United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, WEDNESDAY, JUNE 20, 2007 No. 100

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal spirit, Your great Name keeps us from harm. We remember all Your gifts and praise You for Your mercies. Today, guide our Senators. Make their plans succeed as they find wisdom by following Your directions. When they don't know what to do, teach them to be still until You make Your will clear. When they feel alone and anxious, remind them that You will never abandon them no matter how difficult the challenge. Keep them from elevating the empty and hollow while neglecting the truly valuable. Help them to focus on the things that are excellent, commendable, true, honorable, right, pure, lovely, and admirable. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 20, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

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

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

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

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

SCHEDULE

Mr. REID. Mr. President, following any remarks that I make and the Republican leader does, if he chooses to do so, we will begin consideration of H.R. 6, the Energy bill, with 30 minutes of debate on the DeMint amendment No. 1546. A vote in relation to that amendment is expected to occur at 10:10 or 10:15 this morning. Last night cloture was filed on the Baucus-Grassley amendment, and cloture was filed to the substitute amendment and the Energy bill itself.

Last night I stated the obvious. Every step of the way for 6 months we have had to procedurally jump through every hoop the complicated Senate rules allow. That is unfortunate. We, as Democrats, have been in the minority, and we never did anything similar to this. There were times when it was necessary, because of what we did not allow, that cloture was filed. But this is untoward, what is happening now.

I hope the Republican leadership would look at this. Is it necessary, if we get cloture on the substitute, to have to go forward on a cloture vote on the bill itself? I hope not.

Germane first-degree amendments to the substitute and the bill need to be filed at the desk by 1 p.m. today. There will be votes today and into the evening.

STEM CELL RESEARCH

Mr. REID. Mr. President, yesterday, a few feet out of this Chamber, I had the opportunity to meet with three young ladies from Nevada. Megan Christensen is 14 years old; Anna Ressel, from Sparks, 13 years old; and Jordan Exber, a 14-year-old from Las Vegas.

These girls were here to present me with a little award as a result of work I have done on juvenile diabetes. I was representative of many people who have worked on the issue. But the reason I mention this is not any award that was given to me or any of the other Senators but the plight of these young ladies.

One of the girls was determined to have diabetes 3 months ago—a beautiful child, Jordan, from Las Vegas. They prepared a book for me: ''2007, Children's Congress.''

Among other things, one of the pictures in this is a bunch of syringes. Look at this. I can't count them. This is 1 week's picking and poking at this young lady's body that she has to go through because of diabetes.

Type 1 juvenile diabetes is a chronic disease and for the child with type 1 diabetes, the pancreas does not produce insulin, a hormone necessary to sustain life. Without insulin the sugar in the blood can't be used. It builds up in the bloodstream, even though the body is starved for energy. A person with type 1 diabetes must take one or more injections of insulin daily to stay alive.

She has written here: ''I take 42 shots, at least, every week. This does not count the testing,'' to find out

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

Printed on recycled paper.

what her blood sugar levels are; 42 a week.

The reason I mention this is these young and beautiful children were here to talk about something the President is going to do today—veto stem cell research legislation. What a shame. Last year, the Republican-controlled House and Senate overwhelmingly passed a bill to open up hope for these young ladies.

To indicate this is not just something that is important for Nevada, they had there a girl from Australia. A teenager from Australia was here to indicate this is an international problem. We in America, with the genius we have here—out of the top 142 universities in the world, we have 129 of them in America. One of the best, of course, is in the State of the Presiding Officer—Johns Hopkins. Research is going on there. Stem cell research should be going on there, and it is not.

It was a happy day for all of us when the bill passed the House and the Senate. It was a day Democrats and Republicans put politics and partisanship aside to do the right thing for the American people. Yet when we sent this historic bill to the President's desk, he vetoed it. It was his first veto of his Presidency.

With the health and hope of literally millions of Americans hanging in the balance, he vetoed the bill. It was the first veto, I repeat, of his administration.

A year passed. The best scientists continued to work with one hand tied behind their backs. I indicated 129 great universities in America, the best universities in the world, are not allowed to do this. Countless millions of Americans have been diagnosed with dread diseases, thousands and thousands, with Parkinson's, spinal cord injuries, heart disease. A year has passed, but today we are told the President plans to veto the stem cell bill again.

These children suffer from diabetes. They were here to help get this bill passed.

When we sent the bill to the President 2 weeks ago, Speaker PELOSI and I were joined by 10-year-old Toni Bethea, who lives in the District of Columbia and suffers from diabetes, and Allison Howard, who suffers from Rett Syndrome—beautiful children, one of them extremely ill. They deserve hope, just like these girls from Las Vegas, Sparks, Reno, from Australia.

President Bush has indicated that he would not give them any hope. He is going to veto the bill, we are told. He would not listen to the more than 500 leading organizations who support this bill, the American Association of Retired Persons, AARP, the American Medical Association, the American Diabetes Association, more than 500 organizations. He would not listen to 80 Nobel laureates who have said this is essential. He would not listen to his own Director—I am talking about President Bush—his own Director of the National Institutes of Health, who supports embryonic stem cell research. He is not listening to the majority of the American people. This proposal is supported by more than 80 percent of the American public. They call for stem cell research.

This narrow ideology that has guided this administration, that has us in this intractable war in Iraq, that has us losing standing in the world community, having 47 million Americans with no health care and no plan coming from the White House to improve that—a program that is lacking in keeping our children in school. On the environment, global warming is taking place. It is being ignored by this White House. This, a hope for millions—stem cell research—indicates this narrow ideology is wrong, and it is preventing the curing of diseases, the prevention of diseases. We deserve better. We are a nation of endless compassion and unlimited ingenuity. Megan, Anna, Jordan, Toni, and Allison deserve to know we are a better country than this narrow ideology.

President Bush's veto is a setback, but we are going to continue to give hope to these children and the American people.

RESERVATION OF LEADER TIME

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

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependence on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

Pending:

Reid amendment No. 1502, in the nature of a substitute.

Reid (for Bingaman) amendment No. 1537 (to amendment No. 1502), to provide for a renewable portfolio standard.

Klobuchar (for Bingaman) amendment No. 1573 (to amendment No. 1537), to provide for a renewable portfolio standard.

Bingaman (for Klobuchar) amendment No. 1557 (to amendment No. 1502), to establish a national greenhouse gas registry.

Kohl (for DeMint) amendment No. 1546 (to amendment No. 1502), to provide that legislation that would increase the national average fuel prices for automobiles is subject to a point of order in the Senate.

Corker amendment No. 1608 (to amendment No. 1502), to allow clean fuels to meet the renewable fuel standard.

Cardin modified amendment No. 1520 (to amendment No. 1502), to promote the energy independence of the United States.

Collins amendment No. 1615 (to amendment No. 1502), to provide for the development and coordination of a comprehensive and integrated U.S. research program that assists the people of the United States and the world to understand, assess, and predict human-induced and natural processes of abrupt climate change.

Baucus amendment No. 1704 (to amendment No. 1502), to amend the Internal Revenue Code of 1986 to provide for energy advancement and investment.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 30 minutes of debate on amendment No. 1546, offered by the Senator from South Carolina, Mr. DEMINT, with the time equally divided and controlled between the Senator from New Mexico, Mr. BINGAMAN, and Mr. DEMINT.

Who yields time? The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I ask unanimous consent to be allowed to speak as in morning business for up to 5 minutes and that it count against my allocated 15 minutes on my amendment and that it appear in a separate place in the RECORD.

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

(The remarks of Mr. DEMINT are printed in today's RECORD under ''Morning Business.'')

AMENDMENT NO. 1546

Mr. DEMINT. Mr. President, I wish to take a few minutes to speak about my amendment which the Senate will be voting on a few minutes after 10 this morning. This amendment would create a 60-vote point of order against bills or amendments in the future that would raise the price of gasoline.

This amendment is very straightforward. It would require the Congressional Budget Office to score legislation to determine if it would increase the cost of gasoline. If the legislation would increase the cost of gasoline, a 60-vote point of order would lie against the bill.

This applies the same principle we use in the Congressional budget process to our energy policy. The traveling public is coping with the high price of gasoline every day. While there are many factors out of our control forcing up the price of gas, we can control what we do here in the Senate.

For all the time that has been spent over the last few weeks railing against big oil or the high cost of gasoline, little time has been spent to examine one of the leading causes of high prices of gasoline, which is the Congress. Too often the idea of a rational energy policy here in Congress is to create burdensome regulations, onerous mandates, and higher taxes, all of which directly translate into higher prices at the pump for American families. My amendment proposes to hold Congress in check by instituting a safeguard that encourages the Senate to take a ''do not harm'' approach when considering legislation affecting gas prices.

My amendment, again, is very straightforward and very simple. If the Senate wants to pass legislation that

will make it more expensive for American families to fill up their tank, we will be required to get 60 votes instead of 51 to pass the legislation. While this amendment is relatively simple, it is also vitally important, because, while many of the Democrats in this body like to tell the American people they are working to ''stick it to big oil'' and lower the price of gasoline, their legislative record shows something quite different.

The current bill is a perfect example. According to a study completed this week by the Heritage Foundation, the Energy bill we are currently debating could result in significantly higher prices for gasoline to consumers. A review of the legislation, including the new amendment dealing with tax changes, revealed the bill could increase the price of regular unleaded gasoline from $3.15 per gallon, which is the May average right now, to $6.40 a gallon by 2016.

That is an increase of over 100 percent. The point of order my amendment proposes could not be used against this bill because it cannot take effect until the bill is enacted. But my amendment could be used to stop similar legislation in the future. If this Congress is willing to consider legislation that would raise the price of gasoline by over 100 percent, as this bill may do, we need to put some commonsense safeguards in place.

I know some of my colleagues may in the future support policies that would raise the price of gasoline. That would cause the point of order I am proposing to lie against the bill. But I would encourage even those to support this amendment. If their policy goal is so important, then we can overcome the point of order and we can get 60 votes to pass their legislation.

We should adopt this commonsense proposal that ensures that at the very least the Senate is less likely to increase the cost of gasoline. After all the concerns we have heard from my Democratic colleagues about the price of gasoline, this seems the least we can do.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, the DeMint amendment as described by Senator DEMINT creates a 60-vote point of order in the Senate on any legislation or part of legislation that would ''result in an increase in the national average fuel price for automobiles.''

By legislation, that is usually interpreted to mean a bill, a joint resolution, an amendment, a motion, or a conference report. The determination of whether any of those enumerated items would result in an increase in the national average fuel price for automobiles would be made by CBO in consultation with the Energy Information Administration.

This is another piece of ''feel good'' legislation that would have the probable effect of making a great deal of what we do here in the Senate subject to a 60-vote point of order. Frankly, world oil prices and domestic fuel prices are swayed by all sorts of influences and psychological factors in the market. To think the Congressional Budget Office would be able to analyze price effects of legislative proposals might play in this complex stew of what traders and producers and major refiners think will happen is not realistic. This point of order would give a tremendous amount of influence to the petroleum industry. Most anything we do up here causes them to complain we are likely to raise gasoline prices as a result.

For example, they are saying that right now about the antimanipulation and consumer protection provisions in the bill that were voted out of the Commerce Committee. If there were a 60-vote point of order their complaint could trigger, they would certainly be in constant contact with Member offices and with the Congressional Budget Office trying to boost the minimum votes necessary for these proposals to 60 votes.

Let me give you a few examples of amendments to the bill Members want to offer that might be caught up in this kind of a point of order. Senator COCHRAN has an amendment he wants to offer to increase the size of the Strategic Petroleum Reserve. Any purchase of oil for the SPR would take that oil off the market and potentially raise fuel prices. That would trigger the DeMint point of order.

Another example is the provision in the amendment that was adopted in the Senate by over 60 votes yesterday that is referred to generally as NOPEC, which essentially says U.S. courts will be open and available and have jurisdiction to consider antitrust claims against foreign governments that are getting together and trying to conspire to set oil policies. That legislation could clearly affect the price of oil and thereby the price of gasoline at the pump. We have an interest in creating reserves of products for refined gasoline. We already have a heating oil reserve. Legislation to establish new product reserves or to increase the size of the heating oil reserve would likely trigger this point of order my friend is suggesting we ought to put into our procedural law.

Our military posture in the Persian Gulf has a great deal to do with the world price of oil. We might find that amendments or other legislative proposals dealing with sensitive military or diplomatic issues in that region would have an effect on automobile fuel prices under this amendment and could thus trigger the point of order. We might see the whole Defense bill annually subjected to the DeMint point of order on the claim that what we are proposing to do in the Defense bill could increase the price of gasoline at the pump.

It is worth focusing on the fact that the point of order is triggered by ''an increase'' found by the Congressional Budget Office. That increase could be less than a penny a gallon and still the 60-vote point of order would be triggered as the amendment is drawn.

Another example would be any legislation that might be considered on the Senate floor related to Nigeria and our relations with Nigeria. Clearly, we are heavily dependent upon oil from Nigeria to meet our energy needs. Any instability in that relationship could affect the price of oil or the price of gasoline as a result of increases in the price of oil.

People are always complaining it is hard to get things done here in the Congress. We have too many procedural wrangles here in the Congress. There is an abundance already of procedural hurdles that any legislative proposal has to surmount in order to get passed.

We have been pleading with various Senate Members in connection with this exact bill to try to get permission to bring up different amendments, even agreeing that we would be bound by a 60-vote point of order or a 60-vote requirement to do that. So we already have procedural hurdles in place in abundance. We should not be inserting into Senate procedures a requirement that will come back to haunt both Republicans and Democrats in completely unforeseen and unforeseeable ways just in order to say we did something about high gas prices.

I strongly urge that we not agree to the DeMint amendment.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. DEMINT. How much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 7½ minutes.

Mr. DEMINT. Mr. President, I very much appreciate the Senator's remarks. I think the remarks were very instructive. It is clear that many of things we do in the Senate actually do result in increased gas prices.

Most of the discussion and a lot of the initiative and motivation of the bill we are working on is to lower gas prices. The fact is, in the past, though, we have not been honest and transparent with the American people. Many times we are talking about our good intentions, things we are going to do here, and we do not expose the fact that what we are doing is going to increase the cost of gasoline. I think that is a fair part of the debate. If we want to increase our national reserves of oil, then it is fair in that debate to make it clear to the American people that if we do it, it may increase the cost of gasoline to them at home, so all of us who are considering the issue can balance it.

If some aid program to Nigeria is going to increase the cost of gasoline here at home, the American people should know that, so we cannot claim to be doing something for people without them realizing it is costing them more and more money.

I understand the objections to procedural hurdles here. Actually, that is the way the Senate was designed so that we do not do things in a knee-jerk fashion, without openness and debate, so we actually do figure out the consequences of what we do in advance of passing legislation.

We have not done that in the past. Many of our rules have created different boutique, different fuel requirements in many States, a lot of environmental concerns—a lot of things that are good actually increased the cost of gasoline a significant degree.

It is important that we include that in our debate. While we may be resistant to procedural hurdles, much of the bill we are debating creates multiple procedural hurdles to increase new gas supplies, oil, natural gas. It creates new mandates, new taxes. We create a lot of hurdles for the energy business to create more supply so we can lower the price of gasoline. This amendment exposes us for what we are and what we are doing. If we are going to propose things in the Senate related to energy, the Congressional Budget Office, as my amendment says, in consultation with the Energy Information Administration and other appropriate Government agencies, can help make a determination if what we are doing is going to raise the price of gasoline. That is a fair part of an honest debate.

To snuff this out and to come down to the Senate floor and make great claims about what we are going to do to help the American people while all the time hiding from them that we are the ones raising their gas prices—it is not big oil, it is not necessarily even OPEC, it is us. We add lots of costs to gasoline every time we pass an energy bill. This Energy bill is no exception.

While my amendment doesn't affect this bill, it does create a point of order in the future. You can call this a hurdle, but if 60 people in the Senate cannot decide that it is more important to increase the size of our national reserve, even though it might increase the cost of gasoline, if 60 of us are not for that, then perhaps we should hesitate before we increase the cost of gasoline again to the consumers.

This is one of the rare simple bills that come to the Senate. It is just a couple of pages. All it does is say that when we introduce a bill that increases the cost of gasoline for American consumers, we have to get 60 votes instead of 51 to pass it. It is a reasonable proposal. If we are willing to come here and talk every day about what we are doing to help the consumer and at the same time we want to hide from them that the things we are doing are actually increasing the cost of gasoline, then shame on us.

This amendment is simple. It is about transparency, openness, and honesty to the people. That is exactly what they deserve.

I urge all of my colleagues to vote for this amendment.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

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

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

The legislative clerk proceeded to call the roll.

Mr. DEMINT. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DEMINT. Mr. President, it has been brought to my attention that the majority will seek to defeat my amendment by raising another point of order against it. This demonstrates exactly how much the Democrats dislike this amendment. It proves that they have additional plans in the works to raise gasoline prices on the American people. Why else would they be fighting it so hard? I also believe this effort to deny the Senate a clean up-or-down vote on this amendment shows that some in this body are more interested in defending the jurisdiction and rights of a Senate committee than they are in defending American consumers. If the other side raises a point of order against my amendment, I encourage my colleagues to ask themselves which is more important: protecting Americans from high gas prices or protecting the jurisdiction of the Budget Committee?

I urge my colleagues to vote to waive the Budget Act. If the other side tries to kill my amendment and stick it to the American people at the pump, I encourage Members to vote against such an effort.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

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

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

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BINGAMAN. Mr. President, part of our debate has involved the question of whether we have too many procedural hurdles already impeding the work of the Senate and keeping us from conducting up-or-down votes on things. I strongly believe we do have too many procedural hurdles. Obviously, the purpose of the DeMint amendment would be to put more procedural hurdles in place so that a 60-vote point of order would be required in many circumstances in the future where it is not required today for the Senate to act.

I am informed that one of the procedural hurdles already in law is under the Budget Act and that the pending amendment deals with matter within the Budget Committee's jurisdiction in that the DeMint amendment would direct CBO to take a variety of actions. That is exclusively within the jurisdiction of the Budget Committee.

I raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act of 1974.

I yield back the remainder of my time.

Mr. DEMINT. Mr. President, I move to waive the budget point of order.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to waive the Budget Act in relation to amendment No. 1546.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 37, nays 55, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—37

Allard	Dole	Martinez
Bennett	Domenici	McConnell
Bond	Ensign	Nelson (NE)
Bunning	Enzi	Roberts
Burr	Graham	Sessions
Chambliss	Grassley	Shelby
Cochran	Hagel	Smith
Coleman	Hatch	Snowe
Collins	Hutchison	Sununu
Cornyn	Inhofe	Thune
Craig	Isakson	Vitter
Crapo	Kyl	
DeMint	Lott	

NAYS—55

Akaka	Gregg	Nelson (FL)
Alexander	Harkin	Pryor
Baucus	Inouye	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Byrd	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Stevens
Clinton	Lieberman	Tester
Conrad	Lincoln	Voinovich
Corker	Lugar	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murkowski	
Feinstein	Murray	

NOT VOTING—7

Bayh	Coburn	Obama
Biden	Johnson	
Brownback	McCain	

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and

sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I understand the Senator from New Hampshire has an amendment he wishes to offer at this time. He has agreed to a time limit wherein we would have 40 minutes equally divided, half to be controlled by Senator GREGG, the other half to be controlled by Senator GRASSLEY, or their designees. It would be 40 minutes prior to any vote in relation to the amendment.

Mr. GREGG. Mr. President, reserving the right to object, for clarification, we are going to have 40 minutes of debate and then at some point we will have the vote, right?

Mr. BINGAMAN. We will have 40 minutes of debate and then at some point we will have a vote. We may not have it immediately at the end of that 40 minutes.

Mr. GREGG. But we will have 40 minutes of debate now equally divided between myself and Senator GRASSLEY, and then when we get to a vote on it, we will have 2 minutes equally divided.

Mr. BINGAMAN. I am suggesting we go ahead and vote at the end of 40 minutes. So we will have 40 minutes of debate equally divided and then we will have a vote.

Mr. GREGG. If that is agreeable with the managers, that is fine with me.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1718 TO AMENDMENT NO. 1704

Mr. GREGG. Mr. President, I send an amendment to the desk.

Is there an amendment pending? This is a second-degree amendment to the Baucus amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1718 to amendment No. 1704.

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

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

The amendment is as follows:

(Purpose: To strike the provision extending the additional duty on ethanol and for other purposes)

Strike section 831 and insert the following:

SEC. 831. ELIMINATION OF ETHANOL TARIFF AND DUTY.

(a) IN GENERAL.—

(1) ELIMINATION OF PERMANENT TARIFF OF 2.5 PERCENT.—Subheading 2207.10.60 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking the column 1 general rate of duty and inserting ''Free''; and

(B) by striking the matter contained in the column 1 special rate of duty column and inserting ''Free''.

(2) ELIMINATION OF PERMANENT TARIFF OF 1.9 PERCENT.—

(A) IN GENERAL.—Chapter 22 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

''	2207.20.20	Ethyl alcohol and other spirits, denatured, of any strength (if used as a fuel or in a mixture to be used as a fuel)	Free	Free (A+, AU, BH, CA, CL, D, E, IL, J, JO, MA, MX, P, SG)	20%	''.

(B) CONFORMING AMENDMENT.—The article description for subheading 2207.20.00 of the Harmonized Tariff Schedule of the United States is amended by inserting ''(not provided for in subheading 2207.20.20)'' after ''strength''.

(b) REPEAL OF TEMPORARY DUTY OF 54 CENTS PER GALLON.—Subchapter I of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking heading 9901.00.50; and

(2) by striking U.S. Notes 2 and 3 relating to heading 9901.00.50.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

Mr. GREGG. Mr. President, this amendment is an attempt to remedy what is an unfortunate situation, which is that people who cannot buy ethanol from the Midwest and have to buy it from other sources, especially outside the United States, end up being taxed at 54 cents a gallon.

So people from the east coast and, to some degree, from the west coast are paying an excessive amount to use product which significantly improves the environment and which also obviously reduces our dependence on oil.

The argument at the time this tariff was originally initiated was we needed to protect the ethanol production capability of the Midwest, the corn producers. That may have had some resonance a few years ago, but it certainly does not have any resonance any longer. It does not have any credibility any longer.

Today, there are about 7.5 billion gallons of ethanol produced in this country. Under this bill it is required that go up to 36 billion gallons. Most of that will come from the production of corn, most likely in the Midwest. So there is already a huge demand for corn, and corn prices are high. In fact, they are so high as a result of the use of corn for ethanol that many people who use corn as feedstock are complaining vociferously. So there is no need to protect production in the Midwest with a tariff that impacts people on the east coast disproportionately.

The second reason there is no need for this tax is that people from the east coast cannot get ethanol from the Midwest because it cannot be shipped efficiently. That is because ethanol cannot be shipped through pipelines because of its volatility. Therefore, our only option on the east coast is to buy ethanol that comes from outside the country, the Caribbean Basin and Brazil. Therefore, it makes no sense to penalize the east coast to try to encourage production in the center of the country for corn and ethanol when the corn is already being significantly subsidized to the tune of $3 billion annually just through agricultural subsidies. But, in addition, its production is being encouraged by the requirement that we produce so much ethanol in this country that corn is essentially the feedstock for it, and that we therefore are having a dramatic expansion in the production of corn and the utilization of corn.

This is not as if in any way this is going to affect that production capability. What it does do, however, is put us in the right place environmentally, and in the right place from a standpoint of utilization of energy sources because we should be using ethanol, obviously, and on the east coast we want to use ethanol. We just want to pay a fair price for it.

When we have this 54-cent-a-gallon tax on the consumers in the Northeast and the East, it is not a fair price. If we take this tax off, we will actually expand ethanol consumption in the East, and so, hopefully, at some point they will figure out a way to ship ethanol through pipelines and that will create a greater demand for ethanol generally in this Nation since so many people live on the east coast. And that will, again, help the production in the Midwest once we figure out how to ship it efficiently to the East because the demand will have been created.

