease on lands referred to in paragraph (1) may not be issued if the Secretary of Agriculture determines, after consultation under paragraph (1) and consultation with the Regional Forester having administrative jurisdiction over the National Forest System Lands concerned, that the terms and conditions of the lease, including any prohibition on surface occupancy for lease operations, will not be sufficient to adequately protect such lands under the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.).

''(B) The authority of the Secretary of Agriculture under this paragraph may be delegated only to the Undersecretary of Agriculture for Natural Resources and Environment.

''(3) The Secretary of Agriculture shall include in the record of decision for a determination under paragraph (2)(A)—

''(A) any written statement regarding the determination that is prepared by a Regional Forester consulted by the Secretary under paragraph (2)(A) regarding the determination; or

''(B) an explanation why such a statement by the Regional Forester is not included.

Subtitle C—Miscellaneous

SEC. 6231. OFFSHORE SUBSALT DEVELOPMENT.

Section 5 of the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1334) is amended by adding at the end the following:

''(k) SUSPENSION OF OPERATIONS FOR SUBSALT EXPLORATION.—Notwithstanding any other provision of law or regulation, to prevent waste caused by the drilling of unnecessary wells and to facilitate the discovery of additional hydrocarbon reserves, the Secretary may grant a request for a suspension of operations under any lease to allow the reprocessing and reinterpretation of geophysical data to identify and define drilling objectives beneath allocthonus salt sheets.''.

SEC. 6232. PROGRAM ON OIL AND GAS ROYALTIES IN KIND.

(a) APPLICABILITY OF SECTION.—Notwithstanding any other provision of law, the provisions of this section shall apply to all royalty in kind accepted by the Secretary of the Interior under any Federal oil or gas lease or permit under section 36 of the Mineral Leasing Act (30 U.S.C. 192), section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353), or any other mineral leasing law, in the period beginning on the date of the enactment of this Act through September 30, 2006.

(b) TERMS AND CONDITIONS.—All royalty accruing to the United States under any Federal oil or gas lease or permit under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) shall, on the demand of the Secretary of the Interior, be paid in oil or gas. If the Secretary of the Interior makes such a demand, the following provisions apply to such payment:

(1) Delivery by, or on behalf of, the lessee of the royalty amount and quality due under the lease satisfies the lessee's royalty obligation for the amount delivered, except that transportation and processing reimbursements paid to, or deductions claimed by, the lessee shall be subject to review and audit.

(2) Royalty production shall be placed in marketable condition by the lessee at no cost to the United States.

(3) The Secretary of the Interior may—

(A) sell or otherwise dispose of any royalty oil or gas taken in kind (other than oil or gas taken under section 27(a)(3) of the Outer Continental Shlef Lands Act (43 U.S.C. 1353(a)(3)) for not less than the market price; and

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

(4) The Secretary of the Interior may, notwithstanding section 3302 of title 31, United States Code, retain and use a portion of the revenues from the sale of oil and gas royalties taken in kind that otherwise would be deposited to miscellaneous receipts, without regard to fiscal year limitation, or may use royalty production, to pay the cost of—

(A) transporting the oil or gas,

(B) processing the gas, or

(C) disposing of the oil or gas.

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

(c) REIMBURSEMENT OF COST.—If the lessee, pursuant to an agreement with the United States or as provided in the lease, processes the royalty gas or delivers the royalty oil or gas at a point not on or adjacent to the lease area, the Secretary of the Interior shall—

(1) reimburse the lessee for the reasonable costs of transportation (not including gathering) from the lease to the point of delivery or for processing costs; or

(2) at the discretion of the Secretary of the Interior, allow the lessee to deduct such transportation or processing costs in reporting and paying royalties in value for other Federal oil and gas leases.

(d) BENEFIT TO THE UNITED STATES REQUIRED.—The Secretary may receive oil or gas royalties in kind only if the Secretary determines that receiving such royalties provides benefits to the United States greater than or equal to those that would be realized under a comparable royalty in value program.

(e) REPORT TO CONGRESS.—For each of the fiscal years 2002 through 2006 in which the United States takes oil or gas royalties in kind from production in any State or from the Outer Continental Shelf, excluding royalties taken in kind and sold to refineries under subsection (h), the Secretary of the Interior shall provide a report to the Congress describing—

(1) the methodology or methodologies used by the Secretary to determine compliance with subsection (d), including performance standards for comparing amounts received by the United States derived from such royalties in kind to amounts likely to have been received had royalties been taken in value;

(2) an explanation of the evaluation that led the Secretary to take royalties in kind from a lease or group of leases, including the expected revenue effect of taking royalties in kind;

(3) actual amounts received by the United States derived from taking royalties in kind, and costs and savings incurred by the United States associated with taking royalties in kind; and

(4) an evaluation of other relevant public benefits or detriments associated with taking royalties in kind.

(f) DEDUCTION OF EXPENSES.—

(1) IN GENERAL.—Before making payments under section 35 of the Mineral Leasing Act (30 U.S.C. 191) or section 8(g) of the Outer Continental Shelf Lands Act (30 U.S.C. 1337(g)) of revenues derived from the sale of royalty production taken in kind from a lease, the Secretary of the Interior shall deduct amounts paid or deducted under subsections (b)(4) and (c), and shall deposit such amounts to miscellaneous receipts.

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

(g) CONSULTATION WITH STATES.—The Secretary of the Interior—

(1) shall consult with a State before conducting a royalty in kind program under this title within the State, and may delegate management of any portion of the Federal royalty in kind program to such State except as otherwise prohibited by Federal law; and

(2) shall consult annually with any State from which Federal oil or gas royalty is being taken in kind to ensure to the maximum extent practicable that the royalty in kind program provides revenues to the State greater than or equal to those which would be realized under a comparable royalty in value program.

(h) PROVISIONS FOR SMALL REFINERIES.—

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

(2) PRORATION AMONG REFINERIES IN PRODUCTION AREA.—In disposing of oil under this subsection, the Secretary of the Interior may, at the discretion of the Secretary, prorate such oil among such refineries in the area in which the oil is produced.

(i) DISPOSITION TO FEDERAL AGENCIES.—

(1) ONSHORE ROYALTY.—Any royalty oil or gas taken by the Secretary in kind from onshore oil and gas leases may be sold at not less than the market price to any department or agency of the United States.

(2) OFFSHORE ROYALTY.—Any royalty oil or gas taken in kind from Federal oil and gas leases on the Outer Continental Shelf may be disposed of only under section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353).

(j) PREFERENCE FOR FEDERAL LOW-INCOME ENERGY ASSISTANCE PROGRAMS.—In disposing of royalty oil or gas taken in kind under this section, the Secretary may grant a preference to any person, including any State or Federal agency, for the purpose of providing additional resources to any Federal low-income energy assistance program.

SEC. 6233. MARGINAL WELL PRODUCTION INCENTIVES.

To enhance the economics of marginal oil and gas production by increasing the ultimate recovery from marginal wells when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart, is less than $15 per barrel for 180 consecutive pricing days or when the price of natural gas delivered at Henry Hub, Louisiana, is less than $2.00 per million British thermal units for 180 consecutive days, the Secretary shall reduce the royalty rate as production declines for—

(1) onshore oil wells producing less than 30 barrels per day;

(2) onshore gas wells producing less than 120 million British thermal units per day;

(3) offshore oil wells producing less than 300 barrels of oil per day; and

(4) offshore gas wells producing less than 1,200 million British thermal units per day.

SEC. 6234. REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.

(a) IN GENERAL.—The Mineral Leasing Act (30 U.S.C. 181 et seq.) is amended by inserting after section 37 the following:

''REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES

''SEC. 38. (a) IN GENERAL.—The Secretary of the Interior may, through royalty credits, reimburse a person who is a lessee, operator, operating rights owner, or applicant for an oil or gas lease under this Act for amounts paid by the person for preparation by the Secretary (or a contractor or other person selected by the Secretary) of any project-level analysis, documentation, or related study required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease.

''(b) CONDITIONS.—The Secretary may provide reimbursement under subsection (b) only if—

''(1) adequate funding to enable the Secretary to timely prepare the analysis, documentation, or related study is not appropriated;

''(2) the person paid the costs voluntarily; and

''(3) the person maintains records of its costs in accordance with regulations prescribed by the Secretary.''.

(b) APPLICATION.—The amendments made by this section shall apply with respect to any lease entered into before, on, or after the date of the enactment of this Act.

(c) DEADLINE FOR REGULATIONS.—The Secretary shall issue regulations implementing the amendments made by this section by not later than 90 days after the date of the enactment of this Act.

SEC. 6235. ENCOURAGEMENT OF STATE AND PROVINCIAL PROHIBITIONS ON OFF-SHORE DRILLING IN THE GREAT LAKES.

(a) FINDINGS.—The Congress finds the following:

(1) The water resources of the Great Lakes Basin are precious public natural resources, shared and held in trust by the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, and the Canadian Province of Ontario.

(2) The environmental dangers associated with off-shore drilling in the Great Lakes for oil and gas outweigh the potential benefits of such drilling.

(3) In accordance with the Submerged Lands Act (43 U.S.C. 1301 et seq.), each State that borders any of the Great Lakes has authority over the area between that State's coastline and the boundary of Canada or another State.

(4) The States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin each have a statutory prohibition of off-shore drilling in the Great Lakes for oil and gas.

(5) The States of Indiana, Minnesota, and Ohio do not have such a prohibition.

(6) The Canadian Province of Ontario does not have such a prohibition, and drilling for and production of gas occurs in the Canadian portion of Lake Erie.

(b) ENCOURAGEMENT OF STATE AND PROVINCIAL PROHIBITIONS.—The Congress encourages—

(1) the States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin to continue to prohibit off-shore drilling in the Great Lakes for oil and gas;

(2) the States of Indiana, Minnesota, and Ohio and the Canadian Province of Ontario to enact a prohibition of such drilling; and

(3) the Canadian Province of Ontario to require the cessation of any such drilling and any production resulting from such drilling.

TITLE III—GEOTHERMAL ENERGY DEVELOPMENT

SEC. 6301. ROYALTY REDUCTION AND RELIEF.

(a) ROYALTY REDUCTION.—Section 5(a) of the Geothermal Steam Act of 1970 (30 U.S.C. 1004(a)) is amended by striking ''not less than 10 per centum or more than 15 per centum'' and inserting ''not more than 8 per centum''.

(b) ROYALTY RELIEF.—

(1) IN GENERAL.—Notwithstanding section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004(a)) and any provision of any lease under that Act, no royalty is required to be paid—

(A) under any qualified geothermal energy lease with respect to commercial production of heat or energy from a facility that begins such production in the 5-year period beginning on the date of the enactment of this Act; or

(B) on qualified expansion geothermal energy.

(2) 3-YEAR APPLICATION.—Paragraph (1) applies only to commercial production of heat or energy from a facility in the first 3 years of such production.

(c) DEFINITIONS.—In this section:

(1) QUALIFIED EXPANSION GEOTHERMAL ENERGY.—The term ''qualified expansion geothermal energy''—

(A) subject to subparagraph (B), means geothermal energy produced from a generation facility for which the rated capacity is increased by more than 10 percent as a result of expansion of the facility carried out in the 5-year period beginning on the date of the enactment of this Act; and

(B) does not include the rated capacity of the generation facility on the date of the enactment of this Act.

(2) QUALIFIED GEOTHERMAL ENERGY LEASE.—The term ''qualified geothermal energy lease'' means a lease under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.)—

(A) that was executed before the end of the 5-year period beginning on the date of the enactment of this Act; and

(B) under which no commercial production of any form of heat or energy occurred before the date of the enactment of this Act.

SEC. 6302. EXEMPTION FROM ROYALTIES FOR DIRECT USE OF LOW TEMPERATURE GEOTHERMAL ENERGY RESOURCES.

Section 5 of the Geothermal Steam Act of 1970 (30 U.S.C. 1004) is amended—

(1) in paragraph (c) by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B);

(2) by redesignating paragraphs (a) through (d) in order as paragraphs (1) through (4);

(3) by inserting ''(a) IN GENERAL.—'' after ''SEC. 5.''; and

(4) by adding at the end the following new subsection:

''(b) EXEMPTION FOR USE OF LOW TEMPERATURE RESOURCES.—

''(1) IN GENERAL.—In lieu of any royalty or rental under subsection (a), a lease for qualified development and direct utilization of low temperature geothermal resources shall provide for payment by the lessee of an annual fee of not less than $100, and not more than $1,000, in accordance with the schedule issued under paragraph (2).

''(2) SCHEDULE.—The Secretary shall issue a schedule of fees under this section under which a fee is based on the scale of development and utilization to which the fee applies.

''(3) DEFINITIONS.—In this subsection:

''(A) LOW TEMPERATURE GEOTHERMAL RESOURCES.—The term 'low temperature geothermal resources' means geothermal steam and associated geothermal resources having a temperature of less than 195 degrees Fahrenheit.

''(B) QUALIFIED DEVELOPMENT AND DIRECT UTILIZATION.—The term 'qualified development and direct utilization' means development and utilization in which all products of geothermal resources, other than any heat utilized, are returned to the geothermal formation from which they are produced.''.

SEC. 6303. AMENDMENTS RELATING TO LEASING ON FOREST SERVICE LANDS.

The Geothermal Steam Act of 1970 is amended—

(1) in section 15(b) (30 U.S.C. 1014(b))—

(A) by inserting ''(1)'' after ''(b)''; and

(B) in paragraph (1) (as designated by subparagraph (A) of this paragraph) in the first sentence—

(i) by striking ''with the consent of, and'' and inserting ''after consultation with the Secretary of Agriculture and''; and

(ii) by striking ''the head of that Department'' and inserting ''the Secretary of Agriculture''; and

(2) by adding at the end the following:

''(2)(A) A geothermal lease for lands withdrawn or acquired in aid of functions of the Department of Agriculture may not be issued if the Secretary of Agriculture, after the consultation required by paragraph (1) and consultation with any Regional Forester having administrative jurisdiction over the lands concerned, determines that no terms or conditions, including a prohibition on surface occupancy for lease operations, would be sufficient to adequately protect such lands under the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.).

''(B) The authority of the Secretary of Agriculture under this paragraph may be delegated only to the Undersecretary of Agriculture for Natural Resources and Environment.

''(3) The Secretary of Agriculture shall include in the record of decision for a determination under paragraph (2)(A)—

''(A) any written statement regarding the determination that is prepared by a Regional Forester consulted by the Secretary under paragraph (2)(A) regarding the determination; or

''(B) an explanation why such a statement by the Regional Forester is not included.

SEC. 6304. DEADLINE FOR DETERMINATION ON PENDING NONCOMPETITIVE LEASE APPLICATIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Interior shall, with respect to each application pending on the date of the enactment of this Act for a lease under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), issue a final determination of—

(1) whether or not to conduct a lease sale by competitive bidding; and

(2) whether or not to award a lease without competitive bidding.

SEC. 6305. OPENING OF PUBLIC LANDS UNDER MILITARY JURISDICTION.

(a) IN GENERAL.—Except as otherwise provided in the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other provisions of Federal law applicable to development of geothermal energy resources within public lands, all public lands under the jurisdiction of a Secretary of a military department shall be open to the operation of such laws and development and utilization of geothermal steam and associated geothermal resources, as that term is defined in section 2 of the Geothermal Steam Act of 1970 (30 U.S.C. 1001), without the necessity for further action by the Secretary or the Congress.

