

Korea and although the USS *Pueblo* still remains property of the United States Navy, the North Korean Government displays it as a traveling museum in the North Korean cities of Wonsan and Hungnam, and is now on display in Pyongyang, the Capital city of North Korea. This is unacceptable to me and a number of my colleagues. At issue here, isn't the value of the ship. At issue is the honor of America and the record of those who proudly served and were illegal captives by North Korea, a nation which seeks the destruction of America.

I stand with my fellow legislators back home in the Sixty-third Colorado State General Assembly in demanding the return of the USS *Pueblo* to the United States Navy.

I urge my colleagues here in the U.S. Senate to join me in supporting passage of this important resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3142. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 517, to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3143. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 517, supra; which was ordered to lie on the table.

SA 3144. Mr. GRAMM (for himself and Mr. KYL) proposed an amendment to amendment SA 2999 proposed by Mr. KERRY (for himself, Mr. McCAIN, Ms. SNOWE, Mr. SMITH of Oregon, Ms. COLLINS, and Mr. CHAFEE) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3145. Mr. REID proposed an amendment to amendment SA 3008 proposed by Mr. DAYTON (for himself and Mr. GRASSLEY) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3146. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3147. Mr. THURMOND submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3148. Mr. BINGAMAN (for Ms. CANTWELL) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3149. Mr. BINGAMAN (for Mr. REID) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3150. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3151. Mr. BINGAMAN (for Mr. SCHUMER) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3152. Mr. BINGAMAN (for Ms. LANDRIEU) proposed an amendment to amendment SA 2917 proposed by Mr.

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

SA 3153. Mr. BINGAMAN (for Mr. CORZINE) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3154. Mr. BINGAMAN (for Mr. KENNEDY) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3155. Mr. BINGAMAN (for Mrs. LINCOLN) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3156. Mr. BINGAMAN (for Mr. MURKOWSKI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3157. Mr. THURMOND submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3158. Mr. CONRAD (for himself and Mr. SMITH, of New Hampshire) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3159. Mr. MURKOWSKI proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3160. Mr. KENNEDY (for himself, Mr. BROWNBAC, Mrs. FEINSTEIN, and Mr. KYL) proposed an amendment to the bill H.R. 3525, to enhance the border security of the United States, and for other purposes.

SA 3161. Mr. BYRD proposed an amendment to the bill H.R. 3525, supra.

SA 3162. Mr. BYRD proposed an amendment to the bill H.R. 3525, supra.

SA 3163. Mr. BYRD proposed an amendment to the bill H.R. 3525, supra.

SA 3164. Mr. BYRD proposed an amendment to the bill H.R. 3525, supra.

SA 3165. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3166. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3167. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3168. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3169. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3170. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3171. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3172. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3173. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3174. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3175. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3176. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3142. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 517, to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, strike lines 5 through 16, and insert the following:

SEC. 1901. PERMANENT EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR TEACHER CLASSROOM EXPENSES.

Section 62(a)(2)(D) is amended by striking "In the case of taxable years beginning during 2002 or 2003, the" and inserting "The".

SEC. 1901A. 3-YEAR EXTENSION OF CREDIT FOR PRODUCING ELECTRICITY FROM POULTRY WASTE.

(a) IN GENERAL.—Subparagraph (C) of section 45(c)(3) (relating to qualified facility), as amended by section 603(a) of the Job Creation and Worker Assistance Act of 2002, is amended by striking "January 1, 2004" and inserting "January 1, 2007".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity sold after the date of the enactment of this Act in taxable years ending after such date.

SA 3143. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 517, to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 17, line 9, strike all through page 55, line 7, and insert the following:

SEC. . PERMANENT EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR TEACHER CLASSROOM EXPENSES.

Section 62(a)(2)(D) is amended by striking "In the case of taxable years beginning during 2002 or 2003, the" and inserting "The".

SA 3144. Mr. GRAMM (for himself and Mr. KYL) proposed an amendment to amendment SA 2999 proposed by Mr. KERRY (for himself, Mr. MCCAIN, Ms. SNOWE, Mr. SMITH of Oregon, Ms. COLLINS, and Mr. CHAFEE) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

Strike all beginning page 2 line 1 and insert the following:

SEC. . PERMANENT REPEAL OF DEATH TAXES.

Section 901 of the Economic Growth and Tax Reconciliation Act of 2001 is amended—

(1) by striking "this Act" and all that follows through "2010." in subsection (a) and inserting "this Act (other than Title V) shall not apply to taxable, plan, or limitation years beginning after December 31, "2010", and

(2) by striking ", estates, gifts, and transfers" in subsection (b).

SA 3145. Mr. REID proposed an amendment to amendment SA 3008 proposed by Mr. DAYTON (for himself and Mr. GRASSLEY) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

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

SEC. 8 . FEDERAL AGENCY ETHANOL-BLENDED GASOLINE AND BIODIESEL PURCHASING REQUIREMENT.

Title III of the Energy Policy Act of 1992 is amended by striking section 306 (42 U.S.C. 13215) and inserting the following:

"SEC. 306. FEDERAL AGENCY ETHANOL-BLENDED GASOLINE AND BIODIESEL PURCHASING REQUIREMENT.

"(a) ETHANOL-BLENDED GASOLINE.—The head of each Federal agency shall ensure that, in areas in which ethanol-blended gasoline is available at a competitive price, the Federal agency purchases ethanol-blended gasoline containing at least 10 percent ethanol (or the highest available percentage of ethanol), rather than nonethanol-blended gasoline, for use in vehicles used by the agency.

"(b) BIODIESEL.—

"(1) DEFINITION OF BIODIESEL.—In this subsection, the term 'biodiesel' has the meaning given the term in section 312(f).

"(2) REQUIREMENT.—The head of each Federal agency shall ensure that the Federal agency purchases, for use in fueling fleet vehicles used by the Federal agency at the location at which fleet vehicles of the Federal agency are centrally fueled, in areas in which biodiesel-blended diesel fuel is available at a competitive price—

"(A) as of the date that is 5 years after the date of enactment of this paragraph, bio-

diesel-blended diesel fuel that contains at least 2 percent biodiesel, rather than nonbiodiesel-blended diesel fuel; and

"(B) as of the date that is 10 years after the date of enactment of this paragraph, biodiesel-blended diesel fuel that contains at least 20 percent biodiesel, rather than nonbiodiesel-blended diesel fuel.

"(c) EXEMPTION FOR MILITARY VEHICLES.—This section does not apply to fuel used in vehicles used for military purposes that the Secretary of Defense certifies to the Secretary must be exempt for national security reasons."

SA 3146. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike Title XI and insert the following:

TITLE XI—NATIONAL GREENHOUSE GAS REGISTRY

SEC. 1101. SHORT TITLE.

This amendment may be cited as the "National Climate Registry Initiative."

SEC. 1102. PURPOSE.

The purpose of this title is to establish a new national greenhouse gas registry—

(1) to further encourage voluntary efforts, by persons and entities conducting business and other operations in the United States, to implement actions, projects and measures that reduce greenhouse gas emissions;

(2) to encourage such persons and entities to monitor and voluntarily report greenhouse gas emissions, direct or indirect, from their facilities, and to the extent practicable, from other types of sources;

(3) to adopt a procedure and uniform format for such persons and entities to establish and report voluntarily greenhouse gas emission baselines in connection with, and furtherance of, such reductions;

(4) to provide verification mechanisms to ensure for participants and the public a high level of confidence in accuracy and verifiability of reports made to the national registry;

(5) to encourage persons and entities, through voluntary agreement with the Secretary, to report annually greenhouse gas emissions from their facilities;

(6) to provide to persons or entities that engage in such voluntary agreements and reduce their emissions transferable credits which, inter alia, shall be available for use by such persons or entities for any incentive, market-based, or regulatory programs determined by the Congress in a future enactment to be necessary and feasible to reduce the risk of climate change and its impacts; and

(7) to provide for the registration, transfer and tracking of the ownership or holding of such credits for purposes of facilitating voluntary trading among persons and entities.

SEC. 1103. DEFINITIONS.

In this title—

(1) "person" means an individual, corporation, association, joint venture, cooperative, or partnership;

(2) "entity" means a public person, a Federal, interstate, State, or local governmental agency, department, corporation, or other publicly owned organization;

(3) "facility" means those buildings, structures, installations, or plants (including units thereof) that are on contiguous or adjacent land, are under common control of the

same person or entity and are a source of emissions of greenhouse gases in excess for emission purposes of a threshold as recognized by the guidelines issued under this title;

(4) "reductions" means actions, projects or measures taken, whether in the United States or internationally, by a person or entity to reduce, avoid or sequester, directly or indirectly, emissions of one or more greenhouse gases;

(5) "greenhouse gas" means—

(A) an anthropogenic gaseous constituent of the atmosphere (including carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) that absorbs and re-emits infrared radiation and influences climate; and

(B) an anthropogenic aerosol (such as black soot) that absorbs solar radiation and influences climate;

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

(7) "Administrator" means the Administrator of the Energy Information Administration; and

(8) "Interagency Task Force" means the Interagency Task Force established under title X of this Act.

SEC. 1104. ESTABLISHMENT.