Secondly, we have a choice. We can either heat with oil and we can run our cars on oil and gas or we can run in part on ethanol. The simple fact is, however, I would rather buy ethanol from Brazil than oil from Venezuela. It makes a lot more sense geopolitically as to how we protect ourselves. It is a cleaner burning energy, it is a better form of energy, and it is an energy which should be burned and is an energy that I think is a national policy

we would rather buy than underwriting the present Venezuelan Government by having to buy oil there.

So the concept of having this tariff, which is essentially a 54-cent-a-gallon tax on everybody who lives on the east coast, is no longer viable. It is not viable because corn production is up dramatically, the price of corn is up dramatically, and it will continue to go up especially under this bill since we are going to require a dramatic increase in the number of gallons which are ethanol based.

So the ethanol industry, to the extent it is corn based, is going to continue to grow and be viable, and they do not need this tariff production, which is its only purpose. It is not viable because it is not an efficient way for us to purchase energy, to have us pay this much extra money in tariffs so we basically undermine the use of ethanol on the east coast. It is not a good policy because it encourages the use of Venezuelan or other types of oil imports over ethanol because of the pricing situation. And it is not a good idea because it is simply bad policy to have in place this type of tariff.

This is not the mercantile period of the 19th century when we basically arbitrarily threw tariffs on products in order to create an inefficient marketplace, which was something we thought was going to help some producer here or there. It makes much more sense to have a situation where consumers can purchase ethanol-based products at reasonable prices so we can get more utilization of ethanol.

This amendment would eliminate the 54-cent-a-gallon tax which is targeted on a majority, quite honestly, of the American population and which the majority of Americans should not have to pay.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I hope Senator THUNE is here. I was going to yield time to him first.

I yield myself a couple minutes while we are waiting for Senator THUNE.

Mr. President, first of all, to change direction from where Senator GREGG was, today corn is $3.50 in central Iowa, and it is down 25 cents from yesterday because it rained in Illinois in the last 48 hours. So weather is affecting the price of grain quite a bit. If city slickers are worried about the price of corn flakes going up, just remember that a farmer only gets a nickel out of every box of corn flakes that is half filled with air anyway. There are events that are affecting the price of corn a lot different from just ethanol. But the impression one gets around here when reading the papers is that there is so much corn going into ethanol that it is driving up the price of food for city people around this country.

The other issue is that the Senator from New Hampshire said corn is being subsidized $3 billion. When corn is above roughly $2 in the Midwest, there is no loan deficiency payment being paid out for that corn. So at the price corn is today, there is no subsidy for corn.

Another issue we ought to think about is, whether we are importing ethanol or importing oil—don't forget, a few years ago, we started a program of tax incentives for ethanol and other renewables so we would be energy independent. Do we want to be dependent on imported ethanol as we are dependent on imported oil?

What is involved is an infant industry that is just now being able to come to a peak with great advancement in the future but still infant from the standpoint that the next step in ethanol production is cellulosic ethanol, to get ethanol not from grain corn but from wood chips, from switchgrass, or from corn stover. It will be 3 to 5 years before the scientific process of enzymes is efficient enough for that production to come about.

Even though we are now having a massive production of ethanol from grain corn, we cannot sustain this beyond 15 billion gallons of ethanol coming from grain corn or corn getting above that figure. And the underlying bill from the Senate Energy Committee recognizes that point because they have a 15-billion-gallon limit of grain corn producing ethanol. Beyond that, it is going to have to come from wood chips, switchgrass, corn stover—anything that has cellulose in it from which they can make ethanol.

Just because all of a sudden we have a burgeoning production of ethanol from grain corn doesn't mean this industry is mature to a point where we are going to be as energy efficient as we should be, as energy independent as we should be, and that is why it is still necessary to keep the tax incentives. That is why it is still necessary to have this import duty.

I am going to continue to yield time to myself until Senator THUNE arrives. I wish to make a statement in opposition to the amendment offered by the distinguished Senator from New Hampshire.

With today's gas prices, many in Congress are looking for solutions and for someone to blame. Unfortunately, some have chosen to pinpoint ethanol as the culprit. Because of new demand for ethanol, some of my colleagues have begun to argue that there is a shortage and that it is responsible for the rising cost of gasoline. They look to increased imports of ethanol and the lifting of the import tariff as a solution, and that is the substance of the amendment that is before us. But increased imports would have little impact on the price of gasoline. Let me emphasize because that is the basis of the amendment and I am saying the amendment is not going to accomplish its goal. Increased imports will not reduce the price of gasoline. This is the case because ethanol is such a tiny fraction of the cost of gasoline. In fact, in Iowa, you can buy a gallon of ethanol gasoline mixture—90 percent gasoline, 10 percent ethanol—for 8 to 10 cents under what the price of 100 percent of ethanol costs.

In regard to not changing the price of gasoline, I quote Guy Caruso, Administrator of the Energy Information Administration of the Department of Energy, last year saying that the 10-percent blend of ethanol is affecting price by ''just a few pennies.'' Ethanol's role in gasoline prices is a tiny fraction of the overall increase.

In addition, it is important to point out that the United States already provides significant opportunities for countries to ship ethanol into our market duty free. Numerous countries do not pay the U.S. ethanol tariff at all. Through our free-trade agreements and trade preference programs, some 73 countries currently have duty-free access to U.S. markets for ethanol fully produced in those countries. For all other countries, including Brazil, the world's major exporter of ethanol, the United States provides duty-free access through a carve-out in the Caribbean Basin Initiative.

Get it right: Brazilian ethanol exporters don't have to pay the U.S. tariff today. Under this CBI, ethanol produced in Brazil and other countries that is merely dehydrated in a Caribbean country can enter the United States duty free up to 7 percent of the U.S. ethanol market, a very generous access, and it has been on the books for 20 years. Yet Brazil and other countries have never come close to hitting this 7-percent cap of ethanol that can come into our country duty free already. In fact, we are almost halfway through 2007, and this duty-free cap has been filled only 23 percent for this year.

Moreover, this cap grows every year because this 7 percent is 7 percent of a higher figure because of higher production of domestic ethanol every year. And it isn't that the Caribbean countries don't have the capacity to dehydrate more ethanol. They do have that capacity.

So we are already providing duty-free access for Brazilian ethanol that is shipped through the Caribbean countries. Much of this duty-free ethanol is being exported to the East Coast, the part of the country that Senator GREGG contends would benefit from the complete lifting of the U.S. tariff on ethanol.

The fact of the matter is that Brazil isn't taking full advantage of duty-free treatment currently available to them. I don't know why we should bend over backward to provide more duty-free access for Brazil. In fact, I would offer to the authors of this amendment that when this 7 percent loophole gets filled and that much ethanol has come into the country, I would be glad to sit down and see if there is a need to lift the cap totally.

I especially don't know why we should do this, given Brazil's stance in the Doha Round negotiations of the World Trade Organization. Brazil is the

leader of the G20 negotiating group in the WTO negotiations, a group that is resisting our efforts to obtain improved market access for U.S. products, both manufactured and agricultural, throughout the entire world.

In addition, the Brazilian Government intervenes extensively in the price and supply of ethanol in that country. But the U.S. tariff on ethanol operates as an offset to a U.S. excise tax credit that applies to both domestically produced as well as imported ethanol. So by lifting the tariff, we would, in effect, be giving the benefits of this tax credit to subsidize the Brazilian production of ethanol.

Providing yet more duty-free treatment for subsidized Brazilian ethanol would send the wrong signal to those Americans who are devoting their careers to helping America become more energy independent. The U.S. ethanol industry is working every day to lessen our dependence upon foreign oil. This is a virtue that President Bush has touted again and again. Last year, the President restated his goal to replace oil around the world by expanding the production of ethanol.

The President stated:

> The Federal Government has got a role to play to encourage new industries that will help this Nation diversify away from oil. And so we are strongly committed to corn-based ethanol produced in America.

And today the President would add to that we are committed to doing more in cellulosic production of ethanol as well.

The President clearly understands the need to assist our infant domestic ethanol industry so we can get a foothold and we can succeed. Why would the United States now want to send a signal that we are backing away from our efforts to seek energy independence? We are already dependent upon foreign oil. Surely we don't want our country to go down the path of eventually becoming dependent upon foreign ethanol as well.

Providing yet more duty-free treatment would be a step in the wrong direction, discouraging the advancement of investment in biorefineries for ethanol and biodiesel. It would be bad for energy independence and, obviously, bad for our national security. So I hope my colleagues will oppose the Gregg amendment.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. GRASSLEY. Yes.

Mr. DOMENICI. Does the Senator have a minute left for the Senator from New Mexico?

Mr. GRASSLEY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Seven minutes.

Mr. GRASSLEY. Mr. President, I yield 1 minute to the Senator from New Mexico and then 5 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wish to congratulate the Senator on his remarks and say I concur with them. I would say this is the wrong time, while we are trying to enhance the investment in cellulosic ethanol and everything that goes with that, to come along with this idea. This would weaken the investment potential and the credibility of investment right when it is ripening and really generating interest.

This requires billions of dollars to be invested in cellulosic ethanol as we move to the next generation, and to have weakening that comes from this issue as to what is going to happen with this export-import issue is the wrong thing. I encourage colleagues to follow the lead of Senator BINGAMAN and Senator GRASSLEY.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, I yield 5 minutes to Senator THUNE.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I wish to join my colleague from Iowa in opposing this amendment. In 2006, America's ethanol industry contributed over $41 billion to the national economy. Operation and construction of domestic biorefineries created 163,034 jobs in all sectors of the economy last year alone.

The bill before the Senate builds upon this success by boosting the renewable fuel standard to 36 billion gallons by the year 2022 and establishing other valuable incentives for renewable energy production. The amendment proposed by Senator GREGG, our colleague from New Hampshire, would send mixed signals to our ethanol producers, their investors, and the farmers who sell their products to ethanol plants.

In effect, what Congress would be doing is telling the ethanol industry: We are demanding more of your product, but at the same time we are going to open the back door and begin subsidizing foreign sources of ethanol. If this amendment is adopted, our marketplace would be flooded with heavily subsidized ethanol from foreign countries.

In 2006, Brazil exported 433 million gallons into the United States, which is an increase of 400 million gallons over the year 2005. That same year, Brazil paid over $220 million in duties to import this amount of ethanol. They were already importing ethanol into this country through the Caribbean Basin Initiative. They have not reached that cap, but I think it is fair to expect they are going to continue to flood the U.S. market every opportunity they get with ethanol that is produced in Brazil.

The tax credit that currently is in place for domestic ethanol is critical to the success of our industry, and it does not discriminate between domestic or foreign sources of ethanol. So what happens is, as soon as the Brazilian ethanol is blended with gasoline in the United States, taxpayers begin paying 51 cents for each gallon of foreign ethanol. If Senator GREGG's amendment is accepted, American taxpayers will immediately begin subsidizing hundreds of millions of gallons of foreign-made ethanol each year with no offsetting duty. Simply put, by eliminating this tariff, we would trade our dependence upon foreign sources of oil for a new and growing dependence upon foreign ethanol.

I would add the critics of this tariff have argued that it inflates the cost of gasoline in this country. In fact, gasoline prices, as my colleague from Iowa has noted, would not be affected by removing the tariff on imported ethanol. Ethanol itself represents less than 5 percent of U.S. motor fuel supplies, and imported ethanol represents a small fraction of that percentage.

The factors truly driving the price of gasoline higher have nothing to do with ethanol supplies. Record crude oil prices, tight refining capacity, lower gasoline production, and limited expansion of domestic refining expansion all play a much greater role than the supply of ethanol in today's higher gasoline prices.

Critics of the tariff also claim we will need ethanol imports to meet the growing demand for ethanol and to comply with the strengthened renewable fuel standard. Again, the facts tell a very different story. Our Nation's current domestic production capacity is 6.2 billion gallons of ethanol. According to industry experts, an additional 6.4 billion gallons of capacity are currently under construction and will soon be refining ethanol. That is a total of 12.8 billion gallons in current planned production, which is more than enough—more than enough—to meet the heightened renewable fuel standards in the near term.

Additionally, we have to keep in mind the limitations placed on ethanol demand due to blend restrictions. Right now, only E10, 10 percent ethanol and 90 percent gasoline, is approved for use in nonflex-fuel vehicles. There is a point at which we are going to hit the E10 wall. Domestic production, as you can see if you look at this chart of ethanol production in this country, is more than adequate to meet the full market potential for E10. Some industry analysts predict we will very soon have excess ethanol production capacity when we hit the E10 wall.

That is why it is so important we expand ethanol and allow for higher blends—E15, E20—which in my view is something long overdue. The E10 wall is the point at which the market for E10 ethanol is saturated if ethanol production continues to grow at a record pace. While some in the industry disagree on when we will hit the E10 wall, it is clear it would have a harmful effect on the overall ethanol industry if Congress fails to act. Lifting the tariff on ethanol imports would only flood the marketplace with foreign ethanol, further magnifying the impact of the E10 wall.

Clearly, there are several reasons why my colleagues in the Senate

should oppose this amendment, which undermines our national energy policy of greater energy independence. So I ask my colleagues to oppose the amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield 3 minutes to the Senator from Arizona.

Mr. KYL. Mr. President, the Baucus amendment from the Finance Committee would extend the tariff on imported ethanol for 2 more years. The Gregg amendment properly repeals the tariff.

Now, why do I say properly? Because the ethanol tariff acts as a tax on U.S. consumers at the gasoline pump. It increases the cost of gasoline because the cost of ethanol is increased due to the tariff. If Americans want anything out of this Energy bill, it is a reduction in gasoline prices.

In fact, in a recent Associated Press poll, 60 percent of the respondents said that gas prices—which, by the way, are currently around $3 a gallon—are causing them hardships. Now, it is one thing to maybe have to pull back a little on your family vacation this summer, but an awful lot of people have to drive to get to work and have to drive as part of work. Clearly, when over half of Americans are caused hardships by the current high level of gasoline prices, Congress has the responsibility to do something about that.

We should act. One of the few ways in which we can directly impact the price of gasoline at the pump is to eliminate the tariff of 54 cents per gallon on ethanol that is brought into the United States. Nothing else in this bill will directly bring down gasoline prices. In fact, there are several provisions that will actually have the effect of increasing gasoline prices. Promoting a competitive market for ethanol will help bring down gasoline prices because it increases the supply that is available and provides, therefore, access to lower cost ethanol.

The bottom line is this: When there is a supply of potential fuel out there and our companies are trying to find that supply so they can bring it into the United States to meet the demand of consumers, but they have to pay 54 cents a gallon on part of that supply, they are either going to buy the supply at 54 cents a gallon and pass the cost on to the consumer or they are not going to be able to do that, thereby reducing the supply of gasoline available. What happens when you have more demand and less supply? The cost goes up anyway. Either way, having this tariff in place causes an escalating cost of the price of gasoline because it reduces available supply to the American consumer.

We have a mandate now to use ethanol. That is required. That mandate means the companies that provide the gasoline to consumers have no choice but to acquire ethanol. If much of that ethanol is abroad, and we are charging 54 cents a gallon for it, obviously, you can see it is going to increase the cost of gasoline for the American consumer. Americans are a competitive people who know how the free market works.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. I yield 1 more minute to the Senator from Arizona.

Mr. KYL. I need an additional 30 seconds, Mr. President.

One way we know the free market can work better is if we don't have artificial prices on a product which the American consumer needs in order to work. That means we can reduce the cost of gasoline by eliminating this costly ethanol tariff.

Mr. GREGG. Mr. President, could the Chair advise us as to the time situation?

The PRESIDING OFFICER. Ten minutes.

Mr. GREGG. Senator GRASSLEY has how much time?

The PRESIDING OFFICER. One minute.

Mr. GREGG. Mr. President, I ask unanimous consent to add as cosponsors Senators FEINSTEIN, SUNUNU, KYL, and ENSIGN.

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

Mr. GREGG. Mr. President, I think there is some inconsistency coming from the argument of the other side on this issue. There is the argument, well, reducing the 54-cent-a-gallon tax would not reduce the price of gasoline. That is very hard to sustain on its face; it is counterintuitive, for obvious reasons. If you cut the cost of gasoline 54 cents a gallon, or if you cut the cost of ethanol 54 cents a gallon, obviously, the price of gasoline is going to go down.

It is equally hard to defend that position when, within two sentences of that argument, you make the argument that the country is going to be flooded with low-cost ethanol.

You can't have it both ways. As a practical matter, yes, this will reduce the price of gasoline. But that is because the ethanol blend will be more affordable in pricing gasoline, and that should be our goal, obviously, for the American consumer—to produce a more environmentally positive form of energy at a lower price.

The second major argument made here is, we can't do this because it will assist the foreign producers over domestic producers, which is totally inconsistent with the bill itself. The bill requires that 36 billion gallons of ethanol be produced by 2022. There is no way that does not mean our domestic production is going to expand dramatically to meet that obligation, so the bill already has in it the built-in obligation and requirements to expand domestic production, coupled with the fact there is a $3 billion subsidy already paid independent of the ethanol benefit, which is accruing to the corn-producing segment of our economy. A $3 billion subsidy for corn producers is paid directly, coupled with the fact that Midwestern-produced ethanol cannot be shipped to the east coast, so it is not a competition. We have to buy the ethanol off-coast because that is the only way we can get the ethanol efficiently and safely because ethanol cannot be shipped through pipelines.

As a practical matter, this tariff is a holdover from a day when, yes, there may have been a fledgling industry in the ethanol community. Maybe there was some viability to it 5 years ago. But that is no longer the case. We have seen a significant increase in corn prices as a result of the expansion of ethanol use. We are going to continue to see a significant increase in corn production, in corn prices, because of continued ethanol use. The simple fact is, as other types of ethanol sources are brought on line, they are going to be brought on line at a competitive price. In fact, they may even be more competitive than corn. And that competitive price, and hopefully a way to ship it, will then be taken advantage of in the East and obviously be a benefit to the entire community of ethanol producers.

The arguments being put forth are classic protectionist arguments, but they have no feet underneath them. They have no basis underneath them. Protectionism, to begin with, is a lousy idea, but it is especially a lousy idea when it is basically not accomplishing its goal.

On the face of it, we know it is not accomplishing its goal. Again, the argument of the Senator from Iowa made this point for us when he said the 7 percent was being allowed in the country, and he had no problem with that. If he has no problem with 7 percent, then why not more, as a practical matter? As a practical matter, we are not competing with the Midwest, we are just trying to get a reasonable price for ethanol in the East.

This tax—and that is what it is—on American consumers, on a product that we should be using, is totally inappropriate and cannot be justified on the basis of protecting a domestic industry, specifically corn production, in light of the economics of corn production in today's market—which is doing extraordinarily well. It is seeing a massive expansion. Its prices are at their highest level in recent memory. They are going to continue to expand because this bill requires that expansion with the requirement that we use 36 billion gallons of ethanol by 2022, which is almost a quadrupling of the amount of ethanol required today.

I hope Members of the Senate would join me in voting to eliminate this unfair tax, this inappropriate tax. Down the road there is going to be an amendment to eliminate the blenders credit which would offset any of the revenues this would incur.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself the 1 minute I have left.

First of all, there is no $3 billion to corn farmers, when corn is $4 a bushel or $3.50 a bushel.

Second, as to the point made by Senator KYL, as well as Senator GREGG, that consumers want lower prices and somehow ethanol is driving up that price, let me tell you that ethanol today, this very day, if you check the market, is cheaper in the Northeast and the east coast than gasoline is. The spot market price for ethanol is $2.10 compared to the spot price for gasoline at $2.21 at the New York Harbor. There is no shortage of ethanol. There are no gasoline marketers unable to get ethanol supplies in the Northeast or the east coast. Ethanol is blended today in the RFT area, along the east coast, including Boston, New York, Philadelphia, Baltimore, and Washington. There is imported ethanol shipped into New York and Baltimore Harbor today.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from seven agricultural groups, including the American Farm Bureau Federation and the National Farmers Union, in opposition to the Gregg amendment.

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

Majority Leader HARRY REID,
U.S. Senate.
Chairman JEFF BINGAMAN,
Committee on Energy and Natural Resources, U.S. Senate.
Minority Leader MITCH MCCONNELL,
U.S. Senate.
Ranking Member PETE DOMENICI,
Committee on Energy and Natural Resources, U.S. Senate.

DEAR SENATORS: Senator Judd Gregg (R–NH) is proposing an amendment to the energy bill that would eliminate the current tariff on imported ethanol. Such a change is not only unfair, but also inconsistent with efforts by the Administration and Congress to promote the growth of domestically produced renewable fuels.

Current U.S. policy provides refiners and gasoline marketers a 51¢ per gallon tax credit for every gallon of ethanol blended into gasoline. This tax credit is available to refiners regardless of whether the ethanol blended is imported or domestic. To prevent U.S. taxpayers from subsidizing foreign ethanol companies, Congress passed an offset to the tax credit that foreign companies pay in the form of a tariff.

Clearly, companies in countries—like Brazil—that subsidize their own ethanol industry should not have an unfair advantage over U.S. companies. The tax credit offset results in a level playing field and allows a system of fair trade to operate.

The tax credit offset on imported ethanol is not a barrier to entry. In 2006, for example, the U.S. imported of 650 million gallons of which more than 430 million gallons came from Brazil. Clearly, Brazilian imports compete quite effectively when needed.

Simply put, the credit offset merely asks Brazilian and other foreign ethanol producers to pay back the tax incentive for which their product is eligible. Congress correctly put this offset in place to prevent foreign ethanol industries access to American taxpayer dollars while not preventing access to the U.S. market.

At a time when America's domestic ethanol industry is seeking to expand, to invest in new technologies, and to attract investment in cellulosic ethanol production capacity, it makes little sense to undercut those efforts by eliminating the tax credit offset on ethanol. We strongly urge a ''NO'' vote on the Gregg amendment to subsidize foreign produced ethanol.

Sincerely,
American Coalition for Ethanol.
American Farm Bureau Federation.
National Corn Growers Association.
National Council of Farmer Cooperatives.
National Farmers Union.
National Sorghum Producers.
Renewable Fuels Association.

Mr. GREGG. Mr. President, before we go to the vote, I want to clarify two things. First, there was an implication that the administration might not support this amendment. In fact, the administration supports the repeal of this tariff, and they openly supported it. They were on record as supporting it when they were negotiating with Brazil. They do support the repeal of this tariff.

Mr. GRASSLEY. Will you yield on this point, please, not to make a statement?

Mr. GREGG. Yes, to ask a question.

Mr. GRASSLEY. Mr. President, I do ask this question: Does the Senator from New Hampshire know that the President of the United States, when he was in Brazil, was quoted in the paper as telling President Lulu that the ethanol export—the import credit would not be repealed while he is President of the United States?

Mr. GREGG. Reclaiming my time——

Mr. GRASSLEY. I asked you a question.

Mr. GREGG. I am happy to say that I did not understand the question. If I did understand the question, I believe it was that the President said he would not repeal the ethanol credit during his time in office, which I don't happen to think is the administration's position, which was that they publicly do not support this tariff. They do not support this excessive tariff; they do not support this tax. This administration has a strong record on opposition to taxes and tariffs, and they have been publicly in opposition to this for a while.

I also ask unanimous consent to add KAY BAILEY HUTCHISON as a cosponsor.

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

Mr. GREGG. I ask unanimous consent to have a statement from the Taxpayers for Common Sense in support of the amendment printed in the RECORD.

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

TAXPAYERS FOR COMMON SENSE ACTION,
Washington, DC, June 19, 2007.

DEAR SENATOR: Taxpayers for Common Sense Action urges you to support Senator Judd Gregg's (R–NH) second degree amendment to the Senate Finance Committee's amendment on H.R. 6. This amendment would eliminate the 54 cent per gallon tariff on imported ethanol, and it is an important first step in righting our flawed ethanol policies.