(b) CONFORMING AMENDMENT.—Section 2689 of title 10, United States Code, is amended by striking ''including public lands,'' and inserting ''other than public lands,''.

(c) TREATMENT OF EXISTING LEASES.—Upon the expiration of any lease in effect on the date of the enactment of this Act of public lands under the jurisdiction of a military department for the development of any geothermal resource, such lease may, at the option of the lessee—

(1) be treated as a lease under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), and be renewed in accordance with such Act; or

(2) be renewed in accordance with the terms of the lease, if such renewal is authorized by such terms.

(d) REGULATIONS.—The Secretary of the Interior, with the advice and concurrence of the Secretary of the military department concerned, shall prescribe such regulations to carry out this section as may be necessary. Such regulations shall contain guidelines to assist in determining how much, if any, of the surface of any lands opened pursuant to this section may be used for purposes incident to geothermal energy resources development and utilization.

(e) CLOSURE FOR PURPOSES OF NATIONAL DEFENSE OR SECURITY.—In the event of a national emergency or for purposes of national defense or security, the Secretary of the Interior, at the request of the Secretary of the military department concerned, shall close any lands that have been opened to geothermal energy resources leasing pursuant to this section.

SEC. 6306. APPLICATION OF AMENDMENTS.

The amendments made by this title apply with respect to any lease executed before, on, or after the date of the enactment of this Act.

SEC. 6307. REVIEW AND REPORT TO CONGRESS.

The Secretary of the Interior shall promptly review and report to the Congress regarding the status of all moratoria on and withdrawals from leasing under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) of known geothermal resources areas (as that term is defined in section 2 of that Act (30 U.S.C. 1001), specifying for each such area whether the basis for such moratoria or withdrawal still applies.

SEC. 6308. REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.

(a) IN GENERAL.—The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended by adding at the end the following:

''REIMBURSEMENT FOR COSTS OF CERTAIN ANALYSES, DOCUMENTATION, AND STUDIES

''SEC. 38. (a) IN GENERAL.—The Secretary of the Interior may, through royalty credits, reimburse a person who is a lessee, operator, operating rights owner, or applicant for a lease under this Act for amounts paid by the person for preparation by the Secretary (or a contractor or other person selected by the Secretary) of any project-level analysis, documentation, or related study required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the lease.

''(b) CONDITIONS.—The Secretary shall may provide reimbursement under subsection (a) only if—

''(1) adequate funding to enable the Secretary to timely prepare the analysis, documentation, or related study is not appropriated;

''(2) the person paid the costs voluntarily; and

''(3) the person maintains records of its costs in accordance with regulations prescribed by the Secretary.''.

(b) APPLICATION.—The amendments made by this section shall apply with respect to any lease entered into before, on, or after the date of the enactment of this Act.

(c) DEADLINE FOR REGULATIONS.—The Secretary shall issue regulations implementing the amendments made by this section by not later than 90 days after the date of the enactment of this Act.

TITLE IV—HYDROPOWER

SEC. 6401. STUDY AND REPORT ON INCREASING ELECTRIC POWER PRODUCTION CAPABILITY OF EXISTING FACILITIES.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a study of the potential for increasing electric power production capability at existing facilities under the administrative jurisdiction of the Secretary.

(b) CONTENT.—The study under this section shall include identification and description in detail of each facility that is capable, with or without modification, of producing additional hydroelectric power, including estimation of the existing potential for the facility to generate hydroelectric power.

(c) REPORT.—The Secretary shall submit to the Congress a report on the findings, conclusions, and recommendations of the study under this section by not later than 12 months after the date of the enactment of this Act. The Secretary shall include in the report the following:

(1) The identifications, descriptions, and estimations referred to in subsection (b).

(2) A description of activities the Secretary is currently conducting or considering, or that could be considered, to produce additional hydroelectric power from each identified facility.

(3) A summary of action that has already been taken by the Secretary to produce additional hydroelectric power from each identified facility.

(4) The costs to install, upgrade, or modify equipment or take other actions to produce additional hydroelectric power from each identified facility.

(5) The benefits that would be achieved by such installation, upgrade, modification, or other action, including quantified estimates of any additional energy or capacity from each facility identified under subsection (b).

(6) A description of actions that are planned, underway, or might reasonably be considered to increase hydroelectric power production by replacing turbine runners.

(7) A description of actions that are planned, underway, or might reasonably be considered to increase hydroelectric power production by performing generator uprates and rewinds.

(8) The impact of increased hydroelectric power production on irrigation, fish, wildlife, Indian tribes, river health, water quality, navigation, recreation, fishing, and flood control.

(9) Any additional recommendations the Secretary considers advisable to increase hydroelectric power production from, and reduce costs and improve efficiency at, facilities under the jurisdiction of the Secretary.

SEC. 6402. INSTALLATION OF POWERFORMER AT FOLSOM POWER PLANT, CALIFORNIA.

(a) IN GENERAL.—The Secretary of the Interior may install a powerformer at the Bureau of Reclamation Folsom power plant in Folsom, California, to replace a generator and transformer that are due for replacement due to age.

(b) REIMBURSABLE COSTS.—Costs incurred by the United States for installation of a powerformer under this section shall be treated as reimbursable costs and shall bear interest at current long-term borrowing rates of the United States Treasury at the time of acquisition.

(c) LOCAL COST SHARING.—In addition to reimbursable costs under subsection (b), the Secretary shall seek contributions from power users toward the costs of the powerformer and its installation.

SEC. 6403. STUDY AND IMPLEMENTATION OF INCREASED OPERATIONAL EFFICIENCIES IN HYDROELECTRIC POWER PROJECTS.

(a) IN GENERAL.—The Secretary of Interior shall conduct a study of operational methods and water scheduling techniques at all hydroelectric power plants under the administrative jurisdiction of the Secretary that have an electric power production capacity greater than 50 megawatts, to—

(1) determine whether such power plants and associated river systems are operated so as to maximize energy and capacity capabilities; and

(2) identify measures that can be taken to improve operational flexibility at such plants to achieve such maximization.

(b) REPORT.—The Secretary shall submit a report on the findings, conclusions, and recommendations of the study under this section by not later than 18 months after the date of the enactment of this Act, including a summary of the determinations and identifications under paragraphs (1) and (2) of subsection (a).

(c) COOPERATION BY FEDERAL POWER MARKETING ADMINISTRATIONS.—The Secretary shall coordinate with the Administrator of each Federal power marketing administration in—

(1) determining how the value of electric power produced by each hydroelectric power facility that produces power marketed by the administration can be maximized; and

(2) implementing measures identified under subsection (a)(2).

(d) LIMITATION ON IMPLEMENTATION OF MEASURES.—Implementation under subsections (a)(2) and (b)(2) shall be limited to those measures that can be implemented within the constraints imposed on Department of the Interior facilities by other uses required by law.

SEC. 6404. SHIFT OF PROJECT LOADS TO OFF-PEAK PERIODS.

(a) IN GENERAL.—The Secretary of the Interior shall—

(1) review electric power consumption by Bureau of Reclamation facilities for water pumping purposes; and

(2) make such adjustments in such pumping as possible to minimize the amount of electric power consumed for such pumping during periods of peak electric power consumption, including by performing as much of such pumping as possible during off-peak hours at night.

(b) CONSENT OF AFFECTED IRRIGATION CUSTOMERS REQUIRED.—The Secretary may not under this section make any adjustment in pumping at a facility without the consent of each person that has contracted with the United States for delivery of water from the facility for use for irrigation and that would be affected by such adjustment.

(c) EXISTING OBLIGATIONS NOT AFFECTED.—This section shall not be construed to affect any existing obligation of the Secretary to provide electric power, water, or other benefits from Bureau of Reclamation facilities.

TITLE V—ARCTIC COASTAL PLAIN DOMESTIC ENERGY

SEC. 6501. SHORT TITLE.

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

SEC. 6502. DEFINITIONS.

In this title:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area identified as such in the map entitled ''Arctic National Wildlife Refuge'', dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)), comprising approximately 1,549,000 acres.

(2) SECRETARY.—The term ''Secretary'', except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 6503. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement in accordance with this title a competitive oil and gas leasing program under the Mineral Leasing

Act (30 U.S.C. 181 et seq.) that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966, the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this title that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this title shall be completed within 18 months after the date of the enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this title shall be considered to expand or limit State and local regulatory authority.

(e) SPECIAL AREAS.—

(1) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map referred to in section 6502(1).

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) DIRECTIONAL DRILLING.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the area.

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

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of the enactment of this Act.

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

SEC. 6504. LEASE SALES.

(a) IN GENERAL.—Lands may be leased pursuant to this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

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

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this title shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this title, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) conduct the first lease sale under this title within 22 months after the date of the enactment of this title; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 6505. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 6504 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

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

SEC. 6506. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this title shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

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

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

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

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, and the environment as required pursuant to section 6503(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

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

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this title and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this title and the special concerns of the

parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 6507. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—The Secretary shall, consistent with the requirements of section 6503, administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require compliance with all applicable provisions of Federal and State environmental law and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times, if—

(A) the Secretary determines, after affording an opportunity for public comment and review, that special circumstances exist necessitating that exploration activities be conducted at other times of the year; and

(B) the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or reduction of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

SEC. 6508. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint seeking judicial review of any provision of this title or any action of the Secretary under this title shall be filed in any appropriate district court of the United States—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of an action of the Secretary under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—Judicial review of a Secretarial decision to conduct a lease sale under this title, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this division and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this division shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 6509. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) EXEMPTION.—Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.) shall not apply to the issuance by the Secretary under section 28 of the Mineral Leasing Act (30 U.S.C. 185) of rights-of-way and easements across the Coastal Plain for the transportation of oil and gas.

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement referred to in subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 6503(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 6510. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 2 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611); and

(2) to the Arctic Slope Regional Corporation the subsurface estate beneath such surface estate pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 6511. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this title.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, Kaktovik, and other boroughs, municipal subdivisions, villages, and any other community organized under Alaska State law shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects; and

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including firefighting, police, water, waste treatment, medivac, and medical services.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties under on leases and lease sales authorized under this title.

(4) LIMITATION ON DEPOSITS.—The total amount in the fund may not exceed $10,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund $5,000,000 for each fiscal year.

SEC. 6512. REVENUE ALLOCATION.

(a) FEDERAL AND STATE DISTRIBUTION.—

(1) IN GENERAL.—Notwithstanding section 6504 of this Act, the Mineral Leasing Act (30 U.S.C. 181 et. seq.), or any other law, of the amount of adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations authorized under this title—

(A) 50 percent shall be paid to the State of Alaska; and

(B) the balance shall be deposited into the Renewable Energy Technology Investment Fund and the Royalties Conservation Fund as provided in this section.

(2) ADJUSTMENTS.—Adjustments to bonus, rental, and royalty amounts from oil and gas leasing and operations authorized under this title shall be made as necessary for overpayments and refunds from lease revenues received in current or subsequent periods before distribution of such revenues pursuant to this section.

(3) TIMING OF PAYMENTS TO STATE.—Payments to the State of Alaska under this section shall be made semiannually.

(b) RENEWABLE ENERGY TECHNOLOGY INVESTMENT FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—There is hereby established in the Treasury of the United States a separate account which shall be known as the ''Renewable Energy Technology Investment Fund''.

(2) DEPOSITS.—Fifty percent of adjusted revenues from bonus payments for leases issued under this title shall be deposited into the Renewable Energy Technology Investment Fund.

(3) USE, GENERALLY.—Subject to paragraph (4), funds deposited into the Renewable Energy Technology Investment Fund shall be used by the Secretary of Energy to finance research grants, contracts, and cooperative agreements and expenses of direct research by Federal agencies, including the costs of administering and reporting on such a program of research, to improve and demonstrate technology and develop basic science information for development and use of renewable and alternative fuels including wind energy, solar energy, geothermal energy, and energy from biomass. Such research may include studies on deployment of such technology including research on how to lower the costs of introduction of such technology and of barriers to entry into the market of such technology.

(4) USE FOR ADJUSTMENTS AND REFUNDS.—If for any circumstances, adjustments or refunds of bonus amounts deposited pursuant to this title become warranted, 50 percent of the amount necessary for the sum of such adjustments and refunds may be paid by the Secretary from the Renewable Energy Technology Investment Fund.

(5) CONSULTATION AND COORDINATION.—Any specific use of the Renewable Energy Technology Investment Fund shall be determined only after the Secretary of Energy consults and coordinates with the heads of other appropriate Federal agencies.

(6) REPORTS.—Not later than 1 year after the date of the enactment of this Act and on an annual basis thereafter, the Secretary of Energy shall transmit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the use of funds under this subsection and the impact of and efforts to integrate such uses with other energy research efforts.

(c) ROYALTIES CONSERVATION FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—There is hereby established in the Treasury of the United States a separate account which shall be known as the ''Royalties Conservation Fund''.

(2) DEPOSITS.—Fifty percent of revenues from rents and royalty payments for leases issued under this title shall be deposited into the Royalties Conservation Fund.

(3) USE, GENERALLY.—Subject to paragraph (4), funds deposited into the Royalties Conservation Fund—

(A) may be used by the Secretary of the Interior and the Secretary of Agriculture to finance grants, contracts, cooperative agreements, and expenses for direct activities of the Department of the Interior and the Forest Service to restore and otherwise conserve lands and habitat and to eliminate maintenance and improvements backlogs on Federal lands, including the costs of administering and reporting on such a program; and

(B) may be used by the Secretary of the Interior to finance grants, contracts, cooperative agreements, and expenses—

(i) to preserve historic Federal properties;

(ii) to assist States and Indian Tribes in preserving their historic properties;

(iii) to foster the development of urban parks; and

(iv) to conduct research to improve the effectiveness and lower the costs of habitat restoration.

(4) USE FOR ADJUSTMENTS AND REFUNDS.—If for any circumstances, refunds or adjustments of royalty and rental amounts deposited pursuant to this title become warranted, 50 percent of the amount necessary for the sum of such adjustments and refunds may be paid from the Royalties Conservation Fund.

(d) AVAILABILITY.—Moneys covered into the accounts established by this section—

(1) shall be available for expenditure only to the extent appropriated therefor;

(2) may be appropriated without fiscal-year limitation; and

(3) may be obligated or expended only as provided in this section.

TITLE VI—CONSERVATION OF ENERGY BY THE DEPARTMENT OF THE INTERIOR

SEC. 6601. ENERGY CONSERVATION BY THE DEPARTMENT OF THE INTERIOR.

(a) IN GENERAL.—The Secretary of the Interior shall—

(1) conduct a study to identify, evaluate, and recommend opportunities for conserving energy by reducing the amount of energy used by facilities of the Department of the Interior; and

(2) wherever feasible and appropriate, reduce the use of energy from traditional sources by encouraging use of alternative energy sources, including solar power and

power from fuel cells, throughout such facilities and the public lands of the United States.

(b) REPORTS.—The Secretary shall submit to the Congress—

(1) by not later than 90 days after the date of the enactment of this Act, a report containing the findings, conclusions, and recommendations of the study under subsection (a)(1); and

(2) by not later than December 31 each year, an annual report describing progress made in—

(A) conserving energy through opportunities recommended in the report under paragraph (1); and

(B) encouraging use of alternative energy sources under subsection (a)(2).

