

improve such programs, and for other purposes.

S. 667

At the request of Mrs. CLINTON, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 682

At the request of Mr. KENNEDY, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from North Carolina (Mrs. DOLE) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 682, a bill to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 691

At the request of Mr. CONRAD, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 713

At the request of Mr. OBAMA, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 731

At the request of Mr. SALAZAR, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 731, a bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes.

S. 747

At the request of Mr. ISAKSON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 747, a bill to terminate the Internal Revenue Code of 1986, and for other purposes.

S. 756

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 756, a bill to authorize appropriations for the Department of Defense to address the equipment reset and other equipment needs of the National Guard, and for other purposes.

S. 761

At the request of Mr. REID, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the

competitiveness of the United States in the global economy.

S. 803

At the request of Mrs. ROCKEFELLER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 844

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 844, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S.J. RES. 9

At the request of Mr. SALAZAR, his name was withdrawn as a cosponsor of S.J. Res. 9, a joint resolution to revise United States policy on Iraq.

S. CON. RES. 14

At the request of Ms. SNOWE, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. Con. Res. 14, a concurrent resolution commemorating the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, a leading association for the 1,300,000 United States citizens of Greek ancestry and Philhellenes in the United States.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 873. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high employment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, one of the key components to success in our classrooms is a qualified teacher. One of the provisions of the No Child Left Behind Act mandates the hiring of qualified teachers by every school in every district.

But what are the incentives to keep qualified teachers in the classroom? I believe we need more targeted incentives to reward teachers willing to stay in the classroom, especially in rural schools and high poverty schools.

Unfortunately, without our help, America's poor and rural schools may not be able to attract the qualified teachers this legislation mandates and our children deserve. Isolated, struggling and competing against higher paying well-funded school districts for scarce classroom talent, such school faces a shortage of qualified teachers. As pressure to hire qualified teachers increases, this shortage will become a crisis, and children already at a disadvantage in relation to their more affluent and less isolated peers will be the ones who suffer most.

Today, I propose a bill that will help bring dedicated and qualified teaching professionals to West Virginia's and America's poor and rural schools, and help give their students the opportunity to learn and flourish that every child deserves. The Incentives To Educate American Children Act—or "I Teach" Act—will provide teachers a refundable tax credit every year they practice their profession in the public schools where they are needed most. And it will give every public school teacher—whichever school they choose—a refundable tax credit for earning certification by the National Board for Professional Teaching Standards. Together, these two tax credits will give economically depressed areas a better ability to recruit and retain skilled teachers.

One-fourth of America's children attend public schools in rural areas, and of the 250 poorest counties in the United States, 244 are rural. West Virginia has rural schools scattered through 36 of its 55 counties, and these schools face real challenges in recruiting and retaining teachers, as well as dealing with other issues related to their rural location.

Attracting teachers to these schools is difficult in large part due to the vast gap between what rural districts are able to offer and the salaries paid by more affluent school districts—as wide as \$20,000 a year, according to one study. Disadvantaged schools must overcome similar difficulties. It is often a challenge for these schools to attract and keep qualified teachers. Yet according to the 2001 No Child Left Behind Act, every school must have qualified teachers by the end of the 2005–2006 school year.

My "I Teach" Act will reward teachers willing to work in rural or high poverty schools with an annual \$1,000 refundable tax credit. If a teacher obtains certification by the National Board for Professional Teaching Standards, they will receive an additional annual \$1,000 refundable tax credit.

Every teacher willing to work in underserved schools will earn a tax credit. Every teacher who gets certified will earn a tax credit. Teachers who work in rural or disadvantaged schools and get certified will earn both. Schools that desperately need help attracting teachers will get a boost. And children educated in poor and rural schools will benefit most.

In my State of West Virginia, as in over 30 other States, there is already a State fiscal incentive for teachers who earn national board certification. There are over 55,000 teachers with a national board certificate, and 290 are West Virginia teachers. West Virginia offers our national board teachers a \$2500 bonus. My legislation builds upon the West Virginia program; together, they add up to a powerful tax incentive for teachers to remain in the classroom and to use their skills where they are most needed.

I have spent a great deal of time in West Virginia classrooms this year,

and it has become obvious to me that our education agenda suffers greatly from inadequate funding on a number of fronts. That is why I Teach is part of my education agenda. I also want to promote school construction bonds to improve our schools and renovate aging classrooms. For a decade, I have fought for the E-Rate program to provide \$2.25 billion in discounts to connect our schools and libraries to modern technology.

Education must be among our top national priorities, essential for every family with a child and vital for our economic and national security. I supported the bold goals and higher standards of the 2001 No Child Left Behind Act, but they won't be met unless our schools have the teachers and resources they need. I am committed to working closely with my Senate colleagues this year to secure as much funding as possible for our children's education.

As important as school construction and technology are in the classroom, neither can replace a qualified and motivated teacher; therefore making it easier for underserved schools to attract the teachers they need remains one of my most important objectives. I hope each of my colleagues will join me in supporting this important legislation which takes a great stride toward providing better education for every child in the United States.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 875. A bill to improve energy security of the United States through a 50 percent reduction in the oil intensity of the economy of the United States by 2030 and the prudent expansion of secure oil supplies, to be achieved by raising the fuel efficiency of the vehicular transportation fleet, increasing the availability of alternative fuel sources, fostering responsible oil exploration and production, and improving international arrangements to secure the global oil supply, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am pleased to be joined by Senator CRAIG to introduce legislation called the Security and Fuel Efficiency Act of 2007 or SAFE Energy Act. This legislation is a balanced plan with the overall goal to improve the energy security of the U.S. through a 50 percent reduction in the oil intensity of the economy by 2030.

What that means, plainly, is that if we used more than 4 barrels of oil in 1973 for every one unit of GDP and are using just over 2 barrels of oil per unit of GDP today, then under the provisions of the SAFE Energy Act we are striving to get down to 1 barrel of oil per GDP by 2030. This is important to me because the United States remains dangerously dependent on foreign sources of oil. Today we import over 60 percent of our oil from Iraq, Kuwait, Saudi Arabia, and other unstable regions of the world. This is very troubling to me.

In the United States, we use about 67 percent of our oil to power our vehicles. This is the area where we are least secure and increasingly dependent. I am proposing along with my colleague, Senator CRAIG, a bipartisan, balanced approach to securing our future energy through reducing our dependence on foreign oil.

Our proposal is grounded in four cornerstone principles. The first principle is achievable, stepped increases in fuel efficiency of the transportation fleet. The second principle promotes increased availability of alternative fuel sources and infrastructure. The third principle calls for expanded production and enhanced exploration of domestic and other secure oil and natural gas resources. Finally, the fourth principle improves the management of alliances to better secure global energy supplies.

Senator CRAIG and I came together on this legislation because we believe that bolder energy security measures must be taken now to address our long-term security, economic growth and environmental protection. Producing much of our energy at home will also address other major challenges.

There is no silver bullet to solving our energy dependence. Digging and drilling is a strategy I call yesterday forever. Conservation alone is not the answer. Renewable fuels hold promise, but we need to do much more here. We believe the combination of steps in the SAFE Energy Act sets the right pathway to U.S. energy security.

I ask unanimous consent that the text of the Security and Fuel Efficiency Energy Act of 2007 be printed in the RECORD.

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

S. 875

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Security and Fuel Efficiency Energy Act of 2007" or the "SAFE Energy Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—INCREASED FUEL EFFICIENCY OF THE TRANSPORTATION SECTOR

Sec. 101. Definitions.

Sec. 102. Annual increase in average fuel economy standards.

Sec. 103. Tax credits for alternative motor vehicles and fuel-efficient motor vehicles.

Sec. 104. Advanced technology motor vehicles manufacturing credit.

Sec. 105. Increase in maximum allowable gross weight for vehicles using the National System of Interstate and Defense Highways.

#### TITLE II—INCREASED USE OF ALTERNATIVE FUELS AND INFRASTRUCTURE

Sec. 201. Renewable fuel standard.

Sec. 202. Modification of credit for alternative fuel vehicle refueling property.

Sec. 203. Ethanol-blend fuel infrastructure.

Sec. 204. Requirement to increase percentage of dual fueled automobiles.

Sec. 205. Emerging biofuels.

Sec. 206. Biodiesel.

Sec. 207. Unconventional fossil fuels.

Sec. 208. Study of incentives for renewable fuels.

#### TITLE III—DEVELOPMENT AND INVENTORY OF CERTAIN OUTER CONTINENTAL SHELF RESOURCES

Sec. 301. Definition.

Sec. 302. Authorization of activities and exports involving hydrocarbon resources by United States persons.

Sec. 303. Travel in connection with authorized hydrocarbon exploration and extraction activities.

Sec. 304. Moratorium of oil and gas leasing in certain areas of the Gulf of Mexico.

Sec. 305. Inventory of outer Continental Shelf oil and natural gas resources off southeastern coast of the United States.

Sec. 306. Enhanced oil recovery.

#### TITLE IV—MANAGEMENT OF ENERGY RISKS

Sec. 401. Bureau of International Energy Policy.

Sec. 402. Strategic energy infrastructure equipment reserve.

#### TITLE I—INCREASED FUEL EFFICIENCY OF THE TRANSPORTATION SECTOR

##### SEC. 101. DEFINITIONS.

(a) DEFINITION OF AUTOMOBILE.—Section 32901(a)(3) of title 49, United States Code, is amended—

(1) by striking "4-wheeled"; and

(2) by striking ", and rated at—" and all that follows and inserting a period.

(b) DEFINITION OF PASSENGER AUTOMOBILE.—Section 32901(a)(16) of such title is amended by striking "decides by regulation—" and all that follows through the period and inserting "determines by regulation, to have a significant feature (except 4-wheel drive) designed for off-highway operation."

(c) FUEL ECONOMY INFORMATION.—Section 32908(a) of such title is amended—

(1) in the subsection header, by striking "DEFINITIONS" and inserting "DEFINITION"; and

(2) by striking "section—" and all that follows through "(2)" and inserting "section, the term".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010, and shall apply to automobiles manufactured for model year 2012 and for each subsequent model year.

##### SEC. 102. ANNUAL INCREASE IN AVERAGE FUEL ECONOMY STANDARDS.

(a) FUEL EFFICIENCY STANDARDS.—

(1) IN GENERAL.—Section 32902 of title 49, United States Code, is amended by striking subsections (a) through (c) and inserting the following:

"(a) IN GENERAL.—Not later than 18 months before the beginning of each model year beginning with model year 2012, the Secretary of Transportation, by regulation, shall prescribe average fuel economy standards for automobiles manufactured by a manufacturer for that model year in accordance with subsection (b). The Secretary of Transportation shall prescribe separate average fuel economy standards for different classes of automobiles. The Secretary shall establish average fuel economy standards for medium-duty trucks that are consistent with the projected benefits of hybridization. In this section, the term 'medium-duty truck' means a truck (as defined in section 30127) with a gross vehicle weight between 10,000 and 26,000 pounds.

"(b) ANNUAL INCREASES IN FUEL ECONOMY STANDARDS.—

“(1) FOR MODEL YEAR 2012.—For model year 2012, the average fuel economy standard for each class of automobiles shall be the average combined highway and city miles per gallon performance of all automobiles within that class of automobiles in 2011 (rounded to the nearest 1/10 mile per gallon).

“(2) FOR MODEL YEARS AFTER MODEL YEAR 2012.—For each model year beginning with model year 2013 and ending with model year 2030, the average fuel economy attained by the fleet of automobiles manufactured or sold in the United States shall be at least 4 percent greater than the average fuel economy standard for the fleet in the previous model year (rounded to the nearest 1/10 mile per gallon).

“(C) AMENDING FUEL ECONOMY STANDARDS.—

“(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the Secretary of Transportation may prescribe an average fuel economy standard for a class of automobiles in a model year that is lower than the standard required under subsection (b) if the Secretary of Transportation, in consultation with the National Academy of Sciences, determines that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for that class of automobiles in that model year—

“(A) is technologically not achievable;

“(B) cannot be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States and no offsetting safety improvements can be practicably implemented for that model year; or

“(C) is shown not to be cost effective.

“(2) MAXIMUM STANDARD.—Any average fuel economy standard prescribed for a class of automobiles in a model year under paragraph (1) shall be the maximum standard that—

“(A) is technologically achievable;

“(B) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States; and

“(C) is cost effective.

“(3) CONSIDERATIONS IN DETERMINATION OF COST EFFECTIVENESS.—In determining cost effectiveness under paragraph (1)(C), the Secretary of Transportation shall take into account the total value to the United States of reduced petroleum use, including the value of reducing external costs of petroleum use, using a value for such costs equal to 50 percent of the value of 1 gallon of gasoline saved or the amount determined in an analysis of the external costs of petroleum use that considers—

“(A) value to consumers;

“(B) economic security;

“(C) national security;

“(D) foreign policy;

“(E) the impact of oil use—

“(i) on sustained cartel rents paid to foreign suppliers;

“(ii) on long-run potential gross domestic product due to higher normal-market oil price levels, including inflationary impacts;

“(iii) on import costs, wealth transfers, and potential gross domestic product due to increased trade imbalances;

“(iv) on import costs and wealth transfers during oil shocks;

“(v) on macroeconomic dislocation and adjustment costs during oil shocks;

“(vi) on the cost of existing energy security policies, including the management of the Strategic Petroleum Reserve;

“(vii) on the timing and severity of the oil peaking problem;

“(viii) on the risk, probability, size, and duration of oil supply disruptions;

“(ix) on the strategic behavior of the Organization of the Petroleum Exporting Countries and long-run oil pricing;

“(x) on the short term elasticity of energy demand and the magnitude of price increases resulting from a supply shock;

“(xi) on oil imports, military costs, and related security costs, including intelligence, homeland security, sea lane security and infrastructure, and other military activities;

“(xii) on oil imports, diplomatic and foreign policy flexibility, and connections to geopolitical strife, terrorism, and international development activities;

“(xiii) all relevant environmental hazards under the jurisdiction of the Environmental Protection Agency; and

“(xiv) on well-to-wheels urban and local air emissions of pollutants and their uninternalized costs;

“(F) the impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases;

“(G) the impact of United States payments for oil imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries;

“(H) the uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage; and

“(I) additional relevant factors, as determined by the Secretary.

“(4) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation may not use a value less than the greatest of—

“(A) the average national cost of a gallon of gasoline sold in the United States during the 12-month period ending on the date on which the new fuel economy standard is proposed;

“(B) the most recent weekly estimate by the Energy Information Administration of the Department of Energy of the average national cost of a gallon of gasoline (all grades) sold in the United States; or

“(C) the gasoline prices projected by the Energy Information Administration for the 20-year period beginning in the year following the year in which the standards are established.”.