The combination of ethanol tariffs and a domestic tax credit for blenders of ethanol wildly distorts the marketplace, artificially propping up a narrow sector of the farm economy and stiffing consumers in the process.

The Gregg amendment opens U.S. markets to additional sources of ethanol that would lower domestic prices. Two Iowa State University economists estimate that removing the existing ethanol duties would reduce the domestic price of ethanol by 13.6 percent. Taken one step further, if the blender's tax credit were also repealed, the domestic price of ethanol would drop by a total of 18.4 percent, according to their estimations.

Taxpayers for Common Sense Action urges you to vote for Senator Gregg's amendment to the Senate Finance Committee amendment that is expected to be attached to H.R. 6.

Sincerely,
RYAN ALEXANDER,
President.

Mr. GREGG. I yield the remainder of my time and suggest we go to the vote.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I raise a point of order that the pending amendment violates section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

Mr. GREGG. Mr. President, pursuant to section 904(c) of the Congressional Budget Act of 1974, I move to waive section 201 of S. Con. Res. 21, the fiscal year 2008 budget resolution, for consideration of H.R. 6.

I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), and the Senator from Rhode Island (Mr. WHITEHOUSE), are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. WHITEHOUSE) would vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 36, nays 56, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—36

Alexander	Cornyn	Inhofe
Allard	DeMint	Kennedy
Bennett	Dole	Kyl
Boxer	Ensign	Lautenberg
Bunning	Enzi	Leahy
Burr	Feinstein	Lieberman
Cantwell	Graham	Lott
Collins	Gregg	Lugar
Corker	Hutchison	Martinez

Menendez	Schumer	Sununu
Nelson (FL)	Shelby	Warner
Reed	Snowe	Webb

NAYS—56

Akaka	Dorgan	Murray
Baucus	Durbin	Nelson (NE)
Bayh	Feingold	Pryor
Bingaman	Grassley	Reid
Bond	Hagel	Roberts
Brown	Harkin	Rockefeller
Byrd	Hatch	Salazar
Cardin	Inouye	Sanders
Carper	Isakson	Sessions
Casey	Kerry	Smith
Chambliss	Klobuchar	Specter
Clinton	Kohl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Levin	Tester
Conrad	Lincoln	Thune
Craig	McCaskill	Vitter
Crapo	McConnell	Voinovich
Dodd	Mikulski	Wyden
Domenici	Murkowski	

NOT VOTING—7

Biden	Johnson	Whitehouse
Brownback	McCain	
Coburn	Obama	

The PRESIDING OFFICER. On this vote, the yeas are 36, the nays are 56.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from New Mexico.

AMENDMENTS NOS. 1528, 1529, 1533, AND 1551, AS MODIFIED, EN BLOC

Mr. BINGAMAN. Mr. President, Senator DOMENICI and I have been working to get some amendments cleared. There are four that are now cleared.

I ask unanimous consent that it be in order to consider en bloc the following amendments, that they be considered and agreed to en bloc, and that the motions to reconsider be laid upon the table en bloc: Bingaman-Domenici No. 1528; Bingaman-Domenici No. 1529; Menendez No. 1533; and Cantwell No. 1551, as modified with the changes that are at the desk.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 1528

(Purpose: To improve the section relating to energy storage competitiveness)

On page 126, line 12, strike ''and''.

On page 126, line 13, strike the period and insert ''; and''.

On page 126, between lines 13 and 14, insert the following:

(vi) thermal behavior and life degradation mechanisms.

On page 126, strike lines 14 through 21, and insert the following:

(B) NANOSCIENCE CENTERS.—The Secretary, in cooperation with the Council, shall coordinate the activities of the nanoscience centers of the Department to help the nanoscience centers of the Department maintain a globally competitive posture in energy storage systems for motor transportation and electricity transmission and distribution.

On page 127, line 5, insert ''and battery systems'' after ''batteries''.

On page 127, line 7, strike ''and''.

On page 127, line 9, strike the period and insert ''; and''.

On page 127, between lines 9 and 10, insert the following:

(G) thermal management systems.

On page 127, line 12, insert ''not more than'' before ''4''.

On page 127, lines 21 and 22, strike ''and the Under Secretary of Energy''.

Beginning on page 128, strike line 22, and all that follows through page 129, line 2 and insert the following:

(7) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out through a grant, contract, or cooperative agreement under this section.

(8) INTELLECTUAL PROPERTY.—In accordance with section 202(a)(ii) of title 35, United States Code, section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), and section 9 of the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5908), the Secretary may require, for any new invention developed under paragraph (6)—

(A) that any industrial participant that is active in a Energy Storage Research Center established under paragraph (6) related to the advancement of energy storage technologies carried out, in whole or in part, with Federal funding, be granted the first option to negotiate with the invention owner, at least in the field of energy storage technologies, nonexclusive licenses and royalties on terms that are reasonable, as determined by the Secretary;

(B) that, during a 2-year period beginning on the date on which an invention is made, the patent holder shall not negotiate any license or royalty agreement with any entity that is not an industrial participant under paragraph (6);

(C) that, during the 2-year period described in subparagraph (B), the patent holder shall negotiate nonexclusive licenses and royalties in good faith with any interested industrial participant under paragraph (6); and

(D) such other terms as the Secretary determines to be necessary to promote the accelerated commercialization of inventions made under paragraph (6) to advance the capability of the United States to successfully compete in global energy storage markets.

On page 129, line 3, strike ''(7)'' and insert ''(9)''.

On page 129, line 4, strike ''5 years'' and insert ''3 years''.

On page 129, line 8, strike ''in making'' and all that follows through the end of the paragraph and insert ''in carrying out this section.''.

On page 129, line 12, strike ''(8)'' and insert ''(10)''.

AMENDMENT NO. 1529

(Purpose: To require the Administrator of General Services to submit an annual report to the Energy Information Agency)

On page 73, between lines 4 and 5, insert the following:

(h) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Administrator of General Services shall submit to the Energy Information Agency a report describing the quantity, type, and cost of each lighting product purchased by the Federal Government.

On page 73, line 5, strike ''(h)'' and insert ''(i)''.

On page 73, line 16, strike ''(i)'' and insert ''(j)''.

AMENDMENT NO. 1533

(Purpose: To make the Commonwealth of Puerto Rico eligible for the Federal weatherization program)

At the end of subtitle F of title II, insert the following:

SEC. 2___. DEFINITION OF STATE.

Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended by striking paragraph (8) and inserting the following:

''(8) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia; and

''(C) the Commonwealth of Puerto Rico.''.

AMENDMENT NO. 1551, AS MODIFIED

On page 161, between lines 2 and 3, insert the following:

SEC. 269. FEDERAL STANDBY POWER STANDARD.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—

(A) IN GENERAL.—The term ''Agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code.

(B) INCLUSIONS.—The term ''Agency'' includes military departments, as the term is defined in section 102 of title 5, United States Code.

(2) ELIGIBLE PRODUCT.—The term ''eligible product'' means a commercially available, off-the-shelf product that—

(A)(i) uses external standby power devices; or

(ii) contains an internal standby power function; and

(B) is included on the list compiled under subsection (d).

(b) FEDERAL PURCHASING REQUIREMENT.—Subject to subsection (c), if an Agency purchases an eligible product, the Agency shall purchase—

(1) an eligible product that uses not more than 1 watt in the standby power consuming mode of the eligible product; or

(2) if an eligible product described in paragraph (1) is not available, the eligible product with the lowest available standby power wattage in the standby power consuming mode of the eligible product.

(c) LIMITATION.—The requirements of subsection (b) shall apply to a purchase by an Agency only if—

(1) the lower-wattage eligible product is—

(A) lifecycle cost-effective; and

(B) practicable; and

(2) the utility and performance of the eligible product is not compromised by the lower wattage requirement.

(d) ELIGIBLE PRODUCTS.—The Secretary of Energy, in consultation with the Secretary of Defense, the Administrator of the Environmental Protection Agency, and the Administrator of General Services, shall compile a publicly accessible list of cost-effective eligible products that shall be subject to the purchasing requirements of subsection (b).

Mr. MENENDEZ. Mr. President, I rise in support of including Puerto Rico in the Federal Weatherization Assistance Program. I want to thank Chairman JEFF BINGAMAN and Ranking Member PETE DOMENICI for accepting this amendment as part of the CLEAN Energy Act of 2007. This is simply a matter of fairness and of equity.

Puerto Rico is currently ineligible for Weatherization Assistance, and only receives a small set aside from the LIHEAP program. To include Puerto Rico in the weatherization program would cost less than 1 percent of the program's funds but would make a huge impact.

Though Puerto Rico is blessed with warm weather, the Weatherization Assistance Program is desperately needed there. Because it is an island that must import the fuels it needs, energy costs are extraordinarily high. The average cost of electricity in the U.S. is under 10 cents a kilowatt-hour, but in Puerto Rico, electricity costs almost twice that at 18 cents per kilowatt-hour.

And these high energy costs have a devastating impact on the Commonwealth's low-income population. Approximately 45 percent of the population is under the U.S. poverty line.

Many homes rely on old, inefficient air conditioners to cool their homes and much of the low-income housing has not been built or maintained with energy efficiency in mind.

Puerto Rico already has an active program to educate people about the importance of energy efficiency and to increase the energy efficiency of government buildings. But the weatherization program would help Puerto Rico offer weatherization assistance to low-income households and incentives for energy efficient appliance purchases, solar water heaters, lighting replacement, and other energy-saving measures.

The CLEAN Energy Act of 2007 expands authorization for the Weatherization Program from $700 million per year to $750 million per year. This vital program helps thousands of low-income families keep their energy costs down and also helps the environment by making energy consumption more efficient. It is time we help the low-income families of Puerto Rico gain access to this vital program.

I again thank Chairman JEFF BINGAMAN and Ranking Member PETE DOMENICI for their leadership in accepting this critical amendment.

Mr. BINGAMAN. Mr. President, I believe the order now is for the Senator from New York who wishes to offer an amendment. I yield to my colleague to see if he is in agreement with that course of action.

Mr. DOMENICI. I am. I say to Senator SCHUMER, we had no objection to your amendment. It took an extra amount of time because of matching up one versus one side and the other. It was nothing fundamental. It was just that.

Mr. SCHUMER. Mr. President, if my colleague will yield, I thank him for that. If we can accept the amendment, I don't have to debate it. Are we able to do that or are we still able to match up?

Mr. BINGAMAN. Mr. President, I think the better course is for the Senator from New York to go ahead and explain the amendment, offer the amendment. Then during the course of his debate, we will see how persuaded we are and whether a voice vote is adequate or whether a rollcall vote is required.

Mr. SCHUMER. I thank the Senator.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank both my colleagues from New Mexico. They put a big burden on me to make a good explanation. I will do my best.

I ask unanimous consent that the pending amendment be set aside so I may call up my amendment which would then be set aside when I am through.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I have to object to your bringing up the amendment.

Mr. SCHUMER. Then I withdraw the request, and I will speak about the amendment without bringing it up.

The amendment we are speaking about here would raise the level of building standards so that our buildings across America would be more green. There has been tremendous focus on automobiles—of course, there should be—in raising their mileage standards. But what is forgotten is that a huge percentage of energy consumption and greenhouse gases come from buildings and, more importantly, the heating and cooling of our structures, both residential and commercial. The bottom line is, if everybody in America were to adopt green building standards, we could greatly reduce—and these are prospective, not retrospective—the amount of greenhouse gases and energy consumption.

For instance, according to the Alliance to Save Energy, the amendment I wish to offer could save our country 5 percent of its total energy use, save consumers $50 billion a year, and—listen to this, this is an amazing statistic—reduce greenhouse gas emissions by an amount equivalent to taking 70 million cars off the road.

You say: Can this work? Yes, because a good number of States have started doing this already. California has taken the lead. California increased its energy efficiency in buildings in the late 1970s, and now they, in terms of greenhouse gases, are at the level of some European countries, even though California is a car culture. There are lists of States that have already moved forward in this regard. They are California, Colorado, Connecticut, Hawaii, Minnesota, Nevada, Pennsylvania, Texas, Vermont, Virginia, and Washington, and other States are on the road to doing so. The bottom line is, by making our buildings more efficient, we can reduce gases.

Let me tell you what the amendment does. The organizations that draft commercial and residential building codes will be required to meet specific energy use targets. We don't tell them how. Obviously, it is different in Minnesota than it would be in Florida or Arizona. They will be required to meet specific energy use targets. They must be more efficient by 30 percent than the 2006 codes by 2015 and 50 percent more efficient by 2022. Because this affects new buildings, obviously people are given a timeline. You can't start this next year. But, again, California did this in the 1970s, and they are reaping the benefits now.

Since energy independence and since global warming are long-term issues—we all know we are not going to solve them in a year—acting now is important. We give the States time to change their building codes in the way they wish, and we would greatly reduce the amount of greenhouse gases.

My mayor is in the news today but for other matters. The mayor of New York City, for instance, has proposed that the city do this on its own. We give credit to specific cities that would do this as well. They would have the same benefits and responsibilities under the bill as States would, when States did it. If your State didn't but your city did, you would still be able to get the benefits and meet the requirements of the legislation. But it is estimated that it will reduce the amount of energy consumption in New York City by 40 percent. Is that incredible?

We have a lot of debate, as we should, on automobiles, on renewables, on coal to gas, but there is a quiet little secret out there that this amendment sort of makes public. That is that conservation—conservation of things that are much easier and much less controversial than, say, automobiles—is where the real bang for the buck is in terms of energy independence, reducing greenhouse gases, and in terms of lowering the cost to the average consumer of electricity and gasoline, because when we are more efficient in terms of our buildings, petroleum is used for other purposes, and supply and demand would even reduce the price for gasoline.

One of the environmentalists I know put it well. He said: Alternative fuels are the sizzle and conservation is the steak. They are both important. When you barbecue, you like to have the sizzle. It is fun. But you also like to eat the steak.

I have two other amendments, one that does the same on appliances. The bill has good provisions on appliances, but we move them further in terms of California, although I am not talking about that one here right now.

If we were to do it for utilities, where we would require them to be more efficient—and they could choose the way—we could do dramatic things in this bill just on its own. The cost for most energy conservation, the cost for reducing the consumption of petroleum, for reducing greenhouse gas emissions, is about one-quarter what it is for producing new alternative fuels.

I hope my colleagues will support this amendment. It is not controversial, I do not think. It does not have universal support, but it has great support. The Department of Energy has looked favorably upon it. I do not know if they are officially in favor of it, but we talked to them, and they know we have to move in this direction.

I hope the amendment can be adopted. I hope I have convinced my colleague from New Mexico, if not with eloquence—which I am sure I do not have—at least with the facts and the structure of this amendment.

Mr. President, I am happy to yield back the floor, unless my colleague wishes me to go on further about this amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague from New York. He has persuaded me of the merit of his

amendment, but I am not in a position to procedurally move to actual disposition of the amendment at this time.

So if the Senator has completed his statement, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1704

Mr. BINGAMAN. Mr. President, since we seem to be unable to move ahead and actually dispose of amendments for a few minutes, while we get the procedural circumstance untangled, let me speak briefly about the tax package that has been reported from the Finance Committee.

The energy tax package that is now a pending amendment to this bill represents a dramatic shift in the direction of our national energy policy from fossil fuel dependence to one that promotes diversified domestic sources of clean energy.

The package the Senate will consider as part of this tax package contains three times the incentives for energy efficiency and renewables and other clean energy than we were able to enact in the 2005 Energy bill—three times more clean energy.

The energy tax provisions are intended to complement and augment the authorizing legislation. These vitally important energy measures include:

First, a 5-year extension of the section 45 tax credit for producing electricity from wind, geothermal, biomass, and other green resources; an extension of the section 48 investment tax credit for business investments in solar, fuel cells, and microturbines for a total of 8 years in the package that has now been reported to the Senate; extending the newly proposed residential wind credit; extending several residential and commercial energy efficiency tax incentives; expanding the section 48 A and B investment tax credits to fund the development of clean coal facilities, with a particular requirement that CO_2 be captured and sequestered; expanding the program for clean renewable energy bonds by up to $3.6 billion; adding $3 billion to a newly established program for clean coal bonds; extending the advanced vehicle consumer credits and adding a category for plug-in hybrids and electric vehicles; and an important new incentive to encourage the production of cellulosic ethanol.

These are important provisions individually, but combined I think they will play a major role in moving our country along toward a path of forward-looking energy policy.

The Finance Committee amendment also contains a severance tax on all oil and gas production from the Federal Outer Continental Shelf in the Gulf of Mexico. This severance tax proposal needs to be viewed in the context of the larger energy tax title in the Energy bill that is before the Senate. By including this OCS severance tax in the Energy tax bill, we are able to secure the revenue that is vitally needed for these energy measures I have detailed.

This OCS severance tax has been carefully crafted to raise revenues while doing the least possible to discourage production. First of all, it applies to oil and gas production on the OCS in the Gulf of Mexico only. We carefully considered where the tax should apply. The Alaska OCS is an important frontier area, and additional costs on those operations could truly impact leasing and development activity. The only other area with production in the OCS is California, where production is minimal and no new leasing is occurring.

However, the industry in the Gulf of Mexico is robust—particularly with the price of oil where it is today—and the lessees and operators there tend to be large: either the major oil companies or large independent producers. This is in contrast to the Rocky Mountain region, where many small independents operate. Additional taxes or fees in that region could make the difference between production occurring or not occurring. Thus, this tax would only apply to oil and gas from the Gulf of Mexico Outer Continental Shelf.

In addition, the tax is designed to ensure that it is not overly burdensome. The tax would be levied at a rate of 13 percent of the value of production with a credit against the tax for royalties paid on each lease. The Government Accountability Office recently completed a study comparing the combined tax and royalty costs imposed on the oil and gas industry in the United States versus elsewhere in the world.

I note the GAO found the climate for doing business in the U.S. is very favorable, with the U.S. having one of the lowest combined ''government takes'' in the world. Using this construct of considering the combined tax and royalty costs, we designed the severance tax with a credit for royalties paid to ensure no lessee would be required to pay more than 13 percent of the value of their production in combined severance taxes and royalties.

Of course, any lessee who is paying a 16⅔-percent royalty—that the President has now established as the appropriate royalty on Federal leases going forward—any lessee that is subject to that royalty will pay no tax. Any lessee paying a 12.5-percent royalty will pay an effective rate of 0.5 percent for the severance tax, and lessees paying less than a 12.5-percent royalty rate will pay the tax at an effective rate of the difference between the 13 percent and the royalty rate being paid.

Furthermore, I believe the 13-percent tax rate is extremely reasonable. Earlier this year, the White House did announce the royalty rate for all new leases in the Gulf of Mexico would contain terms requiring that royalties be paid at a rate of 16⅔ percent. This was met with little, if any, opposition from the industry.

Again, I commend Senators GRASSLEY and BAUCUS. Senator BAUCUS has been our leader on this issue from the beginning of putting this entire package together. He and his staff have done yeoman's work. I also have been proud of the work my staff has done on this important issue as well.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CASEY. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business.

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

EMPLOYEE FREE CHOICE ACT

Mr. CASEY. Mr. President, I rise to talk about a matter that is before the Senate, the Employee Free Choice Act. In summary, what this act will do is—and I have three brief points about the act itself—it will enable workers to form unions when a majority sign union authorization cards. Second, it will establish mediation and binding arbitration when the employer and workers cannot agree on a first contract. Third, it will strengthen penalties for companies that coerce or intimidate workers.

We know today what we are facing in our economy. We have rising levels of productivity, thank goodness, but at the same time productivity has been up and our workers have been more productive than ever, our wages have not kept pace. Salaries and wages have not grown the way productivity has.

We know that so many more of our working families have had to suffer that disparity, that gap between productivity and wages and benefits.

I think a lot of Americans believe the freedom to choose a union is vital to restoring the American dream, especially for the most vulnerable Americans. Unfortunately, vulnerable Americans now include working families.

Unions help American workers get their fair share, as you well know, Mr. President, in your State, as well as in my State of Pennsylvania. Union wages are almost 30 percent higher than wages in nonunion fields. Unions are also a cure for rising inequality because they raise wages for more low- and middle-income wage earners, more so than for higher wage workers.

For example, if we talk about some lower wage occupations, cashiers, for example, earn 46 percent more than nonunion cashiers and those covered by unions, 46 percent more.

Union food preparation workers earn nearly 50 percent more than nonunion food preparation workers.

I will share a couple of demographic categories. Women, for example, who are represented by a union earn 31 percent more than women workers who do not have the benefit of a union. African-American union workers earn 36 percent more than their nonunion counterparts. Latino workers earn 46 percent more than those Latinos who are not represented by a union. Finally, union workers are almost twice as likely to have employer-sponsored health benefits and pensions at work—twice as likely—than their counterparts who do not have union protection. They are more than four times likely to have a secure and defined pension benefit plan than nonunion workers.

Protecting the freedom to choose a union benefits all Americans, and I believe this in my bones, as we all do who support this act. Whether someone has a union I think raises and lifts all boats. In industries and occupations where many workplaces are unionized, nonunion employers will frequently meet union standards, lift their sights, so to speak, and otherwise improve compensation. A high school graduate in a nonunion workplace whose industry is 25 percent unionized gets paid 5 percent more than similar workers in less unionized industries.

We know what this act can mean for workers and their families to raise their standard of living, in wages and benefits and other parts of their compensation, but also I believe this act is about America. We know the unions, the right to organize and selectively bargain, helped build the American middle class over decades, when those who said at the beginning of those fights this is not a good idea.

What we will do by passing this legislation that is before the Senate is to move to a new chapter where more and more of our families can have the benefit of union protection so they can live in a country where their work, their labor, and the fruits of their labor is recognized.

I ask all of my colleagues respectfully, as they consider this legislation, to think not only of what this will do for our unions and families who are covered by those unions but what it does for all America, for all our collective interests in a stronger economy. I ask their consideration of this bill.

I know, Mr. President, you and so many others have been leading the fight on this effort, and we are grateful for that leadership, for our families, and for our country.

I am proud to be an original cosponsor of the bill, and think that it is a vital part of an agenda aimed at restoring a balance to our Nation's labor policies and alleviating the insecurity felt by so many American families.

The bill, if passed, would enable workers to form unions when a majority sign union authorization cards, establish mediation and binding arbitration when the employer and workers cannot agree on a first contract, and strengthen penalties for companies that coerce or intimidate workers.

These changes to our labor laws are quite frankly vital to the preservation of the American middle class, because unions, which were a driving force in the creation of that middle class, are also one of the best tools we have to protect it.

We live in a remarkable time, when corporate profits are rising, largely because of the rising productivity of the American worker. At the same time, corporations in America are receiving unprecedented access to foreign markets because of our nation's trade policies. But while we are working to give corporations that access, we must work to ensure that workers have rights and protections, and opportunities in the new global economy that is emerging. After all, families are made up of workers, not corporations.

Unfortunately, workers are being left behind in large part because we have stripped them of rights and protections and made it ever harder for them to organize in a union if they wish to do so. The effects of this are dramatic, and are changing the economic landscape of America. At a time when productivity has been rising and companies are making huge profits on the backs of their workers, workers' salaries are not increasing.

Corporate profits are up by more than 83 percent since 2001. Yet the share of national income going to wages and salaries in 2006 was at its lowest level on record. The share of national income captured by corporate profits, in contrast, was at its highest level on record. Some 51.6 percent of total national income went to wages and salaries in 2006.

Today, more than 40 percent of total income is going to the wealthiest 10 percent of Americans—the biggest gap in more than 65 years. The share of pretax income in the Nation that goes to the top 1 percent of households increased from 17.8 percent in 2004 to 19.3 percent in 2005.