SEC. 6602. AMENDMENT TO BUY INDIAN ACT.

Section 23 of the Act of June 25, 1910 (25 U.S.C. 47; commonly known as the ''Buy Indian Act'') is amended by inserting ''energy products, and energy by-products,'' after ''printing,''.

TITLE VII—COAL

SEC. 6701. LIMITATION ON FEES WITH RESPECT TO COAL LEASE APPLICATIONS AND DOCUMENTS.

Notwithstanding sections 304 and 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 9701 of title 31, United States Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating coal leases.

SEC. 6702. MINING PLANS.

Section 2(d)(2) of the Mineral Leasing Act (30 U.S.C. 202a(2)) is amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following:

''(B) The Secretary may establish a period of more than 40 years if the Secretary determines that the longer period—

''(i) will ensure the maximum economic recovery of a coal deposit; or

''(ii) the longer period is in the interest of the orderly, efficient, or economic development of a coal resources.''.

SEC. 6703. PAYMENT OF ADVANCE ROYALTIES UNDER COAL LEASES.

(a) IN GENERAL.—Section 7(b) of the Mineral Leasing Act of 1920 (30 U.S.C. 207(b)) is amended to read as follows:

''(b)(1) Each lease shall be subjected to the condition of diligent development and continued operation of the mine or mines, except where operations under the lease are interrupted by strikes, the elements, or casualties not attributable to the lessee.

''(2)(A) The Secretary of the Interior, upon determining that the public interest will be served thereby, may suspend the condition of continued operation upon the payment of advance royalties.

''(B) Such advance royalties shall be computed based on the average price for coal sold in the spot market from the same region during the last month of each applicable continued operation year.

''(C) The aggregate number of years during the initial and any extended term of any lease for which advance royalties may be accepted in lieu of the condition of continued operation shall not exceed 20.

''(3) The amount of any production royalty paid for any year shall be reduced (but not below zero) by the amount of any advance royalties paid under such lease to the extent that such advance royalties have not been used to reduce production royalties for a prior year.

''(4) This subsection shall be applicable to any lease or logical mining unit in existence on the date of the enactment of this paragraph or issued or approved after such date.

''(5) Nothing in this subsection shall be construed to affect the requirement contained in the second sentence of subsection (a) relating to commencement of production at the end of 10 years.''.

(b) AUTHORITY TO WAIVE, SUSPEND, OR REDUCE ADVANCE ROYALTIES.—Section 39 of the Mineral Leasing Act (30 U.S.C. 209) is amended by striking the last sentence.

SEC. 6704. ELIMINATION OF DEADLINE FOR SUBMISSION OF COAL LEASE OPERATION AND RECLAMATION PLAN.

Section 7(c) of the Mineral Leasing Act (30 U.S.C. 207(c)) is amended by striking ''and not later than three years after a lease is issued,''.

TITLE VIII—INSULAR AREAS ENERGY SECURITY

SEC. 6801. INSULAR AREAS ENERGY SECURITY.

Section 604 of the Act entitled ''An Act to authorize appropriations for certain insular areas of the United States, and for other purposes'', approved December 24, 1980 (Public Law 96–597; 94 Stat. 3480–3481), is amended—

(1) in subsection (a)(4) by striking the period and inserting a semicolon;

(2) by adding at the end of subsection (a) the following new paragraphs:

''(5) electric power transmission and distribution lines in insular areas are inadequate to withstand damage caused by the hurricanes and typhoons which frequently occur in insular areas and such damage often costs millions of dollars to repair; and

''(6) the refinement of renewable energy technologies since the publication of the 1982 Territorial Energy Assessment prepared pursuant to subsection (c) reveals the need to reassess the state of energy production, consumption, infrastructure, reliance on imported energy, and indigenous sources in regard to the insular areas.'';

(3) by amending subsection (e) to read as follows:

''(e)(1) The Secretary of the Interior, in consultation with the Secretary of Energy and the chief executive officer of each insular area, shall update the plans required under subsection (c) by—

''(A) updating the contents required by subsection (c);

''(B) drafting long-term energy plans for such insular areas with the objective of reducing, to the extent feasible, their reliance on energy imports by the year 2010 and maximizing, to the extent feasible, use of indigenous energy sources; and

''(C) drafting long-term energy transmission line plans for such insular areas with the objective that the maximum percentage feasible of electric power transmission and distribution lines in each insular area be protected from damage caused by hurricanes and typhoons.

''(2) Not later than May 31, 2003, the Secretary of the Interior shall submit to Congress the updated plans for each insular area required by this subsection.''; and

(4) by amending subsection (g)(4) to read as follows:

''(4) POWER LINE GRANTS FOR TERRITORIES.—

''(A) IN GENERAL.—The Secretary of the Interior is authorized to make grants to governments of territories of the United States to carry out eligible projects to protect electric power transmission and distribution lines in such territories from damage caused by hurricanes and typhoons.

''(B) ELIGIBLE PROJECTS.—The Secretary may award grants under subparagraph (A) only to governments of territories of the United States that submit written project plans to the Secretary for projects that meet the following criteria:

''(i) The project is designed to protect electric power transmission and distribution lines located in one or more of the territories of the United States from damage caused by hurricanes and typhoons.

''(ii) The project is likely to substantially reduce the risk of future damage, hardship, loss, or suffering.

''(iii) The project addresses one or more problems that have been repetitive or that pose a significant risk to public health and safety.

''(iv) The project is not likely to cost more than the value of the reduction in direct damage and other negative impacts that the project is designed to prevent or mitigate. The cost benefit analysis required by this criterion shall be computed on a net present value basis.

''(v) The project design has taken into consideration long-term changes to the areas and persons it is designed to protect and has manageable future maintenance and modification requirements.

''(vi) The project plan includes an analysis of a range of options to address the problem it is designed to prevent or mitigate and a justification for the selection of the project in light of that analysis.

''(vii) The applicant has demonstrated to the Secretary that the matching funds required by subparagraph (D) are available.

''(C) PRIORITY.—When making grants under this paragraph, the Secretary shall give priority to grants for projects which are likely to—

''(i) have the greatest impact on reducing future disaster losses; and

''(ii) best conform with plans that have been approved by the Federal Government or the government of the territory where the project is to be carried out for development or hazard mitigation for that territory.

''(D) MATCHING REQUIREMENT.—The Federal share of the cost for a project for which a grant is provided under this paragraph shall not exceed 75 percent of the total cost of that project. The non-Federal share of the cost may be provided in the form of cash or services.

''(E) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—Grants provided under this paragraph shall not be considered as income, a resource, or a duplicative program when determining eligibility or benefit levels for Federal major disaster and emergency assistance.

''(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $5,000,000 for each fiscal year beginning after the date of the enactment of this paragraph.''.

DIVISION F

SEC. 7101. BUY AMERICAN.

No funds authorized under this Act shall be available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

DIVISION G

SEC. 8101. SENSE OF THE SENATE.

Be it *Resolved*, That it is the sense of the Senate that the U.S. Senate should promptly consider tax policies, which encourage conservation, efficiency, alternative source, technology development, and domestic production, including renewables, to reduce the United States dependence on foreign energy sources.

SA 1692. Mrs. FEINSTEIN (for herself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by her to the bill H.R. 2904, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2002, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,668,957,000, to remain available until September 30, 2006: *Provided*, That of this amount, not to exceed $176,184,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for ''Military Construction, Army'' under division A of Public Law 106–246, $26,400,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,148,633,000, to remain available until September 30, 2006: *Provided*, That of this amount, not to exceed $37,332,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for ''Military Construction, Navy'' under division A of Public Law 106–246, $19,588,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,148,269,000, to remain available until September 30, 2006: *Provided*, That of this amount, not to exceed $83,420,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for ''Military Construction, Air Force'' under previous Military Construction Acts, $4,000,000 are rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $881,058,000, to remain available until September 30, 2006: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $88,496,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for ''Military Construction, Defense-wide'' under division A of Public Law 106–246, $55,030,000 are rescinded: *Provided further*, That of the funds appropriated for ''Military Construction, Defense-wide'' under division B of Public Law 106–246, $10,250,000 are rescinded: *Provided further*, That of the funds appropriated for ''Military Construction, Defense-Wide'' under previous Military Construction Acts, $4,000,000 are rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $378,549,000, to remain available until September 30, 2006.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $222,767,000, to remain available until September 30, 2006.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $111,404,000, to remain available until September 30, 2006.

MILITARY CONSTRUCTION, NAVAL RESERVE

(INCLUDING RESCISSION)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $33,641,000, to remain available until September 30, 2006: *Provided*, That of the funds appropriated for ''Military Construction, Naval Reserve'' under division A of Public Law 106–246, $925,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $53,732,000, to remain available until September 30, 2006.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, $162,600,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $312,742,000, to remain available until September 30, 2006; for Operation and Maintenance, and for debt payment, $1,108,991,000; in all $1,421,733,000.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $312,600,000, to remain available until September 30, 2006; for Operation and Maintenance, and for debt payment, $918,095,000; in all $1,230,695,000.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $550,703,000, to remain available until September 30, 2006; for Operation and Maintenance, and for debt payment, $869,121,000; in all $1,419,824,000.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $250,000 to remain available until September 30, 2006; for Operation and Maintenance, $43,762,000; in all $44,012,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,000,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing, and supporting facilities.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For the Homeowners Assistance Fund established by Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374) $10,119,000, to remain available until expended.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $682,200,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'' to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

(TRANSFER OF FUNDS)

SEC. 121. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 122. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 123. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term ''congressional defense committees'' means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee,

Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 124. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 125. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including flag and general officer quarters: *Provided,* That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification of the appropriate committees of Congress: *Provided further,* That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual flag and general officer quarters for the prior fiscal year.

SEC. 126. In addition to the amounts provided in Public Law 107–20, of the funds appropriated under the heading ''Military Construction, Air Force'' in this Act, $8,000,000 is to remain available until September 30, 2005: *Provided,* That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction activities at the Masirah Island Airfield in Oman, not otherwise authorized by law.

SEC. 127. Not later than 90 days after the enactment of this bill, the Secretary of Defense shall submit to the congressional defense committees a master plan for the environmental remediation of Hunters Point Naval Shipyard, California. The plan shall identify an aggregate cost estimate for the entire project as well as cost estimates for individual parcels. The plan shall also include a detailed cleanup schedule and an analysis of whether the Department is meeting legal requirements and community commitments. Following submission of the initial report, the Department shall submit semi-annual progress reports to the congressional defense committees.

This Act may be cited as the ''Military Construction Appropriations Act, 2002''.

SA 1693. Mrs. HUTCHISON (for Mr. HUTCHINSON) proposed an amendment to the bill H.R. 2904, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Insert at the appropriate place in the bill the following new item:

Of the funds available under the heading ''Military Construction, Defense-wide'', for the Pine Bluff Ammunition Demilitarization Facility (Phase VI) the Department may spend up to $300,000 to conduct a feasibility study of the requirement for a defense road at Pine Bluff Arsenal, Arkansas.

SA 1694. Mr. LEVIN (for Mr. KERRY) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SMALL BUSINESS PROCUREMENT COMPETITION.

(a) DEFINITION OF COVERED CONTRACTS.—Section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) is amended—

(1) by inserting after ''bundled contract'' the following: '', the aggregate dollar value of which is anticipated to be less than $5,000,000, or any contract, whether or not the contract is a bundled contract, the aggregate dollar value of which is anticipated to be $5,000,000 or more'';

(2) by striking ''In the'' and inserting the following:

''(A) IN GENERAL.—In the''; and

(3) by adding at the end the following:

''(B) CONTRACTING GOALS.—

''(i) IN GENERAL.—A contract award under this paragraph to a team that is comprised entirely of small business concerns shall be counted toward the small business contracting goals of the contracting agency, as required by this Act.

''(ii) PREPONDERANCE TEST.—The ownership of the small business that conducts the preponderance of the work in a contract awarded to a team described in clause (i) shall determine the category or type of award for purposes of meeting the contracting goals of the contracting agency.''.

(b) PROPORTIONATE WORK REQUIREMENTS FOR BUNDLED CONTRACTS.—

(1) SECTION 8.—Section 8(a)(14)(A) of the Small Business Act (15 U.S.C. 637(a)(14)(A)) is amended—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) notwithstanding clauses (i) and (ii), in the case of a bundled contract—

''(I) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

''(II) no other concern will perform a greater proportion of the work on that contract; and

''(III) no other concern that is not a small business concern will perform work on the contract.''.

(2) QUALIFIED HUBZONE SMALL BUSINESS CONCERNS.—Section 3(p)(5)(A)(i)(III) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(III)) is amended—

(A) in item (bb), by striking ''and'' at the end;

(B) by redesignating item (cc) as item (dd); and

(C) by inserting after item (bb) the following:

''(cc) notwithstanding items (aa) and (bb), in the case of a bundled contract, the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award, no other concern will perform a greater proportion of the work on that contract, and no other concern that is not a small business concern will perform work on the contract; and''.

(3) SECTION 15.—Section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)) is amended—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) notwithstanding subparagraphs (A) and (B), in the case of a bundled contract—

''(i) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

''(ii) no other concern will perform a greater proportion of the work on that contract; and

''(iii) no other concern that is not a small business concern will perform work on the contract.''.

(c) SMALL BUSINESS PROCUREMENT COMPETITION PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Administrator'' means the Administrator of the Small Business Administration;

(B) the term ''Federal agency'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(C) the term ''Program'' means the Small Business Procurement Competition Program established under paragraph (2);

(D) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(E) the term ''small business-only joint ventures'' means a team described in section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) comprised of only small business concerns.

(2) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish in the Small Business Administration a pilot program to be known as the ''Small Business Procurement Competition Program''.

(3) PURPOSES OF PROGRAM.—The purposes of the Program are—

(A) to encourage small business-only joint ventures to compete for contract awards to fulfill the procurement needs of Federal agencies;

(B) to facilitate the formation of joint ventures for procurement purposes among small business concerns;

(C) to engage in outreach to small business-only joint ventures for Federal agency procurement purposes; and

(D) to engage in outreach to the Director of the Office of Small and Disadvantaged Business Utilization and the procurement officer within each Federal agency.

(4) OUTREACH.—Under the Program, the Administrator shall establish procedures to conduct outreach to small business concerns interested in forming small business-only joint ventures for the purpose of fulfilling procurement needs of Federal agencies, subject to the rules of the Administrator, in consultation with the heads of those Federal agencies.

(5) REGULATORY AUTHORITY.—The Administrator shall promulgate such regulations as may be necessary to carry out this subsection.

(6) SMALL BUSINESS ADMINISTRATION DATABASE.—The Administrator shall establish and maintain a permanent database that identifies small business concerns interested in forming small business-only joint ventures, and shall make the database available to each Federal agency and to small business concerns in electronic form to facilitate the formation of small business-only joint ventures.

(7) TERMINATION OF PROGRAM.—The Program (other than the database established under paragraph (6)) shall terminate 3 years after the date of enactment of this Act.

(8) REPORT TO CONGRESS.—Not later than 60 days before the date of termination of the Program, the Administrator shall submit a report to Congress on the results of the Program, together with any recommendations for improvements to the Program and its potential for use Governmentwide.