(a) IN GENERAL.—Not later than 1 year after the enactment of this title, the President shall, in consultation with the Interagency Task Force, establish a National Greenhouse Gas Registry to be administered by the Secretary through the Administrator in accordance with the applicable provisions of this title, section 205 of the Department of Energy Act (42 U.S.C. 7135) and other applicable provisions of that Act (42 U.S.C. 7101, et seq.).

(b) DESIGNATION.—Upon establishment of the registry and issuance of the guidelines pursuant to this title, such registry shall thereafter be the depository for the United States of data on greenhouse gas emissions and emissions reductions collected from and reported by persons or entities with facilities or operations in the United States, pursuant to the guidelines issued under this title.

(c) PARTICIPATION.—Any person or entity conducting business or activities in the United States may, in accordance with the guidelines established pursuant to this title, voluntarily report its total emissions levels and register its certified emissions reductions with such registry, provided that such reports—

(1) represent a complete and accurate inventory of emissions from facilities and operations within the United States and any domestic or international reduction activities; and

(2) have been verified as accurate by an independent person certified pursuant to guidelines developed pursuant to this title, or other means.

(d) CONFIDENTIALITY OF REPORTS.—Trade secret and commercial or financial information that is privileged and confidential submitted pursuant to activities under this title shall be provided in section 552(b)(4) of title 5, United States Code.

SEC. 1105. IMPLEMENTATION.

(a) GUIDELINES.—Not later than 1 year after the date of establishment of the registry pursuant to this title, the Secretary shall, in consultation with the Interagency Task Force, issue guidelines establishing procedures for the administration of the national registry. Such guidelines shall include—

(1) means and methods for persons or entities to determine, quantify, and report by appropriate and credible means their baseline emissions levels on an annual basis, taking into consideration any reports made by

such participants under past Federal programs;

(2) procedures for the use of an independent third-party or other effective verification process for reports on emissions levels and emissions reductions, using the authorities available to the Secretary under this and other provisions of law and taking into account, to the extent possible, costs, risks, the voluntary nature of the registry, and other relevant factors;

(3) a range of reference cases for reporting of project-based reductions in various sectors, and the inclusion of benchmark and default methodologies and practices for use as reference cases for eligible projects;

(4) safeguards to prevent and address reporting, inadvertently or otherwise, of some or all of the same greenhouse gas emissions or reductions by more than one reporting person or entity and to make corrections and adjustments in data where necessary;

(5) procedures and criteria for the review and registration of ownership or holding of all or part of any reported and independently verified emission reduction projects, actions and measures relative to such reported baseline emissions level;

(6) measures or a process for providing to such persons or entities transferable credits with unique serial numbers for such verified emissions reductions; and

(7) accounting provisions needed to allow for changes in registration and transfer of ownership of such credits resulting from a voluntary private transaction between persons or entities, provided that the Secretary is notified of any such transfer within 30 days of the transfer having been effected either by private contract or market mechanism.

(b) **CONSIDERATION.**—In developing such guidelines, the Secretary shall take into consideration—

(1) the existing guidelines for voluntary emissions reporting issued under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)), experience in applying such guidelines, and any revisions thereof initiated by the Secretary pursuant to direction of the President issued prior to the enactment of this title;

(2) protocols and guidelines developed under any Federal, State, local, or private voluntary greenhouse gas emissions reporting or reduction programs;

(3) the various differences and potential uniqueness of the facilities, operations and business and other relevant practices of persons and entities in the private and public sectors that may be expected to participate in the registry;

(4) issues, such as comparability, that are associated with the reporting of both emissions baselines and reductions from activities and projects; and

(5) the appropriate level or threshold emissions applicable to a facility or activity of a person or entity that may be reasonably and cost effectively identified, measured and reported voluntarily, taking into consideration different types of facilities and activities and the de minimis nature of some emissions and their sources; and

(6) any other consideration the Secretary may deem appropriate.

(c) **EXPERTS AND CONSULTANTS.**—The Secretary, and any member of the Interagency Task Force, may secure the services of experts and consultants in the private and non-profit sectors in accordance with the provisions of section 3109 of title 5, United States Code, in the areas of greenhouse gas measurement, certification, and emissions trading. In securing such services, any grant, contract, cooperative agreement, or other arrangement authorized by law and already available to the Secretary or the member of

the Interagency Task Force securing such services may be used.

(d) **TRANSFERABILITY OF PRIOR REPORTS.**—Emissions reports and reductions that have been made by a person or entity pursuant to section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)) or under other Federal or State voluntary greenhouse gas reduction programs may be independently verified and registered with the registry using the same guidelines developed by the Secretary pursuant to this section.

(e) **PUBLIC COMMENT.**—The Secretary shall make such guidelines available in draft form for public notice and opportunity for comment for a period of at least 90 days, and thereafter shall adopt them for use in implementation of the registry established pursuant to this title.

(f) **REVIEW AND REVISION.**—The Secretary, through the Interagency Task Force, shall periodically thereafter review the guidelines and, as needed, revise them in the same manner as provided for in this section.

SEC. 1106. VOLUNTARY AGREEMENTS.

(a) **IN GENERAL.**—In furtherance of the purposes of this title, any person or entity, and the Secretary, may voluntarily enter into an agreement to provide that—

(1) such person or entity (and successors thereto) shall report annually to the registry on emissions and sources of greenhouse gases from applicable facilities and operations which generate net emissions above any de minimis thresholds specified in the guidelines issued by the Secretary pursuant to this title;

(2) such person or entity (and successors thereto) shall commit to report and participate in the registry for a period of at least 5 calendar years, provided that such agreements may be renewed by mutual consent;

(3) for purposes of measuring performance under the agreement, such person or entity (and successors thereto) shall determine, by mutual agreement with the Secretary—

(A) pursuant to the guidelines issued under this title, a baseline emissions level for a representative period preceding the effective date of the agreement; and

(B) emissions reduction goals, taking into consideration the baseline emissions level determined under subparagraph (A) and any relevant economic and operational factors that may affect such baseline emissions level over the duration of the agreement; and

(4) for certified emissions reductions made relative to the baseline emissions level, the Secretary shall provide, at the request of the person or entity, transferable credits (with unique assigned serial numbers) to the person or entity which, inter alia—

(A) can be used by such person or entity towards meeting emissions reductions goals set forth under the agreement;

(B) can be transferred to other parties or entities through a voluntary private transaction between persons or entities; or

(C) shall be applicable towards any incentive, market-based, or regulatory programs determined by the Congress in a future enactment to be necessary and feasible to reduce the risk of climate change and its impacts.

(b) **PUBLIC NOTICE AND COMMENT.**—At least 30 days before any agreement is final, the Secretary shall give notice thereof in the Federal Register and provide an opportunity for public written comment. After reviewing such comments, the Secretary may withdraw the agreement or the parties thereto may mutually agree to revise it to finalize it without substantive change. Such agreement shall be retained in the national registry and be available to the public.

(c) **EMISSIONS IN EXCESS.**—In the event that a person or entity fails to certify that emis-

sions from applicable facilities are less than the emissions reduction goals contained in the agreement, such person or entity shall take actions as necessary to reduce such excess emissions, including—

(1) redemption of transferable credits acquired in previous years if owned by the person or entity;

(2) acquisition of transferable credits from other persons or entities participating in the registry through their own agreements; or

(3) the undertaking of additional emissions reductions activities in subsequent years as may be determined by agreement with the Secretary.

(d) **NO NEW AUTHORITY.**—This section shall not be construed as providing any regulatory or mandate authority regarding reporting of such emissions or reductions.

SEC. 1107. MEASUREMENT AND VERIFICATION.

(a) **IN GENERAL.**—The Secretary of Commerce, through the National Institute of Standards and Technology and in consultation with the Secretary of Energy, shall develop and propose standards and practices for accurate measurement and verification of greenhouse gas emissions and emissions reductions. Such standards and best practices shall address the need for—

(1) standardized measurement and verification practices for reports made by all persons or entities participating in the registry, taking into account—

(A) existing protocols and standards already in use by persons or entities desiring to participate in the registry;

(B) boundary issues such as leakage and shifted utilization;

(C) avoidance of double-counting of greenhouse gas emissions and emissions reductions; and

(D) such other factors as the panel determines to be appropriate;

(2) measurement and verification of actions taken to reduce, avoid or sequester greenhouse gas emissions;

(3) in coordination with the Secretary of Agriculture, measurement of the results of the use of carbon sequestration and carbon recapture technologies, including—

(A) organic soil carbon sequestration practices;

(B) forest preservation and re-forestation activities which adequately address the issues of permanence, leakage and verification; and

(4) such other measurement and verification standards as the Secretary of Commerce, the Secretary of Agriculture, and the Secretary of Energy shall determine to be appropriate.

(b) **PUBLIC COMMENT.**—The Secretary of Commerce shall make such standards and practices available in draft form for public notice and opportunity for comment for a period of at least 90 days, and thereafter shall adopt them, in coordination with the Secretary of Energy, for use in the guidelines for implementation of the registry as issued pursuant to this title.

SEC. 1108. CERTIFIED INDEPENDENT THIRD PARTIES.