Between 2004 and 2005, the average income of the top 1 percent of households increased by $102,000, after adjusting for inflation. The average income of the bottom 90 percent of households increased by $250.

It is bad enough that wages aren't rising for the vast majority of Americans, but to make matters worse, the costs they face in their daily lives are rising, sometimes with life and death consequences. Six million Americans have lost their health insurance, and their retirement security is fading as well. It doesn't make sense that at a time when corporate balance sheets are so healthy, Americans are being forced to go without basic health care. In fact, we all know that that will have the effect of reducing our productivity, and profits, if we don't address it.

That is why I support the Employee Free Choice Act. The freedom to choose a union is vital to restoring the American Dream, especially for the most vulnerable Americans. Union workers are far more likely to have health care benefits, and pensions that will actually provide for them in retirement.

Unions help American workers get their fair share—union wages are almost 30 percent higher than nonunion wages. Unions are also a cure for rising inequality because they raise wages more for low- and middle-wage workers than for higher wage workers. Unions can also help the American worker weather the storm of globalization, and the displacement and insecurity that it has brought to some many families.

Just this week, the OECD, which is known for its unapologetic promotion of free trade, released a report that highlighted the fact that countries should focus on improving labor regulations, for workers, not just companies, and social protection systems to help people adapt to changing job markets.

The report also found that offshoring may have reduced the bargaining power of workers, especially low-skilled ones and that the prospect of offshoring may be increasing the vulnerability of jobs and wages in developed countries. That is an amazing finding from an organization devoted to promoting free trade.

The OECD also found that in 18 of the 20 OECD countries where data exist, the gap between top earners and those at the bottom has risen since the early 1990s. The inequality in the United States was higher than all of those countries by a large margin, save one, Hungary.

The Commonwealth of Pennsylvania, which I represent here, was built on stable union jobs, and the industries that employed those union workers helped to build America as we know it today. Pennsylvania steel can be found in every corner of the country, but unfortunately most of the plants that made that steel are now closed, and most of the union jobs that were the engine of those plants are gone.

But that is what makes this legislation so important here and now. We need to act quickly to give American workers a leg up in this global economy, and create jobs that add value to workers' lives, to their communities, and to the American economy. We can't do that if we only reward capital. Capital can now flow over borders and across the world like never before. But our workers and families remain, and so we must stand with them and give them the tools they need to continue to be productive and competitive in this global economy. Workers from Pennsylvania can compete, but only if we give them a level playing field and the proper tools. This legislation takes one step to do just that, and that is why I support it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I rise today to speak in opposition to the tax part of this energy bill. I think it is common sense that if you tax something, the price will probably go up because the higher business costs are passed on to the consumer at some point.

This is a tax bill that is $29 billion of new taxes. How could anything make less sense when we are trying to pass an energy bill that will do two things: make America less dependent on foreign oil for our energy needs, and bring the price of gasoline down at the pump. This bill, with the tax part, is not going to do either of those things.

In the past 2½ years, the average price of a gallon of gas has risen about 68 percent due to increased demand in America and around the world. The price increase has harmed American families, and businesses, especially small businesses, and higher taxes are going to mean a higher price at the pump.

Mr. President, I am going to suggest the absence of a quorum for just one moment.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, we must address the tax issue. There are some good parts in this energy package. This energy package could increase conservation. It could increase the supply of renewable energy sources. I have an amendment that I think is very positive which would provide for more research into new sources of energy, and there are all kinds of renewable, environmentally safe energy possibilities. Yet we have now put a tax bill in this bill which has just gone through committee. It came out yesterday, and we are going to, I am afraid, make the mistake that Congress has made before.

In 1980, Congress passed a windfall profits tax. The consequences to the domestic oil industry, to consumers, and to our national security were devastating. In the 6 years that followed that action, domestic oil production dropped by 1.26 billion barrels, and imports of foreign oil rose 13 percent. Today, 60 percent of our oil comes from foreign countries. The collapse of the domestic oil and gas industry had a ripple effect on other sectors of the economy, especially banking and real estate.

The windfall profits tax was terrible for this country, and it was repealed. Now we have a tax bill that will have the same effect, with $29 billion in taxes on energy production.

Let's go through those. A repeal of the manufacturer's deduction for refineries: everyone who has looked at the energy crisis knows it is the lack of refinery capacity that has driven up the demand while we have not driven up the supply. We are making it harder to invest in refineries. No one is doing it, and we need more refineries. So taking away any deductions for refineries is counterintuitive.

We would establish an excise tax of 13 percent on crude oil and natural gas produced in the Gulf of Mexico. That is the biggest source of oil and natural gas production in our country that we are able to produce and explore. ANWR would be larger, but we have not been able to tap into ANWR. So the Gulf of Mexico is our best source.

Other States are now looking at exploring and then possibly drilling off their shores because there is now an opportunity for States to get revenue, and it can be done environmentally safely. So now we are talking about increasing the tax, which is going to have the effect of lessening the exploration and drilling and will also go back on a contract that was made earlier to induce people to drill in the Gulf of Mexico because it is more expensive—the deep drilling is much more expensive.

The bill would also impose a tax on finished gasoline—$824 million over 10 years. It would seem that is going to increase the price of gasoline at the pump. It would eliminate tax credits for foreign oil production, exposing them to double taxation.

So what do you think that is going to do? We are in a situation already where we are seeing more and more new formations of public companies going overseas because of Sarbanes-Oxley, with CEOs saying it is the instability of our regulatory process and the taxes and the litigation in our country that has caused more and more companies to decide to move their corporate headquarters to London or other exchanges. Furthermore, the jobs are going with them. So here we are trying to address this issue in a responsible way, and what are we doing to our oil companies? Why wouldn't they just go and register on the London stock exchange and make that their headquarters? That is what many American companies are doing now.

If we decide we are going to double-tax this segment of industry in our country, we are just saying we don't want American oil companies. I can see why they would not only incorporate overseas but move more and more of their production overseas as well.

I hope we will not pass this tax bill. A recent review by the Heritage Foundation estimated this tax package, combined with other policies in this bill, could increase the price of regular unleaded gas to $6.40 by the year 2016. That is ridiculous. Why would we pass an energy plan that would have the potential effect of doing that?

No, what we should be doing is encouraging more refineries, encouraging nuclear power plants that are environmentally safe, encouraging drilling and exploration of our own natural resources, and we should be looking for renewable sources of energy—cellulosic ethanol, corn-based ethanol biodiesel, wind, solar. We have so many sources. My amendment would also create the ability to start research on wave and current energy resources, which they are doing in a limited way in Europe right now, using the Gulf of Mexico and our oceans for their energy potential.

There is so much we can do that would be positive that we could agree on in a bipartisan way. This tax bill is a poison pill. The tax portion is unnecessary, it is counterintuitive, it will have the effect of increasing gasoline prices at the pump, it will ship jobs that are in America overseas, and I think we are going to lose major corporate business.

That is unnecessary and I hope my colleagues will not pass this tax package, and I certainly hope we can take this part out of the equation, work on the bill that is before us—which has some very good points—and then we will be doing something to try to help with the rising cost of gasoline at the pump in our country.

I hope we can help relieve the high price of corn which has resulted from our emphasis on ethanol. That is causing a rise in livestock prices, because the feedstock for livestock that is being raised has increased the cost. So all the meat we eat in this country is going to be at a higher price because ethanol is taking from the corn market and the feedstock market is suffering.

We need to address these things. I certainly hope we will, in a responsible way, bring the costs of energy down and not have side effects such as the increased costs to livestock producers.

I urge a ''no'' vote on this tax portion so we can get down to the business of doing what the purpose of this energy bill was, and that is to increase supply so we can be less dependent on foreign sources and lower the price of energy in our country.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, the bill on the floor of the Senate deals with energy. While there are many important things we discuss in Congress these days, energy ranks right near the top, in my judgment. I have indicated previously that most of us take energy for granted. We get up in the morning and turn on the hot water, and that

comes from energy. We flick a light switch, and that comes from energy. We get in the car and turn the ignition key, and that comes from energy.

I told a story a while back about John Glenn and energy. I was on a trip with John Glenn, the former astronaut and former Senator. I was a young boy when John Glenn orbited the Earth in Friendship 7.

Late one evening on what was the old Air Force One, a group of us were flying to Asia, and John Glenn was with the group. We were meeting with heads of state in several governments, Vietnam and China and so on. We were flying over the Pacific late at night in this little cabin in this Air Force 707. I leaned forward and began to ask John Glenn about his first space flight. I pumped him with a lot of questions. One of the questions I asked him about was whether he actually saw Perth, Australia. The history that has been written about this, and I recalled as a kid, was when John Glenn, up there alone in this tiny little capsule orbiting the Earth in Friendship 7, was orbiting the Earth and went to the dark side of the Earth, the town of Perth, Australia, decided they would all turn on their lights. All the lights in Perth, Australia were to be turned on to greet this astronaut flying alone, orbiting the Earth. I asked him if he saw the lights of Perth, Australia, and he said he did. On the dark side of the Earth in this little capsule orbiting the Earth all alone, John Glenn looked down and the sign of human existence on Earth was the product of energy, the product of lights, radiating that beam to that astronaut, saying a hello—greetings.

It comes from energy. It is what we do to produce energy and use energy to make our lives better. They are better in many ways.

One part of this energy issue we are debating in the Energy bill deals with oil. Oil is an interesting debate because on this little planet of ours that circles the Sun, there are about 6.4 billion of us. We have a lot of neighbors who are in tougher shape. About half of this planet's population lives on less than $2 a day. Half of them have never made a telephone call. On this planet there is a little spot called the United States of America and we are blessed through divine providence to be here, to live here. But it is interesting that while we have created a standard of living that expands the middle class and creates an increased standard of living, we do not have the quantity of oil that exists elsewhere on Earth. We use 25 percent of the oil that is needed every single day; 25 percent of all the oil used on this Earth is used in this country. Yet most of the oil is produced elsewhere—Saudi Arabia, Kuwait, Iraq, Venezuela, and other countries. Over 60 percent of the oil we use comes from outside of our country. God forbid something should happen that would interrupt that, because if it did, this country would be flat on its back with respect to its economy. It would dramatically impact the way we live.

Over 60 percent of our oil comes from other countries, much of it from troubled parts of the world, particularly in the Middle East. Many of us believe we need to be less dependent on foreign sources of oil. We are dangerously dependent on foreign sources of oil and we need to become less dependent. How do we do that?

One point is this. Seventy percent of all the oil we use in America is used in vehicles, where we run it through the carburetors and fuel injectors in the form of gasoline. Seventy percent of the oil is used through vehicles.

So we have to find a way to make vehicles more efficient. That brings me to the debate about what are called the CAFE standards or the standards that require greater efficiency for automobiles.

Now I serve on the Commerce Committee. I and Senator FEINSTEIN, Senator INOUYE and others included from the Commerce Committee a provision that requires vehicles to be more efficient.

I know the auto industry is very aggressive in trying to see if they can jettison that provision in the underlying Energy bill that comes from the Commerce Committee. They do not want these increased efficiency standards. They believe they are pernicious, they will injure the auto industry. I think that is untrue.

Now, they make the point, and in my judgment they deliberately misrepresent the point, in full page advertisements in my State and others and direct mail pieces to constituents, they make the point that what we are trying to do is to say: You must make automobiles or vehicles more efficient, and you do it on a fleet average, as CAFE has always been done.

If you are making too many pickup trucks and not enough small cars, you have to make more small cars and fewer pickup trucks, so, therefore, you have an increase in fuel efficiency and, therefore, this approach threatens to take your pickup truck away.

Well, that is not true. It is not accurate. But that is what is being alleged. This is a different approach. This standard says that for each class of vehicle, the class itself must be made more efficient. I come from North Dakota. We in North Dakota have, on rare occasions, I emphasize only rare occasions, some harsh weather. When it is 30 below zero and a 40-mile-an-hour wind, you do not want to drive in a Chevette out to check the calves during calving season in March, you want a vehicle, a four-wheel drive vehicle that has some weight, that has some power. That is what we use. I am not interested in full efficiency standards that discriminate against larger vehicles, but I also believe this: All of the vehicles, including pickup trucks, including larger vehicles, should be made more efficient.

For 25 years, there has not been one change in the standard. For 25 years in this Congress, we said: No, no. The auto industry doesn't want an increase in the efficiency requirement, therefore, we will not do it.

I say ''we.'' I was part of that. But at some point, you have got to say to the industry: Look, they are making more efficient vehicles elsewhere. They ought to make them here. I mean, I have described the position of the industry in opposition to this as ''yesterday forever.'' I guess it is wonderful if you have romantic feelings about yesterday and you want it to continue forever with respect to your vehicles and the lack of a requirement to make them more efficient.

But it does not help this country, it retards this country's ability to become less dependent on foreign sources of oil. That is what this vote is about: Do you believe we ought to become less dependent on foreign sources of oil? If so, then you better belly up and you better begin to support this kind of thing, or do you believe that we are not dangerously dependent? If it is fine for us to have 60 percent, heading toward 65 and 69 percent, we are told of our oil coming from off our shores, if you think that is fine, if you are perfectly content going to sleep at night saying it doesn't matter how much we get from overseas, it doesn't matter how troubled those areas are, let's hang our future, our economic future, on our ability to keep getting oil from troubled parts of the world, if that is how you feel, then, in my judgment, it ignores the reality.

If you are one of those, as I am, who believes that we are too dangerously dependent on foreign sources of energy, then it seems to me you have to come to the floor and be supportive of CAFE standards, or at least greater efficiency standards for vehicles

We have established a system in the underlying bill that establishes eight classes of vehicles. And you have to make them more efficient by class. Should not those who drive pickup trucks expect to have a more efficient pickup truck as well; better mileage on those vehicles as well? The answer is, yes, in my judgment.

Now, my hope would be that someday, in some way, we will be able to find a way not to be dependent on oil itself. But I cannot see that in the near term. We are going to continue to use fossil fuels. I have described too many times for my colleagues that my first vehicle I bought for $25 as a young kid, it was a 1924 Model T Ford that had been in a grainery for some decades. I bought it for $25 and restored it lovingly as a young boy when I was in high school.

So I ended up with a Model T that was decades and decades old. But I sold it later because you cannot, as a young boy, you cannot effectively date in a Model T; nobody wants to ride with you. But the point of the Model T is that in 1924 they made a car, and it is interesting. You put gasoline in that car exactly the same way you put gasoline in a 2007 or 2008 vehicle. Exactly

the same way. You go to the gas pump, stick a nozzle in the tank, and start pumping gas. Nothing has changed. Everything else about the car has changed. Computer technologies. More computer technology in a new car than existed on the lunar lander that put Neil Armstrong on the Moon.

Better cup holders, keyless entry, iPod holders, heated seats, you name it. But let me ask you, do you think there has been an increase in the efficiency standards for those vehicles? The answer is no. The answer is no.

I ask you to take this test. Go back and look 10 years ago at any model of car and then look at today's identical model and see how much has changed with respect to miles per gallon that are estimated for that vehicle. What you will discover is almost no change.

Those of us who support the standards in the Commerce Committee have brought a bill to the floor that is a good bill. Now there are some in this Chamber who do not support it, and the auto industry itself is furiously working to get the votes to defeat our increased efficiency standard.

The problem is, there is no amendment coming to the floor of the Senate that I can see. I mean, it seems to me, we have an underlying provision that I support, it is in the bill. Having had the bill now on the floor for some while, it is time to say: If you want to try to amend it, let's have an amendment on the floor, let's vote, let's have a thorough discussion and debate and let's have a vote.

I am not someone who suggests the underlying amendment is the only amendment that has merit or has worth; there are, perhaps, other ideas. But I was in a meeting last evening and have been at some meetings today. It appears to me that the effort is simply, by the industry, to say: Let's not do this. Well, you know, we have been through that time and time and time again. When they say to the Congress: Let's not do this, the Congress salutes and says: Let's not do this.

But we have come to a different intersection, it seems to me, with respect to the future of this country and the energy security of this country. That intersection requires us now to do what we must do to make us less dependent on foreign sources of oil. If we do not find a way to be independent, or at least less dependent on foreign sources of oil that come from troubled parts of the world, we are in deep trouble.

Someday, I would hope, perhaps we can develop hydrogen fuel cars that are commercially available. I hope that our children and their grandchildren will be able to get in a vehicle that is a hydrogen fuel cell vehicle.

I authored the legislation 2 years ago that established the title on hydrogen fuel cells. You know, interestingly enough, hydrogen fuel cell vehicles will have twice the efficiency of power to the wheel of the vehicle and put water vapor out the tailpipe. Wouldn't that be a wonderful thing? The fact that hydrogen is ubiquitous, is everywhere—I had this wonderful experiment going on in North Dakota that I established in the Appropriations Committee of using a wind tower, a more efficient wind turbine, take energy from the wind, use the electricity that you take through the turbine, you take energy from the wind in the form of electricity, use the electricity in the process of something called electrolysis, and separate hydrogen from water with a process of electrolysis.

So you actually take an intermittent power source of wind and produce hydrogen, store the hydrogen for vehicle use. I believe we can get to the point of hydrogen fuel cell vehicles, which will make us much less dependent on foreign sources of oil. We will not need foreign sources of oil if we do what we can with this fleet. But that will not happen in 3, 5, or even 10 years from now. There has to be interim steps in which we take action to reduce our dependence, even as we continue to use the internal combustion engine, as we continue to use nearly 70 percent of all our oil through our vehicles, even as we import over 60 percent of the oil from overseas, we must take some interim steps to begin to address that.

That is why this issue is so important, the efficiency of our vehicles. Finally, let me say this. I want our auto industry to succeed. I want this industry to succeed. I do not want to be a part of something that says to them, that, you know, you have been asleep at the switch, and so, therefore, we don't care about you. That is not my point.

My point is, this industry will succeed, in my judgment, if they are under the gun and under some pressure to produce more efficient vehicles. Other companies in other countries are doing it and so too should ours. I wish to be helpful to our industry.

One final point. There is a discussion about a couple provisions in the underlying Commerce Committee bill. One is the second 10 years, the 4 percent efficiency a year, which was part of my offering, and the second was Senator CANTWELL's offering of standards for the production of flex-fuel vehicles. We are building a 36-billion-gallon biofuels requirement in this bill. We are going to produce 36 billion gallons of ethanol, biofuels.

Where are you going to use all of that if you do not have the flex-fuel vehicles on the road so you can move that through those carburetors or fuel injectors. You have got to be able to have a flex-fuel standard, so that when the automobile industry is producing cars, they are producing flex-fuel vehicles so they can run either the E85 or the regular gasoline. But if you are producing 36 billion gallons of biofuel and do not have flex-fuel vehicles on the road to be able to take those fuels and be able to run E85 through a vehicle, we are going to see this ethanol market collapse.

That is why the flex-fuel provisions in the underlying bill from Commerce are so important. I wish to make the point that my hope is this afternoon, those who wish to try to amend the underlying provision in the Commerce Committee bill would come to the floor, let's have a debate about it. I believe the Commerce Committee provision is a thoughtful provision, that finally aggressively represents change and reform on automobile efficiency. I think the standards are achievable.

I think they will be good for the industry. They certainly will be good for the driving public in this country, and, most especially, they will move us in the direction of being less dependent and move us in the direction toward being independent of foreign sources of oil, which I think is important to this country's economic well-being.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I am going to take a few minutes this afternoon to discuss the tax provisions in this legislation because I think they are very much in the public interest and something I have been working on for many years.

In the last Congress, for the first time in many years, the executives of the major oil companies—we are talking about Shell and BP and Exxon, the big five companies—were in front of the joint hearing I attended, a joint hearing of the Energy Committee and the Commerce Committee.

With the executives there before this important hearing, I asked all of the oil CEOs if they agreed with a recent statement that President Bush had made. President Bush, of course, an oil man himself, hardly somebody who has any predisposition against the oil industry, recently said that: When oil is over $55 a barrel, the oil companies do not need incentives to explore and develop for oil.

I asked each of the executives that day, the first time they had been asked the question in years and years, and to a person, the executives said they did not need those subsidies. Every single one of the executives said it. What was so stunning about it is that their admission was completely contrary to everything the Congress has been doing pretty much for the previous decade.

For the previous decade, the Congress had just been throwing one subsidy after another at these major oil companies, amounting to billions and billions of dollars. Yet in the last Congress, when the executives were asked to go on record and publicly state their position, the executives admitted they did not need the money that the Congress has been throwing at them, the billions of dollars in subsidies the Congress has been throwing at them.

So what we have is essentially a time now when the companies are making record profits, and they are charging record prices when clearly they do not need record subsidies. That is what the

Senate Finance Committee legislation does with respect to the tax provisions. I have reviewed them. They are clearly targeted at the major companies. They are not targeted at the independents and the small companies, and we ought to be taking steps to help them. In fact, I particularly credit our friend and colleague, the late Senator Thomas, for doing extraordinary work over the years, some of which I was privileged to work on with him, to help those small independent companies. Our good friend, the late Senator Thomas, championed that work. This is not going to affect those small independents. This is targeted at the major companies, the companies that, when I asked them—the first time they had been asked in years—admitted they did not need the billions of dollars worth of subsidies they were getting.

It ought to be put in the context of what it means for the consumer. Our friend from North Dakota began this discussion as well. The reality is, when somebody pulls up to a gasoline station in New Jersey or Oregon or anywhere else, they are paying what amounts to a ''terror tax.'' That is what we ought to call it. Our addiction to foreign oil is literally a terror tax because when you pull up to that filling station in Oregon or New Jersey or anywhere else, you pay this huge price. Eventually, some of that money gets into the coffers of a government in the Middle East, and they backdoor it to people who want to kill us.

Our addiction to foreign oil ought to be put in a context that is appropriate. It is a terror tax. This legislation which has been put together by a number of committees helps us to move away from that addiction to foreign oil. That is why I support it. By taking away some of the subsidies to the major companies, subsidies they have now claimed they don't even need, it makes it possible for us to look at some opportunities for developing renewable energy sources at home.

I was at a filling station not long ago in Oregon that hopes to get all its fuel from Oregon crops—not from oil from the Middle East—waste oil and other products. That is our vision of an important part of our energy supply in the future. If we get out of the business of shoveling billions and billions of dollars worth of subsidies to the major oil companies, subsidies they have now made clear they don't need, we can begin to develop a very different energy future.

One last point I wish to make relates to a debate I am sure we will have, and that is a quick comment about the provisions which were added yesterday, Senator BINGAMAN's provisions, to the legislation. We are going to hear a lot about how somehow this is taking illegal action with respect to oil royalties; it is taking action retroactively, and it is illegal. We are going to hear that probably many times in the course of discussion of the Bingaman legislation that was added yesterday.

The first thing I wish to make clear—and we were told this yesterday by counsel, because I asked about it—is that the Bingaman provision would be applied prospectively on oil produced on Federal offshore leases in the Gulf of Mexico. It would apply to future activity, all oil produced on Federal offshore leases in the gulf. As we go to this discussion and we are told repeatedly that this in some way unravels previous agreements, that this is illegal, this is retroactive, I hope colleagues will remember that we were told yesterday that it applies prospectively. It does not change the terms of any existing oil and gas lease. We are clear with respect to the Bingaman provision. It doesn't change the terms of any existing oil and gas lease, and it would be applied prospectively on oil produced on these Federal offshore leases and all oil produced on those leases in the gulf.

One last point with respect to this issue is comments we have received from the Government Accountability Office with respect to the amount of revenue the Government receives from oil production from the gulf. What the Government Accountability Office has told us on this point is that the taxpayer receives revenue with respect to this production that is lower than virtually anywhere else in the world. They have done a comparison to take a look at all of the other countries where you have similar activity going on. Basically our take, the revenue for the taxpayer, hard-working taxpayers across the country, is lower than virtually anywhere in the world. The only place that is even close to us is where you have an oil company doing most of the production, essentially a government corporation.