(2) CONFORMING AMENDMENTS.—Title 49, United States Code, is amended—

(A) in section 32902—

(i) in subsection (d) by striking “subsection (b) or (c) of this section” and inserting “subsection (a), (b), or (c)”;

(ii) by striking subsection (f);

(iii) in subsection (g)—

(I) by striking “subsection (a) or (d)” and inserting “this section”; and

(II) by striking “(and submit the amendment to Congress when required under subsection (c)(2) of this section)”;

(iv) in subsection (h) by striking “subsections (c), (f), and (g) of this section” and inserting “subsections (c) and (g)”;

(B) in section 32903—

(i) by striking “section 32902(b)–(d) of this title” each place it occurs and inserting “subsections (a) through (d) of section 32902”; and

(ii) in subsection (e), by striking “section 32902(a) of this title” and inserting “subsections (a) through (d) of section 32902”; and

(C) in section 32904—

(i) in subsection (a)—

(I) by striking “subject to—” and all that follows through “(B) section 32902(a)–(d) of this title” and inserting “subject to subsections (a) through (d) of section 32902”; and

(II) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(i) by striking subsection (b); and

(iii) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(b) REPEAL OF CREDIT FOR DUAL FUELED AUTOMOBILES.—

(1) IN GENERAL.—Section 32905 of title 49, United States Code, is amended—

(A) by amending subsection (b) to read as follows:

“(b) DUAL FUELED AUTOMOBILES.—The Administrator of the Environmental Protection Agency shall measure the fuel economy for any model of dual fueled automobile manufactured in model year 2012 and any model year thereafter, in accordance with section 32904.”; and

(B) by amending subsection (d) to read as follows:

“(d) GASEOUS FUEL DUAL FUELED AUTOMOBILES.—The Administrator of the Environmental Protection Agency shall measure the fuel economy for any model of gaseous fuel dual fueled automobile manufactured in model year 2012 and any model year thereafter, in accordance with section 32904.”.

(2) CONFORMING AMENDMENTS.—Such section 32905 is further amended—

(A) by repealing subsection (f); and

(B) redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010.

**SEC. 103. TAX CREDITS FOR ALTERNATIVE MOTOR VEHICLES AND FUEL-EFFICIENT MOTOR VEHICLES.**

(a) MODIFICATIONS TO ALTERNATIVE MOTOR VEHICLE CREDIT.—

(1) ELIMINATION OF LIMITATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN BURN TECHNOLOGY VEHICLES ELIGIBLE FOR FULL ALTERNATIVE MOTOR VEHICLE TAX CREDIT.—

(A) IN GENERAL.—Section 30B of the Internal Revenue Code of 1986 is amended—

(i) by striking subsection (f); and

(ii) by redesignating subsections (g) through (j), as amended by subsection (a), as subsections (f) through (i), respectively.

(B) CONFORMING AMENDMENTS.—

(i) Paragraphs (4) and (6) of section 30B(g) of such Code, as redesignated by paragraph (1)(B), are each amended by striking “(determined without regard to subsection (g))” and inserting “(determined without regard to subsection (f))”.

(ii) Section 38(b)(25) of such Code is amended by striking “section 30B(g)(1)” and inserting “section 30B(f)(1)”.

(iii) Section 55(c)(2) of such Code is amended by striking “section 30B(g)(2)” and inserting “section 30B(f)(2)”.

(iv) Section 1016(a)(36) of such Code is amended by striking “section 30B(h)(4)” and inserting “section 30B(g)(4)”.

(v) Section 6501(m) of such Code is amended by striking “section 30B(h)(9)” and inserting “section 30B(g)(9)”.

(C) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2005, in taxable years ending after such date.

(2) EXTENSION OF NEW QUALIFIED HYBRID MOTOR VEHICLE CREDIT FOR VEHICLES OVER 8,500 POUNDS.—Paragraph (3) of section 30B(i), as redesignated by subsection (a)(1)(B), is amended by striking “2009” and inserting “2011”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to vehicles placed in service after the date of the enactment of this Act.

(b) CREDIT FOR NEW QUALIFIED FUEL-EFFICIENT VEHICLES PRODUCED AFTER 2010.—

(1) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal

Revenue Code of 1986 is amended by adding at the end the following new section:

**“SEC. 30D. NEW QUALIFIED FUEL-EFFICIENT MOTOR VEHICLE CREDIT.**

“(a) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the amount determined under subsection (b) with respect to each new qualified fuel-efficient motor vehicle placed in service by the taxpayer during the taxable year.

“(b) CREDIT AMOUNT.—

“(1) FUEL ECONOMY.—

“(A) IN GENERAL.—The credit amount determined under this paragraph shall be determined in accordance with the following table:

In the case of a vehicle which achieves a fuel economy (expressed as a percentage of the 2012 model year average fuel economy standard) of—	The credit amount is—
At least 125 percent but less than 150 percent .....	\$400
At least 150 percent but less than 175 percent .....	\$800
At least 175 percent but less than 200 percent .....	\$1,200
At least 200 percent but less than 225 percent .....	\$1,600
At least 220 percent but less than 250 percent .....	\$2,000
At least 250 percent .....	\$2,400

“(B) 2012 MODEL YEAR AVERAGE FUEL ECONOMY STANDARD.—For purposes of subparagraph (A), the 2012 model year average fuel economy standard with respect to a vehicle shall be the average fuel economy standard (determined on a gasoline gallon equivalent basis) for such model year, as prescribed by the Secretary of Transportation under section 32902 of title 49, United States Code, with respect to the class to which such vehicle belongs.

“(2) CONSERVATION CREDIT.—The amount determined under paragraph (1) with respect to a new qualified fuel-efficient motor vehicle shall be increased by the conservation credit amount determined in accordance with the following table:

In the case of a vehicle which achieves a lifetime fuel savings expressed in gallons of gasoline) of—	The conservation credit amount is—
At least 1,200 but less than 1,800 ..	\$250
At least 1,800 but less than 2,400 ..	\$500
At least 2,400 but less than 3,000 ..	\$750
At least 3,000 .....	\$1,000

“(c) NEW QUALIFIED FUEL-EFFICIENT MOTOR VEHICLE.—For purposes of this section, the term ‘new qualified fuel-efficient motor vehicle’ means a passenger automobile or a light truck—

“(1) described in subsections (c)(3), (d)(3), or (e)(3) of section 30B,

“(2) which has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

“(A) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

“(B) in the case of a vehicle having a gross vehicle weight rating of more than 6,000

pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established,

“(3) the original use of which commences with the taxpayer after December 31, 2010, and

“(4) which is acquired for use or lease by the taxpayer and not for resale.

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

“(1) LIFETIME FUEL SAVINGS.—The term ‘lifetime fuel savings’ means, in the case of any new qualified fuel-efficient motor vehicle, an amount equal to the excess (if any) of—

“(A) 120,000 divided by the 2012 model year average fuel economy standard for the vehicle class, over

“(B) 120,000 divided by the fuel economy for such vehicle.

“(2) MOTOR VEHICLE.—The term ‘motor vehicle’ has the meaning given such term by section 30(c)(2).

“(3) FUEL ECONOMY.—The fuel economy with respect to any vehicle shall be measured in a manner which is substantially similar to the manner fuel economy is measured in accordance with procedures under part 600 of subchapter Q of chapter I of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this section.

“(4) OTHER TERMS.—The terms ‘automobile’, ‘passenger automobile’, ‘medium duty passenger vehicle’, ‘light truck’, and ‘manufacturer’ have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

“(e) SPECIAL RULES.—

“(1) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

“(2) NO DOUBLE BENEFIT.—

“(A) COORDINATION WITH OTHER VEHICLE CREDITS.—No credit shall be allowed under subsection (a) with respect to any new qualified fuel-efficient motor vehicle for any taxable year if a credit is allowed with respect to such motor vehicle for such taxable year under section 30 or 30B.

“(B) OTHER TAX BENEFITS.—The amount of any deduction or credit (other than the credit allowable under this section and any credit described in subparagraph (A)) allowable under this chapter with respect to any new qualified fuel-efficient motor vehicle shall be reduced by the amount of credit allowed under subsection (a) for such motor vehicle for such taxable year.

“(3) PROPERTY USED OUTSIDE THE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

“(4) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects not to have this section apply to such vehicle.

“(f) APPLICATION WITH OTHER CREDITS.—

“(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

“(2) PERSONAL CREDIT.—The credit allowed under subsection (a) (after the application of

paragraph (1)) for any taxable year shall not exceed the excess (if any) of—

“(A) the regular tax liability (as defined in section 26(b)) reduced by the sum of the credits allowable under subpart A and sections 27 and 30, over

“(B) the tentative minimum tax for the taxable year.

“(g) REGULATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

“(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 30D(e)(1).”.

(B) Section 6501(m) of such Code is amended by inserting “30D(e)(4),” after “30C(e)(5).”.

(C) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 30D. New qualified fuel-efficient motor vehicle credit.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to vehicles placed in service after December 31, 2010.

**SEC. 104. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.**

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.), as amended by this Act, is amended by adding at the end the following new section:

**“SEC. 30E. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.**

“(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of so much of the qualified investment of an eligible taxpayer for such taxable year as does not exceed \$75,000,000.

“(b) QUALIFIED INVESTMENT.—For purposes of this section—

“(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

“(A) to re-equip, expand, or establish any manufacturing facility in the United States of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

“(B) for engineering integration performed in the United States of such vehicles and components as described in subsection (d),

“(C) for research and development performed in the United States related to advanced technology motor vehicles and eligible components, and

“(D) for employee retraining with respect to the manufacturing of such vehicles or components (determined without regard to wages or salaries of such retrained employees).

“(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified

investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

“(C) **ADVANCED TECHNOLOGY MOTOR VEHICLES AND ELIGIBLE COMPONENTS.**—For purposes of this section—

“(1) **ADVANCED TECHNOLOGY MOTOR VEHICLE.**—The term ‘advanced technology motor vehicle’ means—

“(A) any qualified electric vehicle (as defined in section 30(c)(1)),

“(B) any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)),

“(C) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)),

“(D) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating),

“(E) any new qualified alternative fuel motor vehicle (as defined in section 30B(e)(4), including any mixed-fuel vehicle (as defined in section 30B(e)(5)(B)),

“(F) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3)), and

“(G) any new qualified fuel-efficient motor vehicle (as defined in section 30D(c)).

“(2) **ELIGIBLE COMPONENTS.**—The term ‘eligible component’ means any component inherent to any advanced technology motor vehicle, including—

“(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

“(i) electric motor or generator,

“(ii) power split device,

“(iii) power control unit,

“(iv) power controls,

“(v) integrated starter generator, or

“(vi) battery,

“(B) with respect to any hydraulic new qualified hybrid motor vehicle—

“(i) hydraulic accumulator vessel,

“(ii) hydraulic pump, or

“(iii) hydraulic pump-motor assembly,

“(C) with respect to any new advanced lean burn technology motor vehicle—

“(i) diesel engine,

“(ii) turbocharger,

“(iii) fuel injection system, or

“(iv) after-treatment system, such as a particle filter or NOx absorber, and

“(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

“(3) **ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.**—The term ‘electric drive transportation technology’ means technology used by vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, such as battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, and plug-in hybrid fuel cell vehicles.

“(d) **ENGINEERING INTEGRATION COSTS.**—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

“(1) establishing functional, structural, and performance requirements for components and subsystems to meet overall vehicle objectives for a specific application,

“(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

“(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

“(4) validating functionality and performance of components and subsystems for a specific vehicle application.

“(e) **ELIGIBLE TAXPAYER.**—For purposes of this section, the term ‘eligible taxpayer’

means any taxpayer if more than 50 percent of its gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

“(f) **LIMITATION BASED ON AMOUNT OF TAX.**—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

“(1) the sum of—

“(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

“(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

“(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

“(g) **REDUCTION IN BASIS.**—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

“(h) **NO DOUBLE BENEFIT.**—

“(1) **COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.**—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

“(2) **RESEARCH AND DEVELOPMENT COSTS.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

“(B) **COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.**—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

“(i) **BUSINESS CARRYOVERS ALLOWED.**—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (f) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

“(j) **SPECIAL RULES.**—For purposes of this section, rules similar to the rules of section 179A(e)(4) and paragraphs (1) and (2) of section 41(f) shall apply

“(k) **ELECTION NOT TO TAKE CREDIT.**—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

“(l) **REGULATIONS.**—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

“(m) **TERMINATION.**—This section shall not apply to any qualified investment after December 31, 2010.”

(b) **CONFORMING AMENDMENTS.**—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 30E(g).”

(2) Section 6501(m) of such Code is amended by inserting “30E(k),” after “30C(e)(5).”

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30D the following new item:

“Sec. 30E. Advanced technology motor vehicles manufacturing credit.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 2006.

**SEC. 105. INCREASE IN MAXIMUM ALLOWABLE GROSS WEIGHT FOR VEHICLES USING THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS.**

(a) **SPECIAL RULE FOR VEHICLES WITH A SUPPLEMENTARY SIXTH AXLE.**—Not later than 180 days after the Secretary of Transportation makes a positive determination under subsection (d), the Secretary of Transportation shall promulgate regulations, in accordance with section 127(a) of title 23, United States Code, that set the maximum allowable gross weight for a vehicle using the National System of Interstate and Defense Highways at 97,000 pounds for vehicles with a supplementary sixth axle.

(b) **CONDITIONS ON REGULATIONS.**—The regulations promulgated under subsection (a)—

(1) shall ensure that a loaded tractor trailer with a supplementary sixth axle and a gross weight of not more than 97,000 pounds that is traveling at 60 miles per hour has a stopping distance of not greater than 355 feet; and

(2) shall not require a fundamental alteration of the vehicle architecture that is common for use in the transportation of goods as of the day before the date of the enactment of this Act.

(c) **STUDY.**—The Secretary of Transportation shall conduct a study that—

(1) analyzes the safety impacts of allowing significantly longer and heavier vehicles to use the National System of Interstate and Defense Highways than are allowed under regulations in effect as of the day before the date of the enactment of this Act; and

(2) considers the potential impact on highway safety of applying lower speed limits on such vehicles than the limits in effect on the day before the date of the enactment of this Act.

(d) **DETERMINATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall determine whether allowing significantly longer and heavier vehicles to use the National System of Interstate and Defense Highways than are allowed as of the day before the date of the enactment of this Act would have a material impact on highway safety.