(a) **CERTIFICATION.**—The Secretary of Commerce shall, through the Director of the National Institute of Standards and Technology and the Administrator, develop standards for certification of independent persons to act as certified parties to be employed in verifying the accuracy and reliability of reports made under this title, including standards that—

(1) prohibit a certified party from themselves participating in the registry through the ownership or transaction of transferable credits recorded in the registry;

(2) prohibit the receipt by a certified party of compensation in the form of a commission where such party receives payment based on

the amount of emissions reductions verified; and

(3) authorize such certified parties to enter into agreements with persons engaged in trading of transferable credits recorded in the registry.

(b) LIST OF CERTIFIED PARTIES.—The Secretary shall maintain and make available to persons or entities making reports under this title and to the public upon request a list of such certified parties and their clients making reports under this title.

SEC. 1109. REPORT TO CONGRESS.

Not later than 1 year after guidelines are issued for the registry pursuant to this title, and biennially thereafter, the President, through the Interagency Task Force, shall report to the Congress on the status of the registry established by this title. The report shall include—

(a) an assessment of the level of participation in the registry (both by sector and in terms of national emissions represented);

(b) effectiveness of voluntary reporting agreements in enhancing participation in the registry;

(c) use of the registry for emissions trading and other purposes;

(d) assessment of progress towards individual and national emissions reduction goals; and

(e) an inventory of administrative actions taken or planned to improve the national registry or the guidelines, or both, and such recommendations for legislative changes to this title or section 1605 of the Energy Policy Act of 1992 (42 U.S.C. 13385) as the President believes necessary to better carry out the purposes of this title.

SEC. 1110. NATIONAL ACADEMY REVIEW.

Not later than 1 year after guidelines are issued for the registry pursuant to this title, the Secretary, in consultation with the Interagency Task Force, shall enter into an agreement with the National Academy of Sciences to review the scientific and technological methods, assumptions, and standards used by the Secretary and the Secretary of Commerce for such guidelines and report to the President and the Congress on the results of that review, together with such recommendations as may be appropriate, within 6 months after the effective date of that agreement.

SA 3147. Mr. THURMOND submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 574, between lines 11 and 12, insert the following:

SEC. 17 . FEASIBILITY REPORT ON COMMERCIAL NUCLEAR ENERGY PRODUCTION AND REGIONAL EDUCATION CONSORTIA AT DEPARTMENT OF ENERGY NUCLEAR FACILITIES.

(a) DEFINITIONS.—In this section:

(1) COMMERCIAL NUCLEAR ENERGY PRODUCTION.—The term “commercial nuclear energy production” means electric power generated by for profit, private firms, public cooperatives, and municipal utilities.

(2) DEPARTMENT FACILITY.—The term “Department facility” means a Department of Energy nuclear facility.

(3) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(b) STUDY.—The Secretary shall conduct a study to determine the feasibility of—

(1) developing commercial nuclear energy production facilities at Department facilities in existence on the date of enactment of this Act, including—

(A) options for how and where commercial nuclear power plants can be developed at Department facilities;

(B) estimates of cost savings to the United States that may be realized by locating new commercial nuclear power plants at Department facilities;

(C) the feasibility of incorporating new technology into commercial nuclear power plants at Department facilities;

(D) potential improvements in the licensing and safety oversight procedures of commercial nuclear power plants at Department facilities;

(E) an assessment of the effects of nuclear waste management policies and projects as a result of locating commercial nuclear power plants at Department facilities;

(F) the appropriate amounts of contributions of public and private funds; and

(G) other appropriate factors; and

(2) establishing regional education consortia at Department facilities, including—

(A) strategies for strengthening partnerships among the Department of Energy, engineering and science institutions of higher learning, other schools providing vocational training to the nuclear power industry, and commercial nuclear power producers;

(B) contributions that such consortia could make to the program goals of relevant provisions of this Act; and

(C) other actions that could optimize civilian and military education in nuclear education at Department facilities that would enhance electric power production in the United States.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (b).

SA 3148. Mr. BINGAMAN (for Ms. CANTWELL) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 403, after line 12, insert the following:

SEC. 1215. HIGH POWER DENSITY INDUSTRY PROGRAM.

The Secretary shall establish a comprehensive research, development, demonstration and deployment program to improve energy efficiency of high power density facilities, including data centers, server farms, and telecommunications facilities. Such program shall consider technologies that provide significant improvement in thermal controls, metering, load management, peak load reduction, or the efficient cooling of electronics.

SA 3149. Mr. BINGAMAN (for Mr. REID) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 403, after line 12, insert the following:

“SEC. 1215. RESEARCH REGARDING PRECIOUS METAL CATALYSIS.

“The Secretary of Energy may, for the purpose of developing improved industrial and automotive catalysis, carry out research in the use of precious metals (excluding platinum, palladium, and rhodium) in catalysis directly, through national laboratories, or through grants to or cooperative agreements or contracts with public or nonprofit entities. There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal years 2003 through 2006.”.

SA 3150. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the end of title XVII, add the following:
SEC. 17 . REPORT ON ENERGY SAVINGS AND WATER USE.

(a) REPORT.—The Secretary of Energy shall conduct a study of opportunities to reduce energy use by cost-effective improvements in the efficiency of municipal water and waste water treatment and use, including water pumps, motors, and delivery systems; purification, conveyance and distribution; upgrading of aging water infrastructure, and improved methods for leakage monitoring, measuring, and reporting; and public education.

(b) SUBMISSION OF REPORT.—The Secretary of Energy shall submit a report on the results of the study, including any recommendations for implementation of measures and estimates of costs and resource savings, no later than two years from the date of enactment of this section.

(c) AUTHORIZATION.—There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

SA 3151. Mr. BINGAMAN (for Mr. SCHUMER) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the end of subtitle A of title IX add the following:

SEC. 9 . ENERGY EFFICIENT APPLIANCE REBATE PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term “eligible state” means a State that meets the requirements of subsection (b).

(2) ENERGY STAR PROGRAM.—The term “Energy Star program” means the program established by section 324A of the Energy Policy and Conservation Act.

(3) RESIDENTIAL ENERGY STAR PRODUCT.—The term “residential Energy Star product” means a product for a residence that is rated for energy efficiency under the Energy Star program.

(4) STATE ENERGY OFFICE.—The term “State energy office” means the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322).

(5) STATE PROGRAM.—The term “State program” means a State energy efficient appliance rebate program described in subsection (b)(1).

(b) ELIGIBLE STATES.—A State shall be eligible to receive an allocation under subsection (c) if the State—

(1) establishes (or has established) a State energy efficient appliance rebate program to provide rebates to residential consumers for the purchase of residential Energy Star products to replace used appliances of the same type;

(2) submits an application for the allocation at such time, in such form, and containing such information as the Secretary may require; and

(3) provides assurances satisfactory to the Secretary that the Senate will use the allocation to supplement, but not supplant, funds made available to carry out the State program.

(c) AMOUNT OF ALLOCATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), for each fiscal year, the Secretary shall allocate to the State energy office of each eligible State to carry out subsection (d) an amount equal to the product obtained by multiplying the amount made available under subsection (e) for the fiscal year by the ratio that the population of the State in the most recent calendar year for which data are available bears to the total population of all eligible States in that calendar year.

(2) MINIMUM ALLOCATIONS.—For each fiscal year, the amounts allocated under this subsection shall be adjusted proportionately so that no eligible State is allocated a sum that is less than an amount determined by the Secretary.

(d) USE OF ALLOCATED FUNDS.—The allocations to a State energy office under subsection (c) may be used to pay up to 50 percent of the cost of establishing and carrying out a State program.

(e) ISSUANCE OF REBATES.—Rebates may be provided to residential consumers that meet the requirements of the State program. The amount of a rebate shall be determined by the State energy office, taking into consideration—

(1) the amount of the allocation to the State energy office under subsection (c);

(2) the amount of any Federal or State tax incentive available for the purchase of the residential Energy Star product; and

(3) the difference between the cost of the residential Energy Star product and the cost of an appliance that is not a residential Energy Star product, but is of the same type as, and is the nearest capacity, performance, and other relevant characteristics (as determined by the State energy office) to the residential Energy Star product.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2003 through fiscal year 2012.

SA 3152. Mr. BINGAMAN (for Ms. LANDRIEU) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 301, line 22, strike “organizations.” and insert the following:

“organizations.

“(d) SMALL BUSINESS EDUCATION AND ASSISTANCE.—The Administrator of the Small Business Administration, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and coordinate a government-wide program, building on the ex-

isting Energy Star for Small Business Program, to assist small business to become more energy efficient, understand the cost savings obtainable through efficiencies, and identify financing options for energy efficiency upgrades. The Secretary and the Administrator shall make the program information available directly to small businesses and through other federal agencies, including the Federal Emergency Management Agency, and the Department of Agriculture.”.

SA 3153. Mr. BINGAMAN (for Mr. CORZINE) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

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

SEC. 937. CAPITAL FUND.

Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g), as amended by section 934, is amended—

(1) in subsection (d)(1)—

(A) in subparagraph (L), by striking the period at the end and inserting “; and”;

(B) by redesignating subparagraph (L) as subparagraph (K); and

(C) by adding at the end the following:

“(L) integrated utility management and capital planning to maximize energy conservation and efficiency measures.”; and

(2) in subsection (e)(2)(C)—

(A) by striking “The” and inserting the following:

“(i) IN GENERAL.—The”; and

(B) by adding at the end the following:

“(i) THIRD PARTY CONTRACTS.—Contracts described in clause (i) may include contracts for equipment conversions to less costly utility sources, projects with resident paid utilities, adjustments to frozen base year consumption, including systems repaired to meet applicable building and safety codes and adjustments for occupancy rates increased by rehabilitation.

“(ii) TERM OF CONTRACT.—The total term of a contract described in clause (i) shall be for not more than 20 years to allow longer payback periods for retrofits, including but not limited to windows, heating system replacements, wall insulation, site-based generators, and advanced energy savings technologies, including renewable energy generation.”.

SEC. 938. ENERGY-EFFICIENT APPLIANCES.

A public housing agency shall purchase energy-efficient appliances that are Energy Star products as defined in section 552 of the National Energy Policy and Conservation Act (as amended by this Act) when the purchase of energy-efficient appliances is cost-effective to the public housing agency.

SEC. 939. ENERGY EFFICIENCY STANDARDS.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “the date of the enactment of the Energy Policy Act of 1992” and inserting “September 30, 2002”.

(ii) in subparagraph (A), by striking “and” at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting a semi-colon; and

(iv) by adding at the end the following:

(C) rehabilitation and new construction of public and assisted housing funded by HOPE

VI revitalization grants, established under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), where such standards are determined to be cost effective by the Secretary of Housing and Urban Development; and

(B) in paragraph (2), by striking “Council of American” and all that follows through “life-cycle cost basis” and inserting “2000 International Energy Conservation Code”;

(2) in subsection (b)—

(A) by striking “the date of the enactment of the Energy Policy Act of 1992” and inserting “September 30, 2002”; and

(B) by striking “CABO” and all that follows through “1989” and inserting “the 2000 International Energy Conservation Code”; and

(3) in subsection (c)—

(A) in the heading, by striking “MODEL ENERGY CODE” and inserting “THE INTERNATIONAL ENERGY CONSERVATION CODE”; and

(B) by striking “CABO” and all that follows through “1989” and inserting “the 2000 International Energy Conservation Code”.

SEC. 940. ENERGY STRATEGY FOR HUD.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall develop and implement an integrated strategy to reduce utility expenses through cost-effective energy conservation and efficiency measures, design and construction in public and assisted housing.

(b) ENERGY MANAGEMENT OFFICE.—The Secretary of Housing and Urban Development shall create an office at the Department of Housing and Urban Development for utility management, energy efficiency, and conservation, with responsibility for implementing the strategy developed under this section, including development of a centralized database that monitors public housing energy usage, and development of energy reduction goals and incentives for public housing agencies. The Secretary shall submit an annual report to Congress on the strategy.

SA 3154. Mr. BINGAMAN (for Mr. KENNEDY) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 183, line 15, strike “and” and all that follows through line 19, and insert the following:

(2) the term “idling” means not turning off an engine while remaining stationary for more than approximately 3 minutes; and

(3) 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.

(k) REDUCTION OF SCHOOL BUS IDLING.—Each local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is encouraged to develop a policy to reduce the incidence of school buses idling at schools when picking up and unloading students.

SA 3155. Mr. BINGAMAN (for Mrs. LINCOLN) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through

technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 123, after line 17, insert the following:

SEC. 514. DECOMMISSIONING PILOT PROGRAM.

(a) **PILOT PROGRAM.**—The Secretary of Energy shall establish a decommissioning pilot program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northeast Arkansas in accordance with the decommissioning activities contained in the August 31, 1998 Department of Energy report on the reactor.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$16,000,000.

SA 3156. Mr. BINGAMAN (for Mr. MURKOWSKI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 443, after line 8, insert the following:

SEC. 1237. CLEAN COAL TECHNOLOGY LOAN.

There is authorized to be appropriated not to exceed \$125,000,000 to the Secretary of Energy to provide a loan to the owner of the experimental plant constructed under United States Department of Energy cooperative agreement number DE-FC22-91PC99544 on such terms and conditions as the Secretary determines, including interest rates and up-front payments.

SA 3157. Mr. THURMOND submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which were ordered to lie on the table; as follows:

On page 574, between lines 11 and 12, insert the following:

SEC. 17 . REPORT ON RESEARCH ON HYDROGEN PRODUCTION AND USE.

Not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report that identifies current or potential research projects at Department of Energy nuclear facilities relating to—

- (1) the production of hydrogen; or
- (2) the use of hydrogen in fuel cell development or any other method or process enhancing alternative energy production technologies.

SA 3158. Mr. CONRAD (for himself and Mr. SMITH of New Hampshire) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2104 and insert the following:

SEC. 2104. CREDIT FOR BUSINESS INSTALLATION OF QUALIFIED FUEL CELLS AND STATIONARY MICROTURBINE POWER PLANTS.

(a) **IN GENERAL.**—Subparagraph (A) of section 48(a)(3) (defining energy property) is amended by striking “or” at the end of clause (i), by adding “or” at the end of clause (ii), and by inserting after clause (ii) the following new clause:

“(iii) qualified fuel cell property or qualified microturbine property.”

(b) **QUALIFIED FUEL CELL PROPERTY; QUALIFIED MICROTURBINE PROPERTY.**—Subsection (a) of section 48 is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

“(4) **QUALIFIED FUEL CELL PROPERTY; QUALIFIED MICROTURBINE PROPERTY.**—For purposes of this subsection—

“(A) **QUALIFIED FUEL CELL PROPERTY.**—

“(i) **IN GENERAL.**—The term ‘qualified fuel cell property’ means a fuel cell power plant that—

“(I) generates at least 1 kilowatt of electricity using an electrochemical process, and

“(II) has an electricity-only generation efficiency greater than 30 percent.

“(ii) **LIMITATION.**—In the case of qualified fuel cell property placed in service during the taxable year, the credit determined under paragraph (1) for such year with respect to such property shall not exceed an amount equal to the lesser of—

“(I) 30 percent of the basis of such property, or

“(II) \$1,000 for each kilowatt of capacity of such property.

“(iii) **FUEL CELL POWER PLANT.**—The term ‘fuel cell power plant’ means an integrated system comprised of a fuel cell stack assembly and associated balance of plant components that converts a fuel into electricity using electrochemical means.

“(iv) **TERMINATION.**—Such term shall not include any property placed in service after December 31, 2007.

“(B) **QUALIFIED MICROTURBINE PROPERTY.**—

“(i) **IN GENERAL.**—The term ‘qualified microturbine property’ means a stationary microturbine power plant which has an electricity-only generation efficiency not less than 26 percent at International Standard Organization conditions.

“(ii) **LIMITATION.**—In the case of qualified microturbine property placed in service during the taxable year, the credit determined under paragraph (1) for such year with respect to such property shall not exceed an amount equal to the lesser of—

“(I) 10 percent of the basis of such property, or

“(II) \$200 for each kilowatt of capacity of such property.

“(iii) **STATIONARY MICROTURBINE POWER PLANT.**—The term ‘stationary microturbine power plant’ means a system comprising of a rotary engine which is actuated by the aerodynamic reaction or impulse or both on radial or axial curved full-circumferential-admission airfoils on a central axial rotating spindle. Such system—

“(I) commonly includes an air compressor, combustor, gas pathways which lead compressed air to the combustor and which lead hot combusted gases from the combustor to 1 or more rotating turbine spools, which in turn drive the compressor and power output shaft,

“(II) includes a fuel compressor, recuperator/regenerator, generator or alternator, integrated combined cycle equipment, cooling-heating-and-power equipment, sound attenuation apparatus, and power conditioning equipment, and

“(III) includes all secondary components located between the existing infrastructure

for fuel delivery and the existing infrastructure for power distribution, including equipment and controls for meeting relevant power standards, such as voltage, frequency, and power factors.

“(iv) **TERMINATION.**—Such term shall not include any property placed in service after December 31, 2006.”

(c) **LIMITATION.**—Section 48(a)(2)(A) (relating to energy percentage) is amended to read as follows:

“(A) **IN GENERAL.**—The energy percentage is—

“(i) in the case of qualified fuel cell property, 30 percent, and

“(ii) in the case of any other energy property, 10 percent.”

(d) **CONFORMING AMENDMENTS.**—

(A) Section 29(b)(3)(A)(i)(III) is amended by striking “section 48(a)(4)(C)” and inserting “section 48(a)(5)(C)”.

(B) Section 48(a)(1) is amended by inserting “except as provided in subparagraph (A)(ii) or (B)(ii) of paragraph (4),” before “the energy”.

(e) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to property placed in service after December 31, 2002, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SA 3159. Mr. MURKOWSKI proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE—IRAQ OIL IMPORT RESTRICTION SECTION 1. SHORT TITLE AND FINDINGS.

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

(b) **FINDINGS.**—Congress finds that—

(1) the government of the Republic of Iraq; (A) has failed to comply with the terms of United Nations Security Council Resolution 686 regarding unconditional Iraqi acceptance of the destruction, removal, or rendering harmless, under international supervision, of all nuclear, chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities, as well as all ballistic missiles with a range greater than 150 kilometers and related major parts, and repair and production facilities and has failed to allow United Nations inspectors access to sites used for the production or storage of weapons of mass destruction.