The reality is, with respect to drilling on our lands—and that is what I am talking about here, the people's lands, public lands, our lands—the taxpayer has been getting fleeced for years and years. The Bingaman provision begins to right the scale to get a fair shake for the taxpayers.

I hope colleagues will support the work done by the Finance Committee with respect to the tax titles. It is important that they know the major oil companies have now admitted they don't need the subsidies, and the price per barrel is way over the amount the President said was the level when we ought to stop paying out subsidies. I hope colleagues will look at the facts with respect to the important provisions that were added yesterday by Senator BINGAMAN. I am of the view that taxpayers have been fleeced with respect to oil drilling on their lands, the people's lands. The Bingaman provision begins to right the scale.

I will have more to say on this issue down the road.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I rise today to support legislation which is pending before the Senate which would increase fuel economy standards in automobiles and trucks over the next 10 years. Regardless of what opponents of this amendment may say, technology is available today to reach this goal. We don't have to compromise the safety of the cars and trucks we drive and American jobs don't have to be lost to meet these standards. The CAFE legislation we have proposed is different than it has been in the past. It is a true compromise, a middle-ground position.

We have come a long way with this compromise, and I applaud the efforts of Senators INOUYE and STEVENS. It is not an easy issue to meet in the middle on, but we have. I am sorry the automobile industry, which has resisted efforts to improve fuel efficiency over the last 20 years, is still resisting these efforts.

This is something most Americans understand intuitively. If we are going to reduce our dependence on foreign oil, if we are going to reduce the pollution we are creating with the cars and trucks we drive, we should be using fewer gallons of gasoline for the miles we drive. Yet what we have seen consistently over the last 22 years, while we have not had a national fuel economy standard, is that the cars and trucks being sold on average are getting less mileage. So each year, we buy these vehicles and find we need more gasoline than we did the previous year to drive the same number of miles. That is unacceptable.

The CAFE provisions have come a long way since I offered my amendment 2 years ago. When I came to the floor and suggested it was time to start talking about fuel economy, there were not too many Senators joining me. I called for an increase in fuel economy standards that would have had vehicles reach a target of 40 miles a gallon with a target date of 2016.

This legislation before us sets a target of 35 miles per gallon, providing even more lead time for the automobile industry to the year 2020. The last time we debated 40 miles a gallon, my opponents said that was just too high a standard to reach. Now we have lowered that target to 35 miles a gallon, and the industry proposal has 36 miles per gallon 2 years out. It makes me wonder why they no longer think it is arbitrary or whether they have any intention of ever meeting the target.

My amendment 2 years ago did not provide the industry the flexibility this legislation does. I originally called for a hard target. You either had to reach it or pay fines. This legislation before us allows for flexibility, providing the National Highway Transportation

Safety Administration the authority to lower the target if it is not technologically feasible.

My amendment did not reform the CAFE program by creating attribute-based standards, something I understand the industry would rather see than the existing system. This legislation does. My amendment did not create a fleetwide fuel economy standard. This legislation does. Nor did it extend the credit trading program, as this amendment before us will do.

We have come a long way to reach a compromise on this legislation. We understand the concerns about the existing programs brought to our attention. We understand the difficulties in the domestic auto industry. We tried to address them honestly. Unfortunately, for the past 2 years the auto companies were not at the table when they could have been. So we changed the CAFE system to allow for a more level playing field between American and foreign manufacturers.

We provided NHTSA the authority to create attribute-based standards for passenger cars, something President Bush asked for. We already witnessed NHTSA set new fuel economy standards for light trucks by using this system. The CAFE standards will no longer be by manufacturer but, instead, fleetwide, based on the size-attribute system. That means the total fuel economy for all cars in the United States will meet the fuel economy targets we set. The targets will be set for different groups of cars based on their size attributes, not based on the manufacturer. Since the fuel economy target is fleetwide, the relative mix of vehicles manufactured by each company is not a real issue in the debate. GM will not be penalized for making more SUVs and fewer small passenger vehicles than Toyota.

In order to meet a fleetwide average of 35 miles per gallon, each vehicle group will have to meet its own average fuel economy. For example, all midsized sedans will have to attain an average fuel economy standard. For example, the Ford Fusion, Honda Accord, Toyota Camry, and Chevy Malibu must attain roughly the same fuel economy. These cars will have to get about 36 to 38 miles per gallon based on current trends. Likewise, all large SUVs will be subject to different, lower average fuel economy. We will be comparing apples to apples. Each vehicle will have to reach an attainable fuel economy standard based on its size. All of these targets must average out to 35 miles per gallon for the entire fleet sold in the United States by 2020.

I repeat that because it is a large and important change on how CAFE standards are now structured. The relative mix of any manufacturer's fleet between similar passenger cars and larger SUVs is less relevant in the fuel economy debate. The American auto manufacturers should not be at any disadvantage relative to foreign automobile manufacturers.

Now we are focused completely on increasing the fuel economy of vehicles driven in the United States, regardless of who makes them and their size.

Even though our legislation now addresses one of the major issues raised in the 2002 National Academy of Sciences report and does what NHTSA has requested, sadly, the auto manufacturers still oppose our compromise and have come up with even more arguments to try to persuade my colleagues to vote against improving the fuel economy of the cars and trucks we drive.

Let me remind everyone about the impact on the transportation sector of more fuel-efficient vehicles.

In 2005, the United States used 20.8 million barrels of oil per day. Sixty percent of it, or 12.5 million barrels of the oil we use, is bought from other nations—60 percent in the year 2005. Of the 20 million barrels of oil we use every single day, 69 percent is used for transportation, and of this, 62 percent is used for surface transportation by cars and light trucks. Every minute, we consume more than 267,000 gallons of gasoline in America. You could say we import oil to run our cars, and by and large we do.

Any increase in fuel economy will decrease our dependence on foreign oil. How significant is the issue of foreign oil? I don't need to remind anyone that we are in the midst of a war in the Middle East. We have lost 3,521 of our best and bravest soldiers. Ten times that number have been injured. Twice that number have been seriously injured, facing traumatic brain injury and amputations.

It is no coincidence that these battlegrounds time and again are battlegrounds in the Middle East, which is the source of our energy. We have to reach a point where we are less dependent on that region of the world to fuel the American economy.

NHTSA estimates that if we had not established CAFE standards in 1975, highway fuel usage would be 35 percent higher today. A lot of critics of what we did in 1975 said that was a Government mandate, and they are right. It was a Government mandate which was resisted by the automobile industry. They said to us that it was impossible, there was no technology that could result in cars being more fuel efficient than the ones we drove in 1975. The manufacturers also argued that any cars built to meet these standards would be so light in weight that they would be unsafe. They argued that only foreign manufacturers would be able to make them. Thankfully, Congress ignored that argument and passed CAFE standards in 1975 and 10 years later saw the average miles per gallon of cars in America almost double because of the Government mandate.

The Natural Resource Defense Council estimates that the Ten-in-Ten Fuel Economy Act now before the Senate will save 1.2 million barrels of oil per day by 2020. Think about it, 1.2 million barrels of oil per today. I think the price of oil is around $70. Do the math. That is the kind of money we will not be sending overseas, oftentimes to countries that do not agree with us in terms of our values and the kind of America and world we would like to see in the future. Raising fuel economy standards will reduce our demand for gasoline, which will decrease the amount of oil we have to import.

Does anyone remember waiting in gas lines in 1973 to get their 10 gallons of gas? I do. The shortage was due to an OPEC embargo on oil exports to the United States in response to actions we had taken in the Middle East. Overnight, the price of oil went up from $3 a barrel to $5.11 a barrel. Three months into the embargo, oil prices rose further to $11.65 a barrel. This embargo came at a time when the United States imported less than 30 percent of its annual oil—about 28 percent, in fact. And it hit America hard. Suddenly, Americans had to ration gasoline. Sales were maxed at $10 per sale, gasoline stations closed on Sundays, and people waited in lines. OPEC succeeded in exerting its influence on global markets, as well as the United States. Our vulnerability was revealed in 1973, and so easily we forget.

Currently, crude oil costs just over $68 per barrel. Oil costs about 27 percent more now than it did the last time we talked about CAFE on the floor, the last time I offered an amendment 2 years ago. And it makes the $11 a barrel during the oil embargo of the seventies seem like some sort of utopia.

OPEC brought us to our knees in the 1970s. Imagine what they could do now. We do not import 28 percent of our oil now; we import 60 percent of our oil. If other countries we buy oil from decided to stop selling to the United States or to hike the cost, our economy and individuals and families, small businesses and family farmers would be in big trouble.

Literally 40 percent of all U.S. oil imports come from potentially hostile or unstable nations, and 92 percent of all conventional oil reserves are in these nations. Amazingly, we continue to operate in a business-as-usual mode, reliant on imports to quench our thirst from some of the most unstable countries in the world. Venezuela, one of the top five oil exporters to the United States, is also one of the most autocratic in Latin America. The Chavez government regularly threatens nationalization of key industries and pursues policies inconsistent with many of our policies in the United States. Nigeria, while struggling on a path to democracy, is also extremely unstable, with ongoing violence in the oil-producing regions. They are also in the top five oil exporters to the United States. The more we rely on foreign nations to supply us with oil, the more susceptible we are to their instability.

I hope my colleagues realize that any future crisis that prevents or significantly restricts the production or flow

of oil resources will have consequences on our economy far worse than anything we experienced in the 1970s. So we can do nothing and hope that some manifestation of 1973 does not occur again or we can take steps now, wise steps to prepare for our future.

Another argument we hear is that if you raise fuel economy standards, American auto companies will be forced to make small cars that are not as safe. That is just not true.

This argument comes from the same industry that has fought incorporating new technology into their automobiles that now make our cars safer—including seatbelts and airbags. They now argue that they are concerned about your safety and that raising fuel economy will put you at risk.

Better fuel economy does not mean a vehicle needs to be smaller. Take for instance, the Saturn VUE. This vehicle's hybrid system will provide a 20 percent increase in fuel mileage over the conventional VUE engine and not be one inch smaller.

Their safety argument stems from the idea that the only way to make a car more fuel efficient is to decrease weight and size of the vehicle.

This, they posit, would decrease the safety of the vehicles.

Although reducing vehicle weight will increase fuel economy, it is not our only option.

The International Council on Clean Transportation released a report 2 weeks ago called ''Sipping Fuel and Saving Lives: Increasing Fuel Economy Without Sacrificing Safety.''

This report highlighted many mechanisms that would increase safety without affecting fuel economy, including: rollover-activated seatbelt pretensioners; window curtain airbags; and electronic stability control which allows each tire brake to be individually activated depending on circumstances.

They also advocated the use of advance high-strength construction and aluminum and a shift to unibody construction.

This would not only increase the safety of the vehicle, it would decrease the weight of the vehicle, thus also increasing fuel economy.

Smart design and use of strong materials to protect the passengers in strategic places will also lead to decreased overall weight of the vehicles without diminishing either vehicle size or safety.

The report went on to state that most of the technologies available to increase fuel economy have no impact on safety.

In fact, as fuel economy has increased, the number of traffic fatalities has decreased.

During the late 1970s and continuing through the 1980s, the number of fatalities per vehicle mile traveled decreased dramatically. During the same time, the fuel economy doubled.

I think this shows us without a doubt that increased fuel economy can be obtained without jeopardizing vehicular safety.

The National Research Council's 2002 report, ''Effectiveness and Impact of CAFE Standards'', found that increases of 12 to 27 percent for cars and 25 to 42 percent for trucks were possible without any loss of performance characteristics or degradation of safety.

In fact, 85 percent of the gains in fuel economy we have witnessed have come from technologies that had no impact on vehicle safety—including changes in valve control, throttling, or increasing the efficiency of accessories like air-conditioning and heating units.

The National Highway Transportation Safety Administration has recently cited both the 2002 National Academies study and its own recent review of safety noting that downweighting if concentrated among the heaviest vehicles could produce a small, fleet-wide safety benefit.

Additionally, scientists have the ability to develop superior, cutting edge materials that can reduce the weight of the largest and most fuel inefficient vehicles.

For instance, ''composite materials'' made from graphite fibers, magnesium alloy and epoxies comprise 60 percent of Boeing's 7E7—providing greater durability, reducing maintenance and maintaining safety—and increasing efficiency between 20 and 30 percent over its rival similar product.

The same auto industry that fought against safety belts, airbags, mandatory recalls, side-impact protection and roof strength is fighting against better fuel economy.

I am not surprised—just disappointed.

We have heard the argument too, that increasing fuel economy standards will force American automakers out of work.

Sadly, we are already witnessing tremendous job loss in our American automotive manufacturing sector, and it wasn't caused by an increase in fuel economy standards.

Instead, it has been this industry's failure to change with the times and recognize that the growing global dependence on oil would inevitably force gasoline prices to increase and that consumers would respond to the high prices at the pump by demanding more fuel-efficient cars.

Some companies are adapting to consumer demand—they are making more fuel-efficient vehicles, and being rewarded by higher sales.

Other companies are not adapting as quickly to consumer demand and continue to make cars that are more difficult to move off the lots.

The argument that increased CAFE standards would result in job loss speculates that the industry would just stop producing vehicles instead of introducing new vehicles.

I suggest that they would still make vehicles—that they would need expertise and labor to design new cars and retool existing models to be more efficient—expanding to potential for jobs in the U.S.

Consumers across America are paying over $3 per gallon at the pump, and they are not happy about it.

Stagnant fuel economy and increasing gasoline costs pinch American familys' pocketbooks.

In a poll released right before Memorial Day, 46 percent of respondents said they expect spiking gasoline prices to cause them severe financial problems.

Increasing fuel economy standards would help consumers save more than $2,500 over the life of the vehicle.

According to another recent poll conducted by the Mellman Group, 88 percent of rural pickup owners support higher CAFE standards.

Eighty-four percent of people who use their pickup trucks on the job approve of increased CAFE standards.

Eighty-seven percent of people who are economically dependent on the auto industry are supportive of increased CAFE standards.

The consumers who actually have the most to gain from increased fuel economy are people who live in rural areas—they frequently have larger vehicles and must drive further on a daily basis.

They are therefore spending more at the pump and are overwhelmingly supportive of increasing the fuel economy of the vehicles they need to drive.

A constituent of mine, Chuck Frank, owner of ''Z'' Frank Chevrolet/Kia recently visited with me to discuss the bill we are debating.

Chuck runs a family business. His family has been selling and leasing cars and trucks in Chicago since 1936—and has sold well over 1 million Chevrolets.

He doesn't want to be at odds with the manufacturers he represents, but he recognizes that times are changing.

In a letter he sent us, Mr. Frank wrote:

> It is important for you to know that there is support from within the auto industry for moving forward with raising Corporate Average Fuel Economy standards.

Mr. Frank also shared with me a recent editorial by Keith Crain, the editor-in-chief of Detroit's Automotive News. The editorial states:

> It's a real shame that the industry and the Alliance of Automobile Manufacturers can't be a part of the solution rather than an embarrassment to the nation.

If there is no objection, I would like to have both the letter and editorial printed into the RECORD.

Since 1999, Chrysler group has lost 2.7 percentage points of its market share while GM's domestic brands have lost 4.9 percentage points and Ford has lost 7.4 percentage points.

It is time these companies recognize that they are not making enough of what consumers want and should start delivering what the consumers need.

Finally, increasing fuel economy standards will help reduce greenhouse gas emissions.

Every gallon of gasoline burned releases approximately 20 pounds of carbon dioxide into the atmosphere.

One-fifth of the greenhouse gas emissions are from the tailpipes of our cars.

Increasing CAFE standards will decrease emissions as we use less gasoline.

Plug-in hybrid electric vehicles are extremely promising. Using energy equivalents between gasoline and electricity, the Natural Resources Defense Council calculated that a plug-in electric vehicle would get the equivalent of 105 miles per gallon.

If we look at the oil savings we can expect to get from our bill, the alternative amendment and a strict 4 percent per year increase, we see that these approaches have a dramatically different impact on the amount of oil we use in our transportation sector.

If we increase fuel economy by 4 percent annually, we see the best oil savings. Ironically, this is closest to what the President suggested in his State of the Union Address this year.

Four percent per year would yield an oil savings of 5.5 million barrels per day by 2030 if the auto manufacturers were not provided an off ramp.

The CAFE amendment that we have seen would make very small gains in oil savings by 2020, we would be using less than one-half of a million barrels of oil per day and by 2030 we would be using less than 2 million of barrels of oil per day than we otherwise would be.

Our proposal is the real compromise here, by getting to 35 mpg by 2020, we would save 1.2 million barrels of oil per day. If fuel economy rises at 4 percent per year after the first 10 years, we would save almost 4 million barrels of oil per day by 2030.

If we also look at the greenhouse gas emissions and fuel cost savings to consumers, we see more clearly how much more effective our bill is for consumers and the environment.

The amount of oil savings that we would achieve by 2020 under our proposal is 1.2 million barrels per day.

The other proposal would only save 0.4 million of barrels of oil per day.

A 4 percent annual increase in fuel economy would achieve 1.7 million barrels of oil per day savings.

Our bill would save 206 million metric tons of carbon dioxide from being emitted into the atmosphere every year.

The other CAFE proposal would cut greenhouse gas emissions by only 65 million metric tons per year.

Finally, our bill saves consumers more at the pump. We would save consumers $25 billion by 2020 compared to only $8 billion in savings by 2020 with the alternative CAFE proposal.

Our position is the compromise position—it has been worked out in a bipartisan fashion. We have worked hard to address the concerns of the auto industry and NHTSA. And still the auto manufacturers are unable to come to the table to support a bill that makes any meaningful change that would save millions of barrels of oil per day, using off the shelf technology.

I cannot for the life of me explain how a great industry such as the automobile industry in the United States has fallen so far behind when it comes to new technology in fuel economy. Several years ago when Toyota and other Japanese manufacturers came up with hybrid vehicles and hybrid engines, Detroit was dismissive: It is a fad; people don't really want them. They have now sold their 1 millionth Toyota Prius in the United States. There is a strong appetite for cars that get 40, 50, 60 miles a gallon, serve our families, and serve the needs of our economy. Detroit has not registered when it comes to this obvious reality.

My wife and I bought a Ford Escape hybrid, at the time the only hybrid offered by an American manufacturer. I am sorry to report to you, unfortunately, that the hybrid technology in my Ford was made by Toyota. Ford did not make it. They were not up to it. I hope they soon will be when it comes to more fuel-efficient vehicles.

There are opportunities out there. I am afraid if we listen to the automobile manufacturers and continue to wait, nothing will happen. Fuel efficiency will continue to falter, will continue to be dependent on countries that send their oil to the United States.

It is interesting, while we are in this CAFE debate in the United States, other countries have already had their debate. The winners, when it comes to fuel economy, are Japan and the European Union, where automobiles are now getting 40 to 46 miles per gallon. China—China, this fledgling economy—has more fuel-efficient cars than we do, and their fleet is almost at 35 miles per gallon already, as we debate whether the United States can reach that goal in 10 years.

There is a lot of reasons we have fallen so far behind. I will not try to dwell on them, but clearly we have a chance to catch up.

The last point I would like to make is, this is a timely debate as well when it comes to our environment. There are a few of my colleagues on the Senate floor who don't believe in global warming and climate change. They are entitled to their point of view. I happen to think they are wrong. I am sure they believe they are correct. I happen to believe something is happening in this world today: The climate is changing; storms are more violent; glaciers are melting. We are seeing changes already that are going to have a long-term negative impact on the world in which we live.

When I look at my grandchild, who is about 11 years old, and talk about what the world will be like for him, I am sure the day is going to come when he is going to ask me: Did you do what you could to try to avoid the environmental crisis that was looming when you saw it back in the early 21st century?

It is a legitimate question. Each generation has to be able to answer that question. We know now if we don't do something smart when it comes to energy and energy consumption, we are going to make this world less comfortable for us to live in. That is a fact. I hope by moving toward fuel efficiency we can start doing the right thing.

And I will go a step further. If we fail on the fuel efficiency question, on the CAFE question when it comes to the cars and trucks that we drive, then I believe we will have failed on one of the most fundamental issues in terms of the future of this planet and the future of the United States. I honestly believe we have an opportunity to move forward, and I hope we do it, and do it soon.

Mrs. BOXER. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield.

Mrs. BOXER. First of all, as chairman of the Environment and Public Works Committee, your words are really like music to my ears. I am so grateful that you, Senator DURBIN, are in the leadership because I think you reflect the views of the vast majority of Americans who see the challenges ahead and know we just can't do business as usual.

I think this bill is a very fair bill when it comes to fuel economy. This bill went through the Commerce Committee, a committee on which I serve, and it was a bipartisan measure. Everyone voted for it. It was fair; it was good.

The question I have for my colleague is, I just wanted to make sure he was aware of another provision in this bill, which is a good one, too, and that is to make sure the Federal Government is, in fact, the model of energy efficiency when it comes to the purchase of new cars. I wanted to make sure my friend was aware because it is tucked away in this bill, a provision we got out of the Commerce Committee, that says from now on, when the Federal Government buys its 60,000 cars a year—60,000 cars a year for its Federal fleet—that it buy the most fuel-efficient car. Is my friend aware of that?

Mr. DURBIN. I am aware because I know the Senator from California has been working on this for quite some time. I might also add that I recently met with the Postmaster General, and the U.S. Post Office has many vehicles bought by the Federal Government. They are trying to focus on how to reconfigure existing vehicles with diesel technology, for example, which is less polluting and uses less fuel. And they need our help. So I hope this bill will be a breakthrough when it comes to Federal vehicles.

I might also add, I am aware the Senator from California has joined me and a few of our colleagues and invited the experts to come and take a look at our office operations. Members of Congress, the Senate and the House, have to lead by example, and I hope the small steps we have already taken, and other steps we will take to have less of what we call a carbon footprint from our operations, may point the way toward more fuel efficiency and conserving electricity even in our own office operations.

Mrs. BOXER. Well, absolutely, I say to my friend, and again I thank him for yielding for another question.

Several of our offices are part of this model project to see how energy efficient we can be. It is a pretty straightforward way for us to lead by example.

The other question I have for my colleague is this: The bill that is on the Senate floor, which Senator REID worked so hard to put together, along with Senator BINGAMAN, myself, and Senator INOUYE and others—Senator KERRY was involved, and I know my friend was involved as the assistant leader. There are other provisions in this bill—which is why I am so hopeful we will get this done—that take this notion of the Federal Government being a model to our buildings as well.

I am not sure my friend is aware of the exact number, but the Federal Government either runs or operates 8,000 buildings—8,000 buildings. When my friend talks about global warming, it is a fact that in America 39 percent of the greenhouse gas emissions comes from buildings. So if we can set the tone here, and we can move forward with a bipartisan vote—we were able to pass a lighting efficiency bill for the Federal Government, which is included. This also has a component where grants will be given across this country to cities and counties to make their buildings energy efficient in terms of lighting. It will save money, and it will reduce the carbon footprint.

Then, with the help of Senators LAUTENBERG and WARNER, we got another piece of legislation included in this bill, which is called the green buildings bill, which also impacts all new and existing Federal buildings and also requires the EPA to come out with a model of green buildings for schools. So we will help our schools because you are so right when you talked about your 11-year-old grandson. I have a 12-year-old grandson, as you know. They are going to ask those tough questions, and they may well ask it of the schools they are in too.

So I wanted to make sure my friend knew, since we really are talking more with the leadership of Senator BINGAMAN, who has been working on the most contentious amendments, that there is so much in the underlying bill that came out of his committee, my committee, and other committees that is strong, and that is why we would hate to see this derailed. This would be an enormous setback.

The people want us to reach across party lines and take care of business, and an energy policy is going to take care of business.

Mr. DURBIN. I might just say to the Senator from California that it wasn't that long ago we used to hear about all the California laws, rules, and regulations. It was a source of amusement to many of us in the Midwest that you had your own design in automobile engines, and we thought: What is going on with these crazy people in California? We learned our lesson because in the period of time that you led the Nation in thinking about these things, you proved something: that you could keep economic growth moving forward in California and conserve energy in the process.