**TITLE II—INCREASED USE OF ALTERNATIVE FUELS AND INFRASTRUCTURE**

**SEC. 201. RENEWABLE FUEL STANDARD.**

Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o) is amended—

(1) in paragraph (2)(B)—

(A) by striking clause (i) and inserting the following:

“(i) **CALENDAR YEARS 2006 THROUGH 2020.**—

“(I) **RENEWABLE FUEL.**—For the purpose of subparagraph (A), subject to subclause (II), the applicable total volume for any of calendar years 2006 through 2020 shall be determined in accordance with the following table:

Calendar year:	Applicable total volume of renewable fuel (in billions of gallons):
2006 .....	4.0

**“Applicable total volume of renewable fuel (in billions of gallons):**

Calendar year:	
2007	4.7
2008	7.1
2009	9.5
2010	12.0
2011	12.6
2012	13.2
2013	13.8
2014	14.4
2015	15.0
2016	18.0
2017	21.0
2018	24.0
2019	27.0
2020	30.0

“(II) CELLULOSIC BIOMASS ETHANOL.—For the purpose of paragraph (1), of the total volume of renewable fuel required under subclause (I), the applicable volume for any of calendar years 2012 through 2020 for cellulosic biomass ethanol shall be determined in accordance with the following table:

**“Applicable volume of cellulosic biomass ethanol (in billions of gallons):**

Calendar year:	
2012	0.25
2013	1.0
2014	3.0
2015	5.0
2016	7.0
2017	9.0
2018	11.0
2019	13.0
2020	15.0”;

(B) in clause (ii)—  
 (i) in the clause heading, by striking “2013” and inserting “2021”;  
 (ii) by striking “2013” and inserting “2021”;  
 and  
 (iii) by striking “2012” and inserting “2020”;  
 (C) in clause (iii), by striking “thereafter—” and all that follows through “(II) the” and inserting “thereafter, the”;  
 (D) in clause (iv)—  
 (i) by striking “2013” and inserting “2021”;  
 and  
 (ii) in subclause (II)(bb), by striking “2012” and inserting “2020”;  
 (2) in paragraph (3)—  
 (A) in subparagraph (A), by striking “2011” and inserting “2019”;  
 and  
 (B) in subparagraph (B)(i), by striking “2012” and inserting “2020”;  
 and  
 (3) in paragraph (6)(A), by striking “2012” and inserting “2020”.

**SEC. 202. MODIFICATION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.**

(a) INCREASE IN CREDIT AMOUNT.—  
 (1) IN GENERAL.—Subsection (a) of section 30C of the Internal Revenue Code of 1986 (relating to alternative fuel vehicle refueling property credit) is amended by striking “30 percent” and inserting “35 percent”.  
 (2) FURTHER INCREASE FOR BLENDER PUMPS.—  
 (A) IN GENERAL.—Section 30C(a) of such Code, as amended by paragraph (1), is amended by inserting “(40 percent in the case of any qualified alternative fuel vehicle refueling property which is a blender pump)” after “property”.  
 (B) BLENDER PUMP.—Section 30C(c) of such Code is amended by adding at the end the following new paragraph:  
 “(3) BLENDER PUMP.—The term ‘blender pump’ means any fuel pump which, with respect to any fuel described in paragraph (1)(A)(i)—  
 “(A) sources ethanol and gasoline products from separate underground storage tanks,

“(B) incorporates the use of inlet valves from such tanks to enable varying amounts of ethanol and gasoline products to be blended within a chamber in the pump, and  
 “(C) dispenses the various blends of ethanol and gasoline products through separate hoses.”.

(b) CREDIT ALLOWED FOR BLENDED ETHANOL OTHER THAN E85.—Subparagraph (A) of section 30C(c)(1) of the Internal Revenue Code of 1986 (defining qualified alternative fuel vehicle refueling property) is amended to read as follows:

“(A) at least—  
 “(i) 11 percent of the volume of which consists of ethanol, or  
 “(ii) 85 percent of the volume of which consists of one or more of the following: natural gas, compressed natural gas, liquefied natural gas, liquified petroleum gas, or hydrogen, or”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

**SEC. 203. ETHANOL-BLEND FUEL INFRASTRUCTURE.**

Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding at the end the following:

“(11) INSTALLATION OF ETHANOL-BLEND FUEL PUMPS BY COVERED OWNERS AT STATIONS.—  
 “(A) DEFINITIONS.—In this paragraph:  
 “(i) COVERED OWNER.—The term ‘covered owner’ means any person that, individually or together with any other person with respect to which the person has an affiliate relationship or significant ownership interest, owns 10 or more retail station outlets, as determined by the Secretary.  
 “(ii) ETHANOL-BLEND FUEL.—The term ‘ethanol-blend fuel’ means a blend of gasoline not more than 85 percent, nor less than 80 percent, of the content of which is derived from ethanol produced in the United States, as defined by the Secretary in a manner consistent with applicable standards of the American Society for Testing and Materials.  
 “(iii) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy, acting in consultation with the Administrator and the Secretary of Agriculture.

“(B) ASSESSMENT.—Not later than 5 years after the date of enactment of this paragraph, the Secretary shall make an assessment of the progress made toward the creation of adequate infrastructure for the production and distribution of ethanol-blend fuel (including the creation of adequate qualified alternative fuel vehicle refueling property that is a blender pump).  
 “(C) REGULATIONS.—If the Secretary determines (in the assessment made under subparagraph (B)) that adequate progress has not been made toward the creation of adequate infrastructure for the production and distribution of ethanol-blend fuel, the Secretary shall promulgate regulations to ensure, to the maximum extent practicable, that each covered owner installs or otherwise makes available 1 or more pumps that dispense ethanol-blend fuel (including any other equipment necessary, such as tanks, to ensure that the pumps function properly) at not less than the applicable percentage of the retail station outlets of the covered owner specified in subparagraph (D).  
 “(D) APPLICABLE PERCENTAGES.—For the purpose of subparagraph (C), the applicable percentage of the retail station outlets shall be—  
 “(i) during the 10-year period beginning on the date of any determination made under subparagraph (C), 10 percent; and  
 “(ii) after the 10-year period described in clause (i), 20 percent.

“(E) FINANCIAL RESPONSIBILITY.—In promulgating regulations under subparagraph

(C), the Secretary shall ensure that each covered owner described in that subparagraph assumes full financial responsibility for the costs of installing or otherwise making available the pumps described in that subparagraph and any other equipment necessary (including tanks) to ensure that the pumps function properly.

**“(F) PRODUCTION CREDITS FOR EXCEEDING ETHANOL-BLEND FUEL PUMPS INSTALLATION REQUIREMENT.—**

“(i) EARNING AND PERIOD FOR APPLYING CREDITS.—If the percentage of the retail station outlets of a covered owner at which the covered owner installs ethanol-blend fuel pumps in a particular calendar year exceeds the percentage required under subparagraph (D), the covered owner shall earn credits under this paragraph, which may be applied to any of the 3 consecutive calendar years immediately after the calendar year for which the credits are earned.  
 “(ii) TRADING CREDITS.—A covered owner that has earned credits under clause (i) may sell credits to another covered owner to enable the purchaser to meet the requirement under subparagraph (D).”.

**SEC. 204. REQUIREMENT TO INCREASE PERCENTAGE OF DUAL FUELED AUTOMOBILES.**

(a) IN GENERAL.—Section 32902 of title 49, United States Code, is amended by inserting after subsection (e) the following:

“(f) REQUIREMENT FOR ANNUAL INCREASE IN DUEL FUELED AUTOMOBILES.—Each manufacturer shall ensure that the percentage of automobiles manufactured by such manufacturer in each of model years 2012 through 2022 that are dual fueled automobiles is not less than 10 percentage points greater than the percentage of automobiles manufactured by such manufacturer in the previous model year that are dual fueled automobiles.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date specified in section 102(c).

**SEC. 205. EMERGING BIOFUELS.**

(a) ESTABLISHMENT OF INCENTIVE PROGRAM.—The Secretary of Energy (referred to in this section as the “Secretary”) shall establish a program under which the Secretary shall provide to eligible entities such incentives (including grants, tax credits, loans, and loan guarantees) as the Secretary determines to be appropriate for the production of cellulosic ethanol and other emerging biofuels derived from renewable sources (including municipal solid waste).

(b) APPLICATION.—To be eligible to receive an incentive under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

- (1) a description of the project for which the incentive will be used;
- (2) a description of the use by the eligible entity of the incentive; and
- (3) an estimate of the annual production using the incentive by the eligible entity of cellulosic ethanol or another biofuel, expressed on a per-gallon basis.

(c) SELECTION REQUIREMENTS.—

(1) MINIMUM NUMBER OF INCENTIVES.—The Secretary shall provide incentives under this section to not less than 6 biorefineries located in different regions of the United States.

(2) LEAST-COST INCENTIVES.—The Secretary shall provide incentives under this section only to eligible entities the applications of which reflect the least-cost use of the incentives, on a per-gallon basis, with respect to similar projects.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$500,000,000.

**SEC. 206. BIODIESEL.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report on any research and development challenges inherent in increasing to 5 percent the proportion of diesel fuel sold in the United States that is biodiesel, as defined in section 757 of the Energy Policy Act of 2005 (42 U.S.C. 16105).

(b) REGULATIONS.—The Administrator of the Environmental Protection Agency shall promulgate regulations providing for the uniform labeling of biodiesel blends that are certified to meet applicable standards published by the American Society for Testing and Materials.

**SEC. 207. UNCONVENTIONAL FOSSIL FUELS.**

(a) IN GENERAL.—The Secretary of Energy shall carry out a 10-year carbon capture research and development program to develop carbon dioxide capture technologies that can be used in the recovery of liquid fuels from oil shale and the production of liquid fuels in coal utilization facilities to minimize the emissions of carbon dioxide from those processes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) \$50,000,000 for the period of fiscal years 2008 through 2012; and

(2) \$100,000,000 for the period of fiscal years 2013 through 2017.

**SEC. 208. STUDY OF INCENTIVES FOR RENEWABLE FUELS.**

(a) STUDY.—The Secretary of Agriculture (in consultation with the Secretary of Energy, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, representatives of the biofuels industry, the oil industry, and other interested parties) shall conduct a study of the renewable fuels industry and markets in the United States, including—

(1) the costs to produce corn-based and cellulosic-based ethanol and biobutanol, biodiesel, and other emerging biofuels;

(2) the factors affecting the future market prices for those biofuels, including world oil prices; and

(3) the level of tax incentives necessary, to the maximum extent practicable, to grow the biofuels industry of the United States to reduce the dependence of the United States on foreign oil during calendar years 2011 through 2030.

(b) GOALS.—The study shall include an analysis of the types and advantages and disadvantages of tax incentive options to, to the maximum extent practicable—

(1) limit the overall cost of the tax incentives to the Federal Government;

(2) encourage expansion of the biofuels industry by ensuring that new plants and recently-built plants can fully amortize the investments in the plants;

(3) reward energy-efficient and low carbon-emitting technologies;

(4) ensure that pioneering processes (such as those that convert cellulosic feedstocks like corn stover and switch grass to ethanol) are economically competitive with fossil fuels;

(5) encourage agricultural producer equity participation in ethanol plants; and

(6) encourage the development of higher blend markets, such as E-20, E30, and E-85.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall submit a report that describes the results of the study to—

(1) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(2) the Committee on Energy and Natural Resources of the Senate;

(3) the Committee on Environment and Public Works of the Senate;

(4) the Committee on Finance of the Senate;

(5) the Committee on Agriculture of the House of Representatives;

(6) the Committee on Energy and Commerce of the House of Representatives; and

(7) the Committee on Ways and Means of the House of Representatives.

**TITLE III—DEVELOPMENT AND INVENTORY OF CERTAIN OUTER CONTINENTAL SHELF RESOURCES****SEC. 301. DEFINITION.**

In this title, the term “United States person” means—

(1) any United States citizen or alien lawfully admitted for permanent residence in the United States; and

(2) any person other than an individual, if 1 or more individuals described in paragraph (1) own or control at least 51 percent of the securities or other equity interest in the person.

**SEC. 302. AUTHORIZATION OF ACTIVITIES AND EXPORTS INVOLVING HYDROCARBON RESOURCES BY UNITED STATES PERSONS.**

Notwithstanding any other provision of law (including a regulation), United States persons (including agents and affiliates of those United States persons) may—

(1) engage in any transaction necessary for the exploration for and extraction of hydrocarbon resources from any portion of any foreign exclusive economic zone that is contiguous to the exclusive economic zone of the United States; and

(2) export without license authority all equipment necessary for the exploration for or extraction of hydrocarbon resources described in paragraph (1).

**SEC. 303. TRAVEL IN CONNECTION WITH AUTHORIZED HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.**

Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209) is amended by inserting after subsection (b) the following:

“(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURES BY PERSONS ENGAGING IN HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.—

“(1) IN GENERAL.—The Secretary of the Treasury shall, authorize under a general license the travel-related transactions listed in section 515.560(c) of title 31, Code of Federal Regulations, for travel to, from or within Cuba in connection with exploration for and the extraction of hydrocarbon resources in any part of a foreign maritime Exclusive Economic Zone that is contiguous to the United States’ Exclusive Economic Zone.

“(2) PERSONS AUTHORIZED.—Persons authorized to travel to Cuba under this section include full-time employees, executives, agents, and consultants of oil and gas producers, distributors, and shippers.”

**SEC. 304. MORATORIUM OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE GULF OF MEXICO.**

(a) IN GENERAL.—Section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2), by striking “125 miles” and inserting “45 miles”;

(3) in paragraph (3), by striking “100 miles” each place it appears and inserting “45 miles”; and

(4) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall promulgate regulations that establish appropriate environmental safeguards for the exploration and production of oil and natural gas on the outer Continental Shelf.

(2) MINIMUM REQUIREMENTS.—At a minimum, the regulations shall include—

(A) provisions requiring surety bonds of sufficient value to ensure the mitigation of any foreseeable incident;

(B) provisions assigning liability to the leaseholder in the event of an incident causing damage or loss, regardless of the negligence of the leaseholder or lack of negligence;

(C) provisions no less stringent than those contained in the Spill Prevention, Control, and Countermeasure regulations promulgated under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(D) provisions ensuring that—

(i) no facility for the exploration or production of resources is visible to the unassisted eye from any shore of any coastal State; and

(ii) the impact of offshore production facilities on coastal vistas is otherwise mitigated;

(E) provisions to ensure, to the maximum extent practicable, that exploration and production activities will result in no significant adverse effect on fish or wildlife (including habitat), subsistence resources, or the environment; and

(F) provisions that will impose seasonal limitations on activity to protect breeding, spawning, and wildlife migration patterns.