(9) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection waives or modifies the applicability of any other provision of law to procurements of any Federal agency in which small business-only joint ventures may participate under the Program.

SA 1695. Mr. WARNER (for Mr. BOND) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 270, line 9, strike ''(A)'' and all that follows through ''(4)'' on line 25.

On page 271, between lines 8 and 9, insert the following:

(c) EVALUATION OF BUNDLING EFFECTS.—Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended—

(1) in subparagraph (C), by inserting '', and whether contract bundling played a role in the failure,'' after ''agency goals''; and

(2) by adding at the end the following:

''(G) The number and dollar value of consolidations of contract requirements with a total value in excess of $5,000,000, including the number of such consolidations that were awarded to small business concerns as prime contractors.''.

(d) REPORTING REQUIREMENT.—Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is amended to read as follows:

''(p) REPORTING REQUIREMENT.—

''(1) IN GENERAL.—The Administrator shall conduct a study examining the best means to determine the accuracy of the market research required under subsection (e)(2) for each bundled contract, to determine if the anticipated benefits were realized, or if they were not realized, the reasons there for.

''(2) PROVISION OF INFORMATION.—A Federal agency shall provide to the appropriate procurement center representative a copy of market research required under subsection (e)(2) for consolidations of contract requirements with a total value in excess of $5,000,000, upon request.

''(3) REPORT.—Not later than 270 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2002, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the results of the study conducted under this subsection.''.

On page 290, between lines 3 and 4, insert the following:

SEC. 824. HUBZONE SMALL BUSINESS CONCERNS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) RULE OF CONSTRUCTION RELATING TO CITIZENSHIP.—

''(A) IN GENERAL.—A small business concern described in subparagraph (B) meets the United States citizenship requirement of paragraph (3)(A) if, at the time of application by the concern to become a qualified HUBZone small business concern for purposes of any contract and at such times as the Administrator shall require, no non-citizen has filed a disclosure under section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) as the beneficial owner of more than 10 percent of the outstanding shares of that small business concern.

''(B) CONCERNS DESCRIBED.—A small business concern is described in this subparagraph if the small business concern—

''(i) has a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781); and

''(ii) files reports with the Securities and Exchange Commission as a small business issuer.''.

''(C) NON-CITIZENS.—In this paragraph, the term 'non-citizen' means

''(i) an individual that is not a United States citizen; and

''(ii) any other person that is not organized under the laws of any State or the United States.''.

SA 1696. Mr. LEVIN (for Mr. DAYTON) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 306. IMPROVEMENTS IN INSTRUMENTATION AND TARGETS AT ARMY LIVE FIRE TRAINING RANGES.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for the Army for operation and maintenance is hereby increased by $11,900,000 for improvements in instrumentation and targets at Army live fire training ranges.

(b) OFFSET.—The amount authorized to be appropriated by section 302(1) for the Department of Defense for the Defense Working Capital Funds is hereby decreased by $11,900,000, with the amount of the decrease to be allocated to amounts available under that section for fuel purchases.

SA 1697. Mr. WARNER proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities on the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 18, line 13, increase the amount by $20,000,000.

On page 32, line 4, reduced the amount by $20,000,000.

SA 1698. Mr. LEVIN (for Mr. BYRD (for himself and Mr. GRASSLEY)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities on the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In the section heading of section 1007, strike ''**SENIOR FINANCIAL MANAGEMENT OVERSIGHT COUNCIL**'' and insert ''**FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE**''.

In section 1007, strike the subsection caption for subsection (a) and insert the following: ''ESTABLISHMENT OF FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.—''.

In section 1007(a)(1), strike ''Senior Financial Management Oversight Council'' and insert ''Financial Management Modernization Executive Committee''.

In section 1007(a)(2), strike ''Council'' and insert ''Committee''.

In section 1007(a)(2), insert after ''(Personnel and Readiness),'' the following: ''the chief information officer of the Department of Defense,''.

In section 1007(a)(3), strike ''Council'' and insert ''Committee''.

In section 1007(a), add at the end the following:

(4) The Committee shall be accountable to the Senior Executive Council composed of the Secretary of Defense, the Deputy Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force.

In section 1007(b), in the matter preceding paragraph (1), strike ''Senior Financial Management Oversight Council'' and insert ''Financial Management Modernization Executive Committee''.

In section 1007(b), add at the end the following:

(4) To ensure that a Department of Defense financial management enterprise architecture is development and maintained in accordance with—

(A) the overall business process transformation strategy of the Department; and

(B) the Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance Architecture Framework of the Department.

(5) To ensure that investments in existing or proposed financial management systems for the Department comply with the overall business practice transformation strategy of the Department and the financial management enterprise architecture developed under paragraph (4).

(6) To provide an annual accounting of all financial and feeder system investment technology projects to ensure that such projects are being implemented at acceptable cost and within a reasonable schedule, and are contributing to tangible, observable improvements in mission performance.

In section 1007(c)(1), strike ''of all'' and all that follows through the end and insert ''of all budgetary, accounting, finance, and feeder systems that support the transformed business processes of the Department and produce financial statements.''.

In section 1007(c)(2), strike ''to financial statements before other actions are initiated.'' and insert ''to cognizant Department business functions (as part of the overall business process transformation strategy of the Department) and financial statements before other actions are initiated.''.

In section 1007(c), strike paragraphs (3), (4), and (5) and insert the following:

(3) Periodic submittal to the Secretary of Defense, the Deputy Secretary of Defense, the Senior Executive Council, or any combination thereof, of reports on the progress being made in achieving financial management transformation goals and milestone included in the annual financial management improvement plan in 2002 in accordance with subsection (e).

(4) Documentation of the completion of each phase—Awareness, Evaluation, Renovation, Validation, and Compliance—of improvements made to each accounting, finance, and feeder system.

(5) Independent audit by the Inspector General of the Department, the audit agencies of the military department, private sector firms contracted to conduct validation audits, or any combination thereof, at the validation phase for each accounting, finance, and feeder system.

In section 1007, strike subsection (d) and insert the following:

(d) ANNUAL FINANCIAL MANAGEMENT IMPROVEMENT PLAN.—(1) Subsection (a) of section 2222 of title 10, United States Code, is amended to read as follows:

''(a) ANNUAL PLAN REQUIRED.—The Secretary of Defense shall submit to Congress an annual strategic plan for the improvement of financial management within the Department of Defense. The plan shall be submitted not later than September 30 each year.''.

(2)(A) The section heading of such section is amended to read as follows:

''§ 2222. Annual financial management improvement plan''.

(B) The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to section 2222 and inserting the following new item:

''2222. Annual financial management improvement plan.''.

(e) ADDITIONAL ELEMENTS FOR FINANCIAL MANAGEMENT IMPROVEMENT PLAN IN 2002.—In the annual financial management improvement plan submitted under section 2222 of title 10, United States Code (as amended by subsection (d)), in 2002, the Secretary shall include the following:

(1) Measurable annual performance goals for improvement of the financial management of the Department.

(2) Performance milestones for initiatives under the plan for transforming the financial management operations of the Department and for implementing a financial management architecture for the Department.

(3) An assessment of the anticipated annual cost of any plans for transforming the financial management operations of the Department and for implementing a financial management architecture for the Department.

(4) A discussion of the following:

(A) The roles and responsibilities of appropriate Department officials to ensure the supervision and monitoring of the compliance of each accounting, finance, and feeder system of the Department with the business practice transformation strategy of the Department, the financial management architecture of the Department, and applicable Federal financial management systems and reporting requirements.

(B) A summary of the actions taken by the Financial Management Modernization Executive Committee to ensure that such systems comply with the business practice transformation strategy of the Department, the financial management architecture of the Department, and applicable Federal financial management systems and reporting requirements.

(f) ADDITIONAL ELEMENTS FOR FINANCIAL MANAGEMENT IMPROVEMENT PLAN AFTER 2002.—In each annual financial management improvement plan submitted under section 2222 of title 10, United States Code (as amended by subsection (d)), after 2002, the Secretary shall include the following:

(1) A description of the actions to be taken in the fiscal year beginning in the year in which the plan is submitted to implement the goals and milestones included in the financial management improvement plan in 2002 under paragraphs (1) and (2) of subsection (e).

(2) An estimate of the amount expended in the fiscal year ending in the year in which the plan is submitted to implement the financial management improvement plan in such preceding calendar year, set forth by system.

(3) If an element of the financial management improvement plan submitted in the fiscal year ending in the year in which the plan is submitted was not implemented, a justification for the lack of implementation of such element.

SA 1699. Mr. WARNER (for Mr. BUNNING) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 2806. AMENDMENT OF FEDERAL ACQUISITION REGULATION TO TREAT FINANCING COSTS AS ALLOWABLE EXPENSES UNDER CONTRACTS FOR UTILITY SERVICES FROM UTILITY SYSTEMS CONVEYED UNDER PRIVATIZATION INITIATIVE.

(a) DETERMINATION OF ADVISABILITY OF AMENDMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall determine whether or not it is advisable to modify the Federal Acquisition Regulation in order to provide that a contract for utility services from a utility system conveyed under section 2688(a) of title 10, United States Code, may include terms and conditions that recognize financing costs, such as return on equity and interest on debt, as an allowable expense when incurred by the conveyee of the utility system to acquire, operate, renovate, replace, upgrade, repair, and expand the utility system.

(b) REPORT.—If as of the date that is 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council has not modified the Federal Acquisition Regulation to provide that a contract described in subsection (a) may include terms and conditions described in that subsection, or otherwise taken action to provide that a contract referred to in that subsection may include terms and conditions described in that subsection, the Secretary shall submit to Congress on that date a report setting forth a justification for the failure to take such actions.

SA 1700. Mr. LEVIN (for Mrs. CARNAHAN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1066. CHEMICAL AND BIOLOGICAL PROTECTIVE EQUIPMENT FOR MILITARY AND CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the requirements of the Department of Defense, including the reserve components, for chemical and biological protective equipment.

(2) The report shall set forth the following:

(A) A description of any current shortfalls in requirements for chemical and biological protective equipment, whether for individuals or units, for military personnel.

(B) A plan for providing appropriate chemical and biological protective equipment for all military personnel and for all civilian personnel of the Department of Defense.

(C) An assessment of the costs associated with carrying out the plan under subparagraph (B).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should consider utilizing funds available to the Secretary for chemical and biological defense programs, including funds available for such program under this Act and funds available for such programs under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, to provide an appropriate level of protection from chemical and biological attack, including protective equipment, for all military personnel and for all civilian personnel of the Department of Defense who are not currently protected from chemical or biological attack.

SA 1701. Mr. WARNER (for Mr. ALLARD) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike sections 3172 through 3178 and insert the following:

SEC. 3172. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government, through the Atomic Energy Commission, acquired the Rocky Flats site in 1951 and began operations there in 1952. The site remains a Department of Energy facility. Since 1992, the mission of the Rocky Flats site has changed from the production of nuclear weapons components to cleanup and closure in a manner that is safe, environmentally and socially responsible, physically secure, and cost-effective.

(2) The site has generally remained undisturbed since its acquisition by the Federal Government.

(3) The State of Colorado is experiencing increasing growth and development, especially in the metropolitan Denver Front Range area in the vicinity of the Rocky Flats site. That growth and development reduces the amount of open space and thereby diminishes for many metropolitan Denver communities the vistas of the striking Front Range mountain backdrop.

(4) Some areas of the site contain contamination and will require further response action. The national interest requires that the ongoing cleanup and closure of the entire site be completed safely, effectively, and without unnecessary delay and that the site thereafter be retained by the United States and managed so as to preserve the value of the site for open space and wildlife habitat.

(5) The Rocky Flats site provides habitat for many wildlife species, including a number of threatened and endangered species, and is marked by the presence of rare xeric tallgrass prairie plant communities. Establishing the site as a unit of the National Wildlife Refuge System will promote the preservation and enhancement of those resources for present and future generations.

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

(1) to provide for the establishment of the Rocky Flats site as a national wildlife refuge following cleanup and closure of the site;

(2) to create a process for public input on refuge management before transfer of administrative jurisdiction to the Secretary of the Interior; and

(3) to ensure that the Rocky Flats site is thoroughly and completely cleaned up.

SEC. 3173. DEFINITIONS.

In this subtitle:

(1) CLEANUP AND CLOSURE.—The term ''cleanup and closure'' means the response actions and decommissioning activities being carried out at Rocky Flats by the Department of Energy under the 1996 Rocky Flats Cleanup Agreement, the closure plans and baselines, and any other relevant documents or requirements.

(2) COALITION.—The term ''Coalition'' means the Rocky Flats Coalition of Local Governments established by the Intergovernmental Agreement, dated February 16, 1999, among—

(A) the city of Arvada, Colorado;

(B) the city of Boulder, Colorado;

(C) the city of Broomfield, Colorado;

(D) the city of Westminster, Colorado;

(E) the town of Superior, Colorado;

(F) Boulder County, Colorado; and

(G) Jefferson County, Colorado.

(3) HAZARDOUS SUBSTANCE.—The term ''hazardous substance'' means—

(A) any hazardous substance, pollutant, or contaminant regulated under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) any—

(i) petroleum (including any petroleum product or derivative);

(ii) unexploded ordnance;

(iii) military munition or weapon; or

(iv) nuclear or radioactive material;

not otherwise regulated as a hazardous substance under any law in effect on the date of enactment of this Act.

(4) POLLUTANT OR CONTAMINANT.—The term ''pollutant or contaminant'' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(5) REFUGE.—The term ''refuge'' means the Rocky Flats National Wildlife Refuge established under section 3177.

(6) RESPONSE ACTION.—The term ''response action'' has the meaning given the term ''response'' in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) or any similar requirement under State law.

(7) RFCA.—The term ''RFCA'' means the Rocky Flats Cleanup Agreement, an intergovernmental agreement, dated July 19, 1996, among—

(A) the Department of Energy;

(B) the Environmental Protection Agency; and

(C) the Department of Public Health and Environment of the State of Colorado.

(8) ROCKY FLATS.—

(A) IN GENERAL.—The term ''Rocky Flats'' means the Rocky Flats Environmental Technology Site, Colorado, a defense nuclear facility, as depicted on the map entitled ''Rocky Flats Environmental Technology Site'', dated July 15, 1998, and available for inspection in the appropriate offices of the United States Fish and Wildlife Service.

(B) EXCLUSIONS.—The term ''Rocky Flats'' does not include—

(i) land and facilities of the Department of Energy's National Wind Technology Center; or

(ii) any land and facilities not within the boundaries depicted on the map identified in subparagraph (A).

(9) ROCKY FLATS TRUSTEES.—The term ''Rocky Flats Trustees'' means the Federal and State of Colorado entities that have been identified as trustees for Rocky Flats under section 107(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(2)).

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 3174. FUTURE OWNERSHIP AND MANAGEMENT.

(a) FEDERAL OWNERSHIP.—Except as expressly provided in this subtitle or any Act enacted after the date of enactment of this Act, all right, title, and interest of the United States, held on or acquired after the date of enactment of this Act, to land or interest therein, including minerals, within the boundaries of Rocky Flats shall be retained by the United States.