That is a lesson the Nation needs to learn. We don't want to sacrifice jobs, business growth, or opportunity in America. Instead, we want to create opportunity in a reasonable, wise, environmentally sensitive way.

I thank the Senator from California for her leadership on this issue.

Mr. President, I yield the floor.

VETO OF STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the veto message on S. 5 be considered as having been read and that it be printed in the RECORD and spread in full upon the Journal. I further ask unanimous consent that the message be held at the desk.

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

(The veto message of the President is printed in today's RECORD under ''Presidential Messages.'')

Mr. REID. Mr. President, let me briefly say I have had a conversation with the distinguished Republican leader and this will be brought up at a later time. We will fully consult with the distinguished Republican leader, and we will do it at a time that is more appropriate than today.

Mr. DODD. Mr. President, in 6½ years in office, President Bush has picked up his veto pen only two times. Today he adds a third; and once more, he is standing against hope for thousands of Americans afflicted with deadly diseases. His veto of the Stem Cell Research Enhancement Act is a grave moral error.

Embryonic stem cell research may one day provide relief to more than 100 million Americans suffering from Parkinson's, diabetes, spinal cord injury, Lou Gehrig's disease, cancer, and many other devastating conditions for which there is still no cure. Today, Federal funds are only allowed for work on 21 stem cell lines that existed as of August 9, 2001, all of which are contaminated. Scientists understand that access to more stem cell lines would significantly expand the scope and possibility of their research. That is why the Stem Cell Research Enhancement Act expanded the number of embryonic stem cell lines available for federally funded research by allowing the use of stem cells derived through embryos from in vitro fertilization clinics. Stem cell research turns embryos that would otherwise be discarded into the seeds of life-giving science.

Of course, the decision to dedicate embryos to research is a heavy one. We have never argued otherwise. That is why the Stem Cell Research Enhancement Act contained strict ethical requirements. Under this legislation, the only embryonic stem cells that can be used for federally funded research are those that were derived through embryos created for fertility treatment purposes and donated for research with the written, informed consent of the individuals seeking that treatment. Any financial or other inducements to make this donation are prohibited under this legislation. These ethical standards are stronger than current law—possibly stronger, in fact, than the standards attending the creation of the 21 approved lines.

Stem cells from embryos have a unique potential to reduce human suffering—and for precisely that reason, embryonic stem cell research is supported by a strong majority of Americans. Today, President Bush set himself against that potential, and against that majority; he set himself in the way of our scientists, and our suffering patients. I hope that, when he has left office at last, he will come to regret his choice. If not, history will regret it for him.

Mr. KYL. Mr. President, once-terminal diseases such as leukemia, aplastic anemia, cerebral palsy, and sickle-cell anemia are now treatable, if not curable, by using stem cells derived from bone marrow and umbilical cord blood. Early this year, scientists at Wake Forest University School of Medicine found stem cells in amniotic fluid. These stem cells are particularly exciting for their pluripotency—the characteristic that enables the stem cell to turn into multiple bodily tissues and thereby be useful in a variety of medical treatments.

In the last few weeks, just as the House was engaging in a partisan effort to pass this bill that the President rightly vetoed, scientists discovered that human skin could one day be used to create limitless lines of stem cells that are virtually indistinguishable from embryonic stem cells in their characteristics. Already such newspapers as the Washington Post are glowing with reports about how this discovery could ''revolutionize stem cell research and quench one of the hottest bioethical controversies of the decade.'' At the same time, the highly trumped benefits of stem cells derived from the destruction of a living embryo have yet to be demonstrated, despite considerable private and public funding.

All members of this body share a desire to find cures or successful treatments for horrible illnesses. Fortunately, such an opportunity has been presented in the way of adult stem cells. Even with all of the tremendous potential that adult stem cells hold for treating serious medical conditions, some of my colleagues are unwilling to support legislation that funds the development of ethically acceptable and medically beneficial adult stem cell research. This body should recognize the

fundamental differences—not just between Senators—but among the American people, over the appropriate use of taxpayer funding for stem cell research that destroys a living embryo. We may never move beyond this impasse, but that should not stop us from encouraging non-controversial and highly productive medical treatments.

While S. 5 contains provisions which are morally unacceptable to many people, S. 30, the ''Hope Offered through Principled and Ethical Stem Cell Research Act'' or the ''HOPE Act,'' which the Senate passed, is an opportunity for Congress to support highly-productive adult stem cell research free of ethical defects. S. 30 would specifically direct the Department of Health and Human Services to seek alternative sources of stem cells and study the possibility of establishing an amniotic and placental stem cell bank, similar to the bone marrow and cord blood stem cell bank, while reaffirming a policy that prohibits research that destroys human life. This goes far beyond the current policy in the extent to which it supports adult stem cell research.

Right now, as Senators prepare to consider an override of the President's veto of S. 5, there are millions of Americans suffering from serious illnesses who are waiting for the potential treatments offered by adult stem cell research. Rather than wasting precious time debating ethically divisive funding for stem cell research that destroys living embryos, the House should take up and pass S. 30. It is disappointing to see partisanship trump science and patients' hopes.

I applaud the President for issuing his Executive Order today, implementing many, but not all, of the key provisions of S. 30. I urge my colleagues to reaffirm opposition to S. 5 by upholding this justified veto, and to think twice about trying to add S. 5 or similar provisions that would promote embryo-destructive research onto other bills, including annual appropriations bills. Such a move would justify the veto of that legislation as well.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007—Continued

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

AMENDMENT NO. 1658

Mr. VITTER. Mr. President, I rise in strong support of an amendment I filed at the desk some time ago, Vitter amendment No. 1658, and I would like to briefly explain what that is.

At its core, this amendment would allow Louisiana to use more Federal coastal impact assistance dollars, which are already going to the State under preexisting law, a law we passed a couple of years ago, to be used specifically for one of our top priorities in the wake of Hurricanes Katrina and Rita, and that is a hurricane protection effort.

By way of background, in 2005, we passed the Energy Policy Act, and that did a very important thing for the State of Louisiana and other producing States. It established a Coastal Impact Assistance Program for the six States in the United States that produce offshore energy, particularly oil and gas. Obviously, that includes Louisiana. Under that 4-year Coastal Impact Assistance Program, certain Federal dollars flow to those producing States in light of the enormous work they do producing energy for our country and the negative impact that activity has in many cases on our coastline.

Back at that time, a provision was made to restrict the amount of those funds that could go specifically to infrastructure projects, and that cap was established, with the work of Senator BINGAMAN and others, at 23 percent. Back in 2005, I argued strongly and worked with Senator BINGAMAN and others to say that cap should be lifted with regard to hurricane protection work, at least in Louisiana, because that work was absolutely so vital, so essential for our very existence. Unfortunately, that argument did not hold the day. The cap was not lifted, and an exemption was not put in place for hurricane protection efforts.

I am trying to get that cap lifted for hurricane protection work in Louisiana now. My argument that we should do it comes down to two words—two words that happened, that devastated our coastline between then and now, and the two words are ''Katrina'' and ''Rita.'' Since that original act in 2005, Katrina and Rita struck, and they struck literal death blows to the Louisiana coast. If hurricane protection was a big priority before that, it has only grown enormously with those two hurricanes coming upon our shores.

I think there is every rationale, every reason to allow us to use more of that coastal impact assistance money for hurricane protection efforts and to lift that arbitrary ceiling of 23 percent for infrastructure projects, specifically when we are talking about hurricane protection efforts.

I have been in contact with Senator BINGAMAN about this issue. We have just discussed it on the Senate floor. I know he is considering these arguments. Perhaps in wrapping up my discussion, I could invite the Senator to engage in a brief colloquy and ask him again to focus on the extreme needs of the Louisiana coast in the wake of Hurricanes Katrina and Rita and to continue consideration of lifting this cap in light of those extreme needs and to see where we are in that discussion.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me respond to the comments the Senator from Louisiana made.

Procedurally, we are not able to bring up or consider the amendment he has talked about today. I have explained to him the reason for that is there is a Republican objection to us bringing up and considering a great many amendments that Democratic Members would like to bring up and consider at the same time. So I regret that.

On the substance, I am not in a position to indicate right now whether this kind of change would take place. I would assume that to make that judgment, we would have to know something about the hurricane assistance that has been provided and whether there are still adequate funds available for some of this wetland assistance that was the purpose of the original legislation in 2005.

Obviously, I think the entire Senate has been anxious to be of assistance to all of the gulf coast. This legislation he is referring to, the wetlands protection part of the 2005 Energy bill, was part of that. There have been several things that have been done since the devastating hurricanes hit that region. But I do not know enough about the specifics of those assistance programs to pass judgment on the contents of his amendment. I commend him for offering it, but I am not in a position to support it or oppose it.

Mr. VITTER. Mr. President, reclaiming my time.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. VITTER. Reclaiming the floor, I will put that down as an ''undecided,'' and ''maybe.'' I want to continue these discussions with the Senator from New Mexico. He is essentially the key to clearing this amendment, probably without objection.

Again, I restate that because of the devastating impact of Hurricanes Katrina and Rita, I think there is every reason in the world to lift this arbitrary cap of 23 percent, specifically and only for hurricane protection work on our coast. It is absolutely vital for our survival. It will not mean we are not doing everything else we have been talking about. That is moving forward for a number of reasons, including the revenue sharing piece we were able to pass into law late last year. That will give significant new revenue to our coastal restoration efforts and other things. I again urge the Senator to continue to look at this and hopefully clear this so it can be adopted without even the need for a vote on the floor, adopted by unanimous consent.

AMENDMENT NO. 1776

Now I wish to move to a second very important amendment I have at the desk, which is amendment No. 1776. I just happened to get that number but I think it is a very appropriate number for this amendment because this goes to our very important, patriotic efforts to increase our energy independence and to get away from our enormous reliance on the Middle East, including very dangerous countries and regimes in the Middle East that are clearly not friends of ours at all.

This amendment is straightforward. It would allow increased domestic production of minerals or renewable energy in Federal areas that are not allowed now, if and only if all four of these things happen—really five.

No. 1, the national average gasoline price would have to exceed $3.75 a gallon at the pump.

No. 2, in addition, foreign imports of oil would have to exceed 65 percent of all oil use.

No. 3, in addition, the President would have to determine that an ample supply of renewable fuels is insufficient to meet fuel demand domestically at that time.

No. 4, in addition, the President would have to determine that continued and growing reliance on foreign oil imports is a threat to national security.

If all of those four preconditions were met, then and only then, No. 5, the Governor of a State, with the concurrence of the State legislature, could petition the Secretary of the Interior to initiate leasing activities on specified Federal lands within the State or within the administrative boundaries of the Outer Continental Shelf related to that State for oil and gas or alternative energy production. So if everything I mentioned happened, then and only then a State itself, through its Governor, through its State legislature, can say: Yes, sir, Mr. President, we want to be part of the solution. This is a dire, extreme case. This is a real national security threat. We want to be part of the solution by producing, safely and in an environmentally friendly way, more oil and gas, more renewable energy for America.

I think this is an utterly commonsense and very much needed amendment to increase domestic production, decrease reliance on foreign sources. That goes to energy security. As such, it goes to economic security. It goes to national security.

Again, none of this would happen unless all of those things happened first: gasoline prices at $3.75 at the pump, foreign imports over 65 percent of everything we are using in this country, the President saying renewables cannot make up the difference, the President saying this is a real national security issue, the Governor of the State saying we want to do this, it is our home, we can do it responsibly, and the State legislature of the State concurring. All of those things would have to happen before opening up either land within the State or part of the Outer Continental Shelf off the State to leasing activity, in terms of Federal land.

It is very important that we do a balanced approach, all sorts of things, to decrease our reliance on foreign sources. This is a very commonsense part of that menu.

With that, I understand there may be objection, but I ask unanimous consent to set aside the pending amendment so that this very commonsense amendment, which goes to the heart of this debate and the heart of the bill, Vitter amendment No. 1776, can be called up and made pending.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BINGAMAN. I object.

Mr. REID. Could I ask a question, through the distinguished Senator from Louisiana, to the manager of the bill, the Senator from New Mexico?

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Would the distinguished chairman of the Energy Committee inform the Senate why there isn't more done on this bill? People have said to me we want to have it debated—and not just Democrats; Republicans have asked me the same question—why aren't we able to move on to get some of this done?

Mr. BINGAMAN. Mr. President, let me respond to the majority leader by saying there are a great many good amendments Republican Members would like to offer, there are good amendments Democratic Members would like to offer. We are informed there is objection to us bringing up any of these amendments and getting a vote on them at this time because of objections from a Senator on the Republican side.

For that reason, we are somewhat unable to proceed with any of these legislative matters. I know the time is running toward the vote on cloture—both on the tax package and on the bill itself. I know there is good faith on both sides in wanting to do some more business before those cloture votes occur. But obviously, good faith on the part of many Senators does not ensure we can make progress. We have to have unanimous consent and we cannot get that.

Mr. REID. I don't know if the Senator from Louisiana still wants the floor?

Mr. VITTER. Yes, I do.

Mr. REID. Would it be OK if I direct another question to the manager of the bill?

Mr. VITTER. Certainly.

Mr. REID. I say through the Chair to the distinguished Senator from New Mexico, I have worked for all the time I have been in the Senate, for more than a dozen years, on a very close, intimate basis while we were managing the Energy and Water appropriations bill, with the senior Senator from New Mexico, Senator DOMENICI. What is going on here, as the comanager of this bill, is very unlike Senator DOMENICI. Senator DOMENICI likes things debated. He likes votes to take place. He likes movement here in the Senate.

Senator DOMENICI is not part of holding this legislation up, is he?

Mr. BINGAMAN. Mr. President, let me respond to the majority leader. I think it is fair to say there is a good-faith effort on the part of both managers to try to move forward with legislation in a way that is fair to both Republicans and Democrats, and allows consideration of amendments on both sides. But we are being blocked by others.

Mr. REID. One last question, if the Senator will be patient, the Senator from Louisiana.

The Senator from New Mexico, the senior Senator from New Mexico, the manager of the bill, has been in the Senate longer than I have, and he knows more about procedure than I do, but has the Senator tried, for example, having 60-vote margins on some amendments that people may not want, to see if there is any other way to move this along to get that objection withdrawn?

Mr. BINGAMAN. Again, Mr. President, in response, let me say we have tried to get agreement that certain of the amendments that are objectionable to some Members on the Republican side—we would agree that we would be bound by a 60-vote threshold on those amendments. But at least at this point, my understanding is the objection is to any consideration of the amendments, regardless of what the threshold is going to be. We are unable to proceed right now. I hope that changes. I hope we can dispose of some of the very meritorious amendments that both Republican Senators and Democratic Senators wish to offer before we get to cloture.

Mr. REID. Mr. President, I want the record to reflect my appreciation for the courtesy extended to me by the distinguished Senator from Louisiana.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I was happy to do that.

Reclaiming the floor, all of that is interesting. It is also what is commonly referred to as ''inside baseball.'' For the sake of the insiders here, let me translate for you what the American people just heard. To quote Charley Brown, ''Wah, wah, wah, wah, wah, wah, wah.''

The fact is, what Americans are faced with is an energy crisis and we have all this ''inside baseball'' tangling us up in the Senate, in the House, and we are not doing a darned thing about it.

The other fact is there is no objection on the Republican side to calling this amendment up, No. 1776, to making it pending, to considering it. There are all sorts of debate and all sorts of discussions about other amendments. There is certainly no objection on our side to this amendment. Why should there be? Why shouldn't we allow individual States to say: Yes, we want to be part of the solution, particularly when all of the following events occur: average price of gasoline reaches $3.75 a gallon, foreign imports top 65 percent of everything used in the country, the President certifies that renewables can't make up the gap, the President certifies there is a continuing reliance on foreign oil, which is a national security threat? If all of those things happen, shouldn't we be allowing a State,

through its Governor, through the State legislature, to be part of the solution in a safe and environmentally sensitive way to produce more energy in this country that doesn't take away the need for alternative fuels, that doesn't take away the need for conservation or everything else?

But the clear and simple fact is, this problem is so big we need to do all of the above. Certainly this commonsense approach should be on that menu, should be among all of the above.

Let's get beyond the Washington insider ''Wah, wah, wah,'' all the running around, all the objections, all the being tied up in knots, and present some reasonable, commonsense solutions to this growing national energy crisis.

I hope those who control the floor and leave the floor, starting with the distinguished majority leader, to whom I deferred a few minutes ago on the floor, can be part of that.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from West Virginia is recognized.

(The remarks of Mr. BYRD are printed in today's RECORD under ''Morning Business.'')

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NELSON of Florida. Mr. President, the moment of truth is coming on this Energy bill very shortly as to whether we will stick with the bill which requires the meeting of cars and light trucks to be 35 miles per gallon not for another 13 years, until 2020, and thereafter the mileage standards to improve by 4 percent a year. There is a great deal of consternation going on here, particularly by the automobile industry that does not want to comply with these standards.

I was prepared to offer an amendment that I think 35 miles is too low. We have the technology. The question is, Do we have the political will? We have the technology to go to 40 miles per gallon. I have filed an amendment. But apparently, because of the dynamics of the Senate taking up this issue, we are struggling to get the votes in order to keep the 35-miles-per-gallon standard in the bill.

There are all kinds of side discussions going on in the corridors and anterooms of the Capitol as to whether there will be any offer, particularly by the Senator from Michigan, Mr. LEVIN, as to reduced standards. Originally, he was proposing a standard of 36 miles per gallon but not to be achieved until the year 2025, with other trucks exempted from that. So you see the battle, the choice that is basically set.

Why should we do this now? Let's look at history. I came into public office in 1972, now 35 years ago. At the time in the early 1970s, we had an embargo by the oil-producing countries, particularly in the Persian Gulf region. There was a panic. There were long lines at the gas stations. The price of oil shot up from a low price of something less than $10 a barrel back then, it shot up considerably and everybody was concerned. Americans were impatient. The Persian Gulf region became a target of our disaffection. Then the spigot was turned on. The oil began to flow again. The embargo was released. The price started to recede. America went back to sleep.

It happened again in the late 1980s, about the time I was elected to Congress. Again, there were long gas lines, the cost of gasoline shot up, the enmity toward the Persian Gulf region nations, the double whammy that interest rates soared upward of 15, 16 percent. All of that was a real crunch on Americans. But the spigot was turned on again. The oil flowed. The price receded a little bit—not nearly as much as it was back in the early part of the decade of the 1970s—and America went back to sleep again.

All the time at each of these moments, the alarm was sounded that from a defense posture, the United States did not want to be dependent on foreign oil. Yet each time dependence increased and the amount of foreign oil imported into the United States increased to the point that today we are importing 60 percent of our daily consumption of oil. Where is it coming from? It is coming from places such as the Middle East, the Persian Gulf, Nigeria, and Venezuela. I have mentioned four parts of the world that are relatively unstable. Yet this is what is supplying us with 60 percent of our daily consumption of oil.

So we come to the moment of truth which may occur this afternoon, if an alternative amendment is offered to the miles per gallon required in this Energy bill. The moment of truth is, is America ready to have the political will to change its gas-guzzling ways? We are talking about reasons of energy. We haven't even said anything about what the excess carbon dioxide as a result of the burning fossil fuels is doing going into the air, creating the greenhouse effect and heating up the Earth. That is another complete story. But it is all as a result of this.

People say: Another part of this, we are going to talk about renewable fuels for electric utilities. That is an important part too. But when you look at where do we consume most of the oil, the petrol, it is in the sector of transportation. Within transportation, where is most of the oil consumed? It is consumed in private vehicles. So we are coming to the moment of truth. Are we going to finally require, without many exceptions, the automobile industry to do what technology easily allows us to do—but not even do it tomorrow, phase it in over a 13-year period to the year 2020, requiring that we have greater miles per gallon and, therefore, what does that mean? Less consumption of oil. That means less dependence on foreign oil. This is where the greatest consumption of oil is, our private vehicles. The moment of truth is here.

There is clearly a defense reason we ought to explore as to why we ought to do this as well. Can you imagine the different posture of the Armed Forces of the United States if we did not have to be the protector, almost the sole protector, of the sealanes upon which the great supertankers of the world steam in order to satiate an oil-thirsty world? Thus, who do you think defends and protects the sealanes coming out of the Persian Gulf, coming through one of those chokepoints, a military chokepoint called the Strait of Hormuz, 19 miles wide, on one side Iran, on the other side of the 19 miles, Oman, through which narrow passage the supertankers of the world have to flow to get out into the Indian Ocean? Who protects that? The United States.

Wouldn't it be different from a defense posture with a Latin American President such as Hugo Chavez, who continues to thumb his nose at the United States because he can since he has petrol dollars, since he supplies 12 to 14 percent of our daily consumption. And, by the way, his company, which has been nationalized by the Government of Venezuela, the oil industry called PDVSA, did you know that they own all the Citgo stations in the United States? So his threat of cutting off is more hollow than real because he would be, to use the old expression, ''cutting off his nose to spite his face''—if he were to suddenly shut down the oil supply going into all of his gasoline stations around the United States. Nevertheless, he has made that threat. In the process, with his oil wealth, because we do buy half of his oil production, he can buy friends around the region. Happily, he has not been totally successful. But he can buy friends and buy influence with his petrol dollars, either in the form of direct financial remuneration or in the form of oil and gasoline supplies to oil- and gasoline-thirsty countries, such as the little countries in the Caribbean, the little countries in Central America. That is another thing we are facing. The moment of truth has come.

I had an automobile dealer, one of the very best from my State of Florida, sit with me yesterday and tell me the automobile industry could not make this adjustment. But that is what the automobile industry has been saying for the last 35 years, ever since we had that first major oil disruption in the early 1970s. In his particular case, he has tried, within the industry, to get the industry to be willing to reform itself and use the technology we have to do much higher miles per gallon. I thanked him profusely and congratulated him on his efforts. But Mr. Automobile Industry, backed up by Mr. Oil Industry, don't come tell me we don't

have the technical capability and the American people the capability of buying automobiles that will take us from what is now, on the average, about 22 miles per gallon on vehicles—they have a different standard; it is something like 27, but in reality it is only 22—don't tell me we don't have the technology in 13 years to get us to 35 miles per gallon. I wish it were 40. But if we can get this, we are all the better off.

I wish to share one more thing, as we are coming to the moment of truth.

Two weeks ago, during the break, I spent it going around on an intelligence mission in Africa, and it became quite apparent in one of those countries, Nigeria—we get 12 to 14 percent of our daily supply and consumption of oil from that one country, Nigeria—it became very apparent to me those facilities were defenseless.

At the same time, it was very apparent to me that al-Qaida is on the rise in Africa. They are coming out of Arabia, into the Horn of Africa, there at Somalia, in all the midst of that chaos, and they are moving across the Sahel and the Sahara of Africa. They have even changed some of the names of the terrorist groups there in Africa to be AQIM, al-Qaida in the Islamic Maghreb. That is the group that just tried to assassinate the President of Algeria a couple months ago, and they got close. They got a big truck bomb, suicide bomber, next to the Presidential palace. It killed a dozen people, but they did not get the President. But it is on the rise.

Guess what one of their targets is going to be. The oil facilities in Nigeria. The only way we are going to stop that, since the Nigerian Government cannot protect them, is through the cooperative arrangement we have with African nations' intelligence services cooperating with our intelligence services. That cooperation is going on and has saved some of the terrorist strikes elsewhere in the world. That is the only way we are going to interdict—to find out ahead of time and stop it; otherwise, it is going to happen. When that happens, right there, with 14 percent of the daily supply suddenly cut off, we are going to rue the day if, on this day, this moment of truth, we have not set ourselves on a mandatory course of higher miles per gallon in order to force less consumption of oil, particularly foreign oil.