(c) CONFORMING AMENDMENT.—Section 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109-54; 119 Stat. 521) (as amended by section 103(d) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432)) is amended by inserting “and any other area that the Secretary of the Interior may offer for leasing, preleasing, or any related activity under section 104 of that Act” after “2006”.

**SEC. 305. INVENTORY OF OUTER CONTINENTAL SHELF OIL AND NATURAL GAS RESOURCES OFF SOUTHEASTERN COAST OF THE UNITED STATES.**

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the “Secretary”) may conduct an inventory of oil and natural gas resources beneath the waters of the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) off of the coast of the States of Virginia, North Carolina, South Carolina, or Georgia in accordance with this section.

(b) BEST AVAILABLE TECHNOLOGY.—In conducting the inventory, the Secretary shall use the best technology available to obtain accurate resource estimates.

(c) REQUEST BY GOVERNOR.—The Secretary may conduct an inventory under this section off the coast of a State described in subsection (a) only if the Governor of the State requests the inventory.

(d) REPORTS.—The Secretary shall submit to Congress and the requesting Governor a report on any inventory conducted under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 306. ENHANCED OIL RECOVERY.**

Section 354(c)(4)(B) of the Energy Policy Act of 2005 (42 U.S.C. 15910(c)(4)(B)) is amended—

(1) in clause (iii), by striking “and” at the end;

(2) in clause (iv), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(v) are carried out in geologically challenging fields.”.

**TITLE IV—MANAGEMENT OF ENERGY RISKS**

**SEC. 401. BUREAU OF INTERNATIONAL ENERGY POLICY.**

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following:

(1) by redesignating subsection (i) (as added by section 301 of Public Law 105-292 (112 Stat. 2800)) as subsection (k); and

(2) by adding at the end the following:

“(1) BUREAU OF INTERNATIONAL ENERGY POLICY.—

“(1) ESTABLISHMENT.—There is established within the National Security Council a Bureau of International Energy.

“(2) DUTIES.—The Bureau shall, in conjunction with the Secretary of Defense, the Secretary of State, and the Secretary of Energy, prepare and submit to Congress an annual energy security report.”

**SEC. 402. STRATEGIC ENERGY INFRASTRUCTURE EQUIPMENT RESERVE.**

(a) ESTABLISHMENT.—The Secretary may establish and operate a strategic energy infrastructure equipment reserve.

(b) USE.—The reserve shall be used and operated for—

(1) the protection, conservation, maintenance, and testing of strategic energy infrastructure equipment; and

(2) the provision of strategic energy infrastructure equipment whenever and to the extent that—

(A) the Secretary, with the approval of the President, finds that the equipment is needed for energy security purposes; and

(B) the provision of the equipment is authorized by a joint resolution of Congress.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

By Mr KOHL (for himself and Mr. SPECTER):

S. 878. A bill to prevent anti-competitive mergers and acquisitions in the oil and gas industry; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Oil Industry Merger Antitrust Enforcement Act. This legislation will significantly strengthen the antitrust laws to prevent anti-competitive mergers and acquisitions in the oil and gas industry.

We have all seen the suffering felt by consumers and our national economy resulting from rising energy prices. Last year, gasoline prices shattered the once unthinkable \$3.00 a gallon level, before receding in the fall. Prices are on the move upward once again, having increased by 15 percent in the last month alone. And prices for other crucial energy products—such as natural gas and home heating oil—have undergone similar sharp increases in the last year.

Industry experts debate the causes of these extraordinarily high prices. Possible culprits are growing worldwide demand, supply disruptions, the actions of the OPEC oil cartel and limits on refinery capacity in the United States. But we cannot overlook one important factor—the substantial rise in concentration and consolidation in the oil industry. Since 1990, the Government Accountability Office has counted over 2,600 mergers, acquisitions and joint ventures in the oil industry. Led

by gigantic mergers such as Exxon/Mobil, BP/Arco, Conoco/Phillips and Chevron/Texaco, by 2004, the five largest U.S. oil refining companies controlled over 56 percent of domestic refining capacity, a greater market share than that controlled by the top ten companies a decade earlier.

This merger wave has led to substantially less competition in the oil industry. In 2004, the GAO concluded that these mergers have directly caused increases in the price of gasoline. A study by the independent consumer watchdog Public Citizen found that in the five years between 1999 and 2004, U.S. oil refiners increased their average profits on every gallon of gasoline refined from 22.8 cents to 40.8 cents, a 79 percent jump. And the grossly inflated profit numbers of the major oil companies—led by Exxon Mobil's \$8.4 billion profit in the first quarter of 2006, which followed its \$36 billion profit in 2005, the highest corporate profits ever achieved in U.S. history, are conclusive evidence—if any more was needed—of the lack of competition in the U.S. oil industry. While it is true that the world price of crude oil has substantially increased, the fact that the oil companies can so easily pass along all of these price increases to consumers of gasoline and other refined products—and greatly compound their profits along the way—confirms that there is a failure of competition in our oil and gas markets.

More than 90 years ago, one of our Nation's basic antitrust laws—the Clayton Act—was written to prevent just such industry concentration harming competition. It makes illegal any merger or acquisition the effect of which “may be substantially to lessen competition.” Despite the plain command of this law, the Federal Trade Commission the Federal agency with responsibility for enforcing antitrust law in the oil and gas industry has failed to take any effective action to prevent undue concentration in this industry. Instead, it permitted almost all of these 2,600 oil mergers and acquisitions to proceed without challenge. And where the FTC has ordered divestitures, they have been wholly ineffective to restore competition. Consumers have been at the mercy of an increasingly powerful oligopoly of a few giant oil companies, passing along price increases without remorse as the market becomes increasingly concentrated and competition diminishes. It is past time for us in Congress to take action to strengthen our antitrust law so that it will, as intended, stand as a bulwark to protect consumers and prevent any further loss of competition in this essential industry.

Our bill will strengthen merger enforcement under the antitrust law in two respects. First, it will direct that the FTC, in conjunction with the Justice Department, revise its Merger Guidelines to take into account the special conditions prevailing in the oil industry. In reviewing a pending merg-

er or acquisition to determine whether to approve it or take legal action to block it, the FTC follows what are known as “Merger Guidelines.” The Merger Guidelines set forth the factors that the agency must examine to determine if a merger or acquisition lessens competition, and sets forth the legal tests the FTC is to follow in deciding whether to approve or challenge a merger. As presently written, the Merger Guidelines fail to direct the FTC, when reviewing an oil industry merger, to pay any heed at all to the special economic conditions prevailing in that industry.

Our bill will correct this deficiency. Many special conditions prevail in the oil and gas marketplace that warrant scrutiny, conditions that do not occur in other industries, and the Merger Guidelines should reflect these conditions. In most industries, when demand rises and existing producers earn ever-increasing profits, new producers enter the market and new supply expands, reducing the pressure on price. However, in the oil industry, there are severe limitations on supply and environmental and regulatory difficulty in opening new refineries, so this normal market mechanism cannot work. Additionally, in most industries, consumers shift to alternative products in the face of sharp price increases, leading to a reduction in demand and a corresponding reduction in the pressure to increase prices. But for such an essential commodity as gasoline, consumers have no such option they must continue to consume gasoline to get to work, to go to school, and to shop. These factors all mean that antitrust enforcers should be especially cautious about permitting increases in concentration in the oil industry.

Accordingly, our bill directs the FTC and Justice Department to revise their Merger Guidelines to take into account the special conditions prevailing in the oil industry—including the high inelasticity of demand for oil and petroleum-related products; the ease of gaining market power; supply and refining capacity limits; difficulties of market entry; and unique regulatory requirements applying to the oil industry. This revision of the Merger Guidelines must be completed within six months of enactment of this legislation.

The second manner in which this legislation will strengthen antitrust enforcement will be to shift the burden of proof in Clayton Act challenges to oil industry mergers and acquisitions. In such cases, the burden will be placed on the merging parties to establish, by a preponderance of evidence, that their transaction does not substantially lessen competition. This provision would reverse the usual rule that the government or private plaintiff challenging the merger must prove that the transaction harms competition. As the parties seeking to effect a merger with a competitor in an already concentrated industry, and possessing all the relevant data regarding the transaction,

it is entirely appropriate that the merging parties bear this burden. This provision does not forbid all mergers in the oil industry—if the merging parties can establish that their merger does not substantially harm competition, it may proceed. However, shifting the burden of proof in this manner will undoubtedly make it more difficult for oil mergers and acquisition to survive court challenge, thereby enhancing the law's ability to block truly anti-competitive transactions and deterring companies from even attempting such transactions. In today's concentrated oil industry and with consumers suffering record high prices, mergers and acquisitions that even the merging parties cannot justify should not be tolerated.

As Chairman of the Senate Antitrust Subcommittee, I believe that this bill is a crucial step to ending this unprecedented move towards industry concentration and to begin to restore competitive balance to the oil and gas industry.

Since the days of the break-up of the Standard Oil trust one hundred years ago, antitrust enforcement has been essential to prevent undue concentration in this industry. This bill is an essential step to ensure that our antitrust laws are sufficiently strong to ensure a competitive oil industry in the 21st century. I urge my colleagues to support the Oil Industry Merger Antitrust Enforcement Act.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 878

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Oil Industry Merger Antitrust Enforcement Act".

#### SEC. 2. STATEMENT OF FINDINGS AND DECLARATIONS OF PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) American consumers are suffering from excessively high prices for gasoline, natural gas, heating oil, and other energy products.

(2) These excessively high energy prices have been caused, at least in substantial part, by undue concentration among companies involved in the production, refining, distribution, and retail sale of oil, gasoline, natural gas, heating oil, and other petroleum-related products.

(3) There has been a sharp consolidation caused by mergers and acquisitions among oil companies over the last decade, and the antitrust enforcement agencies (the Federal Trade Commission and the Department of Justice Antitrust Division) have failed to employ the antitrust laws to prevent this consolidation, to the detriment of consumers and competition. This consolidation has caused substantial injury to competition and has enabled the remaining oil companies to gain market power over the sale, refining, and distribution of petroleum-related products.

(4) The demand for oil, gasoline, and other petroleum-based products is highly inelastic

so that oil companies can easily utilize market power to raise prices.

(5) Maintaining competitive markets for oil, gasoline, natural gas, and other petroleum-related products is in the highest national interest.

(b) PURPOSES.—The purposes of this Act are to—

(1) ensure vigorous enforcement of the antitrust laws in the oil industry;

(2) restore competition to the oil industry and to the production, refining, distribution, and marketing of gasoline and other petroleum-related products; and

(3) prevent the accumulation and exercise of market power by oil companies.

#### SEC. 3. BURDEN OF PROOF.

Section 7 of the Clayton Act (15 U.S.C. 18) is amended by adding at the end the following:

"In any civil action brought against any person for violating this section in which the plaintiff—

"(1) alleges that the effect of a merger, acquisition, or other transaction affecting commerce may be to substantially lessen competition, or to tend to create a monopoly, in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, oil, or natural gas, or products derived from petroleum, oil, or natural gas; and

"(2) establishes that a merger, acquisition, or transaction is between or involves persons competing in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, oil, or natural gas, or products derived from petroleum, oil, or natural gas;

the burden of proof shall be on the defendant or defendants to establish by a preponderance of the evidence that the merger, acquisition, or transaction at issue will not substantially lessen competition or tend to create a monopoly."

#### SEC. 4. ENSURING FULL AND FREE COMPETITION.

(a) REVIEW.—The Federal Trade Commission and the Antitrust Division of the Department of Justice shall jointly review and revise all enforcement guidelines and policies, including the Horizontal Merger Guidelines issued April 2, 1992 and revised April 8, 1997, and the Non-Horizontal Merger Guidelines issued June 14, 1984, and modify those guidelines in order to—

(1) specifically address mergers and acquisitions in oil companies and among companies involved in the production, refining, distribution, or marketing of oil, gasoline, natural gas, heating oil, or other petroleum-related products; and

(2) ensure that the application of these guidelines will prevent any merger and acquisition in the oil industry, when the effect of such a merger or acquisition may be to substantially lessen competition, or to tend to create a monopoly, and reflect the special conditions prevailing in the oil industry described in subsection (b).

(b) SPECIAL CONDITIONS.—The guidelines described in subsection (a) shall be revised to take into account the special conditions prevailing in the oil industry, including—

(1) the high inelasticity of demand for oil and petroleum-related products;

(2) the ease of gaining market power in the oil industry;

(3) supply and refining capacity limits in the oil industry;

(4) difficulties of market entry in the oil industry; and

(5) unique regulatory requirements applying to the oil industry.

(c) COMPETITION.—The review and revision of the enforcement guidelines required by

this section shall be completed not later than 6 months after the date of enactment of this Act.

(d) REPORT.—Not later than 6 months after the date of enactment of this Act, the Federal Trade Commission and the Antitrust Division of the Department of Justice shall jointly report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the review and revision of the enforcement guidelines mandated by this section.

#### SEC. 5. DEFINITIONS.

In this Act:

(1) OIL INDUSTRY.—The term "oil industry" means companies and persons involved in the production, refining, distribution, or marketing of oil or petroleum-based products.

(2) PETROLEUM-BASED PRODUCT.—The term "petroleum-based product" means gasoline, diesel fuel, jet fuel, home heating oil, natural gas, or other products derived from the refining of oil or petroleum.

By Mr. KOHL (for himself, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. FEINGOLD, Ms. SNOWE, Mr. SCHUMER, Mr. COBURN, Mr. DURBIN, Mrs. BOXER, and Mr. LEVIN):

S. 879. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the No Oil Producing and Exporting Cartels Act of 2007 ("NOPEC"). It is time for the U.S. government to fight back on the price of oil and hold OPEC accountable when it acts illegally. This bill will hold OPEC member nations to account under U.S. antitrust law when they agree to limit supply or fix price in violation of the most basic principles of free competition.

Our bill will authorize the Attorney General to file suit against nations or other entities that participate in a conspiracy to limit the supply, or fix the price, of oil. In addition, it will expressly specify that the doctrines of sovereign immunity and act of state do not exempt nations that participate in oil cartels from basic antitrust law. I have introduced this bill in each Congress since 2000. This legislation has passed the Judiciary Committee unanimously three times since it was first introduced, and in 2005 passed the full Senate by voice vote as an amendment to the Energy Bill before being stripped from that bill in the conference committee. It is now time, in this new Congress, to finally pass this legislation into law and give our Nation a long needed tool to counteract this pernicious and anti-consumer conspiracy.