(b) LINDSAY RANCH.—The structures that comprise the former Lindsay Ranch homestead site in the Rock Creek Reserve area of the buffer zone, as depicted on the map referred to in section 3173(8), shall be permanently preserved and maintained in accordance with the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(c) PROHIBITION ON ANNEXATION.—Neither the Secretary nor the Secretary of the Interior shall allow the annexation of land within the refuge by any unit of local government.

(d) PROHIBITION ON THROUGH ROADS.—Except as provided in subsection (e), no public road shall be constructed through Rocky Flats.

(e) TRANSPORTATION RIGHT-OF-WAY.—

(1) IN GENERAL.—

(A) AVAILABILITY OF LAND.—On submission of an application meeting each of the conditions specified in paragraph (2), the Secretary, in consultation with the Secretary of the Interior, shall make available land along the eastern boundary of Rocky Flats for the sole purpose of transportation improvements along Indiana Street.

(B) BOUNDARIES.—Land made available under this paragraph may not extend more than 300 feet from the west edge of the Indiana Street right-of-way, as that right-of-way exists as of the date of enactment of this Act.

(C) EASEMENT OR SALE.—Land may be made available under this paragraph by easement or sale to 1 or more appropriate entities.

(D) COMPLIANCE WITH APPLICABLE LAW.—Any action under this paragraph shall be taken in compliance with applicable law.

(2) CONDITIONS.—An application for land under this subsection may be submitted by any county, city, or other political subdivision of the State of Colorado and shall include documentation demonstrating that—

(A) the transportation project is constructed so as to minimize adverse effects on the management of Rocky Flats as a wildlife refuge; and

(B) the transportation project is included in the regional transportation plan of the metropolitan planning organization designated for the Denver metropolitan area under section 5303 of title 49, United States Code.

SEC. 3175. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ROCKY FLATS.

(a) IN GENERAL.—

(1) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall publish in the Federal Register a draft memorandum of understanding under which—

(i) the Secretary shall provide for the subsequent transfer of administrative jurisdiction over Rocky Flats to the Secretary of the Interior; and

(ii) the Secretary of the Interior shall manage natural resources at Rocky Flats until the date on which the transfer becomes effective.

(B) REQUIRED ELEMENTS.—

(i) IN GENERAL.—Subject to clause (ii), the memorandum of understanding shall—

(I) provide for the division of responsibilities between the Secretary and the Secretary of the Interior necessary to carry out the proposed transfer of land;

(II) for the period ending on the date of the transfer—

(aa) provide for the division of responsibilities between the Secretary and the Secretary of the Interior; and

(bb) provide for the management of the land proposed to be transferred by the Secretary of the Interior as a national wildlife refuge, for the purposes provided under section 3177(d)(2);

(III) provide for the annual transfer of funds from the Secretary to the Secretary of the Interior for the management of the land proposed to be transferred; and

(IV) subject to subsection (b)(1), identify the land proposed to be transferred to the Secretary of the Interior.

(ii) NO REDUCTION IN FUNDS.—The memorandum of understanding and the subsequent transfer shall not result in any reduction in funds available to the Secretary for cleanup and closure of Rocky Flats.

(C) DEADLINE.—Not later than 18 months after the date of enactment of this Act, the Secretary and Secretary of the Interior shall finalize and implement the memorandum of understanding.

(2) EXCLUSIONS.—The transfer under paragraph (1) shall not include the transfer of any property or facility over which the Secretary retains jurisdiction, authority, and control under subsection (b)(1).

(3) CONDITION.—The transfer under paragraph (1) shall occur—

(A) not earlier than the date on which the Administrator of the Environmental Protection Agency certifies to the Secretary and to the Secretary of the Interior that the cleanup and closure and all response actions at Rocky Flats have been completed, except for the operation and maintenance associated with those actions; but

(B) not later than 30 business days after that date.

(4) COST; IMPROVEMENTS.—The transfer—

(A) shall be completed without cost to the Secretary of the Interior; and

(B) may include such buildings or other improvements as the Secretary of the Interior has requested in writing for refuge management purposes.

(b) PROPERTY AND FACILITIES EXCLUDED FROM TRANSFERS.—

(1) IN GENERAL.—The Secretary shall retain jurisdiction, authority, and control over all real property and facilities at Rocky Flats that are to be used for—

(A) any necessary and appropriate long-term operation and maintenance facility to intercept, treat, or control a radionuclide or any other hazardous substance, pollutant, or contaminant; and

(B) any other purpose relating to a response action or any other action that is required to be carried out at Rocky Flats.

(2) CONSULTATION.—

(A) IDENTIFICATION OF PROPERTY.—

(i) IN GENERAL.—The Secretary shall consult with the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the State of Colorado on the identification of all property to be retained under this subsection to ensure the continuing effectiveness of response actions.

(ii) AMENDMENT TO MEMORANDUM OF UNDERSTANDING.—

(I) IN GENERAL.—After the consultation, the Secretary and the Secretary of the Interior shall by mutual consent amend the memorandum of understanding required under subsection (a) to specifically identify the land for transfer and provide for determination of the exact acreage and legal description of the property to be transferred by

a survey mutually satisfactory to the Secretary and the Secretary of the Interior.

(II) COUNCIL ON ENVIRONMENTAL QUALITY.—In the event the Secretary and the Secretary of the Interior cannot agree on the land to be retained or transferred, the Secretary or the Secretary of the Interior may refer the issue to the Council on Environmental Quality, which shall decide the issue within 45 days of such referral, and the Secretary and the Secretary of the Interior shall then amend the memorandum of understanding required under subsection (a) in conformity with the decision of the Council on Environmental Quality.

(B) MANAGEMENT OF PROPERTY.—

(i) IN GENERAL.—The Secretary shall consult with the Secretary of the Interior on the management of the retained property to minimize any conflict between the management of property transferred to the Secretary of the Interior and property retained by the Secretary for response actions.

(ii) CONFLICT.—In the case of any such conflict, implementation and maintenance of the response action shall take priority.

(3) ACCESS.—As a condition of the transfer under subsection (a), the Secretary shall be provided such easements and access as are reasonably required to carry out any obligation or address any liability.

(c) ADMINISTRATION.—

(1) IN GENERAL.—On completion of the transfer under subsection (a), the Secretary of the Interior shall administer Rocky Flats in accordance with this subtitle subject to—

(A) any response action or institutional control at Rocky Flats carried out by or under the authority of the Secretary under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) any other action required under any other Federal or State law to be carried out by or under the authority of the Secretary.

(2) CONFLICT.—In the case of any conflict between the management of Rocky Flats by the Secretary of the Interior and the conduct of any response action or other action described in subparagraph (A) or (B) of paragraph (1), the response action or other action shall take priority.

(3) CONTINUING ACTIONS.—Except as provided in paragraph (1), nothing in this subsection affects any response action or other action initiated at Rocky Flats on or before the date of the transfer under subsection (a).

(d) LIABILITY.—

(1) IN GENERAL.—The Secretary shall retain any obligation or other liability for land transferred under subsection (a) under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(B) any other applicable law.

(2) RESPONSE ACTIONS.—

(A) IN GENERAL.—The Secretary shall be liable for the cost of any necessary response actions, including any costs or claims asserted against the Secretary, for any release, or substantial threat of release, of a hazardous substance, if the release, or substantial threat of release, is—

(i) located on or emanating from land—

(I) identified for transfer by this section; or

(II) subsequently transferred under this section;

(ii)(I) known at the time of transfer; or

(II) subsequently discovered; and

(iii) attributable to—

(I) management of the land by the Secretary; or

(II) the use, management, storage, release, treatment, or disposal of a hazardous substance on the land by the Secretary.

(B) RECOVERY FROM THIRD PARTY.—Nothing in this paragraph precludes the Secretary, on behalf of the United States, from bringing a cost recovery, contribution, or other action against a third party that the Secretary reasonably believes may have contributed to the release, or substantial threat of release, of a hazardous substance.

SEC. 3176. CONTINUATION OF ENVIRONMENTAL CLEANUP AND CLOSURE.

(a) ONGOING CLEANUP AND CLOSURE.—

(1) IN GENERAL.—The Secretary shall—

(A) carry out to completion cleanup and closure at Rocky Flats; and

(B) conduct any necessary operation and maintenance of response actions.

(2) NO RESTRICTION ON USE OF NEW TECHNOLOGIES.—Nothing in this subtitle, and no action taken under this subtitle, restricts the Secretary from using at Rocky Flats any new technology that may become available for remediation of contamination.

(b) RULES OF CONSTRUCTION.—

(1) NO RELIEF FROM OBLIGATIONS UNDER OTHER LAW.—

(A) IN GENERAL.—Nothing in this subtitle, and no action taken under this subtitle, relieves the Secretary, the Administrator of the Environmental Protection Agency, or any other person from any obligation or other liability with respect to Rocky Flats under the RFCA or any applicable Federal or State law.

(B) NO EFFECT ON RFCA.—Nothing in this subtitle impairs or alters any provision of the RFCA.

(2) REQUIRED CLEANUP LEVELS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this subtitle affects the level of cleanup and closure at Rocky Flats required under the RFCA or any Federal or State law.

(B) NO EFFECT FROM ESTABLISHMENT AS NATIONAL WILDLIFE REFUGE.—

(i) IN GENERAL.—The requirements of this subtitle for establishment and management of Rocky Flats as a national wildlife refuge shall not reduce the level of cleanup and closure.

(ii) CLEANUP LEVELS.—The Secretary shall conduct cleanup and closure of Rocky Flats to the levels established for soil, water, and other media, following a thorough review, by the parties to the RFCA and the public (including the United States Fish and Wildlife Service and other interested government agencies), of the appropriateness of the interim levels in the RFCA.

(3) NO EFFECT ON OBLIGATIONS FOR MEASURES TO CONTROL CONTAMINATION.—Nothing in this subtitle, and no action taken under this subtitle, affects any long-term obligation of the United States, acting through the Secretary, relating to funding, construction, monitoring, or operation and maintenance of—

(A) any necessary intercept or treatment facility; or

(B) any other measure to control contamination.

(c) PAYMENT OF RESPONSE ACTION COSTS.—Nothing in this subtitle affects the obligation of a Federal department or agency that had or has operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(d) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior to ensure that the response action is carried out in a manner that—

(1) does not impair the attainment of the goals of the response action; but

(2) minimizes, to the maximum extent practicable, adverse effects of the response action on the refuge.

SEC. 3177. ROCKY FLATS NATIONAL WILDLIFE REFUGE.

(a) ESTABLISHMENT.—Not later than 30 days after the transfer of jurisdiction under section 3175(a), the Secretary of the Interior shall establish at Rocky Flats a national wildlife refuge to be known as the ''Rocky Flats National Wildlife Refuge''.

(b) COMPOSITION.—The refuge shall consist of the real property subject to the transfer of administrative jurisdiction under section 3175(a)(1).

(c) NOTICE.—The Secretary of the Interior shall publish in the Federal Register a notice of the establishment of the refuge.

(d) ADMINISTRATION AND PURPOSES.—

(1) IN GENERAL.—The Secretary of the Interior shall manage the refuge in accordance with applicable law, including this subtitle, the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), and the purposes specified in that Act.

(2) REFUGE PURPOSES.—At the conclusion of the transfer under section 3175(a)(3), the refuge shall be managed for the purposes of—

(A) restoring and preserving native ecosystems;

(B) providing habitat for, and population management of, native plants and migratory and resident wildlife;

(C) conserving threatened and endangered species (including species that are candidates for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)); and

(D) providing opportunities for compatible, wildlife-dependent environmental scientific research.

(3) MANAGEMENT.—In managing the refuge, the Secretary shall ensure that wildlife-dependent recreation and environmental education and interpretation are the priority public uses of the refuge.

SEC. 3178. COMPREHENSIVE CONSERVATION PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in developing a comprehensive conservation plan in accordance with section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)), the Secretary of the Interior, in consultation with the Secretary, the members of the Coalition, the Governor of the State of Colorado, and the Rocky Flats Trustees, shall establish a comprehensive planning process that involves the public and local communities.

(b) OTHER PARTICIPANTS.—In addition to the entities specified in subsection (a), the comprehensive planning process shall include the opportunity for direct involvement of entities not members of the Coalition as of the date of enactment of this Act, including the Rocky Flats Citizens' Advisory Board and the cities of Thornton, Northglenn, Golden, Louisville, and Lafayette, Colorado.

(c) DISSOLUTION OF COALITION.—If the Coalition dissolves, or if any Coalition member elects to leave the Coalition during the comprehensive planning process under this section—

(1) the comprehensive planning process under this section shall continue; and

(2) an opportunity shall be provided to each entity that is a member of the Coalition as of September 1, 2000, for direct involvement in the comprehensive planning process.

(d) CONTENTS.—In addition to the requirements under section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)), the comprehensive conservation plan required by this section shall address and make recommendations on the following:

(1) The identification of any land described in section 3174(e) that could be made available for transportation purposes.

(2) The potential for leasing any land in Rocky Flats for the National Renewable Energy Laboratory to carry out projects relating to the National Wind Technology Center.

(3) The characteristics and configuration of any perimeter fencing that may be appropriate or compatible for cleanup and closure, refuge, or other purposes.

(4) The feasibility of locating, and the potential location for, a visitor and education center at the refuge.

(5) Any other issues relating to Rocky Flats.

(e) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Armed Services of the Senate and the Committee on Resources of the House of Representatives—

(1) the comprehensive conservation plan prepared under this section; and

(2) a report that—

(A) outlines the public involvement in the comprehensive planning process; and

(B) to the extent that any input or recommendation from the comprehensive planning process is not accepted, clearly states the reasons why the input or recommendation is not accepted.

SA 1702. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of section 501 add the following:

(e) REPEAL OF LIMITATION ON NUMBER OF OFFICERS ON ACTIVE DUTY IN THE GRADES OF GENERAL OR ADMIRAL.—(1) Section 528 of title 10. United States Code, is repealed.

(2) The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528.

SA 1703. Mr. WARNER (for Mr. ALLARD (for himself and Mr. SMITH of New Hampshire)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title IX, add the following:

Subtitle B—Organization and Management of Space Activities

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

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

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

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

(d) NATURE OF POSITION.—

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

(A) by redesignating section 137 as section 139a and by transferring such section (as so redesignated) within such chapter so as to appear after section 139; and

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

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

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

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

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

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

''(3) The deployment and use of space assets.

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

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

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

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

''(c) The Secretary of Defense shall designate the Under Secretary of Defense for Space, Intelligence, and Information as the Chief Information Officer of the Department of Defense under section 3506(a)(2)(B) of title 44.

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

(2) ADDITIONAL ASSISTANT SECRETARY OF DEFENSE.—Section 138(a) of that title is amended by striking ''nine Assistant Secretaries of Defense'' and inserting ''ten Assistant Secretaries of Defense''.

(3) DUTIES OF ASSISTANT SECRETARIES OF DEFENSE FOR SPACE, INTELLIGENCE, AND INFORMATION.—Section 138(b) of that title is amended by adding at the end the following new paragraph:

''(7) Two of the Assistant Secretaries shall have as their principal duties supervision of activities relating to space, intelligence, and information. The Assistant Secretaries shall each report to the Under Secretary of Defense for Space, Intelligence, and Information in the performance of such duties.''.