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

(C) has failed to adequately draw down upon the amounts received in the Escrow Account established by UNSC Resolution 661 to purchase food, medicine and other humanitarian products required by its citizens, resulting in massive humanitarian suffering by the Iraqi people.

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

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

(F) pays bounties to the families of suicide bombers in order to encourage the murder of Israeli civilians.

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

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

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

SEC. 3. TERMINATION/PRESIDENTIAL CERTIFICATION.

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

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

(A) UNSC Resolution 687 and

(B) UNSC Resolution 986 prohibiting smuggling of oil in circumvention of the "Oil-for-Food" program; and

(2) ceases the practice of compensating the families of suicide bombers in order to encourage the murder of Israeli citizens; or that

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

SEC. 4. HUMANITARIAN INTERESTS.

It is the sense of the Senate that the President should make all appropriate efforts to ensure that the humanitarian needs of the Iraqi people are not negatively affected by this Act, and should encourage through public, private, domestic and international means the direct or indirect sale, donation or other transfer to appropriate non-governmental health and humanitarian organizations and individuals within Iraqi of food, medicine and other humanitarian products.

SEC. 5. DEFINITIONS.

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

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

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

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

SEC. 6. EFFECTIVE DATE.

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

SA 3160. Mr. KENNEDY (for himself, Mr. BROWNBACK, Mrs. FEINSTEIN, and Mr. KYL) proposed an amendment to the bill H.R. 3525, to enhance the border security of the United States, and for other purposes; as follows:

On page 2, line 4, strike "2001" and insert "2002".

On page 2, in the table of contents, strike the item relating to title IV and insert the following:

"TITLE IV—INSPECTION AND ADMISSION OF ALIENS".

On page 3, between lines 15 and 16, insert the following:

(3) CHIMERA SYSTEM.—The term "Chimera system" means the interoperable electronic data system required to be developed and implemented by section 202(a)(2).

On page 3, line 16, strike "(3)" and insert "(4)".

On page 4, line 15, strike "(4)" and insert "(5)".

On page 4, line 19, strike "(5)" and insert "(6)".

On page 5, line 4, strike "(6)" and insert "(7)".

On page 5, line 16, strike "2002" and insert "2003".

On page 6, line 1, strike "2002" and insert "2003".

On page 6, strike lines 17 through 20.

On page 6, line 21, strike "(c)" and insert "(b)".

On page 7, line 2, insert "effective October 1, 2002" after "basic pay".

On page 8, line 1, strike "(d)" and insert "(c)".

On page 8, line 10, strike "and".

On page 8, line 21, strike "(e)" and insert "(d)".

On page 15, line 11, strike "one year" and insert "15 months".

On page 15, line 13, strike "six months" and insert "one year".

On page 16, line 12, before the period insert the following: "(also known as the 'Chimera system')".

On page 20, line 13, insert "the" after "about".

On page 21, line 7, insert "Central" after "Director of".

On page 22, line 2, strike "in this title" and insert "in section 202".

On page 22, line 24, strike "against".

On page 23, between lines 14 and 15, insert the following new sections:

SEC. 204. PERSONNEL MANAGEMENT AUTHORITIES FOR POSITIONS INVOLVED IN THE DEVELOPMENT AND IMPLEMENTATION OF THE INTEROPERABLE ELECTRONIC DATA SYSTEM ("CHIMERA SYSTEM").

(a) IN GENERAL.—Notwithstanding any other provision of law relating to position classification or employee pay or performance, the Attorney General may hire and fix the compensation of necessary scientific, technical, engineering, and other analytical personnel for the purpose of the development and implementation of the interoperable electronic data system described in section 202(a)(2) (also known as the "Chimera system").

(b) LIMITATION ON RATE OF PAY.—Except as otherwise provided by law, no employee compensated under subsection (a) may be paid at a rate in excess of the rate payable for a position at level III of the Executive Schedule.

(c) LIMITATION ON TOTAL CALENDAR YEAR PAYMENTS.—Total payments to employees

under any system established under this section shall be subject to the limitation on payments to employees under section 5307 of title 5, United States Code.

(d) OPERATING PLAN.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committee on Appropriations, the Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate and the Committee on Appropriations, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on International Relations of the House of Representatives an operating plan—

(1) describing the Attorney General's intended use of the authority under this section; and

(2) identifying any provisions of title 5, United States Code, being waived for purposes of the development and implementation of the Chimera system.

(e) TERMINATION DATE.—The authority of this section shall terminate upon the implementation of the Chimera system.

SEC. 205. PROCUREMENT OF EQUIPMENT AND SERVICES FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE INTEROPERABLE ELECTRONIC DATA SYSTEM ("CHIMERA SYSTEM").

(a) EXEMPTION FROM APPLICABLE FEDERAL ACQUISITION RULES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for the purpose of the development and implementation of the interoperable electronic data system described in section 202(a)(2) (also known as the "Chimera system"), the Attorney General may use any funds available for the Chimera system to purchase or lease equipment or any related items, or to acquire interim services, without regard to any otherwise applicable Federal acquisition rule, if the Attorney General determines that—

(A) there is an exigent need for the equipment, related items, or services in order to support interagency information sharing under this title;

(B) the equipment, related items, or services required are not available within the Department of Justice; and

(C) adherence to that Federal acquisition rule would—

(i) delay the timely acquisition of the equipment, related items, or services; and

(ii) adversely affect interagency information sharing under this title.

(2) DEFINITION.—In this subsection, the term "Federal acquisition rule" means any provision of title III or IX of the Federal Property and Administrative Services Act of 1949, the Office of Federal Procurement Policy Act, the Small Business Act, the Federal Acquisition Regulation, or any other provision of law or regulation that establishes policies, procedures, requirements, conditions, or restrictions for procurements by the head of a department or agency of the Federal Government.

(b) NOTIFICATION OF CONGRESSIONAL APPROPRIATIONS COMMITTEES.—The Attorney General shall immediately notify the Committees on Appropriations of the House of Representatives and the Senate in writing of each expenditure under subsection (a), which notification shall include sufficient information to explain the circumstances necessitating the exercise of the authority under that subsection.

On page 23, line 25, strike "an alien" and insert "each alien".

On page 24, line 16, strike "202(a)(3)(B)" and insert "202(a)(4)(B)".

On page 26, line 2, insert "and authentication" after "biometric comparison".

On page 26, line 5, strike "each report" and insert "the report required by that paragraph".

On page 26, line 15, insert "other" after "visas and".

On page 26, line 18, insert "document authentication standards and" after "tablish".

On page 26, line 19, insert "other" after "visas and".

On page 27, line 3, insert "and authentication" after "biometric comparison".

On page 27, line 4, insert "other" after "visas and".

On page 27, line 13, strike "and".

On page 27, line 16, strike the period and insert "; and".

On page 27, between lines 16 and 17, insert the following:

(iii) can authenticate the document presented to verify identity.

On page 27, line 22, strike "202(a)(3)(B)" and insert "202(a)(4)(B)".

On page 28, lines 9 and 10, strike "identifiers that comply with applicable biometric identifiers" and insert "and document authentication identifiers that comply with applicable biometric and document identifying".

On page 28, line 17, insert "under section 217 of the Immigration and Nationality Act" after "program".

On page 29, line 4, insert "to a foreign country" after "United States mission".

On page 29, line 23, strike "The committee" and insert "Each committee established under subsection (a)".

On page 30, line 1, strike "The committee" and insert "Each committee established under subsection (a)".

On page 30, line 2, strike "quarterly" and insert "monthly".

On page 30, line 5, strike "quarter" and insert "month".

On page 30, line 1, strike "PERIODIC REPORTS" and insert "PERIODIC REPORTS TO THE SECRETARY OF STATE".

On page 30, between lines 5 and 6, insert the following new subsection:

(f) REPORTS TO CONGRESS.—The Secretary of State shall submit a report on a quarterly basis to the appropriate committees of Congress on the status of the committees established under subsection (a).

On page 30, line 6, strike "(f)" and insert "(g)".

On page 35, strike lines 1 and 2 and insert the following:

TITLE IV—INSPECTION AND ADMISSION OF ALIENS

On page 35, lines 10 and 11, strike "officials specified in subsection (a)" and insert "President".

On page 37, line 2, strike "(i)" and insert "(j)".

On page 37, strike lines 3 and 4 and insert the following:

(3) by striking "SEC. 231." and inserting the following:

"SEC. 231. (a) ARRIVAL MANIFESTS.—For

On page 37, lines 9 and 10, strike "an immigration officer" and insert "any United States border officer (as defined in subsection (i))".

On page 37, line 19, strike "an immigration officer" and insert "any United States border officer (as defined in subsection (i))".

On page 39, line 9, insert a comma immediately after "that".

On page 39, lines 9 and 10, strike ", aircraft, or land carriers" and insert "or aircraft".

On page 40, line 5, strike "aircraft, or land carrier" and insert "aircraft".

On page 40, line 16, strike the quotation marks and the second period.