Throughout the last year, consumers all across the Nation watched gas prices rise to previously unimagined levels. As crude oil prices exceeded \$40, then \$50 and then \$60 per barrel, retail prices of gasoline over \$3.00 per gallon became commonplace. While prices temporarily receded last fall, the general trend is significantly upwards, and prices are rising even today. Gas prices have increased 32 cents in the last month alone to a national average of

\$2.56 per gallon, a nearly 15 percent increase in just one month.

As we consider gas price changes, one fact has remained consistent any move downwards in price ends as soon as OPEC decides to cut production. Referring to the 18 percent rise in worldwide crude oil prices since the start of the year, OPEC President Mohammed al-Hamli commented “we had a bad situation at the beginning of the year. It is much better now.” The difference—combined output cuts of 1.7 million barrels of oil a day adopted by OPEC last October and December driving up crude oil prices. And while OPEC enjoys its newfound riches, the average American consumer suffers every time he or she visits the gas pump or pays a home heating bill.

So there is no doubt that the price of crude oil dances to the tune set by OPEC members. Such blatantly anti-competitive conduct by the oil cartel violates the most basic principles of fair competition and free markets and should not be tolerated.

Real people suffer real consequences every day in our Nation because of OPEC's actions. Rising gas prices are a silent tax that takes hard-earned money away from Americans every time they visit the gas pump. Higher oil prices drive up the cost of transportation, harming thousands of companies throughout the economy from trucking to aviation. And those costs are passed on to consumers in the form of higher prices for manufactured goods. Higher oil prices mean higher heating oil and electricity costs. Anyone who has gone through a Midwest winter can tell you about the tremendous personal costs associated with higher home heating bills.

We have all heard many explanations offered for rising energy prices. Some say that the oil companies are gouging consumers. Some blame disruptions in supply. Others point to the EPA requirement mandating use of a new and more expensive type of “reformulated” gas in the Midwest or other “boutique” fuels around the country. Some even claim that refiners and distributors have illegally fixed prices. On this issue, I have repeatedly asked the Federal Trade Commission to investigate these allegations. As a result of our requests, the FTC has put a task force in place to find out if those allegations were true. While we continue to urge the FTC to be vigilant, the FTC has to date found no evidence of illegal domestic price fixing as a cause of higher gas prices.

But one cause of these escalating prices is indisputable: the price fixing conspiracy of the OPEC nations. For years, this conspiracy has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC, but, sadly, no one in government has yet tried to take any action. Our bill will, for the first time, establish clearly and plainly that when a group of competing oil producers like the OPEC nations

act together to restrict supply or set prices, they are violating U.S. law. The bill will not authorize private lawsuits, but it will authorize the Attorney General to file suit under the antitrust laws for redress. Our bill will also make plain that the nations of OPEC cannot hide behind the doctrines of “sovereign immunity” or “act of state” to escape the reach of American justice. In so doing, our bill will overrule one twenty-year old lower court decision which incorrectly failed to recognize that the actions of OPEC member nations was commercial activity exempt from the protections of sovereign immunity.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. And we should not permit any nation to flout this fundamental principle.

Some critics of this legislation have argued that suing OPEC will not work or that threatening suit will hurt more than help. I disagree. Our NOPEC legislation will, for the first time, enable our Justice Department to take legal action to combat the illegitimate price-fixing conspiracy of the oil cartel. It will, at a minimum, have a real deterrent effect on nations that seek to join forces to fix oil prices to the detriment of consumers. This legislation will be the first real weapon the U.S. government has ever had to deter OPEC from its seemingly endless cycle of price increases.

There is nothing remarkable about applying U.S. antitrust law overseas. Our government has not hesitated to do so when faced with clear evidence of anti-competitive conduct that harms American consumers. A few years ago, for example, the Justice Department secured record fines totaling \$725 million against German and Swiss companies engaged in a price fixing conspiracy to raise and fix the price of vitamins sold in the United States and elsewhere. Their behavior harmed consumers by raising the prices consumers paid for vitamins every day and plainly needed to be addressed. As this and other cases show, the mere fact that the conspirators are foreign nations is no basis to shield them from violating these most basic standards of fair economic behavior.

Even under current law, there is no doubt that the actions of the international oil cartel would be in gross violation of antitrust law if engaged in by private companies. If OPEC were a group of international private companies rather than foreign governments, their actions would be nothing more than an illegal price fixing scheme. But OPEC members have used the shield of “sovereign immunity” to escape accountability for their price-fixing. The Foreign Sovereign Immunities Act, though, already recognizes that the “commercial” activity of nations is not protected by sovereign immunity. And it is hard to imagine an activity

that is more obviously commercial than selling oil for profit, as the OPEC nations do. Our legislation will establish that the sovereign immunity doctrine will not divest a U.S. court from jurisdiction to hear a lawsuit alleging that members of the oil cartel are violating antitrust law.

The suffering of consumers across the Nation in the last year has made me more certain than ever that this legislation is necessary. Between OPEC's repeated decisions to cut oil production and the FTC's conclusion for the last several years that there is no illegal conduct by domestic companies responsible for rising gas prices, I am convinced that we need to take action, and take action now, before the damage spreads too far.

I urge my colleagues to support our legislation so that our Nation will finally have an effective means to combat this price-fixing conspiracy of oil-rich nations. Thank you.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 879

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “No Oil Producing and Exporting Cartels Act of 2007” or “NOPEC”.

**SEC. 2. SHERMAN ACT.**

The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

**“SEC. 7A. OIL PRODUCING CARTELS.**

“(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

“(1) to limit the production or distribution of oil, natural gas, or any other petroleum product

“(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

“(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

“(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

“(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

“(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of

the United States as provided under the anti-trust laws.”.

### SEC. 3. SOVEREIGN IMMUNITY.

Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking “or” after the semicolon;

(2) in paragraph (7), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(8) in which the action is brought under section 7A of the Sherman Act.”.

Mr. LEAHY. Mr. President, I am pleased to join Senator KOHL, the chairman of the Subcommittee on Antitrust and Competition Policy, by cosponsoring once again the No Oil Producing and Exporting Cartels, NOPEC, Act. I thank Senator KOHL for his leadership on this important issue, and Senators SPECTER, GRASSLEY, FEINGOLD, SNOWE, SCHUMER, DURBIN, BOXER and COBURN the other cosponsors, for their continued support of this critically important effort.

The collusive behavior of certain oil producing nations has artificially—and drastically reduced the supply and inflated the price of fuel. Put simply, the behavior of these oil cartels, which would be illegal under antitrust laws, grievously harms American consumers and businesses.

We have introduced this measure in each of the last four Congresses. We introduce it again today, in our never-ending effort to make OPEC accountable for its anticompetitive behavior by allowing the Justice Department to crack down on illegal price manipulation by oil cartels.

This bill will allow the Federal Government to take legal action against any foreign state, including members of OPEC, for price fixing and artificially limiting the amount of available oil. While OPEC actions remain protected from antitrust enforcement, the ability of the governments involved to wreak havoc on the American economy will remain unchecked.

When the President took office, Americans could fill their cars, heat their homes, and run their businesses on gasoline that cost \$1.45 a gallon. Fuel prices have skyrocketed since then. Prices will at times fall, but because fuel prices are not properly subject to competition oversight and enforcement, the American consumer will only benefit from lower prices when it serves some other purpose of the cartel and foreign governments.

President Bush has said he is concerned about gasoline costs and has pledged that the government would keep a close watch on unacceptable profiteering. It is time for the President to join us in supporting this legislation.

Our antitrust laws have been called the “Magna Carta of free enterprise.” If OPEC were simply a foreign business engaged in this type of behavior, it would already be subject to them. It is wrong to let OPEC producers off the hook just because their anticompetitive practices come with the seal of approval of national governments. I urge

my colleagues to support this bill and to say “No” to OPEC.

By Mrs. LINCOLN (for herself and Mr. SMITH):

S. 881. A bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 881

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Short Line Railroad Investment Act of 2007”.

#### SEC. 2. EXTENSION AND MODIFICATION OF RAILROAD TRACK MAINTENANCE CREDIT.

##### (a) EXTENSION.—

(1) IN GENERAL.—Subsection (d) of section 45G of the Internal Revenue Code of 1986 (relating to qualified railroad track maintenance expenditures) is amended by striking “for maintaining” and all that follows and inserting “for maintaining—

“(A) in the case of taxable years beginning after December 31, 2004, and before January 1, 2008, railroad track (including roadbed, bridges, and related track structures) owned or leased as of January 1, 2005, by a Class II or Class III railroad (determined without regard to any consideration for such expenditures given by the Class II or Class III railroad which made the assignment of such track), and

“(B) in the case of taxable years beginning after December 31, 2007, and before January 1, 2011, railroad track (including roadbed, bridges, and related track structures) owned or leased as of January 1, 2007, by a Class II or Class III railroad (determined without regard to any consideration for such expenditures given by the Class II or Class III railroad which made the assignment of such track).”.

(2) CONFORMING AMENDMENT.—Section 45G of such Code is amended by striking subsection (f).

(b) COORDINATION WITH SECTION 55.—Section 38(c)(4)(B) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of clause (i), by striking the period at the end of clause (ii)(II) and inserting “; and”, and by adding at the end the following new clause:

“(iii) the credit determined under section 45G.”.

(c) CREDIT LIMITATION ADJUSTMENT.—Subparagraph (A) of section 45G(b)(1) of the Internal Revenue Code of 1986 is amended by striking “\$3,500” and inserting “\$4,500”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Mr. SMITH. Mr. President, I rise today with my colleague Senator LINCOLN of Arkansas to introduce the Short Line Railroad Investment Act of 2007.

More than 500 short line railroads operate nationally, serving nearly every State and account for almost 50,000 miles of track in the United States. By connecting to the larger railways, short line railroads are critical to farmers and small businesses that need to move their goods into the market-

place. Moreover, transporting goods using rail relieves highway congestion by decreasing the number of trucks that would otherwise move the same products.

Railroads are capital intensive and require significant investment to operate. Today, the unmet infrastructure needs of the short line railroads total in the billions of dollars. And capacity and physical demands on the short lines continue to grow. The presence of heavier rail cars being used today only further exacerbates the need for investment to meet the infrastructure needs of the short line railroads.

Currently a tax credit exists to enable increased investment in short line railroads. However, this critical credit is set to expire at the end of 2007. Current law allows for a taxpayer to claim a tax credit of 50 cents for every dollar invested in track rehabilitation. The extension of the tax credit for short line railroad maintenance and rehabilitation is integral to meeting this need.

The enactment of this credit in the 2004 American Jobs Creation Act has encouraged the private sector to increase investment in short line freight rail infrastructure. The ultimate beneficiaries of these investments will be over 11,000 rail customers employing over 1 million Americans in rural and urban areas.

It is imperative that we extend this credit. I propose a 3-year extension of this credit through 2010 that will help achieve the original goal of prompting \$1.5 billion in new infrastructure improvements on short line railroads.

I urge my colleagues support for this important measure that will improve short line railroads that have such a vital role in the transportation of goods and our Nation’s economy.

I ask unanimous consent that the text of the bill be printed in the RECORD.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Ms. MIKULSKI, and Mr. CASEY):

S. 882. A bill to require a pilot program on the facilitation of the transition of members of the Armed Forces to receipt of veterans health care benefits upon completion of military service, and for other purposes; to the Committee on Veterans’ Affairs.

Mr. MENENDEZ. Mr. President, since the March 2003 start of the Iraq war, more than 24,042 members of our Nation’s armed forces have been injured, more than 10,685 of them too severely to be returned to action.

I have visited these soldiers at Walter Reed, at Fort Dix, and at the East Orange Veterans Hospital. I have heard stories consistently from our veterans about fighting against DoD and VA bureaucracy for months and even years simply to receive the basic benefits they are owed by a grateful Nation.

The controversy at Walter Reed again brings to light the shortcomings in the process our returning veterans must deal with in their difficult transition from soldier to civilian. Just as

the deplorable conditions that have come to light are unacceptable, so too are the countless stories detailing the maze of forms, hearings, and medical evaluations that prevent so many of our veterans from getting the health care and benefits they need.

Too often, it seems that rather than thanking the soldier for their sacrifice, this system sets up yet another battle of bureaucracy. Too often, it seems that the system is stacked against the very soldiers it is designed to help. Too often, veterans must seek out their own treatment options and benefits or risk missing deadlines and losing benefits. It doesn't have to be this way. We have an obligation not only to fulfill the promises we make to America's fighting men and women, but to do so in a manner that ensures the benefits we owe them are made readily available.

At the East Orange VA hospital in my State of New Jersey, for instance, we have a modern War-Related Illness and Injury Study Center that stands underutilized because many veterans aren't even informed that it's there. Patients whose quality of life could be drastically improved by the technology the center provides miss the opportunity simply because they are not aware the option is available. This country can do better; the will of the American people is to do better; now this government must do better.

That's why I am proud to introduce the "Veterans Navigator Act", a bill that would expand and enhance the important work done by VSOs and other non-governmental organizations to guide our Nation's servicemen and women to and through the VA healthcare system. It would, in fact, acknowledge the work of these organizations by providing \$25 million in grants over 5 years to augment their capabilities.

The "navigator" concept is not new. It is similar to the Patient Navigator demonstration program I introduced and which was subsequently enacted into law. There, we also took a successful small-scale program being used at select medical facilities around the country and expanded it by providing grants for a scaled-up demonstration program to serve those with cancer and other chronic diseases, and in particular, to provide support to medically underserved populations.

With the Veterans Navigator bill, I propose to do something similar, capitalizing on the successes of the Patient Navigator concept, to help our troops. The \$25 million over 5 years in the bill would allow VSOs and other organizations to apply for grants so that they could hire and train navigators to provide assistance, on an individualized basis, to members of the Armed Forces as they transition from military service to the VA healthcare system. They would do so in coordination with DoD and the VA. Right now, many VSOs rely principally on donations to perform these services.

At the end of the 5 years, the VA Secretary would submit a report to Congress on the effectiveness of the Veterans Navigator demonstration program and recommend whether or not it should be made permanent.

Often called National Service Officers or counselors, a navigator is a "sherpa", a guide through the maze of paper and people and specialists and benefits. A navigator is an advocate for those no longer able to go it alone. A navigator is a facilitator, someone who will be with you through the process, to provide the expertise you will need to transition between active duty and veterans status and to get the urgent care you need.

Let me be clear: a navigator does not supplant the role of the DoD or the VA. A navigator is meant to complement the work done by these organizations, particularly at a time when those systems are struggling to meet the needs of the soldiers returning from war and will continue to do so long after the conflicts in Iraq and Afghanistan have ended.