(4) CONFORMING AMENDMENTS.—Section 131(b) of that title is amended—

(A) by redesignating paragraphs (6) through (11) as paragraphs (7) through (12), respectively; and

(B) by inserting after paragraph (5) the following new paragraph (6):

''(6) The Under Secretary of Defense for Space, Intelligence, and Information.''.

(5) PAY LEVELS.—(A) Section 5314 of title 5, United States Code, is amended by inserting after ''Under Secretary of Defense for Personnel and Readiness'' the following:

''Under Secretary of Defense for Space, Intelligence, and Information.''.

(B) Section 5315 of title 5, United States Code, is amended in the item relating to Assistant Secretaries of Defense by striking ''(9)'' and inserting ''(10)''.

(6) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

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

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

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

''139a. Director of Defense Research and Engineering.''.

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

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

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

SEC. 912. RESPONSIBILITY FOR SPACE PROGRAMS.

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

"CHAPTER 135—SPACE PROGRAMS

''Sec.

''2271. Responsibility for space programs.

"§ 2271. Responsibility for space programs

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

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

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

''(b) RESPONSIBILITY OF UNDER SECRETARY OF AIR FORCE AS ACQUISITION EXECUTIVE.—The Under Secretary of the Air Force shall be the acquisition executive of the Department of the Air Force for the programs,

projects, and activities referred to in subsection (a).

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

''(d) COORDINATION OF DUTIES OF UNDER SECRETARY OF AIR FORCE.—In carrying out duties under subsections (b) and (c), the Under Secretary of the Air Force shall coordinate the space programs, projects, and activities of the Department of Defense and the programs, projects, and activities of the National Reconnaissance Office.

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

''(2) The Secretary of the Air Force shall assign to the commander of Air Force Space Command primary responsibility for—

''(A) establishing and implementing education and training programs for space programs, projects, and activities of the Department of the Air Force; and

''(B) management of the space career field under paragraph (1).

''(f) JOINT PROGRAM MANAGEMENT.—The Under Secretary of the Air Force shall take appropriate actions to ensure that, to maximum extent practicable, Army, Navy, Marine Corps, and Air Force personnel are assigned, on a joint duty assignment basis, as follows:

''(1) To carry out the space development and acquisition programs of the Department of Defense; and

''(2) To the Office of the National Security Space Architect.''.

(b) CLERICAL AMENDMENT.—The tables of chapters at the beginning of such subtitle and at the beginning of part IV of such subtitle are amended by inserting after the item relating to chapter 134 the following new item:

''135. Space Programs ..... 2271''.

SEC. 913. MAJOR FORCE PROGRAM CATEGORY FOR SPACE PROGRAMS.

(a) REQUIREMENT.—The Secretary of Defense shall create a major force program category for space programs for purposes of the future-years defense program under section 221 of title 10, United States Code.

(b) COMMENCEMENT.—The category created under subsection (a) shall be included in each future-years defense program submitted to Congress under section 221 of title 10, United States Code, in fiscal years after fiscal year 2002.

SEC. 914. ASSESSMENT OF IMPLEMENTATION OF RECOMMENDATIONS OF COMMISSION TO ASSESS UNITED STATES NATIONAL SECURITY SPACE MANAGEMENT AND ORGANIZATION.

(a) COMPTROLLER GENERAL ASSESSMENT.—The Comptroller General shall carry out an assessment of the progress made by the Department of Defense in implementing the recommendations of the Commission To Assess United States National Security Space Management and Organization as contained in the report of the Commission submitted under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 815).

(b) REPORTS.—Not later than February 15 of each of 2002 and 2003, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the assessment carried out under subsection (a). Each report shall set forth the results of the assessment as of the date of such report.

SEC. 915. GRADE OF COMMANDER OF AIR FORCE SPACE COMMAND.

(a) IN GENERAL.—Chapter 845 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 8584. Commander of Air Force Space Command

''(a) GRADE.—The officer serving as commander of the Air Force Space Command shall, while so serving, have the grade of general.

''(b) LIMITATION ON CONCURRENT COMMAND ASSIGNMENTS.—The officer serving as commander of the Air Force Space Command may not, while so serving, serve as commander-in-chief of the United States Space Command (or any successor combatant command with responsibility for space) or as commander of the United States element of the North American Air Defense Command.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''8584. Commander of Air Force Space Command.''.

SEC. 916. SENSE OF CONGRESS REGARDING GRADE OF OFFICER ASSIGNED AS COMMANDER OF UNITED STATES SPACE COMMAND.

It is the sense of Congress that the Secretary of Defense should assign the best qualified officer of the Army, Marine Corps, or Air Force with the grade of general, or of the Navy with the grade of admiral, to the position of Commander of the United States Space Command.

SA 1704. Mr. WARNER (for Mr. LUGAR (for himself, Mr. LEVIN, Ms. LANDRIEU, Mr. BINGAMAN, Mr. DOMENICI, and Mr. HAGEL)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In section 1202(c)(1), strike ''Subject to paragraphs (2) and (3),'' and insert ''Subject to paragraph (2),''.

In section 1202(c)(3), strike ''in any of the paragraphs'' and insert ''in paragraph (7), (10) or (11)''.

Strike section 1203 and insert the following:

SEC. 1203. CHEMICAL WEAPONS DESTRUCTION.

Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 794; 22 U.S.C. 5952 note) is amended—

(1) by inserting ''(a) LIMITATION.—'' before ''No fiscal year'';

(2) in subsection (a), as so designated, by inserting before the period at the end the following: ''until the Secretary of Defense submits to Congress a certification that there has been—

''(1) full and accurate disclosure by Russia of the size of its existing chemical weapons stockpile;

''(2) a demonstrated annual commitment by Russia to allocate at least $25,000,000 to chemical weapons elimination;

''(3) development by Russia of a practical plan for destroying its stockpile of nerve agents;

''(4) enactment of a law by Russia that provides for the elimination of all nerve agents at a single site;

''(5) an agreement by Russia to destroy or convert its chemical weapons production facilities at Volgograd and Novocheboksark; and

''(6) a demonstrated commitment from the international community to fund and build infrastructure needed to support and operate the facility.''; and

(3) by adding at the end the following new subsection:

''(b) OMISSION OF CERTAIN INFORMATION.—The Secretary may omit from the certification under subsection (a) the matter specified in paragraph (1) of that subsection, and the certification with the matter so omitted shall be effective for purposes of that subsection, if the Secretary includes with the certification notice to Congress of a determination by the Secretary that it is not in the national security interests of the United States for the matter specified in that paragraph to be included in the certification, together with a justification of the determination.''.

In section 1204(b), strike ''EXECUTIVE'' in the subsection caption and insert ''IMPLEMENTING''.

In section 1204(b), strike ''executive'' and insert ''implementing''.

SA 1705. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 124. ADDITIONAL MATTER RELATING TO V–22 OSPREY AIRCRAFT.

Not later than 30 days before the recommencement of flights of the V–22 Osprey aircraft, the Secretary of Defense shall submit to Congress notice of the waiver, if any, of any item capability or any other requirement specified in the Joint Operational Requirements Document for the V–22 Osprey aircraft, including a justification of each such waiver.

SA 1706. Mr. WARNER (for Ms. COLLINS) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 31, between lines 15 and 16, insert the following:

SEC. 233. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001 FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION DEFENSE-WIDE.

Section 201(4) of Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–32) is amended by striking ''$10,873,712,000'' and inserting ''$10,874,712,000''.

SA 1707. Mr. LEVIN (for Mrs. MURRAY) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for

such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. ___. MODIFICATION OF LAND CONVEYANCE, MUKILTEO TANK FARM, EVERETT, WASHINGTON.

(a) MODIFICATION.—Section 2866 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398); 114 Stat. 436) is amended—

(1) in subsection (a), by striking ''22 acres'' and inserting ''20.9 acres'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) TRANSFER OF JURISDICTION.—(1) At the same time the Secretary of the Air Force makes the conveyance authorized by subsection (a), the Secretary shall transfer to the Secretary of Commerce administrative jurisdiction over a parcel of real property, including improvements thereon, consisting of approximately 1.1 acres located at the Mukilteo Tank Farm and including the National Marine Fisheries Service Mukilteo Research Center facility.

''(2) The Secretary of Commerce may, with the consent of the Port, exchange with the Port all or any portion of the property received under paragraph (1) for a parcel of real property of equal area at the Mukilteo Tank Farm that is owned by the Port.

''(3) The Secretary of Commerce shall administer the property under the jurisdiction of the Secretary under this subsection through the Administrator of the National Oceanic and Atmospheric Administration as part of the Administration.

''(4) The Administrator shall use the property under the jurisdiction of the Secretary of Commerce under this subsection as the location of a research facility, and may construct a new facility on the property for such research purposes as the Administrator considers appropriate.

''(5)(A) If after the 12-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, the Administrator is not using any portion of the real property under the jurisdiction of the Secretary of Commerce under this subsection, the Administrator shall convey, without consideration, to the Port all right, title, and interest in and to such portion of the real property, including improvements thereon.

''(B) The Port shall use any real property conveyed to the Port under this paragraph for the purpose specified in subsection (a).''.

(b) CONFORMING AMENDMENT.—The section heading for that section is amended to read as follows:

''SEC. 2866. LAND CONVEYANCE AND TRANSFER, MUKILTEO TANK FARM, EVERETT, WASHINGTON.''.

SA 1708. Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

The table in section 2101(a) is amended in the item relating to Fort Sill, Oklahoma, by striking ''$18,600,000'' in the amount column and inserting ''$40,100,000''.

The table in section 2101(a) is amended by striking the amount identified as the total in the amount column and inserting ''$1,279,500,000''.

Section 2104(b)(4) is amended by striking ''and'' at the end.

Section 2104(b)(5) is amended by striking the period at the end and inserting ''; and''.

Section 2104(b) is amended by inserting after paragraph (5) the following:

(6) $21,500,000 (the balance of the amount authorized under section 2101(a) for Consolidated Logistics Complex (Phase I) at Fort Sill, Oklahoma).

SA 1709. Mr. LEVIN (for Mrs. LINCOLN (for himself and Mr. HUTCHINSON)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title I, add the following:

SEC. 142. PROCUREMENT OF ADDITIONAL M291 SKIN DECONTAMINATION KITS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE-WIDE PROCUREMENT.—(1) The amount authorized to be appropriated by section 104 for Defense-wide procurement is hereby increased by $2,400,000, with the amount of the increase available for the Navy for procurement of M291 skin decontamination kits.

(2) The amount available under paragraph (1) for procurement of M291 skin decontamination kits is in addition to any other amounts available under this Act for procurement of M291 skin decontamination kits.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby decreased by $2,400,000, with the amount to be derived from the amount available for the Technical Studies, Support and Analysis program.

SA 1710. Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

(a) EXTENSION OF AUTHORITY.—Subsection (f) of section 391 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1716; 10 U.S.C. 2304 note) is amended by striking ''September 30, 1999'' and inserting ''September 30, 2003''.

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

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

(2) in paragraph (2), by striking ''March 1, 2000'' and inserting ''March 1, 2003''.

SA 1711. Mr. LEVIN (for Mr. HOLLINGS) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 2827. LAND CONVEYANCES, CHARLESTON AIR FORCE BASE, SOUTH CAROLINA.

(a) CONVEYANCE TO STATE OF SOUTH CAROLINA AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the State of South Carolina (in this section referred to as the ''State''), all right, title, and interest of the United States in and to a portion (as determined under subsection (c)) of the real property, including any improvements thereon, consisting of approximately 24 acres at Charleston Air Force Base, South Carolina, and comprising the Air Force Family Housing Annex. The purpose of the conveyance is to facilitate the Remount Road Project.

(b) CONVEYANCE TO CITY OF NORTH CHARLESTON AUTHORIZED.—The Secretary may convey, without consideration, to the City of North Charleston, South Carolina (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a portion (as determined under subsection (c)) of the real property, including any improvements thereon, referred to in subsection (a). The purpose of the conveyance is to permit the use of the property by the City for municipal purposes.

(c) DETERMINATION OF PORTIONS OF PROPERTY TO BE CONVEYED.—(1) Subject to paragraph (2), the Secretary, the State, and the City shall jointly determine the portion of the property referred to in subsection (a) that is to be conveyed to the State under subsection (a) and the portion of the property that is to be conveyed to the City under subsection (b).

(2) In determining under paragraph (1) the portions of property to be conveyed under this section, the portion to be conveyed to the State shall be the minimum portion of the property required by the State for the purpose specified in subsection (a), and the portion to be conveyed to the City shall be the balance of the property.

(d) LIMITATION ON CONVEYANCES.—The Secretary may not carry out the conveyance of property authorized by subsection (a) or subsection (b) until the completion of an assessment of environmental contamination of the property authorized to be conveyed by such subsection for purposes of determining responsibility for environmental remediation of such property.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of the survey for the property to be conveyed under subsection (a) shall be borne by the State, and the cost of the survey for the property to be conveyed under subsection (b) shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

SA 1712. Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Insert at the appropriate place in the bill the following new item:

The Secretary of the Navy may sell to a person outside the Department of Defense articles and services provided by the Naval Magazine, Indian Island facility that are not available from any United States commercial source; *Provided*, That a sale pursuant to this section shall conform to the requirements of 10 U.S.C. section 2563 (c) and (d); and *Provided further*, That the proceeds from the sales of articles and services under this section shall be credited to operation and maintenance funds of the Navy, that are current when the proceeds are received.

SA 1713. Mr. LEVIN (for Mr. HARKIN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 2827. LAND CONVEYANCE, FORT DES MOINES, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Fort Des Moines Memorial Park, Inc., a nonprofit organization (in this section referred to as the ''Memorial Park''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4.6 acres located at Fort Des Moines United States Army Reserve Center, Des Moines, Iowa, for the purpose of the establishment of the Fort Des Moines Memorial Park and Education Center.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Memorial Park use the property for museum and park purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for museum and park purposes, all right, title, and interest in and to the real property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(d) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Memorial Park shall reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis, or for any other expenses incurred by the Secretary, for the conveyance authorized in (a).

(2) The amount of the reimbursement under paragraph (1) for any activity shall be determined by the Secretary, but may not exceed the cost of such activity.

(3) Section 2695(c) of title 10 United States Code, shall apply to any amount received under this subsection.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by survey satisfactory to the Secretary. The cost of the survey shall be borne by the Memorial Park.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 1714. Mr. WARNER (for Mr. SHELBY) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 540. PARTICIPATION OF REGULAR MEMBERS OF THE ARMED FORCES IN THE SENIOR RESERVE OFFICERS' TRAINING CORPS.

(a) ELIGIBILITY.—Section 2104(b)(3) of title 10, United States Code, is amended by inserting ''the regular component or'' after ''enlist in''.

(b) PAY RATE WHILE ON FIELD TRAINING OR PRACTICE CRUISE.—Section 209(c) of title 37, United States Code, is amended by inserting before the period at the end the following: '', except that the rate for a cadet or midshipmen who is a member of the regular component of an armed force shall be the rate of basic pay applicable to the member under section 203 of this title''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2001.

SA 1715. Mr. WARNER (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 1113 and insert the following:

SEC. 1113. REPEAL OF LIMITATIONS ON EXERCISE OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORITY AND VOLUNTARY EARLY RETIREMENT AUTHORITY.