That is the message. I do not see how any Senator can ignore this message. Yet we are scrambling for 60 votes to close off debate to get to the end of this bill because of that provision in it.

Senators, the moment of truth is coming, portending enormous consequences for the future of our country and for the future of the free world, and it is going to happen today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1800 TO AMENDMENT NO. 1704

Mr. KYL. Mr. President, I have an amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1800 to amendment No. 1704.

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

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

The amendment is as follows:

(Purpose: To disallow the credit for renewable diesel for fuel that is coprocessed with petroleum)

On page 69, lines 17 to 20, strike ''to so much of the renewable diesel produced at such facility and sold or used during the taxable year in a qualified biodiesel mixture as exceeds 60,000,000 gallons''.

Mr. KYL. Mr. President, I wish to ask the chairman of the committee, is it not correct that at this time there is agreement to have a debate—40 minutes equally divided—on this particular amendment, and the vote to be set at a later time, but we would try to conclude the debate at this time?

Mr. BINGAMAN. Mr. President, in response, that is my understanding, that we will have 40 minutes equally divided prior to a vote on or in relation to the amendment, and that vote may take place later in the afternoon.

Mr. KYL. Mr. President, I thank the Senator very much.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KYL. Mr. President, this amendment is designed to get back to the original intent with regard to the Energy Policy Act of 2005 in relation to a very specific, rather narrow provision, but an important provision, that provided a $1 per gallon credit for renewable diesel. The idea was to encourage the creation of new technologies for renewable diesel. The idea was primarily to try to get products, such as cellulosic products, that could eventually be added to or be turned into a fuel that could be burned as diesel fuel. As a result, that $1 per gallon credit was deemed an important way to create a new kind of product.

Well, as entrepreneurs will do, a couple of very bright people figured out they could take an existing product, which is already used—namely, animal fat—and put that in with diesel fuel, in effect—I am simplifying the process—and, voila, it all burns the same, but it would qualify as renewable diesel, biomass under the credit and, therefore, they would get the $1 per gallon credit for doing something that adds essentially nothing to the process and uses animal fat—primarily, tallow—which is already used by the oleochemical industry, which is seeing the price skyrocket because of the interpretation these oil companies have gotten IRS to agree to that they could actually use this animal fat in their diesel and, therefore, get the credit for producing a new kind of diesel.

That was never the intent. The intent was to find some new kinds of biomass processes that could be converted to a diesel fuel and have it be a renewable diesel fuel—something truly new—not to take existing diesel and take an existing product that is already used by a very green industry.

By the way, the oleochemical industry is an industry that gets no subsidy, and uses this animal fat—something that is good to dispose of—to make plastics, cleaning products, home cleaning products, some rubber kinds of products, and most especially soap. The basic ingredient in soap is tallow. There is a finite market for that. The soap people buy all the stuff that is on the market, but they found that the cost has gone up 100 percent in the last 6 months because of this interpretation that tallow could be bought up by, primarily, one big oil company, Conoco oil company, which has figured out they can get the advantage of this $1 per gallon subsidy.

That is wrong. It was never intended for that. If they want to go out and invent a new process with the big tax credit we have given them, that is great, but not to use the tax credit to do something that can be done anyway and which has the effect, the unintended consequence, of hurting an industry that employs at least 4,000 people. By the way, if that industry is not able to buy the tallow—the animal fat that is being used here—then the only alternative is to produce things like soap in foreign countries that have alternative supplies to what we have in the United States.

So the unintended consequence of this is not just that somebody gets to take advantage of a $1 per gallon tax credit that is very generous—and not producing anything new—but they are also driving out of the United States an important industry which does use this waste animal fat, and uses its very productively, without any subsidy.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the chief executive officer of the National Biodiesel Board, who wrote to me on June 20.

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

NATIONAL BIODIESEL BOARD,
Jefferson City, MO, June 20, 2007.

Hon. JON KYL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KYL: The National Biodiesel Board (NBB) supports your efforts to promote sound energy policy by ensuring that renewable diesel produced through petroleum co-processing does not qualify for the $1.00 per gallon renewable diesel excise tax credit.

In a time of budget deficits and rising fuel prices due in large part to limited domestic refining capacity, the NBB questions the wisdom of directing tax benefits and limited feedstock to subsidize existing oil refining operations at the expense of free-standing producers of biodiesel and renewable diesel. Under your amendment, vegetable oils and animal fats co-processed with petroleum would not qualify for the $1.00 per gallon renewable diesel tax credit, but would continue

to qualify for a 50 cents per gallon credit that is provided under current law. The NBB believes that your amendment represents balanced energy policy and is consistent with the goals of the underlying legislation.

Again, the NBB thanks you for your efforts on this issue and urges Senators to support passage of your amendment to preclude petroleum co-processing from qualifying for the $1.00 per gallon renewable diesel tax credit.

Sincerely,

JOE JOBE,
Chief Executive Officer.

Mr. KYL. Here is what the letter says:

The National Biodiesel Board supports your efforts to promote sound energy policy by ensuring that renewable diesel produced through petroleum co-processing does not qualify for the $1.00 per gallon renewable diesel excise tax credit.

In a time of budget deficits and rising fuel prices due in large part to limited domestic refining capacity, the NBB questions the wisdom of directing tax benefits and limited feedstock—

That is the animal fat—

to subsidize existing oil refining operations at the expense of free-standing producers of biodiesel and renewable diesel. Under your amendment, vegetable oils and animal fats co-processed with petroleum would not qualify for the $1.00 per gallon renewable diesel tax credit, but would continue to qualify for a 50 cents per gallon credit that is provided under current law. The NBB believes that your amendment represents balanced energy policy and is consistent with the goals of the underlying legislation.

And so on.

We are not eliminating the tax credit. We are not eliminating this other credit. All we are doing is getting back to the original intent, which was not to provide this additional $1 per gallon credit for something that could be done anyway. We want you to go out and invent something new here using biomass for biodiesel, not using something that can already be done.

According to the testimony of the company that is primarily going to be doing this, this has not resulted in any major expenditure on their part. I will quote from ConocoPhillips' 2005 annual report. They have ''conducted a successful test that converted vegetable oil into high-quality renewable diesel fuel . . . , and can be produced with existing refinery equipment with minimal incremental capital investment.'' In other words, this is not something that requires some new investment that requires the American taxpayers to subsidize it.

As I said, they are taking something they can do right now, and they are simply taking advantage of a tax break we did not intend to be used by a company like that.

Now, in anticipation of this boondoggle—and it has gotten quite a bit of press—there has been a suggestion: Well, we can limit it to taxpayers with 60 million gallons of production. The problem is, in the Finance Committee mark that was changed from ''taxpayer'' to ''facility.'' So now a company can have 20 different facilities, each one producing 60 million gallons, and they are right back in business. It is no limitation at all.

So my colleagues should not be hornswoggled—to use the old phrase my grandfather used to use—that somehow there is some kind of limitation on this. Very cleverly, the Conoco folks were able to get in this legislation that it applies per facility; and by having multiple facilities, there is, in effect, no limitation.

Mr. President, I will be happy to give those who want to speak in opposition to this amendment an opportunity to try to refute what I have said, but I think this is very straightforward. There is no sense in rewarding what I would consider to be behavior that was never intended by this Congress in providing this kind of a tax credit.

When we are going to take a tax benefit—in effect, using taxpayer dollars—to promote something, we want to make sure we are promoting something that is in the best interest of the American taxpayer, not just a way for somebody who knows how to make a buck to use it to make a buck, especially if it has a negative consequence on an existing industry, the oleochemical industry, and, in particular, the soap makers of this country.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself such time as I might consume.

Yesterday, the Finance Committee passed the Energy Advancement and Investment Act. That measure passed by a vote of 15 to 5. That is a very broad-based, bipartisan majority for the Finance Committee amendment that is now pending on this energy bill.

It is a major amendment. The committee spent a lot of time trying to figure out the best way for America to turn the corner, for the United States to begin to wean ourselves away from OPEC, to wean ourselves away from our reliance upon foreign oil, to try to enhance our national security, make the United States a little more able to determine its own destiny with respect to energy.

In doing so, we therefore also created lots of incentives for American production of renewables, for renewable energy, conservation, hybrid automobiles, hybrid plug-ins, cellulosic ethanol—a whole multitude of ways to help America become much more self-sufficient and, hopefully, therefore, be able to get our gasoline prices down a little bit because at the current time we very much are in the throes of big oil's control as to what they charge at the gas pump. This is a very thoughtful amendment. We spent a lot of time trying to put all this together.

The Finance Committee amendment includes a compromise on the topic of Senator KYL's amendment; that is, renewable diesel. There are a lot of offsetting interests here, to be honest about it, from different parts of the country. Some are more concerned about biodiesel produced from products such as soybeans; others are much more concerned about renewable diesel produced by other products that could be organic products. In trying to get that balance put together, the goal is the same, which is to displace foreign oil.

I hope, therefore, that the amendment offered by the Senator from Arizona is not agreed to because the effect of it will be not to displace a good bit of foreign oil, which is contrary to the main point of the underlying legislation.

Under current law, there is a $1-a-gallon credit for renewable diesel, including that produced with animal fats. There is also a $1-per-gallon credit for biodiesel, which is made from soybeans and other seeds. The committee amendment extends both of these credits for 2 years, until 2010; otherwise, they will expire at the end of next year.

The Senator from Arizona appears to be concerned that renewable diesel co-processors—such as Conoco, for example—will increase the cost of consumer goods. He thinks consumer goods are going to go up as a consequence of our assistance for renewable diesel. He argues that the price of animal fats to be used in making renewable diesel, which are also used in making soap, will drive up the cost of those consumer goods.

I might say that fancy term ''coprocessors'' includes companies such as ConocoPhillips, which will use some of its existing infrastructure to produce renewable diesel. That is true.

The Senator from Arizona also appears to be concerned about the size of the subsidy—$1 per gallon—for this fuel. I might say that this was a question which members of the committee were concerned with. There are those who thought that biodiesel would be in competition with renewable diesel, so we worked to find a way to work together to reach a balance. This is a compromise we worked out: the dollar credit for each, but in addition, the committee capped the tax credit for renewable diesel coprocessors at 60 million gallons per facility. We put a cap on it. Another way to say it is that once that cap is reached, then the $1-per-gallon credit will no longer be available. We have a limit. We are cognizant of the points made by the Senator from Arizona.

We also commissioned a study on the effects of energy tax incentives on consumer goods. The 60-million limitation is the same as the definition used for a small producer of biodiesel or ethanol. Now, is 60 million a magic number? No. But it is a standard used in current law. That is why we took it. It is not something pulled out of thin air. One might ask: Should the $1 subsidy remain current law for good? My answer is, probably not. This is a bold step in the sense that we are trying to push-start and help kick-start renewables and alternative energies. We don't know if these incentives are exactly

right. They are probably not exactly right, but they are the best we could come up with at this time, and we think that probably they will work pretty well, but we will have to come back and revisit them. Some are not going to work very well, some will be increased and some will be decreased.

I say all that because the committee amendment before us extends this $1 for each—that is, for biodiesel and renewable—for just 2 more years. It is not a 5-year or a 10-year extension. It is not a permanent provision. It is just for 2 years. It will sunset in 2 years. That is contrary to most of the recommendations we have been getting from industry across the board; namely, they like 5-year incentives toward capital needs. A couple years, 3 years; 1 year is not enough, 2 years is not enough. We extended most of these credits on renewables and alternatives for 5 years. Section 485, which is renewable credits, is extended for 5 years, but we limited this to just 2 years as an extension because we are not as confident that is what the exact provision should be.

So I hope this amendment offered by the Senator from Arizona is not agreed to. The underlying Finance Committee amendment, which is pending, we thought it through the best we could. We think it is balanced. We think it is fair. Therefore, we hope it is sustained. Let me restate that every gallon of renewable diesel produced is a gallon of foreign oil displaced, which I think is pretty important.

I appreciate the efforts of my good friend from Arizona, but I think by and large they are not well placed.

I understand there are a couple of others who wish to speak on our side. How many minutes would the Senator from Iowa like to speak? For 5 minutes. Senator LINCOLN, about the same.

Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. Twelve minutes.

Mr. BAUCUS. Mr. President, I yield 5 minutes to each Senator who wants to speak, and I first yield to the Senator from Iowa, my good friend, Senator GRASSLEY.

Mr. GRASSLEY. Mr. President, I thank the Senator for yielding. I am glad to come to the floor to speak about renewables. I am going to speak against the Kyl amendment.

I think we ought to put things in perspective. For two decades, maybe longer than that, this country has been seeking various approaches to alternative energy so that we are not dependent upon foreign sources and, more recently, violent and unpredictable sources of energy for the United States for reasons of national security, for reasons of our economy. There are a lot of good reasons we shouldn't be so dependent upon fossil fuels and foreign sources of energy. So we have had two or three decades, starting out with ethanol and now going into other things such as biodiesel, wind, Sun, and things of that nature.

Now we are finding that the things this country was so united on, such as the need for renewables, the need for helping agriculture, the need for lowering our trade deficit, the needs of national security, the needs of a cleaner environment—everybody was united that we ought to be doing it, and now we are being somewhat successful. It used to be we would have to listen to all of the excuses of big oil, fight big oil, why we shouldn't have renewables. Now we are finding out about the high price of food, the high price of animal feed, just as if all of the problems of our country are on the backs of the American farmers, which is very unfair. Now we are finding some dissension from other industries being affected. We are still in the infancy of these industries, whether it is ethanol after a couple of decades or whether it is biodiesel after 3 or 4 years. We are in a state of infancy yet in renewables.

We ought to be as united today as we were over the past two decades on what is right for this country, good for agriculture, good for the environment, good for our national defense, good for good-paying jobs in parts of rural America where it has never been before. Everything about it is good, good, good. We better stick together because otherwise we will continue to be dependent upon those violent regions of the world for energy; we are going to be dependent on something God made a finite quantity of, such as fossil fuels. We need to move forward, united. This is the second amendment today and, who knows, we may have 10 other amendments which are very detrimental to the causes of getting this infant industry of renewables off the ground.

Having said that as a backdrop, I wish to speak specifically about what is wrong with the amendment that is before us. I can't replace the good things—or I can only add to the good things which the Senator from Montana has already spoken to. But there is no cap on any biodiesel production. They may go forth and produce and meet their specific chemical standards. They have the right to produce as many gallons of biodiesel as they like, and it will be qualified for the excise tax credit through the end of 2010. Now, people will argue that it ought to be longer, but you have to fit things into what we have offsets for, so it is the year of 2010. If they are a small producer, they will be able to receive the credit until December 2012. If you are a noncoprocessing facility and do 100 percent biomass, not including chemicals, catalysts, and the like, they have the same rules as biodiesel. If you coprocess at a facility, your total credit is limited to 60 million gallons. If you claim a renewable diesel credit, the 60 million gallons is the current definition of a small producer. So a coprocessor facility will not be able to receive any more tax benefits than the small producer. For example, if you have a 100-million-gallon facility that you are concerned about, they have a built-in $40 million advantage over any coprocessing facility. Obviously, a barrel of vegetable oil or animal oil is substantially more expensive than a barrel of crude oil, and the credit by law is limited to only the volumetric amount of the biomass.

I hope this makes it clear that we should not support the amendment of the Senator from Arizona.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, may I be informed as to how much time remains on this side?

The PRESIDING OFFICER. Twelve minutes for the Senator from Arizona and 6½ minutes for the Senator from Montana.

Mr. KYL. Might I take a little bit of time, then, before the other side speaks again on this issue?

I respect my colleagues who have spoken, but I have not really heard an argument that, to me, anyway, argues against the specific amendment I am offering. Remember, I am not doing away with the credit. The arguments that have been raised here make it sound as if we are trying to do away with the credit. That is absolutely not true. The credit remains. What we are trying to do is essentially reverse an IRS ruling, which I submit was made in error, with respect to the application of the tax credit. They said you could actually apply it to a process to which it was never intended to be applied.

A letter to the Secretary of Treasury at the time this legislation was originally considered makes that crystal clear.

Congressman BLUNT wrote:

> It has been brought to my attention that some taxpayers are suggesting to the Department of Treasury that section 1346 of the Act, the renewable diesel provision, could be broadly interpreted to include traditional processes. This is not what we intended in the provision, and neither the statute nor the associated JCT estimate of revenue implications in any way support such a reading.

What he is saying is this: Two years ago when this tax credit was created, it was designed to incentivize the creation of a new product so that we didn't have to continue to explore for oil or export it from foreign sources; we could begin to make renewable diesel out of biomass. That was the idea. We have all of this waste product of biomass. We have cellulosic products we can create here, and that will create a new renewable fuel source.

Everybody said: That is a great idea. To get it promoted, let's have a dollar-per-gallon tax credit for the production of that. It was not intended to apply, as the Congressman from Missouri pointed out, to include traditional processes for refining and producing fuel. In other words, it was designed to promote something new.

So when these folks found that they could take animal fat, essentially, to greatly simplify it, and add it to their

existing stocks, voila: a biomass renewable fuel that qualified for a generous tax benefit, that was never intended. All my amendment does is to say that interpretation is not correct; you can't do that. The underlying dollar-per-gallon credit exists. The other 50-cent-per-gallon credit exists. We don't take away any of that. All we do—and the primary person or company that is affected by this, I acknowledge, is Conoco Oil Company. They have figured out, with minimal new investment, as they themselves wrote in their annual report, that they could take advantage of this tax credit by using the animal fat.

Now, again, I suppose it wouldn't matter that much if a big oil company is taking undue advantage of a tax credit we create. That is probably done all the time. I don't like it. That is why taxpayers are, frankly, sometimes upset with Congress that we pass these great, generous subsidies and sometimes they are utilized by people who shouldn't be utilizing them, not to create a new kind of diesel fuel in this case but to keep using the same old diesel fuel.

The other unintended consequence, though, is one that affects another industry, a clean industry, an industry that is using the waste fat, the vegetable oil and animal fat, the waste product of turkeys and chickens, for example. It is utilized today in a variety of these oleo chemical products which are products we use every day—house-cleaning products, soap, as I said.

The problem is that because these existing refineries are buying up these waste products, they are driving up the cost. There is only so much of this animal fat around. It is a finite amount. When the demand is increased by having these oil refineries buy it all up so they can put it into their diesel fuel so they can get an extra credit, that is driving up the price which, as I said, has gone up 100 percent in the last 6 months.

If that continues, these soap companies are not going to be able to afford the primary feedstock for the soap, and they are going to have to produce it abroad, another great unintended consequence of what started out to be a good idea but didn't turn out to be such a hot idea.

This is a very parochial issue. I submit, except for the chairman and ranking member of the committee, primarily the opponents of this are from places that take advantage of this provision. I cannot object to their fighting for their local industries, but I think it is important for us to recognize that as a national energy policy and as a national tax policy, we have to look at it in nationwide terms. When we have created a credit to produce something new, and it ends up not being used to produce something new but to produce something that currently exists by existing refineries and uses up the feedstock of another important industry, driving the cost of that industry way up, we better pay attention to that. The fix doesn't hurt anybody, except primarily, as I said, this one big oil company because it leaves the credit in place, it leaves the 50-cent credit in place. It doesn't do anything with those credits. It doesn't say they are not extended. All it does is say we go back to the way it was prior to this IRS ruling that said they could take advantage of this provision for the existing refiners.

I will conclude. We don't need to subsidize existing oil-refining operations at the expense of freestanding producers of biodiesel and renewable diesel. That is who this tax credit was designed to help, the freestanding facilities, the ones that were actually producing something new.

A key component of rising fuel prices in this country is a lack of refining capacity in the United States. We all know that. Freestanding biodiesel and renewable diesel producers have both fuel and refining capacity. We ought to be encouraging them, and that is what the $1-per-gallon credit was designed to do.

By contrast, coprocessed renewable diesel adds no new net fuel and no new refining capacity to the diesel pool. This was not intended to help the existing refiners. They are already in business, they are already making money, and we don't need to give them $1-a-gallon credit for doing something we don't need to have them do.

Finally, as I said, the availability of feedstock, such as animal fat and vegetable oils, is essentially fixed, and this $1 renewable diesel credit is the motivation for integrating the oil companies to engage in coprocessing. This will clearly increase demand for the feedstock needed to produce biodiesel and increase costs. It is not wise tax policy to drive tax policies and limited feedstock to support existing refinery operations at the expense of biodiesel and freestanding renewable diesel production.

The economic benefits associated with freestanding biodiesel production could be lost if this $1-per-gallon renewable tax incentive is directed to support operations in existing oil refineries.

I ask my colleagues to please keep this in perspective and take into account that those who say this amendment is bringing the end of the world, no, it is not. It doesn't change existing law at all. All it does is say to go back to the original intent and apply this very generous tax credit for the purpose we originally intended: to produce something new, not to use existing refineries and give them a tax credit for doing something they are already doing.

I hope when the amendment is called that my colleagues will see through some of the smokescreen that has been presented, not in the Chamber but on the outside with regard to this amendment, and will agree that national policy dictates that we take care of taxpayers' dollars carefully, that we set our energy policy carefully, and that we not let people take undue advantage of it in ways we did not intend.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask the Senator from Arizona, before the debate proceeds, we now have agreements with Senator INHOFE for two votes. One is a vote in relation to amendment No. 1693 and then a vote in relation to amendment No. 1666. I was wondering if the Senator will agree that following the debate on those two amendments, which will take an hour, if the Senator will be able to return to that point and debate his second amendment and then we can have a stack of four votes.

Mr. KYL. Mr. President, I will be happy to do this on my time because I am going to yield back my time on this amendment in any event. I am happy to have the vote on this amendment stacked with the Inhofe amendment at whatever time that will occur.

With regard to the second amendment, which I am going to propose, I am not at liberty to do that right now because there are numerous people who wish to speak. I assure the chairman that as soon as I have that list and know how much time it is, I will let him know that.

Mr. BINGAMAN. I appreciate the response.

I yield the floor.

Mr. BAUCUS. Mr. President, I yield to the Senator from Arkansas 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I start first by thanking both the chairman and ranking member and their staff for some incredibly hard work to get this legislation ready to come to the floor. It was absolutely no small feat, but it is so very important that we bring this portion of our objective in leading our Nation away from dependence on foreign oil and back to our ability to provide for ourselves.

This energy tax package that Chairman BAUCUS and Senator GRASSLEY have brought together is remarkable—remarkable in its balance, it is remarkable in the engine it provides to drive the incentives industry needs to move us toward renewable fuels.

I wish to say how much I appreciate their effort. Throughout the history of our Nation, we have faced great technological challenges that we have confronted and overcome. We didn't put a man on the Moon by talking about how important it was. We developed a plan, and we committed the resources necessary to achieve that plan. We are at that juncture now in this country in regard to renewable fuels and our dependence on foreign oil. I applaud their efforts in what they have done and accomplished.

I also wish to point out, in terms of what the Senator from Arizona has

brought up, he mentioned this is not a new product. I venture to say how many people have heard of diesel made from animal fat, particularly chicken fat? This is a new product. It is a product that produces a renewable diesel that is very clean burning and very positive for our environment and the overall objective of what we are trying to reach in this underlying bill and that is reducing our CO_2 emissions, reducing what is going into the environment, and reducing our dependence on foreign oil.

The Senator from Arizona mentions the original intent. The original intent was to promote renewable diesel. In fact, the renewable diesel credit is drafted as technology neutral, regardless of the state of the art or process at the time of enactment. The EPAct statute simply provides that renewable diesel fuel, in order to qualify for the credit, must be produced using a thermal depolymerization process. We have the history on that process. We know what the intent and the purpose of EPAct was and is, and we meet that intent. We meet that intent with the encouragement of making sure we are looking at all the renewable feedstocks in this country to put into the mix to lessen our dependence on petroleum products and to create variety in what it is we go to.