While all veterans will benefit, the bill focuses particular attention on four underserved groups in the military community: the seriously injured or wounded soldiers, female soldiers, those suffering from psychological problems like Post-Traumatic Stress Disorder, PTSD, and members of the activated National Guard and Reservists.

These underserved groups have not been sufficiently served in existing VA and DoD transition programs and activities. It is these underserved groups who especially need continuity of care as they enter and wind their way through the VA medical system. Part of the reason they have not been adequately cared for is that the nature of the current wars we are fighting, in Iraq, in Afghanistan, is different from previous conflicts we've undertaken.

During the Iraq and Afghanistan campaigns, we have the largest activation of National Guard and reservists since World War II. As of March 12, according to DoD, the United States had 141,000 military personnel deployed in Iraq. Of these, 119,005 were active component personnel and 21,995 were National Guard and Reserves. These numbers are set to increase due to the recent announcement by President Bush to send at least 20,000 more troops to Iraq by May.

The GAG released a report in February 2005 citing deficiencies in benefits for these soldiers. The report concluded that National Guard and Reserve soldiers "are given little help navigating a thicket of regulations and procedures necessary to gain access to military doctors."

To complicate matters, members of our National Guard who seek medical care must file for an extension of their active duty status in order to continue to access military bases and hospitals.

In its report, GAG also concluded that, and I quote, "the Army has not

consistently provided the infrastructure needed to accommodate the needs of soldiers trying to navigate their way through the "active duty medical extension" (ADME) process . . . this has resulted in injured and ill soldiers carrying a disproportionate share of the burden for ensuring that they do not fall off their active duty orders."

The Veterans Navigator Act would help minimize such occurrences by providing National Guardsmen and Reservists someone to help bring them through the ADME process and to help correct any discrepancies before they cause a delay in accessing VA medical care.

Veterans with psychological problems also need help. In the last several years, we've been hearing a lot more about post-traumatic stress disorder, or PTSD in veterans and those returning from conflict. The GAO report concluded that almost four out of five service members returning from Iraq and Afghanistan who were found to be at risk for PTSD were not provided appropriate medical assistance. All of these factors mean that now, more than ever, our Nation's soldiers need help moving between the DoD and VA realms.

According to a recent study commissioned by the Department of Veterans Affairs, roughly 13 percent of service men and women returning from Iraq suffer from PTSD. GAO has concluded that roughly 78 percent of those service members at risk for PTSD do not get further evaluation. That means they return to active duty or are discharged without receiving the appropriate care.

It is the nature of this disorder to appear not right after the traumatic event is experienced, but often not until an individual re-experiences an event, has a flashback or is somehow reminded of a battlefield event. That may not happen until after a service member has been discharged from service. Once PTSD does emerge, the veteran may not know how to access VA medical assistance, or he or she may not have yet enrolled into the VA medical system.

Again, as in the case of the severely wounded, time is of the essence. PTSD can manifest itself so severely as to incapacitate a soldier, making medical care more urgent. In the case of returning National Guardsmen and Reservists, the problem is made more complex because of the 2-year time limit on filing for VA benefits.

Since 1991, opportunities for women in our Nation's armed forces have grown. For the first time, the military is placing women in support units at the front line. This has come partly as the result of more than 10 years of policy changes making 91 percent of the career fields gender neutral.

The Navy and the Air Force have begun to allow female soldiers to fly fighters and bombers. The Army has expanded the role of women in ground-combat operations. Right now, "women command combat military police companies, fly Apache helicopters, work as

tactical intelligence analysts, and serve in artillery units.”

This would have been unheard of a decade ago, but it's happening right now. Right now, record numbers of female soldiers are fighting on the front lines and, as a result, more are being seriously wounded or killed. A Baltimore reporter profiling women soldiers' participation in Iraq observed that “the war in Iraq has been an equal opportunity employer, by killing and injuring a historic number of female soldiers in combat situations.”

Therefore, a VA medical system designed to treat wounded male soldiers must now ensure that female soldiers get the right kind of medical care. They will need help finding that care and getting access to that care. A veteran navigator can help them do that.

Because of the length and size of the deployment, many more soldiers are being seriously wounded. According to the GAO, roughly 30 percent of U.S. soldiers wounded in combat during World War II later died. Today, that number has dropped to 3 percent for those serving in Iraq and Afghanistan due to advances in technology and protective gear.

While this is clearly a positive development, it also means that many of these injured soldiers are returning home with severe disabilities, including traumatic brain injuries and missing limbs that require comprehensive inpatient rehabilitation services.

But, severe injuries often mean a lengthy transition from active duty to veteran status. As my story earlier indicates, the physical evaluation of a seriously wounded service member to determine whether he or she can return to active duty can take months to complete. In the interim, the VA has to be able to identify these soldiers so that they can perform early outreach, provided that they have the information to do so.

Despite this, the GAO observed in a March 2005 report that the VA faces “significant challenges in providing services to seriously injured service members.”

In many cases, VA staff have reported that seriously injured service members are simply not ready to begin thinking about VA benefits or dealing with the VA system during the recovery process. The problem here, as GAO has pointed out, is that the VA has no policy for maintaining contact with these soldiers down the line, once they are discharged. Contact is often conducted on an ad hoc basis. Navigators can also help these seriously wounded soldiers.

VSOs such as the Veterans of Foreign Wars, Disabled American Veterans, Jewish War Veterans and so many others have emphasized the importance of maintaining contact with seriously injured veterans who do not initially apply for VA health care benefits because it may be many months or even years before they are prepared to apply for them.

The Veterans Navigator can help perform this function. Because this individual or individuals have reached out to the injured service member before his or her discharge, they can, in coordination with the VA caseworkers, remain in contact with them as they recover and prepare to re-enter civilian life. The navigator can also help obtain information from DoD on seriously injured soldiers earlier on so that they can help ensure that all service members and veterans benefit from VA health care services at the right time.

At a time when many active duty service people and veterans have fought and often made the ultimate sacrifice for their country, we cannot risk having any soldier fall through the cracks. We cannot take the risk that our female soldiers, who are fighting alongside their male colleagues, may not receive the medical care they need. We cannot risk the lives and health of soldiers with PTSD. We cannot risk the lives and the health of any service member who put their lives at risk for our country.

As we have seen with the situation at Walter Reed, DoD and VA simply do not have the manpower to effectively handle the influx of veterans cases coming into the system. With a backlog of over half a million claims, the VA can not adequately address the individual needs of America's warriors. Our service members didn't have to wait to sign up to serve their country; they shouldn't have to wait and fight to get the benefits they are seriously entitled to.

The very least that we can do is to ensure that all of these brave men and women are able to access the medical benefits to which they are entitled, particularly in their time of greatest need. At some point in each of our lives, we might need a guiding hand to help us find our way. Today, I am proposing to provide that helping hand to our troops in a time of their greatest need. It is the very least that we can do.

By Mrs. FEINSTEIN (for herself and Mr. VOINOVICH):

S. 883. A bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President. I rise today with Senator VOINOVICH to introduce legislation that would expand the Federal student loan forgiveness program to include Head Start teachers.

Nationwide, only 31 percent of Head Start teachers have completed a baccalaureate or advanced degree program.

In California, that number is even smaller: only 21 percent of Head Start teachers have completed a bachelor's degree.

To prepare Head Start children for elementary school, we must recruit highly qualified teachers who have

demonstrated knowledge and teaching skills in reading, early childhood development, and other areas of the preschool curriculum with a particular focus on cognitive learning.

Recruiting and retaining teachers with such qualifications is critical to ensuring that our children start elementary school ready to learn.

A survey conducted by the U.S. Department of Health and Human Services, the Head Start Family and Child Experiences Survey (FACES), found that “teachers with higher education levels were found to have more high quality language activities and more creative activities in their classrooms.”

In order to give every child a jump start in life, we must continue to recruit highly qualified teachers to the Head Start field and prevent the best teachers from leaving.

Many Head Start programs across the country, including in California, are losing qualified teachers to local school districts in part because the pay is better.

Nationally, the average Head Start teacher earns a salary of about \$21,000—almost half the amount of elementary school teachers' salary of about \$43,000.

Low pay, combined with increasing student debt, makes it increasingly difficult to attract and retain highly qualified Head Start teachers.

We must provide incentives to encourage recent graduates, current Head Start teachers without a degree, and college students to enter and remain in this important field.

This legislation would allow recent college graduates (obtaining a minimum of a bachelor's degree), and current Head Start teachers without a degree, to receive up to \$5,000 of their Federal student loans forgiven in exchange for 5 years of teaching in a qualified Head Start program; and provide Head Start teachers with the same opportunity as currently offered to eligible elementary and secondary school teachers to receive up to \$5,000 in loan forgiveness in exchange for 5 years of service.

Providing our Nation's low-income children with access to highly educated and qualified Head Start teachers so that they enter school ready to learn is critical to their future success.

Head Start is the primary Federal program that has the potential to reach out to low-income children early in their formative years when their cognitive skills are just developing.

Research shows that Head Start is a smart investment in our children's future.

For example, a 2003 Kindergarten Readiness: Head Start Success study of more than 600 graduates in San Bernardino County, CA, demonstrated that society receives nearly nine dollars in benefits, i.e. increased earnings and employment, for every one dollar invested in Head Start children.

That is why we must act now.

Every teacher that the Head Start program loses impacts the quality and access to services for our Nation's neediest children, and ultimately can impact their future success.

I urge my colleagues to join me and Senator VOINOVICH in supporting this important legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 883

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LOAN FORGIVENESS FOR HEAD START TEACHERS.**

(a) **SHORT TITLE.**—This section may be cited as the “Loan Forgiveness for Head Start Teachers Act of 2007”.

(b) **HEAD START TEACHERS.**—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078-10) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

“(1)(A) has been employed—  
“(i) as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; or  
“(ii) as a Head Start teacher for 5 consecutive complete program years under the Head Start Act; and  
“(B)(i) if employed as an elementary school or secondary school teacher, is highly qualified as defined in section 9101 of the Elementary and Secondary Education Act of 1965, or meets the requirements of subsection (g)(3); and  
“(ii) if employed as a Head Start teacher, has demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of a preschool curriculum, with a focus on cognitive learning; and”;

(2) in subsection (g), by adding at the end the following:

“(4) **HEAD START.**—An individual shall be eligible for loan forgiveness under this section for service described in clause (ii) of subsection (b)(1)(A) only if such individual received a baccalaureate or graduate degree on or after the date of enactment of the Loan Forgiveness for Head Start Teachers Act of 2007.”; and  
(3) by adding at the end the following:

“(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary for fiscal year 2011 and succeeding fiscal years to carry out loan repayment under this section for service described in clause (ii) of subsection (b)(1)(A).”.

(c) **DIRECT STUDENT LOAN FORGIVENESS.**—

(1) **IN GENERAL.**—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(A) in subsection (b)(1), by striking subparagraph (A) and inserting the following:  
“(A)(i) has been employed—  
“(I) as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; or  
“(II) as a Head Start teacher for 5 consecutive complete program years under the Head Start Act; and  
“(ii)(I) if employed as an elementary school or secondary school teacher, is highly qualified as defined in section 9101 of the Elementary and Secondary Education Act of

1965, or meets the requirements of subsection (g)(3); and

“(II) if employed as a Head Start teacher, has demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of a preschool curriculum, with a focus on cognitive learning; and”;

(B) in subsection (g), by adding at the end the following:

“(4) **HEAD START.**—An individual shall be eligible for loan forgiveness under this section for service described in subclause (II) of subsection (b)(1)(A)(i) only if such individual received a baccalaureate or graduate degree on or after the date of enactment of the Loan Forgiveness for Head Start Teachers Act of 2007.”; and  
(C) by adding at the end the following:

“(i) **AUTHORIZATION OF APPROPRIATIONS.**—

There are authorized to be appropriated such sums as may be necessary for fiscal year 2011 and succeeding fiscal years to carry out loan repayment under this section for service described in subclause (II) of subsection (b)(1)(A)(i).”.

(d) **CONFORMING AMENDMENTS.**—  
(1) **FFEL PROGRAM.**—Section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078-10) is amended—

(A) in subsection (c)(1), by inserting “or fifth complete program year” after “fifth complete school year of teaching”;

(B) in subsection (f), by striking “subsection (b)” and inserting “subsection (b)(1)(A)(i)”;

(C) in subsection (g)(1)(A), by striking “subsection (b)(1)(A)” and inserting “subsection (b)(1)(A)(i)”;

(D) in subsection (h), by inserting “except as part of the term ‘program year,’” before “where”.

(2) **DIRECT LOAN PROGRAM.**—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(A) in subsection (c)(1), by inserting “or fifth complete program year” after “fifth complete school year of teaching”;

(B) in subsection (f), by striking “subsection (b)” and inserting “subsection (b)(1)(A)(i)”;

(C) in subsection (g)(1)(A), by striking “subsection (b)(1)(A)” and inserting “subsection (b)(1)(A)(i)”;

(D) in subsection (h), by inserting “except as part of the term ‘program year,’” before “where”.

By Mr. DURBIN (for himself and Mr. COLEMAN):

S. 884. A bill to amend the Public Health Service Act regarding residential treatment programs for pregnant and parenting women, a program to reduce substance abuse among non-violent offenders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 884

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Family-Based Meth Treatment Access Act of 2007”.