Section 1153(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–323) is amended—

(1) in paragraph (1), by striking ''Subject to paragraph (2), the'' and inserting ''The'';

(2) by striking paragraph (2); and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

SA 1716. Mr. LEVIN (for Mr. REID) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In section 3151(d), strike paragraphs (1) and (2) and insert the following:

(1) IN GENERAL.—Subsection (e) of section 3628 of that Act (114 Stat. 1654A–506) is amended to read as follows:

''(e) SURVIVORS.—(1) If a covered employee dies before accepting payment of compensation under this section, whether or not the death is the result of the covered employee's occupational illness, the survivors of the covered employee who are living at the time of payment of compensation under this section shall receive payment of compensation under this section in lieu of the covered employee as follows:

''(A) If such living survivors of the covered employee include a spouse and one or more children—

''(i) the spouse shall receive one-half of the amount of compensation provided for the covered employee under this section; and

''(ii) each child shall receive an equal share of the remaining one-half of the amount of the compensation provided for the covered employee under this section.

''(B) If such living survivors of the covered employee include a spouse or one or more children, but not both a spouse and one or more children—

''(i) the spouse shall receive the amount of compensation provided for the covered employee under this section; or

''(ii) each child shall receive an equal share of the amount of the compensation provided for the covered employee under this section.

''(C) If such living survivors of the covered employee do not include a spouse or any children, but do include one or both parents, one or more grandparents, one or more grandchildren, or any combination of such individuals, each such individual shall receive an equal share of the amount of the compensation provided for the covered employee under this section.

''(2) For purposes of this subsection, the term 'child', in the case of a covered employee, means any child of the covered employee, including a natural child, adopted child, or step-child who lived with the covered employee in a parent-child relationship.''.

(2) URANIUM EMPLOYEES.—Subsection (e) of section 3630 of that Act (114 Stat. 1654A–507) is amended to read as follows:

''(e) SURVIVORS.—(1) If a covered uranium employee dies before accepting payment of compensation under this section, whether or not the death is the result of the covered uranium employee's occupational illness, the survivors of the covered uranium employee who are living at the time of payment of compensation under this section shall receive payment of compensation under this section in lieu of the covered uranium employee as follows:

''(A) If such living survivors of the covered uranium employee include a spouse and one or more children—

''(i) the spouse shall receive one-half of the amount of compensation provided for the covered uranium employee under this section; and

''(ii) each child shall receive an equal share of the remaining one-half of the amount of the compensation provided for the covered uranium employee under this section.

''(B) If such living survivors of the covered uranium employee include a spouse or one or more children, but not both a spouse and one or more children—

''(i) the spouse shall receive the amount of compensation provided for the covered uranium employee under this section; or

''(ii) each child shall receive an equal share of the amount of the compensation provided for the covered uranium employee under this section.

''(C) If such living survivors of the covered uranium employee do not include a spouse or any children, but do include one or both parents, one or more grandparents, one or more grandchildren, or any combination of such individuals, each such individual shall receive an equal share of the amount of the compensation provided for the covered uranium employee under this section.

''(2) For purposes of this subsection, the term 'child', in the case of a covered uranium employee, means any child of the covered employee, including a natural child, adopted child, or step-child who lived with the covered employee in a parent-child relationship.''.

In section 3151(g)(1) in the matter preceding subparagraph (A), insert '', with the cooperation of the Department of Energy and the Department of Labor,'' after ''shall''.

In section 3151(g), strike paragraph (2) and insert the following:

(2)(A) Not later than 180 days after the date of the enactment of this Act, the National Institute for Occupational Safety and Health shall submit to the congressional defense committees a report on the progress made as of the date of the report on the study under paragraph (1).

(B) Not later than one year after the date of the enactment of this Act, the National Institute shall submit to the congressional defense committees a final report on the study under paragraph (1).

SA 1717. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

Of the amount authorized to be appropriated by section 301(6), $5,000,000 may be available for land forces readiness-information operation sustainment.

SA 1718. Mr. LEVIN (for Mr. CONRAD) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 2827. LAND CONVEYANCES, CERTAIN FORMER MINUTEMAN III ICBM FACILITIES IN NORTH DAKOTA.

(a) CONVEYANCES REQUIRED.—(1) The Secretary of the Air Force may convey, without consideration, to the State Historical Society of North Dakota (in this section referred to as the ''Historical Society'') all right, title, and interest of the United States in and to parcels of real property, together with any improvements thereon, of the Minuteman III ICBM facilities of the former 321st Missile Group at Grand Forks Air Force Base, North Dakota, as follows:

(A) The parcel consisting of the launch facility designated ''November–33''.

(B) The parcel consisting of the missile alert facility and launch control center designated ''Oscar-O''.

(2) The purpose of the conveyance of the facilities is to provide for the establishment of an historical site allowing for the preservation, protection, and interpretation of the facilities.

(b) CONSULTATION.—The Secretary shall consult with the Secretary of State and the Secretary of Defense in order to ensure that the conveyances required by subsection (a) are carried out in accordance with applicable treaties.

(c) HISTORIC SITE.—The Secretary may, in cooperation with the Historical Society, enter into one or more cooperative agreements with appropriate public or private entities or individuals in order to provide for the establishment and maintenance of the historic site referred to in subsection (a)(2).

SA 1719. Mr. WARNER (for himself and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1066. DEADLINE FOR COLLECTION OF PROCEEDS OF AUCTION OF CERTAIN SPECTRUM FREQUENCY.

Section 3007 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 269; 47 U.S.C. 309 note) is amended—

(1) by striking ''The Commission'' and inserting ''(a) IN GENERAL.—The Federal Communications Commission''; and

(2) by adding at the end the following new subsection:

''(b) CERTAIN FREQUENCIES.—

''(1) DEADLINE.—Notwithstanding any other provision of this title, in the case of the bands of frequencies specified in paragraph (2), the Commission shall conduct competitive bidding for such frequencies in a manner that ensures that all proceeds of such bidding are deposited in accordance with section 309(j)(8) of the Communications Act of 1934 not later than September 30, 2004.

''(2) SPECIFIED FREQUENCIES.—The frequencies specified in this paragraph are as follows:

''(A) The band of frequencies located at 1,710–1,755 megahertz.

''(B) The band of frequencies located at 2,110–2,150 megahertz.''.

SA 1720. Mr. WARNER (for himself and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1009. FUNDING FOR COSTS OF MODERNIZING AND RELOCATING USE OF DEPARTMENT OF DEFENSE FREQUENCY SPECTRUM.

(a) ESTABLISHMENT OF WORKING CAPITAL ACCOUNT.—There is established on the books of the Treasury an account to be known as the ''Federal Spectrum Relocation Working Capital Account'' (in this section referred to as the ''Account'').

(b) FREQUENCIES SUBJECT TO REIMBURSEMENT.—Section 113(g) of the National Telecommunications and Information Administration Act (47 U.S.C. 923(g)) is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

''(1) IN GENERAL.—Any Federal entity that operates a Federal Government station assigned to a band of frequencies specified in paragraph (2) and incurs costs as a result of relocating, replacing, or modifying the Federal entity's operations because of the reallocation of frequencies from Federal use to non-Federal use is eligible for reimbursement for such costs from the Federal Spectrum Relocation Working Capital Account in accordance with section 1009(d)(1)(A) of the National Defense Authorization Act for Fiscal Year 2002.

''(2) COVERED FREQUENCIES.—The bands of frequencies specified in this paragraph are as follows:

''(A) The 216–220 megahertz band, 1432–1435 megahertz band, 1710–1755 megahertz band, and 2385–2390 megahertz band of frequencies.

''(B) Any other band of frequencies reallocated from Federal use to non-Federal use after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002.''.

(c) AUCTION OF FREQUENCIES; DEPOSIT OF PROCEEDS.—Paragraph (8) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended by adding at the end the following new subparagraphs:

''(D) MINIMUM CASH PROCEEDS OF AUCTIONS.—In conducting an auction for a frequency under this section that were reallocated from a Federal Agency, the Commission shall ensure that the cash proceeds of the auction are sufficient to reimburse the Federal entity concerned in replacing, modifying, and relocating the equipment and facilities of the Federal Government station operating on the frequency in accordance with section 1009(d)(1)(A) of the National Defense Authorization Act for Fiscal Year 2002.

''(E) DISPOSITION OF CASH PROCEEDS.—Any cash proceeds of an auction covered by subparagraph (D) shall be deposited in the Federal Spectrum Relocation Working Capital Account established under section 1009 of the National Defense Authorization Act for Fiscal Year 2002, and shall be available in accordance with that section, including any conditions and limitations under that section.''.

(d) AVAILABILITY OF AMOUNTS IN ACCOUNT.—(1) Subject to paragraph (2), amounts in the Account shall be available to the Federal entity for purposes of—

(A) reimbursing the Federal entity for costs incurred by the entity in—

(i) the modernization of the equipment and facilities of the Federal Government station that operate on the frequency; and

(ii) the relocation of such equipment or facilities, as so modernized, to a suitable replacement frequency or frequencies; and

(B) paying the costs of research to develop more efficient use of the radio frequency spectrum.

(2) The first $19,000,000,000 of the amount in the Account shall be available under paragraph (1) subject to applicable provisions of appropriations Acts.

(e) TREATMENT OF AMOUNTS MADE AVAILABLE.—Any amount made available to a Federal entity under subsection (d)(1)(A) to reimburse the entity for costs described in that subsection shall be deposited in the account or appropriation providing the funds to pay the costs for which reimbursement is made under that subsection. Any amounts so deposited shall be merged with amounts in the account or appropriation concerned, and shall be available for the same purposes, and subject to the same terms and conditions, as other amounts in the account or appropriation.

(f) REVERSION TO TREASURY.—Any amount deposited in the Account that remains available for deposit under subsection (e) on the date that is 15 years after the deposit of such amount in the Account shall be deposited as of the date in the General Fund of the Treasury under chapter 33 of title 31, United States Code.

SA 1721. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. ENGINEERED REFUELING OVERHAUL OF U.S.S. ALBUQUERQUE AT PORTSMOUTH NAVAL SHIPYARD, NEW HAMPSHIRE.

(a) FUNDING.—Notwithstanding any other provision of this Act, of the amount authorized to be appropriated by section 301(2) for the Navy for operation and maintenance, $16,248,000 shall be available for the purpose of the continuation of the ongoing engineered refueling overhaul of the U.S.S. Albuquerque (SSN–706) at Portsmouth Naval Shipyard, New Hampshire.

(b) AVAILABILITY OF FUNDS.—The amount available under subsection (a) for the purpose described in that subsection shall remain available until expended.

SA 1722. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In section 2301(a), in the table, strike the items relating to MacDill Air Force Base, Florida, and Tyndall Air Force Base, Florida, and insert the following new item:

	Tyndall Air Force Base	$17,250,000

In section 2301(a), in the table, strike the amount specified as the total in the amount column and insert ''$803,570,000.

In section 2304(a), in the matter preceding paragraph (1), strike ''$2,579,791,000'' and insert ''$2,571,991,000''.

In section 2304(a), strike ''$816,070,000'' and insert ''$808,270,000''.

In section 2601(2), strike ''$33,641,000'' and insert ''$42,241,000''.

SA 1723. Mr. REID (for Mr. WELLSTONE) proposed an amendment to the bill S. Res. 147, to designate the month of September of 2001, as ''National Alcohol and Drug Addiction Recovery Month''; as follows:

In the preamble, strike the second Whereas clause and insert the following:

Whereas, according to a 1992 NIDA study, the direct and indirect costs in the United States for alcohol and drug addiction was $246 billion, in that year.

SA 1724. Mr. HELMS (for himself, Mr. MILLER, Mr. ALLEN, Mr. BOND, Mr. HATCH, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of division A, add the following new title:

TITLE XIV—AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2001

SEC. 1401. SHORT TITLE.

This title may be cited as the ''American Servicemembers' Protection Act of 2001''.

SEC. 1402. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the ''Rome Statute of the International Criminal Court''. The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: ''We are left with consequences that do not serve the cause of international justice.''

(5) Ambassador Scheffer went on to tell the Congress that: ''Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.''.

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, ''I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied''.

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by them to protect the national interests of the United States.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations to ''determine the existence of any .... act of aggression'' would contravene the charter of the United Nations and undermine deterrence.

(11) It is a fundamental principle of international law that a treaty is binding upon its parties only and that it does not create obligations for nonparties without their consent to be bound. The United States is not a party to the Rome Statute and will not be bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.

SEC. 1403. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for a single period of one year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) AUTHORITY TO WAIVE SECTIONS 1404 AND 1406 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.—The President is authorized to waive the prohibitions and requirements of sections 1404 and 1406 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) TERMINATION OF WAIVER PURSUANT TO SUBSECTION (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 1404 and 1406 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 expires and is not extended pursuant to subsection (b).

(e) TERMINATION OF PROHIBITIONS OF THIS TITLE.—The prohibitions and requirements of sections 1404, 1405, 1406, and 1407 shall cease to apply, and the authority of section 1408 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

SEC. 1404. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) APPLICATION.—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 1408; or

(B) communication by the United States of its policy with respect to a matter.

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) PROHIBITION ON TRANSMITTAL OF LETTERS ROGATORY FROM THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) PROHIBITION ON PROVISION OF SUPPORT TO THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) PROHIBITION ON USE OF APPROPRIATED FUNDS TO ASSIST THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(h) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. 1405. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—Members of the Armed Forces of the United States may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) CERTIFICATION.—The certification referred to in subsection (b) is a certification by the President that—

(1) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which members of the Armed Forces of the United States participating in the operation will be present either is not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article

12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against members of the Armed Forces of the United States present in that country; or

(3) the national interests of the United States justify participation by members of the Armed Forces of the United States in the peacekeeping or peace enforcement operation.

SEC. 1406. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) IN GENERAL.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) INDIRECT TRANSFER.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) CONSTRUCTION.—The provisions of this section shall not be construed to prohibit any action permitted under section 1408.

SEC. 1407. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b) and (c), and effective one year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) NATIONAL INTEREST WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) ARTICLE 98 WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal court from proceeding against United States personnel present in such country.

(d) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or

(3) Taiwan.

SEC. 1408. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person; and

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

SEC. 1409. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than one year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 1410. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 1411. APPLICATION OF SECTIONS 1404 AND 1406 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.

(a) IN GENERAL.—Sections 1404 and 1406 shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 1404 or 1406, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) EXCEPTION.—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

(c) CONSTRUCTION.—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

SEC. 1412. NONDELEGATION.

The authorities vested in the President by sections 1403 and 1411(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 1405(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

SEC. 1413. DEFINITIONS.

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional

committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term ''classified national security information'' means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term ''covered allied persons'' means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term ''covered United States persons'' means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms ''extradition'' and ''extradite'' mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term ''International Criminal Court'' means the court established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term ''major non-NATO ally'' means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term ''participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations'' means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term ''party to the International Criminal Court'' means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term ''peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations'' means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(11) ROME STATUTE.—The term ''Rome Statute'' means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) SUPPORT.—The term ''support'' means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) UNITED STATES MILITARY ASSISTANCE.—The term ''United States military assistance'' means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

SA 1725. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 1724 submitted by Mr. HELMS and intended to be proposed to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 1, strike ''vital national interests'' and insert ''national security interests''.