On page 40 between lines 16 and 17, insert the following:

(i) UNITED STATES BORDER OFFICER DEFINED.—In this section, the term 'United States border officer' means, with respect to a particular port of entry into the United

States, any United States official who is performing duties at that port of entry."

On page 40, beginning on line 17, strike "Not" and all that follows through the end of line 18 and insert the following:

(1) STUDY.—The

On page 41, between lines 2 and 3, insert the following:

(2) REPORT.—Not later than two years after the date of enactment of this Act, the President shall submit to Congress a report setting forth the findings of the study conducted under paragraph (1).

On page 41, after line 22, add the following new section:

SEC. 404. JOINT UNITED STATES-CANADA PROJECTS FOR ALTERNATIVE INSPECTIONS SERVICES.

(a) IN GENERAL.—United States border inspections agencies, including the Immigration and Naturalization Service, acting jointly and under an agreement of cooperation with the Government of Canada, may conduct joint United States-Canada inspections projects on the international border between the two countries. Each such project may provide alternative inspections services and shall undertake to harmonize the criteria for inspections applied by the two countries in implementing those projects.

(b) ANNUAL REPORT.—The Attorney General and the Secretary of the Treasury shall prepare and submit annually to Congress a report on the joint United States-Canada inspections projects conducted under subsection (a).

(c) EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT AND PAPERWORK REDUCTION ACT.—Subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the "Administrative Procedure Act") and chapter 35 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act") shall not apply to fee setting for services and other administrative requirements relating to projects described in subsection (a), except that fees and forms established for such projects shall be published as a notice in the Federal Register.

On page 48, line 16, strike "or" and insert "and".

On page 54, lines 24 and 25, strike "proceeding" and insert "proceedings".

SA 3161. Mr. BYRD proposed an amendment to the bill H.R. 3525, to enhance the border security of the United States, and for other purposes; as follows:

On page 49, beginning on line 4, strike "The" and all that follows through "reviews" on line 7 and insert "Not later than two years after the date of enactment of this Act, and every two years thereafter, the Commissioner of Immigration and Naturalization, in consultation with the Secretary of Education, shall conduct a review".

On page 49, lines 22 and 23, strike "The Secretary of State shall conduct periodic reviews" and insert "Not later than two years after the date of enactment of this Act, and every two years thereafter, the Secretary of State shall conduct a review".

On page 50, line 16, strike "(c) EFFECT OF FAILURE TO COMPLY.—Failure" and insert "(c) EFFECT OF MATERIAL FAILURE TO COMPLY.—Material failure".

Beginning on page 50, line 24, strike "may" and all that follows through the period on line 5 of page 51 and insert the following: "shall result in the suspension for at least one year or termination, at the election of the Commissioner of Immigration and Naturalization, of the institution's approval to receive such students, or result in the suspension for at least one year or termination, at the election of the Secretary of State, of

the other entity's designation to sponsor exchange visitor program participants, as the case may be."

SA 3162. Mr. BYRD proposed an amendment to the bill H.R. 3525, to enhance the border security of the United States, and for other purposes; as follows:

Beginning on page 32, strike line 23 and all that follows through line 5 on page 33 and insert the following:

(a) REPORTING PASSPORT THEFTS.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(1) by adding at the end of subsection (c)(2) the following new subparagraph:

"(D) REPORTING PASSPORT THEFTS.—The government of the country certifies that it reports to the United States Government on a timely basis the theft of blank passports issued by that country."; and

(2) in subsection (c)(5)(A)(i), by striking "5 years" and inserting "2 years"; and

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

"(5) FAILURE TO REPORT PASSPORT THEFTS.—If the Attorney General and the Secretary of State jointly determine that the program country is not reporting the theft of blank passports, as required by subsection (c)(2)(D), the Attorney General shall terminate the designation of the country as a program country."

SA 3163. Mr. BYRD proposed an amendment to the bill H.R. 3525, to enhance the border security of the United States, and for other purposes; as follows:

On page 25, line 21, strike "October 26, 2003" and insert "October 26, 2004".

On page 26, lines 12 and 13, strike "October 26, 2003" and insert "October 26, 2004".

On page 26, lines 24 and 25, strike "October 26, 2003" and insert "October 26, 2004".

On page 28, line 2, strike "October 26, 2003" and insert "October 26, 2004".

On page 28, line 16, strike "October 26, 2003" and insert "October 26, 2004".

SA 3164. Mr. BYRD proposed an amendment to the bill H.R. 3525, to enhance the border security of the United States, and for other purposes; as follows:

On page 39, line 25, strike "\$300" and insert "\$1,000".

SA 3165. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ENERGY CREDIT FOR WIND ENERGY PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3) (defining energy property), as amended by this Act, is amended by striking "or" at the end of clause (iii), by adding "or" at the end of clause (iv), and by inserting after clause (iv) the following new clause:

"(v) qualified wind energy property,".

(b) QUALIFIED WIND ENERGY PROPERTY.—Subsection (a) of section 48, as amended by

this Act, is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, and by inserting after paragraph (5) the following new paragraph:

“(6) QUALIFIED WIND ENERGY PROPERTY.—For purposes of this subsection—

“(A) QUALIFIED WIND ENERGY PROPERTY.—The term ‘qualified wind energy property’ means a qualifying wind turbine if the property carries at least a 5-year limited warranty covering defects in design, material, or workmanship, and, for property that is not installed by the taxpayer, at least a 5-year limited warranty covering defects in installation.

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

(C) NO CARRYBACK OF ENERGY CREDIT BEFORE EFFECTIVE DATE.—Subsection (d) of section 39, as amended by this Act, is amended by adding at the end the following new paragraph:

“(20) NO CARRYBACK OF ENERGY CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the energy credit with respect to property described in section 48(a)(6) may be carried back to a taxable year ending before January 1, 2003.”

(D) CONFORMING AMENDMENTS.—

(A) Section 25C(e)(6), as added by this Act, is amended by striking “section 48(a)(6)(C)” and inserting “section 48(a)(7)(C)”.

(B) Section 29(b)(3)(A)(i)(III), as amended by this Act, is amended by striking “section 48(a)(6)(C)” and inserting “section 48(a)(7)(C)”.

(C) Section 48(a)(3)(C) is amended by inserting “(other than property described in subparagraph (A)(v)).” before “with respect”.

(E) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service or installed after December 31, 2002, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SA 3166. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 189, line 3, strike “2004” and insert “2008”.

On page 189, line 5, strike “2004” and insert “2008”.

On page 189, line 8, strike “2004” and insert “2008”.

On page 189, in the table between lines 10 and 11, strike the items relating to calendar years 2004 through 2007.

On page 190, lines 13 and 14, strike “each calendar year, through 2011,” and insert “each of calendar years 2007 through 2011.”

On page 190, line 19, strike “each calendar year, through 2011,” and insert “each of calendar years 2007 through 2011”.

On page 193, line 10, strike “2004” and insert “2008”.

On page 194, line 21, strike “2004” and insert “2008”.

On page 196, line 17, strike “2004” and insert “2008”.

On page 197, line 4, strike “2004” and insert “2008”.

On page 199, line 4, strike “2004” and insert “2008”.

On page 199, line 17, strike “2004” and insert “2008”.

SA 3167. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 189, line 3, strike “2004” and insert “2011”.

On page 189, line 5, strike “2004 THROUGH” and insert “2011 AND”.

On page 189, line 8, strike “2004 through” and insert “2011 and”.

On page 189, in the table between lines 10 and 11, strike the items relating to calendar years 2004 through 2010.

On page 190, lines 13 and 14, strike “each calendar year, through 2011,” and insert “each of calendar years 2010 and 2011.”

On page 190, line 19, strike “each calendar year, through 2011,” and insert “each of calendar years 2010 and 2011”.

On page 193, line 10, strike “2004 through” and insert “2011 and”.

On page 194, line 21, strike “2004” and insert “2011”.

On page 196, line 17, strike “2004” and insert “2011”.

On page 197, line 4, strike “2004” and insert “2011”.

On page 197, line 12, strike “2008” and insert “2011”.

On page 199, line 4, strike “2004” and insert “2011”.

On page 199, line 17, strike “2004” and insert “2011”.

SA 3168. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 216, after line 21, add the following:

SEC. ____ PHASEOUT OF TAX SUBSIDIES FOR ETHANOL FUEL AS MARKET SHARE OF SUCH FUEL INCREASES.

(a) IN GENERAL.—Not later than December 15 of 2002, and each subsequent calendar year, the Secretary of the Treasury shall determine the percentage increase (if any) of the ethanol fuel market share for the preceding calendar year over the highest ethanol fuel market share for any preceding calendar year and shall, notwithstanding any provision of the Internal Revenue Code of 1986, reduce by the same percentage the ethanol fuel subsidies under sections 40, 4041, 4081, and 4091 of such Code beginning on January 1 of the subsequent calendar year.

(b) ETHANOL FUEL MARKET SHARE.—For purposes of this section, the ethanol fuel market share for any calendar year shall be determined from data of the Energy Information Administration of the Department of Energy.

(c) ETHANOL FUEL.—For purposes of this section, the term ‘ethanol fuel’ means any fuel the alcohol in which is ethanol.