**SEC. 2. RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND PARENTING WOMEN.**

Section 508 of the Public Health Service Act (42 U.S.C. 290bb-1) is amended—

(1) in the section heading, by striking “PREGNANT AND POSTPARTUM WOMEN” and inserting “PREGNANT AND PARENTING WOMEN”;

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “postpartum women treatment for substance abuse” and inserting “parenting women treatment for substance abuse (including treatment for addiction to methamphetamine)”;

(B) in paragraph (1), by striking “reside in” and inserting “reside in or receive outpatient treatment services from”;

(C) in paragraph (2), by striking “reside with the women in” and inserting “reside with the women in, or receive outpatient treatment services from”;

(3) in subsection (d)(6), by inserting “, or referrals for counseling,” after “Counseling”;

(4) in subsection (h)(1), by striking “pregnant and postpartum women” and inserting “pregnant and parenting women”;

(5) by amending subsection (m) to read as follows:

“(m) **ALLOCATION OF AWARDS.**—In making awards under subsection (a), the Director shall give priority to any entity that agrees to use the award for a program serving an area that—

“(1) is a rural area, an area designated under section 332 by the Administrator of the Health Resources and Services Administration as a health professional shortage area with a shortage of mental health professionals, or an area determined by the Director to have a shortage of family-based substance abuse treatment options; and  
“(2) is determined by the Director to have high rates of addiction to methamphetamine or other drugs.”;

(6) in subsection (p), by—  
(A) striking “October 1, 1994” and inserting “October 1, 2008”;

(B) striking “Committee on Labor and Human Resources” and inserting “Committee on Health, Education, Labor, and Pensions”;

(C) inserting “In submitting reports under this subsection, the Director may use data collected under this section or other provisions of law.” after “biennial report under section 501(k).”;

(D) striking “Each report under this subsection shall include” and all that follows and inserting “Each report under this subsection shall, with respect to the period for which the report is prepared, include the following:

“(1) A summary of any evaluations conducted under subsection (o).  
“(2) Data on the number of pregnant and parenting women in need of, but not receiving, treatment for substance abuse under programs carried out pursuant to this section. Such data shall include, but not be limited to, the number of pregnant and parenting women in need of, but not receiving, treatment for methamphetamine abuse under such programs, disaggregated by State and tribe.  
“(3) Data on recovery and relapse rates of women receiving treatment for substance abuse under programs carried out pursuant to this section, including data disaggregated with respect to treatment for methamphetamine abuse.”;

(7) by redesignating subsections (q) and (r) as subsections (r) and (s), respectively;

(8) by inserting after subsection (p) the following:

“(q) **METHAMPHETAMINE ADDICTION.**—In carrying out this section, the Director shall expand, intensify, and coordinate efforts to provide to pregnant and parenting women treatment for methamphetamine addiction.”; and

(9) by inserting after subsection (p) the following:

“(r) **METHAMPHETAMINE ADDICTION.**—In carrying out this section, the Director shall expand, intensify, and coordinate efforts to provide to pregnant and parenting women treatment for methamphetamine addiction.”; and

(10) by inserting after subsection (p) the following:

“(s) **METHAMPHETAMINE ADDICTION.**—In carrying out this section, the Director shall expand, intensify, and coordinate efforts to provide to pregnant and parenting women treatment for methamphetamine addiction.”; and

(9) in subsection (s) (as so redesignated), by striking “such sums as may be necessary to fiscal years 2001 through 2003” and inserting “\$70,000,000 for each of fiscal years 2008 through 2012”.

**SEC. 3. PROGRAM TO REDUCE SUBSTANCE ABUSE AMONG NONVIOLENT OFFENDERS: FAMILY TREATMENT ALTERNATIVES TO INCARCERATION.**

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by inserting after section 509 the following:

**“SEC. 510. PROGRAM TO REDUCE SUBSTANCE ABUSE AMONG NONVIOLENT OFFENDERS: FAMILY TREATMENT ALTERNATIVES TO INCARCERATION.**

“(a) IN GENERAL.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall make awards of grants, cooperative agreements, or contracts to public and nonprofit private entities for the purpose of assisting local jails and detention facilities in providing comprehensive, family-based substance abuse treatment services (including treatment for addiction to methamphetamine) to pregnant and parenting adults who are considered nonviolent offenders.

“(b) MINIMUM QUALIFICATIONS FOR NON-PROFIT PRIVATE ENTITIES.—An award may be made under subsection (a) to an applicant that is a nonprofit private entity only if the Secretary determines that—

“(1) the applicant has the capacity to provide the services described in subsection (a); and

“(2) the applicant meets all applicable State licensure and certification requirements regarding the provision of substance abuse treatment services.

“(c) REQUIREMENTS APPLICABLE TO FAMILY DRUG TREATMENT PROGRAM THAT IS AN ALTERNATIVE TO INCARCERATION.—A grant under this section may be used for a family drug treatment program that is an alternative to incarceration only if the program complies with the following:

“(1) The program is a comprehensive, long-term family treatment program focused on the treatment of the parent and child.

“(2) The program and its providers meet all applicable State licensure and certification requirements regarding the provision of substance abuse treatment services.

“(3) Each parent offender who participates in the program is sentenced to, or placed with, a long-term family treatment program (which shall include a residential component).

“(4) Each parent offender who participates in the program serves a sentence with respect to the underlying crime if that parent offender does not successfully complete treatment with the residential treatment provider.

“(5) The program has mandatory periodic drug testing. The Secretary shall, by prescribing guidelines or regulations, specify standards for the timing and manner of complying with such testing. The standards shall ensure that—

“(A) each individual participating in the program as an alternative to incarceration is tested for every controlled substance that the participant has been known to abuse, and for any other controlled substance the Secretary may require; and

“(B) the testing is accurate and practicable; and

“(C) the drug testing regime is a factor in determinations of whether program participants successfully complete treatment.

“(d) ALLOCATION OF AWARDS.—In making awards under subsection (a), the Secretary shall give priority to any entity that agrees to use the award for a program serving an area that—

“(1) is a rural area, an area designated under section 332 by the Administrator of

the Health Resources and Services Administration as a health professional shortage area with a shortage of mental health professionals, or an area determined by the Secretary to have a shortage of family-based substance abuse treatment options; and

“(2) is determined by the Secretary to have high rates of addiction to methamphetamine or other drugs.

“(e) DEFINITIONS.—In this section the terms ‘family drug treatment’, ‘family treatment’, and ‘comprehensive, long-term family treatment’ describe programs that provide, or are able to provide referrals for, the following services: Substance abuse treatment, children’s early intervention services, family counseling, legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, prenatal care, sexual abuse therapy, relapse prevention, transportation, and job or vocational training or general equivalency diploma (GED) classes.

“(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$40,000,000 for each of fiscal years 2008, 2009, and 2010, and \$50,000,000 for each of fiscal years 2011 and 2012.”.

By Mr. BINGAMAN (for himself and Mr. LEAHY):

S. 886. A bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Homeland Security and Governmental Affairs.

Mr. BINGAMAN. Mr. President, I rise today with my colleague from Vermont, Senator LEAHY, to introduce a bill that would restore the American people’s access to Presidential papers. This bill is the companion to H.R. 1255, which is sponsored by Representative HENRY WAXMAN, and was passed in the House of Representatives with strong bipartisan support.

In 1978, this body passed the Presidential Records Act and declared that a President’s papers were the property of the people of the United States of America and were to be administered by the National Archives and Records Administration, or NARA. The Act provided that Presidential papers would be made available 12 years after a President left office, allowing the former or incumbent President the right to claim executive privilege for particularly sensitive documents. In order to fulfill that mandate, President Reagan in 1989 signed Executive Order 12667, which gave the former or incumbent President 30 days to claim executive privilege.

However, in 2001, President Bush issued Executive Order 13233, nullifying President Reagan’s order and imposing new regulations for obtaining Presidential and Vice-Presidential documents. President Bush’s new order greatly restricts access to Presidential papers by requiring that all requests for documents, no matter how innocuous, be approved by both the former President and current White House. In this way the order goes against the let-

ter and the spirit of the Presidential Records Act by creating a presumption of nondisclosure, thus allowing the White House to prevent the release of records simply by inaction.

The President’s order also limits what types of papers are available by expanding the scope of executive privilege into new areas—namely communications between the President and his advisors and legal advice given to the President. The order extends executive privilege to the records of the Vice President for the first time. Also, former Presidents can now designate third parties, including family members and Vice Presidents, to exercise executive privilege on their behalf, meaning that Presidential papers could remain concealed many years after a President’s death. These expansions raise some serious constitutional questions. Deleted sentence. My legislation simply seeks to restore a presumption that Presidential records belong to the people of the United States and to create a legitimate, streamlined means of carrying out this body’s wishes—making Presidential records available for examination by the public and by Congress.

The administration shouldn’t fear passage of this bill. Any documents that contain sensitive national security information would remain inaccessible, as would any documents pertaining to law enforcement or the deliberative process of the executive branch. Executive privilege for both former and current Presidents would still apply to any papers the White House designates. With these safeguards in place, there is no reason to further hinder access to documents that are in some cases more than 20 years old.

By not passing this bill, the Congress would greatly limit its own ability to investigate previous administrations, not to mention limit the ability of historians and other interested parties to research the past. Knowledge of the past enriches and informs our understanding of the present, and by limiting our access to these documents we do both ourselves and future generations a great disservice. Numerous historians, journalists, archivists and other scholars have voiced their disapproval of Executive Order 13233 because they understand how important access to Presidential papers can be to accurately describing and learning from past events. We here in the Congress cannot and should not surrender our ability to investigate previous Presidential administrations because doing so would remove a vitally important means of ensuring Presidential accountability.

I believe it is time for these documents to become part of the public record. I believe in open, honest, and accountable government, and I do not believe in keeping secrets from the American people. The Presidential Records Act was one of this country’s most vital post-Watergate reforms and

it remains vitally important today. In these times when trust in government is slipping more and more every day, we need to send a statement to the American people that we here in Washington don't need to hide from public scrutiny—that instead we welcome and encourage public scrutiny. This bill will send just such a message.

Franklin Roosevelt commented on the opening of his Presidential library in 1941:

“To bring together the records of the past and to house them in buildings where they will be preserved for the use of men and women in the future, a Nation must believe in three things. It must believe in the past. I must believe in the future. It must, above all, believe in the capacity of its own people to learn from the past so that they can gain in judgment in creating their own future.”

I believe that the American people deserve and need access to Presidential records.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 886

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Presidential Records Act Amendments of 2007”.

#### SEC. 2. PROCEDURES FOR CONSIDERATION OF CLAIMS OF CONSTITUTIONALLY BASED PRIVILEGE AGAINST DISCLOSURE.

(a) IN GENERAL.—Chapter 22 of title 44, United States Code, is amended by adding at the end the following:

##### “§ 2208. Claims of constitutionally based privilege against disclosure

“(a)(1) When the Archivist determines under this chapter to make available to the public any Presidential record that has not previously been made available to the public, the Archivist shall—

“(A) promptly provide notice of such determination to—

“(i) the former President during whose term of office the record was created; and

“(ii) the incumbent President; and

“(B) make the notice available to the public.

“(2) The notice under paragraph (1)—

“(A) shall be in writing; and

“(B) shall include such information as may be prescribed in regulations issued by the Archivist.

“(3)(A) Upon the expiration of the 20-day period (excepting Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist provides notice under paragraph (1)(A), the Archivist shall make available to the public the record covered by the notice, except any record (or reasonably segregable part of a record) with respect to which the Archivist receives from a former President or the incumbent President notification of a claim of constitutionally based privilege against disclosure under subsection (b).

“(B) A former President or the incumbent President may extend the period under subparagraph (A) once for not more than 20 additional days (excepting Saturdays, Sundays, and legal public holidays) by filing with the

Archivist a statement that such an extension is necessary to allow an adequate review of the record.

“(C) Notwithstanding subparagraphs (A) and (B), if the period under subparagraph (A), or any extension of that period under subparagraph (B), would otherwise expire after January 19 and before July 20 of the year in which the incumbent President first takes office, then such period or extension, respectively, shall expire on July 20 of that year.

“(b)(1) For purposes of this section, any claim of constitutionally based privilege against disclosure shall be asserted personally by a former President or the incumbent President, as applicable.

“(2) A former President or the incumbent President shall notify the Archivist, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate of a privilege claim under paragraph (1) on the same day that the claim is asserted under paragraph (1).

“(c)(1) The Archivist shall not make publicly available a Presidential record that is subject to a privilege claim asserted by a former President until the expiration of the 20-day period (excluding Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist is notified of the claim.

“(2) Upon the expiration of such period the Archivist shall make the record publicly available unless otherwise directed by a court order in an action initiated by the former President under section 2204(e).

“(d)(1) The Archivist shall not make publicly available a Presidential record that is subject to a privilege claim asserted by the incumbent President unless—

“(A) the incumbent President withdraws the privilege claim; or

“(B) the Archivist is otherwise directed by a final court order that is not subject to appeal.

“(2) This subsection shall not apply with respect to any Presidential record required to be made available under section 2205(2)(A) or (C).

“(e) The Archivist shall adjust any otherwise applicable time period under this section as necessary to comply with the return date of any congressional subpoena, judicial subpoena, or judicial process.”

(b) RESTRICTIONS.—Section 2204 of title 44, United States Code (relating to restrictions on access to presidential records) is amended by adding at the end the following:

“(f) The Archivist shall not make available any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3) if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.”

(c) CONFORMING AMENDMENTS.—(1) Section 2204(d) of title 44, United States Code, is amended by inserting “, except section 2208,” after “chapter”.

(2) Section 2207 of title 44, United States Code, is amended in the second sentence by inserting “, except section 2208,” after “chapter”.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 22 of title 44, United States Code, is amended by adding at the end the following:

“2208. Claims of constitutionally based privilege against disclosure.”

#### SEC. 3. EXECUTIVE ORDER OF NOVEMBER 1, 2001.

Executive Order number 13233, dated November 1, 2001 (66 Fed. Reg. 56025), shall have no force or effect.

By Mrs. FEINSTEIN (for herself and Mr. DURBIN):

S. 887. A bill to restore import and entry agricultural inspection functions to the Department of Agriculture; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to offer a bill with Senator DURBIN to restore our Nation's agricultural inspection functions to the Department of Agriculture.

This bill would transfer the Agricultural Quarantine Inspection Program—AQI—from the Department of Homeland Security's Customs and Border Protection back to the USDA's Animal and Plant Health Inspection Service—(APHIS).

In 2003, as part of the Homeland Security Act, agricultural inspections at all points of entry in the United States were transferred from the USDA to DHS. Four years later, it is clear that fewer agricultural inspections are being conducted at our borders and ports.

I have heard this message loud and clear from: California Secretary of Agriculture A.G. Kawamura, California Farm Bureau, the American Landscape and Nursery Association, the California Agriculture Commissioners and Sealers Association, the Nisei Farmers League, the Nature Conservancy, Environmental Defense, National Wildlife Federation, Union of Concerned Scientists, Defenders of Wildlife, and the San Diego County Agriculture Commissioner, the Contra Costa County Agriculture Commissioner, and many California farmers.

These groups have observed not only the decrease in the number of inspections since the Agricultural Quarantine Inspection Program was transferred to the Department of Homeland Security—DHS—but also decreased communication between the program and State agricultural organizations.

Last year, the Government Accountability Office produced a report that highlighted the problems associated with the transfer of the program from the U.S. Department of Agriculture to the Department of Homeland Security, entitled “Homeland Security: Management and Coordination Problems Increase the Vulnerability of U.S. Agriculture to Foreign Pests and Disease.”

The GAO study found:

The inspection rate at several key American points of entry has significantly decreased. Inspections decreased in Miami by 12.7 percent, in Boston by 17.9 percent, and San Francisco by 21.4 percent.

Sixty percent of agricultural inspection specialists believed they were doing either “somewhat” or “many fewer” inspections since the transfer.