On page 6, lines 1 and 2, strike ''national interests'' and insert ''national security interests''.

On page 7, line 13, strike ''an official'' and insert ''any''.

On page 8, lines 17 and 18, strike ''an official'' and insert ''any''.

On page 10, line 5, strike ''national interest'' and insert ''national security interests''.

On page 11, strike lines 3 through 9.

On page 11, beginning on line 14, strike ''and shall not apply'' and all that follows through ''conflict'' on line 20.

On page 16, line 19, strike ''national interests'' and insert ''national security interests''.

On page 18, line 14, strike ''NATIONAL INTEREST'' and insert ''NATIONAL SECURITY INTERESTS''.

On page 18, lines 18 and 19, strike ''national interest'' and insert ''national security interests''.

Beginning on page 23, strike line 3 and all that follows through line 16 on page 24.

On page 16 (3) strike all text under (3).

On page 26, beginning on line 8, strike ''other persons'' and all that follows through ''Court'' on line 11 and insert ''other United States citizens''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on September 26, 2001, in SD–106 at 9 a.m. The purpose of this hearing will be to discuss the Administration perspective with regard to the new federal farm bill followed by a nomination hearing.

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 nomination hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will take place on Wednesday, October 3, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the nomination of Jeffrey D. Jarrett to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior; and Harold Craig Manson to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

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. Attn. Sam Fowler, U.S. Senate, Washington, DC 20510.

For further information, please call Sam Fowler on 202/224–7571.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, September 26, 2001. The purpose of this hearing will be to discuss the administration perspective with regard to the new Federal Farm Bill.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. FEINSTEIN. 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 Wednesday, September 26, 2001, to conduct an oversight hearing on ''The Administration's National Money Laundering Strategy for 2001.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during

the session of the Senate on Wednesday, September 26, at 9:30 a.m., to conduct an oversight hearing. The committee will receive testimony on critical energy infrastructure security and the energy industry's response to the events of September 11, 2001.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Psychological Trauma and Terrorism: Assuring That Americans Receive the Support They Need, during the session of the Senate on Wednesday, September 26, 2001, at 10 a.m.

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

PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. Madam President, I ask unanimous consent that John Kem, an Appropriations Committee detailee, be granted the privilege of the floor during consideration of the military construction appropriations bill and conference report.

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

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be closed.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

CLOTURE MOTION

Mr. REID. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Calendar No. 163, S. 1438, the Department of Defense authorization bill:

John Kerry, Jon Corzine, Debbie Stabenow, Byron Dorgan, Maria Cantwell, Patty Murray, Harry Reid, Zell Miller, Daniel Inouye, James Jeffords, Richard Durbin, Kent Conrad, Jack Reed, Charles Schumer, Joseph Lieberman, John Edwards, Tom Daschle, Carl Levin.

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote on S. 1438 occur at 10 a.m. on Tuesday, October 2, with the mandatory quorum being waived; further, that Senators be permitted to file first-degree amendments until 1 p.m. Monday, October 1, and second-degree amendments until 9:45 a.m. Tuesday, October 2.

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

Mr. REID. Mr. President, the majority leader has been extremely patient on this Defense bill. We tried for days to get a finite list of amendments. Two Senators held us up from doing this and held us up from moving forward on a bill that deals with what this country is all about today, problems that our military can only solve.

In Nevada and all over the country, Guard and Reserve units are being called up. This bill has many provisions for them. It has funds for active duty forces, pay raises for those who are on active duty, and many other provisions. It is a very important bill.

I am glad the majority leader has made the decision to move forward with invoking cloture, and we will do that. This bill is far too important. Ninety-eight Senators are ready to move forward on the legislation and two are not. It is just too bad we are not today celebrating the completion of this bill, rather than having to wait now until next Tuesday to invoke cloture and then, as you know, the rule allows several more days if people decide to use the time.

It is too bad this has had to occur. This country is going to do everything it can to support the service men and women of this country. Invoking cloture is one way we can show our support for this legislation. As soon as we do that, we need to move forward and complete the legislation as quickly as possible.

ORDERS FOR FRIDAY, SEPTEMBER 28, 2001, AND MONDAY, OCTOBER 1, 2001

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. Friday, September 28, for a pro forma session, and that following the pro forma session, the Senate stand in adjournment until 12 noon, Monday, October 1. Further, on Monday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. REID. Mr. President, as has been indicated, the Senate will convene on Friday for a pro forma session and then adjourn until Monday, October 1, at 12 noon. There will be no rollcall votes on the Monday we come back. The Senate will resume consideration of the DOD authorization bill on Monday at 2 p.m. Cloture was filed, as I just indicated, on the DOD authorization bill. The cloture vote will occur on Tuesday at 10 a.m. All first-degree amendments, I repeat, must be filed by 1 p.m. on Monday, and second-degree amendments must be filed prior to 9:45 a.m. on Tuesday.

ADJOURNMENT UNTIL 10 A.M. FRIDAY, SEPTEMBER 28, 2001

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:09 p.m., adjourned until Friday, September 28, 2001, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 26, 2001:

DEPARTMENT OF TRANSPORTATION

JOSEPH M. CLAPP, OF NORTH CAROLINA, TO BE ADMINISTRATOR OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.

DEPARTMENT OF STATE

ROY L. AUSTIN, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TRINIDAD AND TOBAGO.

FRANKLIN PIERCE HUDDLE, JR., OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TAJIKISTAN.

KEVIN JOSEPH MCGUIRE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

PAMELA HYDE SMITH, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY ANDPLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOLDOVA.

MICHAEL E. MALINOWSKI, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

HANS H. HERTELL, OF PUERTO RICO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DOMINICAN REPUBLIC.

JOHN J. DANILOVICH, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

R. BARRIE WALKLEY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

MATTIE R. SHARPLESS, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CENTRAL AFRICAN REPUBLIC.

ARLENE RENDER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COTE D'IVOIRE.

JACKSON MCDONALD, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

RALPH LEO BOYCE, JR., OF VIRGINIA, TO BE A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDONESIA.

CLIFFORD G. BOND, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BOSNIA AND HERZEGOVINA.

ROCKWELL A. SCHNABEL, OF CALIFORNIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

JOHN STERN WOLF, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (NON-PROLIFERATION).

KEVIN E. MOLEY, OF ARIZONA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

KENNETH C. BRILL, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR.

KENNETH C. BRILL, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE VIENNA OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

PATRICIA DE STACY HARRISON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS).

CHARLOTTE L. BEERS, OF TEXAS, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

DEPARTMENT OF DEFENSE

MICHAEL PARKER, OF MISSISSIPPI, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

DELTA REGIONAL AUTHORITY

P. H. JOHNSON, OF MISSISSIPPI, TO BE FEDERAL CO-CHAIRPERSON, DELTA REGIONAL AUTHORITY.

MISSISSIPPI RIVER COMMISSION

BRIGADIER GENERAL EDWIN J. ARNOLD, JR., UNITED STATES ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED JUNE 1879 (21 STAT. 37) (33 USC 642).

BRIGADIER GENERAL CARL A. STROCK, UNITED STATES ARMY, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED 28 JUNE 1879 (21 STAT. 37) (22 USC 642).

DEPARTMENT OF TRANSPORTATION

MARY E. PETERS, OF ARIZONA, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION.

NUCLEAR REGULATORY COMMISSION

NILS J. DIAZ, OF FLORIDA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2006.

DEPARTMENT OF DEFENSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 152:

To be general

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF AGRICULTURE

MARK EDWARD REY, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR NATURAL RESOURCES AND ENVIRONMENT.

ELSA A. MURANO, OF TEXAS, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY.

HILDA GAY LEGG, OF KENTUCKY, TO BE ADMINISTRATOR, RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE.

MARK EDWARD REY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

EDWARD R. MCPHERSON, OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF AGRICULTURE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

AIR FORCE NOMINATION OF LT. GEN. CHARLES F. WALD.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

AIR FORCE NOMINATION OF COLONEL WILLIAM P. ARD.
AIR FORCE NOMINATION OF COLONEL ROSANNE BAILEY.
AIR FORCE NOMINATION OF COLONEL BRADLEY S. BAKER.
AIR FORCE NOMINATION OF COLONEL MARK G. BEESLEY.
AIR FORCE NOMINATION OF COLONEL TED F. BOWLDS.
AIR FORCE NOMINATION OF COLONEL JOHN T. BRENNAN.
AIR FORCE NOMINATION OF COLONEL ROGER W. BURG.
AIR FORCE NOMINATION OF COLONEL PATRICK A. BURNS.
AIR FORCE NOMINATION OF COLONEL KURT A. CICHOWSKI.
AIR FORCE NOMINATION OF COLONEL MARIA I. CRIBBS.
AIR FORCE NOMINATION OF COLONEL ANDREW S. DICHTER.
AIR FORCE NOMINATION OF COLONEL JAN D. EAKLE.
AIR FORCE NOMINATION OF COLONEL DAVID M. EDGINGTON.
AIR FORCE NOMINATION OF COLONEL SILVANUS T. GILBERT III.
AIR FORCE NOMINATION OF COLONEL STEPHEN M. GOLDFEIN.
AIR FORCE NOMINATION OF COLONEL DAVID S. GRAY.
AIR FORCE NOMINATION OF COLONEL WENDELL L. GRIFFIN.
AIR FORCE NOMINATION OF COLONEL RONALD J. HAECKEL.
AIR FORCE NOMINATION OF COLONEL IRVING L. HALTER JR.
AIR FORCE NOMINATION OF COLONEL RICHARD S. HASSAN.
AIR FORCE NOMINATION OF COLONEL WILLIAM L. HOLLAND.
AIR FORCE NOMINATION OF COLONEL GILMARY M. HOSTAGE III.
AIR FORCE NOMINATION OF COLONEL JAMES P. HUNT.
AIR FORCE NOMINATION OF COLONEL JOHN C. KOZIOL.
AIR FORCE NOMINATION OF COLONEL WILLIAM T. LORD.
AIR FORCE NOMINATION OF COLONEL ARTHUR B. MORRILL III.
AIR FORCE NOMINATION OF COLONEL LEONARD E. PATTERSON.
AIR FORCE NOMINATION OF COLONEL JEFFREY A. REMINGTON.
AIR FORCE NOMINATION OF COLONEL EDWARD A. RICE JR.
AIR FORCE NOMINATION OF COLONEL DAVID J. SCOTT.
AIR FORCE NOMINATION OF COLONEL WINFIELD W. SCOTT III.
AIR FORCE NOMINATION OF COLONEL MARK D. SHACKELFORD.
AIR FORCE NOMINATION OF COLONEL GLENN F. SPEARS.
AIR FORCE NOMINATION OF COLONEL DAVID L. STRINGER.
AIR FORCE NOMINATION OF COLONEL HENRY L. TAYLOR.
AIR FORCE NOMINATION OF COLONEL RICHARD E. WEBBER.
AIR FORCE NOMINATION OF COLONEL ROY M. WORDEN.
AIR FORCE NOMINATION OF COLONEL RONALD D. YAGGI.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

AIR FORCE NOMINATION OF BRIGADIER GENERAL RONALD J. BATH.
AIR FORCE NOMINATION OF BRIGADIER GENERAL FREDERICK H. FORSTE
AIR FORCE NOMINATION OF BRIGADIER GENERAL JUAN A. GARCIA.
AIR FORCE NOMINATION OF BRIGADIER GENERAL MICHAEL J. HAUGEN.
AIR FORCE NOMINATION OF BRIGADIER GENERAL DANIEL JAMES III.
AIR FORCE NOMINATION OF BRIGADIER GENERAL STEVEN R. MCCAMY.
AIR FORCE NOMINATION OF BRIGADIER GENERAL JERRY W. RAGSDALE.
AIR FORCE NOMINATION OF BRIGADIER GENERAL WILLIAM N. SEARCY.
AIR FORCE NOMINATION OF BRIGADIER GENERAL GILES E. VANDERHOOF
AIR FORCE NOMINATION OF COLONEL HIGINIO S. CHAVEZ.
AIR FORCE NOMINATION OF COLONEL BARRY K. COLN.
AIR FORCE NOMINATION OF COLONEL ALAN L. COWLES.
AIR FORCE NOMINATION OF COLONEL JAMES B. CRAWFORD III.
AIR FORCE NOMINATION OF COLONEL MARIE T. FIELD.
AIR FORCE NOMINATION OF COLONEL MANUEL A. GUZMAN.
AIR FORCE NOMINATION OF COLONEL ROGER P. LEMPKE.
AIR FORCE NOMINATION OF COLONEL GEORGE R. NIEMANN.
AIR FORCE NOMINATION OF COLONEL FRANK PONTELANDOLFO JR.
AIR FORCE NOMINATION OF COLONEL GENE L. RAMSAY.
AIR FORCE NOMINATION OF COLONEL TERRY L. SCHERLING.
AIR FORCE NOMINATION OF COLONEL DAVID A. SPRENKLE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

AIR FORCE NOMINATION OF GEN. JOHN W. HANDY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

AIR FORCE NOMINATION OF MAJ. GEN. TEED M. MOSELEY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8034:

To be general

AIR FORCE NOMINATION OF LT. GEN. ROBERT H. FOGLESONG.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL, UNITED STATES ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3037:

To be major general

ARMY NOMINATION OF BRIG. GEN. THOMAS J. ROMIG.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. COLBY M. BROADWATER III.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

NAVY NOMINATION OF REAR ADM. (LH) JOSEPH D. BURNS.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

NAVY NOMINATION OF VICE ADM. SCOTT A. FRY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

NAVY NOMINATION OF REAR ADM. (LH) RAND H. FISHER.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

NAVY NOMINATION OF ADM. JAMES O. ELLIS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

NAVY NOMINATION OF VICE ADM. GREGORY G. JOHNSON.
AIR FORCE NOMINATION OF PATRICK J.* FLETCHER.
ARMY NOMINATION OF CHRISTOPHER P. AIKEN.
ARMY NOMINATION OF RODNEY D. MCKITRICK II.
ARMY NOMINATION OF RANDY J. SMEENK.
ARMY NOMINATIONS BEGINNING DANIEL T. LESLIE AND ENDING WILLIAM C. WILLING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 4, 2001.
ARMY NOMINATIONS BEGINNING ANGELO RIDDICK AND ENDING HEKYUNG L. JUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 4, 2001.
ARMY NOMINATIONS BEGINNING JEFFREY S. CAIN AND ENDING RYUNG SUH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 4, 2001.
ARMY NOMINATION OF SHAOFAN K. XU
ARMY NOMINATIONS BEGINNING ALBERT J ABBADESSA AND ENDING * X0000, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2001.
ARMY NOMINATIONS BEGINNING ROGER L ARMSTEAD AND ENDING CARL S YOUNG JR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 2001.
MARINE CORPS NOMINATION OF RICHARD W. BRITTON.
MARINE CORPS NOMINATION OF SAMUEL E. FERGUSON.
MARINE CORPS NOMINATION OF CURTIS W. MARSH.
NAVY NOMINATION OF RAYMOND E MOSES JR.
NAVY NOMINATIONS BEGINNING JOHNNY R ADAMS AND ENDING TIMOTHY J ZIOLKOWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 4, 2001.
NAVY NOMINATION OF SANDRA P. MORIGUCHI.