(d) FLOOR STOCK TAXES.—

(1) IMPOSITION OF TAX.—In the case of ethanol fuel which is held on any tax increase date by any person, there is hereby imposed a floor stocks tax in an amount determined by the Secretary to equal the reduction in ethanol fuel subsidies described in subsection (a) beginning on such date.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding ethanol fuel on any tax increase date to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before the date which is 6 months after such tax increase date.

(3) DEFINITIONS.—For purposes of this subsection—

(A) TAX INCREASE DATE.—The term “tax increase date” means any January 1 on which begins a reduction in ethanol fuel subsidies described in subsection (a).

(B) HELD BY A PERSON.—Ethanol fuel shall be considered as “held by a person” if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

(4) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to ethanol fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4041, 4081, or 4091 of the Internal Revenue Code of 1986 is allowable for such use.

(5) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by paragraph (1) on ethanol fuel held in the tank of a motor vehicle or motorboat.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on ethanol fuel held on any tax increase date by any person if the aggregate amount of ethanol fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (4) or (5).

(C) CONTROLLED GROUPS.—For purposes of this paragraph—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group of corporations shall be treated as 1 person.

(II) CONTROLLED GROUP OF CORPORATIONS.—The term “controlled group of corporations” has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of clause (i) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of

this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section 4081.

SA 3169. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 189, line 3, strike “2004” and insert “2006”.

On page 189, line 5, strike “2004” and insert “2006”.

On page 189, line 8, strike “2004” and insert “2006”.

On page 189, in the table between lines 10 and 11, strike the items relating to calendar years 2004 and 2005.

On page 190, lines 13 and 14, strike “each calendar year, through 2011,” and insert “each of calendar years 2005 through 2011.”

On page 190, line 19, strike “each calendar year, through 2011,” and insert “each of calendar years 2005 through 2011.”

On page 193, line 10, strike “2004” and insert “2006”.

On page 194, line 21, strike “2004” and insert “2006”.

On page 196, line 17, strike “2004” and insert “2006”.

On page 197, line 4, strike “2004” and insert “2006”.

On page 199, line 4, strike “2004” and insert “2006”.

On page 199, line 17, strike “2004” and insert “2006”.

SA 3170. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 195, strike line 19 and all that follows through page 196, line 4, and insert the following:

“(B) PETITIONS FOR WAIVERS.—

“(i) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove a State petition for a waiver of the requirement of paragraph (2) within 90 days after the date on which the petition is received by the Administrator.

“(ii) FAILURE TO ACT.—If the Administrator fails to approve or disapprove a petition within the period specified in clause (i), the petition shall be deemed to be approved.

SA 3171. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 189, line 3, strike “2004” and insert “2007”.

On page 189, line 5, strike “2004” and insert “2007”.

On page 189, line 8, strike “2004” and insert “2007”.

On page 189, in the table between lines 10 and 11, strike the items relating to calendar years 2004 through 2006.

On page 190, lines 13 and 14, strike “each calendar year, through 2011,” and insert “each of calendar years 2006 through 2011.”

On page 190, line 19, strike “each calendar year, through 2011,” and insert “each of calendar years 2006 through 2011.”

On page 193, line 10, strike “2004” and insert “2007”.

On page 194, line 21, strike “2004” and insert “2007”.

On page 196, line 17, strike “2004” and insert “2007”.

On page 197, line 4, strike “2004” and insert “2007”.

On page 199, line 4, strike “2004” and insert “2007”.

On page 199, line 17, strike “2004” and insert “2007”.

SA 3172. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 216, after line 21, add the following:

SEC. ____ ELIMINATION OF TAX SUBSIDIES FOR ETHANOL FUEL.

(a) ELIMINATION OF CREDIT FOR ALCOHOL USED AS FUEL.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by striking section 40 (relating to alcohol used as fuel).

(2) CLERICAL AND CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 38 (relating to general business credit), as amended by this Act, is amended by striking paragraph (3) and by redesignating paragraphs (4) through (23) as paragraphs (3) through (22), respectively.

(B) Paragraph (3) of section 38(d) (relating to credits no longer listed) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following new subparagraph:

“(C) The credit allowable by section 40, as in effect on the day before the date of the enactment of this subparagraph (relating to alcohol used as fuel) shall be treated as referred to after the last paragraph of subsection (b) and after any credits treated as referred to by reason of subparagraph (A).”

(C) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by striking the item relating to section 40.

(D)(i) Part II of subchapter B of chapter 1 is amended by striking section 87 (relating to alcohol fuel credit).

(ii) The table of sections for part II of subchapter B of chapter 1 is amended by striking the item relating to section 87.

(iii) Subsection (a) of section 56 (relating to adjustments in computing alternative minimum taxable income) is amended by striking paragraph (7) (relating to section 87 not applicable).

(E) Subsection (c) of section 196 (relating to qualified business credits), as amended by

this Act, is amended by striking paragraph (3) and redesignating paragraphs (4) through (12) as paragraphs (3) through (11), respectively.

(F) Section 6501(m) (relating to deficiencies attributable to election of certain credits), as amended by this Act, is amended by striking “(40(f))”.

(b) REDUCTIONS OF OTHER INCENTIVES FOR ETHANOL FUEL.—

(1) REPEAL OF REDUCED RATE ON ETHANOL FUEL NOT PRODUCED FROM PETROLEUM OR NATURAL GAS.—Subsection (b) of section 4041 is amended to read as follows:

“(b) EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—

“(1) IN GENERAL.—No tax shall be imposed by subsection (a) or (d)(1) on liquids sold for use or used in an off-highway business use.

“(2) TAX WHERE OTHER USE.—If a liquid on which no tax was imposed by reason of paragraph (1) is used otherwise than in an off-highway business use, a tax shall be imposed by paragraph (1)(B), (2)(B), or (3)(A)(ii) of subsection (a) (whichever is appropriate) and by the corresponding provision of subsection (d)(1) (if any).

“(3) OFF-HIGHWAY BUSINESS USE DEFINED.—For purposes of this subsection, the term ‘off-highway business use’ has the meaning given to such term by section 6421(e)(2); except that such term shall not, for purposes of subsection (a)(1), include use in a diesel-powered train.”

(2) REPEAL OF REDUCED RATE ON ETHANOL FUEL PRODUCED FROM NATURAL GAS.—

(A) Paragraph (1) of section 4041(m) is amended by striking “or ethanol” in the material preceding subparagraph (A).

(B) Clause (i) of section 4041(m)(1)(A) is amended by striking “2005—” and all that follows and inserting “2005, 9.15 cents per gallon, and”.

(C) Clause (ii) of section 4041(m)(1)(A) is amended by striking “2005—” and all that follows and inserting “2005, 2.15 cents per gallon, and”.

(D) Paragraph (2) of section 4041(m) is amended—

(i) by striking “or ethanol” each place it appears in the heading and text,

(ii) by striking “, ethanol,” and

(iii) by inserting “(other than ethanol)” after “alcohol”.

(c) TAX OF FUEL ALCOHOL TO SAME EXTENT AS OTHER MOTOR FUELS.—

(1) TREATMENT AS TAXABLE FUEL.—Paragraph (1) of section 4083(a) (defining taxable fuel) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by adding at the end the following:

“(D) fuel alcohol.”

(2) DEFINITION OF FUEL ALCOHOL.—Subsection (a) of section 4083 is amended by adding at the end the following new paragraph:

“(4) FUEL ALCOHOL.—The term ‘fuel alcohol’ means any alcohol (including ethanol and methanol)—

“(A) which is produced other than from petroleum, natural gas, or coal (including peat), and

“(B) which is withdrawn from the distillery where produced free of tax under chapter 51 by reason of section 5181 or so much of section 5214(a)(1) as relates to fuel use.”

(3) RATE OF TAX.—Clause (i) of section 4081(a)(2)(A) is amended by striking “(other than aviation gasoline)” and inserting “(other than aviation gasoline) and fuel alcohol”.

(4) SPECIAL RULES FOR IMPOSITION OF TAX.—Paragraph (1) of section 4081(a) is amended by adding at the end the following new subparagraph:

“(C) SPECIAL RULES FOR FUEL ALCOHOL.—In the case of fuel alcohol—

“(i) the distillery where produced shall be treated as a refinery, and

“(ii) subparagraph (B) shall be applied by including transfers by truck or rail in excess of such minimum quantities as the Secretary shall prescribe.”

(5) REPEAL OF REDUCED RATES ON ALCOHOL FUELS.—

(A) Section 4041 is amended by striking subsection (k).

(B) Section 4081 is amended by striking subsection (c).

(C) Section 4091 is amended by striking subsection (c).

(6) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 4041(a)(2) is amended—

(i) by inserting “other than fuel alcohol” after “any product”, and

(ii) by adding at the end the following flush sentence:

“No tax shall be imposed by this paragraph on the sale or use of any fuel alcohol if tax was imposed on such alcohol under section 4081 and the tax thereon was not credited or refunded.”

(B) Section 6427 is amended by striking subsection (f).

(C) Subsection (i) of section 6427 is amended by striking paragraph (3).

(D) Paragraph (2) of section 6427(k) is amended by striking “(3).”

(E)(i) Paragraph (1) of section 6427(l) is amended by striking “or” at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

“(B) any fuel alcohol (as defined in section 4083) on which tax has been imposed by section 4041 or 4081, or”.