Sixty-three percent of survey respondents did not believe that their port had enough agriculture specialists to carry out agriculture duties.

Lastly, 64 percent of the agriculture specialists reported that their work was not respected by Customs and Border Patrol.

These statistics are deplorable.

The failure to protect our borders from the invasion of agricultural pests

places our farmlands and forests at great risk of infestation.

USDA estimates nationally that agricultural pests cost the American agricultural industry an annual loss of about \$41 billion.

In California alone, pest infestations cost my State's farmers about \$3 billion. This amount includes crops lost in the quarantine, and the cost of measures taken to control and eradicate pest outbreaks.

The farmers in my State continue to battle against serious agricultural pests, such as the glassy-winged sharpshooter, the Asian long-horned beetle, the Mediterranean fruit fly, and many others.

During the time that DHS has been in charge of agriculture inspections, Fresno County experienced its first fruit fly outbreak, quarantine, and eradication.

According to the Fresno County Department of Agriculture, a 105-square-mile area had to be quarantined due to an outbreak of the peach fruit fly. The pest is indigenous to Asia, and is believed to have entered the country on smuggled fruit carried by an airline passenger. The eradication effort cost approximately \$1 million.

The interception of pests at inspection points, coupled with the elimination and eradication of pest outbreaks, is a top priority for California agriculture organizations. And these groups have asked for help in improving the agricultural inspection process.

But this is not just a California problem. Farmers and foresters from every corner of our country have faced the imposing threat of a foreign agriculture pest invasion.

Here are just a few examples of the pests that threaten our Nation:

The glassy-winged sharpshooter is a devastating new pest for California. Since its migration into California in 1990 from the southeastern United States, the glassy-winged sharpshooter population there has ballooned throughout southern California. This pest transmits Pierce's disease, which threatens 450,000-plus acres of winegrapes, more than 330,000 acres of raisin and table grapevines, a crop production of \$4 billion and associated economic activity of \$45 billion. There is no known cure for Pierce's disease. The glassy-winged sharpshooter also threatens crops such as almonds, citrus, and peaches as well as native plants, shrubs, and trees.

Citrus canker is believed to have originated in Southeast Asia and was discovered in Florida in 1995. It causes lesions on the leaves, stems, and fruit of citrus trees, causes leaves and fruit to drop prematurely, and makes fruit too unsightly to be sold. The Federal Government has spent \$378 million for eradication, with little results.

The Asian long-horned beetle was introduced to the United States in August 1996 inside solid wood packing material from China. The beetle is a serious threat to hardwood trees and has

no known natural predator in the United States. The beetle has the potential to destroy millions of acres of America's hardwood forests and industries such as lumber, maple syrup, nursery, and tourism accumulating over \$41 billion in losses. The beetle has spread to New York, New Jersey, Illinois, and California.

In the summer of 2002, scientists detected a new exotic insect in Michigan, the emerald ash borer. This insect is an invasive species originally from Asia. To date, it has killed or damaged millions of ash trees in Michigan. It has been detected in Ohio, Indiana, Maryland, Ohio, Illinois, and in Ontario, Canada.

The National Association of State Departments of Agriculture—NASDA—recognizes the impending danger and has first-hand experience of how inspections have changed since the DHS takeover.

NASDA recently announced that one of its key recommendations is to reassign cargo inspection from DHS to USDA's Animal and Plant Health Inspection Service—APHIS.

NASDA explains: APHIS has "the expertise and communication system to carry out a focused and effective agricultural safeguarding effort at our borders."

Our Nation's agriculture is too important to leave open to the risk of invasion of agricultural pests. I urge my colleagues to join me in supporting this bill.

Let us reprioritize the plant and animal border inspections and strengthen the anti-terrorism mission of DHS by returning the Agricultural Quarantine Inspections to its logical place, the United States Department of Agriculture.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 887

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. RESTORATION OF IMPORT AND ENTRY AGRICULTURAL INSPECTION FUNCTIONS TO THE DEPARTMENT OF AGRICULTURE.**

(a) REPEAL OF TRANSFER OF FUNCTIONS.—Section 421 of the Homeland Security Act of 2002 (6 U.S.C. 231) is repealed.

(b) CONFORMING AMENDMENT TO FUNCTION OF SECRETARY OF HOMELAND SECURITY.—Section 402 of the Homeland Security Act of 2002 (6 U.S.C. 202) is amended—

(1) by striking paragraph (7); and  
(2) by redesignating paragraph (8) as paragraph (7).

(c) TRANSFER AGREEMENT.—

(1) IN GENERAL.—Not later than the effective date described in subsection (g), the Secretary of Agriculture and the Secretary of Homeland Security shall enter into an agreement to effectuate the return of functions required by the amendments made by this section.

(2) USE OF CERTAIN EMPLOYEES.—The agreement may include authority for the Secretary of Agriculture to use employees of the

Department of Homeland Security to carry out authorities delegated to the Animal and Plant Health Inspection Service regarding the protection of domestic livestock and plants.

(d) RESTORATION OF DEPARTMENT OF AGRICULTURE EMPLOYEES.—Not later than the effective date described in subsection (e), all full-time equivalent positions of the Department of Agriculture transferred to the Department of Homeland Security under section 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 231(g)) (as in effect on the day before the effective date described in subsection (g)) shall be restored to the Department of Agriculture.

(e) AUTHORITY OF APHIS.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Agriculture shall establish within the Animal and Plant Health Inspection Service a program, to be known as the "International Agricultural Inspection Program", under which the Administrator of the Animal and Plant Health Inspection Service (referred to in this subsection as the "Administrator") shall carry out import and entry agricultural inspections.

(2) INFORMATION GATHERING AND INSPECTIONS.—In carrying out the program under paragraph (1), the Administrator shall have full access to—

(A) each secure area of any terminal for screening passengers or cargo under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of carrying out inspections and gathering information; and

(B) each database (including any database relating to cargo manifests or employee and business records) under the control of the Department of Homeland Security on the day before the date of enactment of this Act for purposes of gathering information.

(3) INSPECTION ALERTS.—The Administrator may issue inspection alerts, including by indicating cargo to be held for immediate inspection.

(4) INSPECTION USER FEES.—The Administrator may, as applicable—

(A) continue to collect any agricultural quarantine inspection user fee; and

(B) administer any reserve account for the fees.

(5) CAREER TRACK PROGRAM.—

(A) IN GENERAL.—The Administrator shall establish a program, to be known as the "import and entry agriculture inspector career track program", to support the development of long-term career professionals with expertise in import and entry agriculture inspection.

(B) STRATEGIC PLAN AND TRAINING.—In carrying out the program under this paragraph, the Administrator, in coordination with the Secretary of Agriculture, shall—

(i) develop a strategic plan to incorporate import and entry agricultural inspectors into the infrastructure protecting food, fiber, forests, bioenergy, and the environment of the United States from animal and plant pests, diseases, and noxious weeds; and

(ii) as part of the plan under clause (i), provide training for import and entry agricultural inspectors participating in the program not less frequently than once each year to improve inspection skills

(f) DUTIES OF SECRETARY.—

(1) IN GENERAL.—The Secretary of Agriculture (referred to in this subsection as the "Secretary") shall—

(A) develop standard operating procedures for inspection, monitoring, and auditing relating to import and entry agricultural inspections, in accordance with recommendations from the Comptroller General of the United States and reports of interagency advisory groups, as applicable; and

(B) ensure that the Animal and Plant Health Inspection Service has a national electronic system with real-time tracking capability for monitoring, tracking, and reporting inspection activities of the Service.

(2) FEDERAL AND STATE COOPERATION.—

(A) COMMUNICATION SYSTEM.—The Secretary shall develop and maintain an integrated, real-time communication system with respect to import and entry agricultural inspections to alert State departments of agriculture of significant inspection findings of the Animal and Plant Health Inspection Service.

(B) ADVISORY COMMITTEE.—

(i) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the “International Trade Inspection Advisory Committee” (referred to in this subparagraph as the “committee”), to advise the Secretary on policies and other issues relating to import and entry agricultural inspection.

(ii) MODEL.—In establishing the committee, the Secretary shall use as a model the Agricultural Trade Advisory Committee.

(iii) MEMBERSHIP.—The committee shall be composed of members representing—

- (I) State departments of agriculture;
- (II) directors of ports and airports in the United States;
- (III) the transportation industry;
- (IV) the public; and
- (V) such other entities as the Secretary determines to be appropriate.

(3) REPORT.—Not less frequently than once each year, the Secretary shall submit to Congress a report containing an assessment of—

(A) the resource needs for import and entry agricultural inspection, including the number of inspectors required;

(B) the adequacy of—

- (i) inspection and monitoring procedures and facilities in the United States; and
- (ii) the strategic plan developed under subsection (e)(5)(B)(i); and

(C) new and potential technologies and practices, including recommendations regarding the technologies and practices, to improve import and entry agricultural inspection.

(4) FUNDING.—The Secretary shall pay the costs of each import and entry agricultural inspector employed by the Animal and Plant Health Inspection Service—

(A) from amounts made available to the Department of Agriculture for the applicable fiscal year; or

(B) if amounts described in subparagraph (A) are unavailable, from amounts of the Commodity Credit Corporation.

(g) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 180 days after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 105—DESIGNATING SEPTEMBER 2007 AS “CAMPUS FIRE SAFETY MONTH”

Mr. BIDEN (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 105

Whereas tragic fires in student housing in Nebraska, Missouri, Oklahoma, and Pennsylvania have cut short the lives of college students in the United States;

Whereas, since January 2000, at least 99 people, including students, parents, and children, have died in campus-related fires;

Whereas more than 75 percent of those deaths occurred in off-campus occupancies;

Whereas a majority of the students in the United States live in off-campus occupancies;

Whereas a number of fatal fires have occurred in buildings in which the fire safety systems have been compromised or disabled by the occupants;

Whereas automatic fire alarm systems provide the early warning of a fire that is necessary for occupants and the fire department to take appropriate action;

Whereas automatic fire sprinkler systems are a highly effective method for controlling or extinguishing a fire in its early stages and protecting the lives of the building’s occupants;

Whereas many students are living in off-campus occupancies, sorority and fraternity housing, and residence halls that are not adequately protected with automatic fire alarm systems and automatic fire sprinkler systems;

Whereas fire safety education is an effective method of reducing the occurrence of fires and the resulting loss of life and property damage;

Whereas students are not routinely receiving effective fire safety education throughout their entire college careers;

Whereas it is vital to educate future generations in the United States about the importance of fire safety to help ensure the safety of young people during their college years and beyond; and

Whereas by educating a generation of adults about fire safety, future loss of life from fires may be significantly reduced: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2007 as “Campus Fire Safety Month”; and

(2) encourages administrators of institutions of higher education and municipalities—

(A) to provide educational programs about fire safety to all students during “Campus Fire Safety Month” and throughout the school year;

(B) to evaluate the level of fire safety being provided in both on- and off-campus student housing; and

(C) to take the necessary steps to ensure fire-safe living environments through fire safety education, installation of fire suppression and detection systems, and the development and enforcement of applicable codes relating to fire safety.

SENATE RESOLUTION 106—CALLING ON THE PRESIDENT TO ENSURE THAT THE FOREIGN POLICY OF THE UNITED STATES REFLECTS APPROPRIATE UNDERSTANDING AND SENSITIVITY CONCERNING ISSUES RELATED TO HUMAN RIGHTS, ETHNIC CLEANSING, AND GENOCIDE DOCUMENTED IN THE UNITED STATES RECORD RELATING TO THE ARMENIAN GENOCIDE

Mr. DURBIN (for himself, Mr. ENSIGN, Mr. SCHUMER, Ms. SNOWE, Ms. STABENOW, Mr. COLEMAN, Mrs. BOXER, Mr. SUNUNU, Mr. FEINGOLD, Mr. DODD, Mr. KERRY, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. REED, Mr. ALLARD, Mrs. DOLE, Mr. LAUTENBERG, Mr. BROWN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 106

Whereas the Armenian Genocide was conceived and carried out by the Ottoman Empire from 1915 to 1923, resulting in the deportation of nearly 2,000,000 Armenians, of whom 1,500,000 men, women, and children were killed, 500,000 survivors were expelled from their homes, and which succeeded in the elimination of more than 2,500-year presence of Armenians in their historic homeland;

Whereas, on May 24, 1915, the Allied Powers issued the joint statement of England, France, and Russia that explicitly charged, for the first time ever, another government of committing “a crime against humanity”;

Whereas that joint statement stated “the Allied Governments announce publicly to the Sublime Porte that they will hold personally responsible for these crimes all members of the Ottoman Government, as well as those of their agents who are implicated in such massacres”;

Whereas the post-World War I Turkish Government indicted the top leaders involved in the “organization and execution” of the Armenian Genocide and in the “massacre and destruction of the Armenians”;

Whereas in a series of courts-martial, officials of the Young Turk Regime were tried and convicted on charges of organizing and executing massacres against the Armenian people;

Whereas the officials who were the chief organizers of the Armenian Genocide, Minister of War Enver, Minister of the Interior Talaat, and Minister of the Navy Jemal, were tried by military tribunals, found guilty, and condemned to death for their crimes, but the punishments imposed by the tribunals were not enforced;

Whereas the Armenian Genocide and the failure to carry out the death sentence against Enver, Talaat, and Jemal are documented with overwhelming evidence in the national archives of Austria, France, Germany, Russia, the United Kingdom, the United States, the Vatican, and many other countries, and this vast body of evidence attests to the same facts, the same events, and the same consequences;

Whereas the National Archives and Records Administration of the United States holds extensive and thorough documentation on the Armenian Genocide, especially in its holdings for the Department of State under Record Group 59, files 867.00 and 867.40, which are open and widely available to the public and interested institutions;

Whereas the Honorable Henry Morgenthau, United States Ambassador to the Ottoman Empire from 1913 to 1916, organized and led protests by officials of many countries, among them the allies of the Ottoman Empire, against the Armenian Genocide;

Whereas Ambassador Morgenthau explicitly described to the Department of State the policy of the Government of the Ottoman Empire as “a campaign of race extermination”, and was instructed on July 16, 1915, by Secretary of State Robert Lansing that the “Department approves your procedure . . . to stop Armenian persecution”;

Whereas Senate Concurrent Resolution 12, 64th Congress, agreed to July 18, 1916, resolved that “the President of the United States be respectfully asked to designate a day on which the citizens of this country may give expression to their sympathy by contributing funds now being raised for the relief of the Armenians,” who, at that time, were enduring “starvation, disease, and untold suffering”;

Whereas President Woodrow Wilson agreed with such Concurrent Resolution and encouraged the formation of the organization