(ii) Paragraph (2) of section 6427(l) is amended by striking “and” at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

“(B) in the case of fuel alcohol (as so defined), any use which is exempt from the tax imposed by section 4041(a)(2) other than by reason of a prior imposition of tax, and”.

(iii) The heading of subsection (l) of section 6427 is amended by inserting “, FUEL ALCOHOL,” after “KEROSENE”.

(F) Sections 9503(b)(1)(D) and 9508(b)(2) are each amended by striking “and kerosene” and inserting “kerosene, and fuel alcohol”.

(G) Subsection (e) of section 9502 is amended by striking paragraph (2).

(H) Paragraph (4) of section 9503(b) is amended by adding “and” at the end of subparagraph (C), by striking the comma at the end of subparagraph (D) and inserting a period, and by striking subparagraphs (E) and (F).

(d) EFFECTIVE DATES.—

(1) GENERAL RULE.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ELIMINATION OF SECTION 40 CREDIT.—The amendments made by subsection (a) shall apply to alcohol produced after the date of the enactment of this Act.

(e) FLOOR STOCK TAXES.—

(1) IMPOSITION OF TAX.—In the case of fuel alcohol which is held on the date of the enactment of this Act by any person, there is hereby imposed a floor stocks tax of 18.4 cents per gallon.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding fuel alcohol on the date of the enactment of this Act to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before the date which is 6 months after the date of the enactment of this Act.

(3) DEFINITIONS.—For purposes of this subsection—

(A) FUEL ALCOHOL.—The term “fuel alcohol” has the meaning given such term by section 4083 of the Internal Revenue Code of 1986, as amended by this section.

(B) HELD BY A PERSON.—Fuel alcohol shall be considered as “held by a person” if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term “Secretary” means the Secretary of the Treasury or his delegate.

(4) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to fuel alcohol held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 of the Internal Revenue Code of 1986 is allowable for such use.

(5) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by paragraph (1) on fuel alcohol held in the tank of a motor vehicle or motorboat.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on fuel alcohol held on the date of the enactment of this Act by any person if the aggregate amount of fuel alcohol held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (4) or (5).

(C) CONTROLLED GROUPS.—For purposes of this paragraph—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group of corporations shall be treated as 1 person.

(II) CONTROLLED GROUP OF CORPORATIONS.—The term “controlled group of corporations” has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of clause (i) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section 4081.

SA 3173. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships

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

On page 189, line 3, strike “2004” and insert “2009”.

On page 189, line 5, strike “2004” and insert “2009”.

On page 189, line 8, strike “2004” and insert “2009”.

On page 189, in the table between lines 10 and 11, strike the items relating to calendar years 2004 through 2008.

On page 189, lines 13 and 14, strike “each calendar year, through 2011,” and insert “each of calendar years 2008 through 2011.”

On page 190, line 19, strike “each calendar year, through 2011,” and insert “each of calendar years 2008 through 2011”.

On page 193, line 10, strike “2004” and insert “2009”.

On page 194, line 21, strike “2004” and insert “2009”.

On page 196, line 17, strike “2004” and insert “2009”.

On page 197, line 4, strike “2004” and insert “2009”.

On page 197, line 12, strike “2008” and insert “2009”.

On page 199, line 4, strike “2004” and insert “2009”.

On page 199, line 17, strike “2004” and insert “2009”.

SA 3174. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 189, line 3, strike “2004” and insert “2012”.

On page 189, lines 5 and 6, strike “YEARS 2004 THROUGH 2012” and insert “YEAR 2012”.

On page 189, lines 7 and 8, strike “any of calendar years 2004 through 2012” and insert “calendar year 2012”.

On page 189, in the table between lines 10 and 11, strike the items relating to calendar years 2004 through 2011.

On page 190, lines 13 and 14, strike “each calendar year, through 2011,” and insert “calendar year 2011.”

On page 190, line 19, strike “each calendar year, through 2011,” and insert “calendar year 2011”.

On page 193, lines 9 and 10, strike “each of calendar years 2004 through 2012” and insert “calendar year 2012”.

On page 194, line 21, strike “2004” and insert “2012”.

On page 196, line 17, strike “2004” and insert “2012”.

On page 197, line 4, strike “2004” and insert “2012”.

On page 197, line 12, strike “2008” and insert “2012”.

On page 199, line 4, strike “2004” and insert “2012”.

On page 199, line 17, strike “2004” and insert “2012”.

SA 3175. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and

for other purposes; which was ordered to lie on the table; as follows:

On page 188, line 15, insert "in any of calendar years 2004 through 2012" after "States".

On page 189, strike lines 4 through 6 and insert the following:

"(B) APPLICABLE VOLUME.—For the purpose of subparagraph

Beginning on page 189, strike line 11 and all that follows through page 190, line 11.

SA 3176. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 189, line 3, strike "2004" and insert "2010".

On page 189, line 5, strike "2004" and insert "2010".

On page 189, line 8, strike "2004" and insert "2010".

On page 189, in the table between lines 10 and 11, strike the items relating to calendar years 2004 through 2009.

On page 190, lines 13 and 14, strike "each calendar year, through 2011," and insert "each of calendar years 2009 through 2011."

On page 190, line 19, strike "each calendar year, through 2011," and insert "each of calendar years 2009 through 2011".

On page 193, line 10, strike "2004" and insert "2010".

On page 194, line 21, strike "2004" and insert "2010".

On page 196, line 17, strike "2004" and insert "2010".

On page 197, line 4, strike "2004" and insert "2010".

On page 197, line 12, strike "2008" and insert "2010".

On page 199, line 4, strike "2004" and insert "2010".

On page 199, line 17, strike "2004" and insert "2010".

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold 2 days of hearings on the subcommittee's 10-month investigation into gasoline prices entitled "Gas Prices: How Are They Really Set?"

In the spring and early summer of 2001, most parts of the country experienced a dramatic increase in the price of gasoline. Numerous consumer groups expressed concern over price gouging. The oil companies responded that there were problems with supply. This series of hearings by the Permanent Subcommittee on Investigations will explore how gasoline prices are set and why they have become so volatile.

The hearing will take place on Tuesday, April 30, and Thursday, May 2, 2002, at 9:30 a.m., each day, in room 342 of the Dirksen Senate Office Building. For further information, please contact

Elise Bean of the subcommittee staff at 224-9505.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 18, 2002, at 9:30 a.m., on pending committee business.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 18, 2002, at 9:30 a.m., to hear testimony on corporate governance and executive compensation.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, April 18, 2002, at 9:30 a.m., for the purpose of holding a hearing entitled "The State of Public Health Preparedness for Terrorism Involving Weapons of Mass Destruction: A Six-Month Report Card."

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

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be authorized to meet for a hearing on "Over One Year Later: Inadequate Progress On America's Leading Cause Of Workplace Injury," during the session of the Senate on Thursday, April 18, 2002, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 18, 2002, at 10 a.m., in Dirksen Room 226.

Agenda

I. Nominations

Jeffrey Howard for the United States Court of Appeals for the First Circuit; Percy Anderson for the United States District Court for the Central District of California; Michael M. Baylson United States District Court for the Eastern District of Pennsylvania; William C. Griesbach for the United States District Court for the Eastern District of Wisconsin; Joan E. Lancaster for the United States District Court for the District of Minnesota; Cynthia M. Rufe for the United States District Court for the Eastern District of Pennsylvania; and John F. Walter for the United States District Court for the Central District of California.

To be Deputy Directors of the Office of National Drug Control Policy: Mary Ann Solberg and Barry Crane.

To be United States Attorney: Frank DeArmon Whitney for the Eastern District of North Carolina and Debra W. Yang for the Central Dist of California.

II. Bills

H. Con. Res. 243, expressing the sense of the Congress that the Public Safety Officer Medal of Valor should be presented to the public safety officers who have perished and select other public safety officers who deserve special recognition for outstanding valor above and beyond the call of duty in the aftermath of the terrorist attacks in the United States on September 11, 2001. [Crowley]

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. [Stevens]

S. Con. Res. 75, a concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be presented to public safety officers killed or seriously injured as a result of the terrorist attacks perpetrated against the United States on September 11, 2001, and to those who participated in the search, rescue and recovery efforts in the aftermath of those attacks. [Harkin]

S. 864, Anti-Atrocity Alien Deportation Act of 2001, with Leahy/Hatch substitute. [Leahy/Lieberman/Levin]

S. 2031, Intellectual Property Protection Restoration Act of 2002. [Leahy/Brownback]

S. 2010, Corporate and Criminal Fraud Accountability Act of 2002. [Leahy/Daschle/Durbin]

S. 1615, Federal-Local Information Sharing Partnership Act of 2001. [Schumer/Clinton/Leahy/Hatch]

III. Resolution

S. Res. , Designating the Week of May 5 through May 11, 2002 as "National Occupational Safety and Health Week."

IV. Committee Business

Committee Resolution to Authorize Antitrust Subpoena.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 18, at 3 p.m., to conduct a hearing.

The purpose of the hearing is to receive testimony on the following bills: S. 1441 and H.R. 695, to establish the Oil Region National Heritage Area; S. 1526, to establish the Arabia Mountain National Heritage Area in the State of