I know there are some in this body on both sides who think maybe this is an opportunity to get even with big oil. That is not the intent of this bill, and I hope we would not stray to that. I hope we would not stray to the idea that we are here to get even with big oil but that we are here to encourage those in the oil industry to move into renewable fuels, to move into the opportunities that exist in technology, to push them into an area where renewables make sense.

Senator KYL's amendment does not solve the problem he raises regarding the increase in the price of fat. The credit that Senator KYL seeks to strike is for a process that is in the very early stages of production. This process has not even been produced in terms of barrels of fuel in this country. So it is difficult to see how it could have had the profound effect on the prices that Senator KYL claims it has.

The fact is, the price of fat has been driven up in part due to its use in the production of biodiesel. Senator KYL said in our hearing yesterday that if he could, he would try to remove all credits he believes might distort existing markets.

If we think we are going to move ourselves as a nation and as a people, with the culture and the amenities to which we have become accustomed, to a society that depends on renewable fuels without making at least some minor changes in the marketplaces of our existing feedstocks, we might as well pack it up and go home right now.

If we are going to eliminate all the credits and all the opportunities that exist to go to renewable fuels, and we are going to eliminate them because of some blip they may cause momentarily before we begin to move into the decade where we can balance our needs for renewable feeds with other items, we might as well go home because that is going to happen.

What we have done is crafted in this bill a very sensible solution. Senator KYL mentions the stand-alone renewable diesel facilities need to be protected, they need to be maintained. They are. They have no cap whatsoever in this bill, just as there is no cap on biodiesel. But where we have facilities that are taking the steps in the right direction to coproduce, they are going to get a credit. They are going to get a credit up to the amount where they meet what the small producers are doing, a 60-million-gallon-per-facility cap. It is very reasonable, and it certainly speaks to the efforts of what we are trying to do in this underlying bill.

Today's amendment may only affect renewable diesel, but it is entirely possible that next year the target will be biodiesel or ethanol or cellulosic ethanol, if what he wants to do is eliminate credits that protect those underlying feedstocks.

While it may be good intention for something that is parochial for the Senator from Arizona, I say let us all remember what the ultimate objective of this bill is: to lessen our dependence on foreign oil, clean our environment, and make sure that we are moving to renewables. That is exactly what the underlying bill does.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Montana has no time remaining.

Mr. BINGAMAN. Mr. President, I see no Senators on either side, so I will propound a unanimous consent request.

I ask unanimous consent that Senator ALEXANDER be recognized for 10 minutes, to be followed by 10 minutes for Senator KLOBUCHAR, and following that, the pending amendments be set aside so I may offer amendment No. 1693 and that Senator INHOFE can then offer his first-degree amendment No. 1666; that the two amendments be debated concurrently for 1 hour, to be equally divided between Senator INHOFE and myself; that at the conclusion or yielding back of time, the Senate vote in relation to amendment No. 1693, to be followed by 2 minutes for debate and a vote in relation to amendment No. 1666; that no amendments be in order to either amendment prior to the votes in relation to the amendments; and that upon the disposition of the Inhofe amendment, the Senate vote in relation to the Kyl amendment No. 1800, with 2 minutes of debate prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. We have no objections. We have worked together to arrive at this schedule.

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

The Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from New Mexico for the courtesy of the next 10 minutes, and I would ask the Chair to let me know when 1 minute remains.

Mr. President, I compliment both Senators from New Mexico for their work on energy. As they did 2 years ago, they have made some important proposals. The 2005 bill was a terrific step forward, and there are some important suggestions in this bill. I want to especially say a few words about the tax part of the bill that came out today, and I will have more to say about that tomorrow and amendments to offer.

It is probably not the first time it has been said of the Senate that there is too much wind here, but I would like to suggest there is too much of that in the tax bill that has been reported to the Senate. Here is the tax bill. As I read the figures: $28.5 billion more over the next 10 years, $10 billion of it for wind. Almost all of it is for subsidies to wind developers. 34 percent of the bill's total goes toward this tax credit.

This isn't the first time the Senate has been generous to wind. In the 2005 bill it was 19 percent. Why would I say that is a little too much wind? It is because in many parts of the country the wind doesn't blow sufficiently for us to rely on it for electricity.

We have had some debate about Senator BINGAMAN's proposal, which might work very well in New Mexico or some other States to say that 15 percent of the electricity ought to be from renewable energy, mostly wind under this definition.

This map of the United States shows that much of the wind in the Southeast and Eastern United States doesn't blow enough for that to happen there. So under that proposal, the one we were debating earlier, called the renewable portfolio standard, I am afraid Tennesseans would have to pay basically a tax of 2 cents per kilowatt-hour, which would be $410 million a year.

We have one wind farm in the entire Southeast, and it is in Tennessee on Buffalo Mountain. Last August, while we were all sweating and perspiring with our fans on the front porch, the wind farm operated for 7 percent of the time. Most of us want our air conditioners when it's hot—not just when the wind blows enough to make electricity.

We are not the only ones who are beginning to see the limits of wind. Yesterday, the President of Pacific Gas and Electric in California, which likes wind power and is using wind power, said, according to California Energy Markets, that they will not make substantial new investments in wind generation, and ''we think we are approaching in California itself the limit on wind.''

So why then if we are going to spend $28 billion for energy sufficiency—that would mean reliable, clean electricity for the country in the world that uses 25 percent of all the energy in the world—why then would we develop a national wind turbine policy instead of a national energy policy? Isn't $10 billion more—which would make our total investment over the next 10 years more than $2 billion a year for wind turbines—isn't that too much wind?

I am not even talking so much about the fact of what these look like. I think I have said many times on this floor that in Tennessee I don't like the fact that these only work, when they work, on our most scenic ridgetops. We would prefer not to have them. That is not the case with everybody, I understand that. But it is important for people to know these aren't your grandmother's windmills.

These are twice as tall as the sky boxes at the football stadium, and the rotor blades go from the 10-yard line to the 10-yard line. So there are limits as to where they should go.

Across the country, even when performing well, they only work a third of the time. They often blow at the wrong time—at night, when people are asleep and not using so much electricity. And you can't store the wind. Basically, a utility makes a big investment, paying somebody $20 million—in the TVA Buffalo Mountain case $60 million for 20 years—to buy wind, whenever it comes, and if it comes at night when the lights are off, tough, they just lose it. If it comes 7 percent of the time in August, when everybody's air conditioners are up, it doesn't help very much. Of course, even if you had it, you still need nuclear or coal or something else because most people want their computers and their electricity on when they want them on.

As I mentioned, it is very difficult to store. It only uses about 1 percent of our current electricity needs. It does little to clean the air because we already have caps on sulfur and nitrogen, which I would like to accelerate, and it means lots of new power lines. So we have a 400-percent increase in wind capacity that would produce no change in emissions of nitrogen, no change in sulfur, and very little in carbon.

My point is, I believe there are better ways to spend that $10 billion of the $28 billion we propose to spend over the next 10 years, better ways to spend one-third of all this money than on a national wind policy, since it doesn't work very well, it is not very reliable, and much of the country can't use it at all.

For example, take fluorescent lighting. I know Senators BINGAMAN and DOMENICI have talked about this, but if we spent $2 billion a year just in tax credits for fluorescent lighting, we could save enough energy to equal eight 1,000-megawatt nuclear reactors, or 18,000 1.8-megawatt wind turbines.

Let's take another idea. What if we took the $2 billion a year and gave a credit for appliances, such as dishwashers, washing machines, and refrigerators. There is such a credit in the tax bill, and that is good. It costs about $100 million a year to encourage that. Why don't we extend that to 10 years? That would be $1 billion of the $10 billion we are spending on wind. It would save more electricity than we would get building wind.

We talk about not just carbon but clean air. I know Vermont wants clean air. We want clean air in the mountains in Tennessee. For $2 billion a year we could buy six new scrubbers a year at $300 million a scrubber. A scrubber takes the sulfur out of the air that contributes to the unhealthy aspects and to the soot and to the smog that is unhealthy for people and interferes with our view of the mountains.

Or take utility bills. The average utility bill for Tennesseans is $100 a month. This is $2 billion a year. We could just give the money to Tennesseans, 1.7 million households, for a full year. One month's electric bill for 20 million households, that is what we could do for $2 billion.

If we were a little more creative, we might go to the metering that some utilities are now putting in homes and say: If your electric bill is $100, and you reduce your use of electricity by $20, we will match it by $20 and we will collect all that information in the utility. And as a result, you will get a $60 bill instead of a $100 bill each month—instead of investing in more wind.

Or you could use that money for clean coal power plants. The 2005 bill that Senator BINGAMAN and Senator DOMENICI worked on had a number of initiatives for nuclear, clean coal, IGCC, and a number of things that are underfunded. We don't have enough money for them. Well, if we don't have the money for those things—which we decided by consensus in 2005 was the best way to create clean reliable electricity for a country that uses 25 percent of all the energy in the world—if we didn't have the money in 2005, why don't we take this $28 billion over the next 10 years, or at least some of this $10 billion for wind, and put it in clean coal or these other areas?

The PRESIDING OFFICER. One minute remains.

Mr. ALEXANDER. I thank the Chair.

Mr. President, I wanted the Senate to know that of the $28 billion, one-third of it goes to wind turbines. We have a national wind policy instead of a national energy policy.

We will be spending $2 billion a year on wind subsidies. And there are many other wind subsidies in the Federal Government. You get bonds to build them, you get accelerated depreciation, and then there are the State subsidies. So I am suggesting there is too much wind, and a wiser use of at least half that $10 billion would be for conservation, efficiency, scrubbers, and other forms of energy that are reflected in the 2005 Energy bill.

I thank the Chair and the Senator from New Mexico for the time.

Mr. DOMENICI. Mr. President, I ask unanimous consent the Senate grant me 1 minute at this point to make a statement and ask the Senator a question.

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

Mr. DOMENICI. Senator, first of all, I listened. Some people might say the Senator from New Mexico shouldn't listen again because I have listened now at least twice to you on this subject matter.

To tell you the truth, your analysis of the situation becomes more relevant every single month that passes in the Congress because today we are about to decide what to do with $30 billion, more or less; that we are going to levy a tax; and you have come before us and told us what you might do.

I might say, as chairman of the Energy Committee, I don't serve on the Finance Committee. That is the breaks of the way things are done in the Senate. I am not complaining, but I can guarantee you and the Senate that I, as one Senator, and as chairman of the Energy Committee a year and a half ago—not now—I would never have voted to put that much money in wind and so little in other technologies and breakthrough science items.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement from the Joint Tax Committee which does an estimate of the amount of the new tax package that would go to wind.

The estimate for a 5-year extension of section 45 credit is $10,292 million, and the amount attributed to wind is $7,846, in their estimation. The rest would be used for biomass and geothermal and other energy sources.

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

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC.

Hon. JEFF BINGAMAN,
U.S. Senate.

FISCAL YEARS

[millions of dollars]

Item	2007	2008	2009	2010	2011	2012	2007–12	2007–17
5-year extension of section 45 credit			−75	−294	−610	−949	−1,929	−10,292
Amount attributable to wind			−52	−199	−419	−679	−1,350	−7,846
8-year extension of section 45 credit			−75	−294	−610	−949	−1,929	−13,110
Amount attributable to wind			−52	−199	−419	−679	−1,350	−10,122
5-year extension of section 48 credit			−83	−129	−107	−116	−434	−655

Note: Details may not add to totals due to rounding.

I hope this information is helpful to you. If we can be of further assistance in this matter, please let me know.

Sincerely,

THOMAS A. BARTHOLD,
Acting Chief of Staff.

Mr. BINGAMAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 1557

Ms. KLOBUCHAR. Mr. President, I am here once again to address my amendment for a national greenhouse gas registry. As you know, this is an amendment that I am cosponsoring with Senator SNOWE and two other Republicans, as well as Senator BINGAMAN.

This is an idea whose time has come. This is an amendment that doesn't actually say what the policy will be with regard to greenhouse gases. It simply requires that on a national basis we collect accurate information so we can make smart policy decisions.

I am sorry to say the other side has not yet agreed to vote on this amendment. It is looking a little bleak as time ticks on, but I am still here. It puzzles me because the senior Senator from Oklahoma, in a trade magazine—Environment and Energy Daily—was recently quoted in a short interview, after repeatedly calling global warming a hoax, as saying that he predicted this measure, this bill, would probably be adopted, if offered. And I think that may be accurate.

We know a number of Republicans are interested in this bill. We have worked very hard and we think it is important. That is why it is very distressing to me that we are not even going to be allowed to have a vote on this.

It is distressing because one of the reasons Senator SNOWE and I came up with this amendment is because we did hear what we considered something of an outcry from businesses across this country. As you know, 31 States have come up with plans involving greenhouse gas emissions and climate change, and they are actually starting their own registry out of complete and utter frustration with the Federal Government. It is absurd to think a majority of States is having to put together a greenhouse gas registry because our national Government is so complacent. Back in January we had a number of these companies that gathered together and came to us and said we want action on climate change. We want to get this registry going. We want to have it done by the end of the year.

I have been here long enough to know we are not going to get it done by the end of the year unless we vote on it now.

I want to mention some of the companies that expressed interest in this: Alcan Inc., Alcoa, American International Group, Inc.—that is AIG, Boston Scientific Corporation, BP America Inc., Caterpillar Inc., ConocoPhillips, Deere & Company, the Dow Chemical Company, Duke Energy, DuPont, Environmental Defense, FPL Group, Inc., General Electric, General Motors Corp., Johnson & Johnson, Marsh, Inc. PepsiCo, Pew Center on Global Climate Change, PG&E Corporation, PNM Resources, Shell, Siemens Corporation. They all said they wanted us to get something done on climate change.

You can imagine my surprise when we found out that in fact the U.S. Chamber of Commerce opposed this bill. They never talked to me about it; they just sent out a letter. In fact, they threatened this could be one of the key votes for the chamber this year, depending on how people voted on this little bill that simply asks that accurate data be collected and be able to be posted on a Web site as they do in Canada and other places. But they said it might be a key vote, right up there with the estate tax last year and some of the other votes that were national issues.

There have been a lot of things said about this bill. The senior Senator from Oklahoma actually sent out a letter about it. He talked about how it would apply to virtually every business in America in this letter.

The simple truth is we wrote this amendment with business in mind because we had the impression, from what we had heard, that business wants to work with us on this important issue of climate change. The amendment contains explicit provisions excluding companies for which reporting was excessively burdensome or expensive. The new registry only covers major emitting facilities and major sources of fossil fuels. Utilities already reporting under the Clean Air Act would not have to report their data twice.

For facilities facing costs and purchasing advanced monitoring equipment, the EPA would accept basic information on the amount and type of fossil fuels they consume, which is collected by businesses for general accounting purposes. Section 165(b)(10)(c) of my amendment specifies that confidential business information will not be published under the National Greenhouse Gas Registry.

The legislation also has an exception for small businesses, the exception as defined by the Small Business Administration—businesses that generate fewer than 10,000 metric tons of greenhouse gas emissions. And 10,000 metric tons is not an arbitrary number. The American Chemical Society released a report in 2003 which talked about this as a threshold, 10,000 metric tons, a threshold which

> . . . effectively relieves the agriculture and commercial building sectors from reporting, substantially reduces the number of manufacturing facilities that would report while continuing to capture 80 percent of emissions.

Clearly this is not true.

We also know the current status. We have some businesses, major emitters, reporting to the Department of Energy. Some report to the EPA. Some report every 3 years. Some report every week. Some report every year. This is not the kind of information we expect to have in order to make policy decisions on climate change.

In his letter, the senior Senator from Oklahoma also said organizations such as the Sierra Club or the Natural Resources Defense Council would be put in charge of third-party verification and have access to confidential business information. This is so inaccurate I do not even know where to begin. Under my amendment, the EPA Administrator may ensure that reports are certified by a third-party entity, but as with the California Climate Registry, third-party verifiers will have to be verified themselves as experienced firms in providing greenhouse gas emission certifications. These are engineering firms; they are not political interest groups.

Finally, they claim this amendment did not go through the committee process. That interests me because a little over 5 years ago, Senator BROWNBACK, the Republican Senator, along with then-Senator Corzine of New Jersey, passed an amendment in this Chamber creating a greenhouse gas registry. This registry would have been voluntary, but after 5 years, if the registry contained less than 60 percent of the total greenhouse gas emissions in the U.S.—that is clearly where it is now—mandatory reporting would have been triggered. Sadly, the bill didn't get ultimately through this Congress. But the point is, this Chamber has already voted on this.

Here is a simple truth. This amendment seeks to create common standards for measuring, tracking, verifying, and reporting greenhouse gas emissions by major industries. It requires the Environmental Protection Agency—not exactly an engine of radical reform at this moment—to consider cost and coordinate with existing Federal and

State programs to implement this registry.

This is an opportunity that the Senate should be willing to put its head up and vote for. It is an opportunity to at least get the accurate data so we can start talking about climate change reform.

I never knew I would end up here in the Senate. I grew up in a middle-class family. My grandpa was a miner and a logger. My dad was a journalist. My mom was an elementary schoolteacher. I worked jobs all my life—as a pie cutter. I worked as a car hop. I worked as a secretary. I went to public high school. I got a law degree. I went to a law firm, and I ended up being privileged to be the district attorney for the largest county in Minnesota. When Senator Dayton decided he wasn't going to run again for the Senate, I ran for the Senate.

It has been my belief throughout my life that you can get things done if you have right on your side, and if you are able to work with other people, you can get things done and you can change things. It started in the fourth grade when I was the first girl to wear bell-bottom pants, the first girl to wear pants in my public elementary school. I was kicked out by Mrs. Quady, the principal, but I came back the next day and within a year the girls were allowed to wear pants.

In high school they said we couldn't raise enough money to have our high school prom, and we sold Life Saver lollipops and we got it done. In DA, we had troubled crime in a lot of our neighborhoods and we reached out to these neighbors and organized, and they did a lot of good work and we had some amazing examples of individual citizens getting things done on the front end.

Now we are here. We have a major challenge confronting us. That is a challenge of climate change. There are people out there waiting for us to do something about it. There is a scientist out there right now seeing how the sea level is going up. There is another scientist who measures the temperatures and sees how, since the ice age, we have only had a 5-degree increase in temperature and just the last century we have seen a 1-degree increase, with the EPA estimating a 3-degree increase in the next hundred years. There are little kids out there wearing ''Save the Penguins'' buttons right now. There is a hunter in Hinckley, MN, who sees changes in the wetlands. He is waiting for us to act. There is a ski resort on up in Grand Marais, MN, that had 30 percent less profits in this last year because of the decrease in snow. He is waiting for us to act.

That is why I ask my colleagues on the other side of the aisle to allow this important amendment to be heard. It doesn't dictate what the policy will be. It simply asks that we collect accurate information.

I am an optimist. The seat I hold was once held by Hubert Humphrey. At the end of his life, he said the words that are on his grave:

People consider me sentimental but to the end I remain an optimist. I remain an optimist with joy and without apology about this great American experiment in Democracy.

I remain an optimist too. I remain an optimist because I have seen the great work the Senator from New Mexico and others have done in this energy bill, and I believe more can be done. I remain an optimist that this bill will ultimately pass. If not today, this amendment will ultimately pass on another bill.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from New Mexico.

Mr. BINGAMAN. For the information of Senators, we have now an hour equally divided, half of it under the control of Senator INHOFE and half of it under my control. It is for two purposes. It is to debate amendment No. 1693, which I have submitted, and also to debate amendment No. 1666, which Senator INHOFE has submitted.

Why don't I take 5 minutes at this point.

AMENDMENT NO. 1693 TO AMENDMENT NO. 1502

Let me call up amendment No. 1693.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mrs. BOXER and Mr. REID, proposes an amendment numbered 1693 to amendment No. 1502.

Mr. BINGAMAN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure that the renewable fuel standard does not harm the environment)

On page 59, after line 21, insert the following:

Subtitle D—Environmental Safeguards

SEC. 161. GRANTS FOR PRODUCTION OF ADVANCED BIOFUELS.

(a) IN GENERAL.—The Secretary shall establish a grant program to encourage the production of advanced biofuels.

(b) REQUIREMENTS AND PRIORITY.—In making grants under this section, the Secretary—

(1) shall make awards to the proposals for advanced biofuels with the greatest reduction in lifecycle greenhouse gas emissions compared to the comparable motor vehicle fuel lifecycle emissions during calendar year 2007; and

(2) shall not make an award to a project that does not achieve at least a 50-percent reduction in such lifecycle greenhouse gas emissions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for the period of fiscal years 2008 through 2015.

SEC. 162. STUDIES OF EFFECTS OF RENEWABLE FUEL USE.

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

''(t) STUDIES OF EFFECTS OF RENEWABLE FUEL USE.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall offer to enter into appropriate arrangements with the National Academy of Sciences and any other independent research institute determined to be appropriate by the Administrator, in consultation with appropriate Federal agencies, to conduct 2 studies on the effects of increased domestic use of renewable fuels under the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

''(2) MATTERS TO BE STUDIED.—

''(A) IN GENERAL.—The studies under this subsection shall assess, quantify, and recommend analytical methodologies in relation to environmental changes associated with the increased domestic use of renewable fuels under the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, including production, handling, transportation, and use of the fuels.

''(B) SPECIFIC MATTERS.—The studies shall include an assessment and quantification, to the maximum extent practicable, of significant changes—

''(i) in air and water quality and the quality of other natural resources;

''(ii) in land use patterns;

''(iii) in the rate of deforestation in the United States and globally;

''(iv) to greenhouse gas emissions;

''(v) to significant geographic areas and habitats with high biodiversity values (including species richness, the presence of species that are exclusively native to a place, or the presence of endangered species); or

''(vi) in the long-term capacity of the United States to produce biomass feedstocks.

''(C) BASELINE COMPARISON.—In making an assessment or quantifying effects of increased use of renewable fuels, the studies shall use an appropriate baseline involving increased use of the conventional transportation fuels, if displacement by use of renewable fuels had not occurred.

''(3) REPORTS TO CONGRESS.—The Administrator shall submit to Congress a report summarizing the assessments and findings of—

''(A) the first study, along with any recommendations by the Administrator to mitigate adverse effects identified by the study, not later than 3 years after the date of enactment of this subsection; and

''(B) the second study, along with any recommendations by the Administrator to mitigate adverse effects identified by the study, not later December 31, 2015.''.

SEC. 163. INTEGRATED CONSIDERATION OF WATER QUALITY IN DETERMINATIONS ON FUELS AND FUEL ADDITIVES.

Section 211(c)(1) of the Clean Air Act (42 U.S.C. 7545(c)(1)) is amended—

(1) by striking ''nonroad vehicle (A) if in the judgment of the Administrator'' and inserting ''nonroad vehicle—

''(A) if, in the judgment of the Administrator, any fuel or fuel additive or'';

(2) in subparagraph (A), by striking ''air pollution which'' and inserting ''air pollution or water pollution (including any degradation in the quality of groundwater) that''; and

(3) by striking '', or (B) if'' and inserting the following: ''; or

''(B) if''.

SEC. 164. ANTI-BACKSLIDING.

Section 211 of the Clean Air Act (42 U.S.C. 7545) (as amended by section 162) is amended by adding at the end the following:

''(u) PREVENTION OF AIR QUALITY DETERIORATION.—

''(1) STUDY.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of the

Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Administrator shall complete a study to determine whether the renewable fuel volumes required by that Act will adversely impact air quality as a result of changes in vehicle and engine emissions of air pollutants regulated under this Act.

''(B) CONSIDERATIONS.—The study shall include consideration of—

''(i) different blend levels, types of renewable fuels, and available vehicle technologies; and

''(ii) appropriate national, regional, and local air quality control measures.

''(2) REGULATIONS.—Not later than 3 years after the date of enactment of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, the Administrator shall—

''(A) promulgate regulations to implement appropriate measures to mitigate, to the greatest extent achievable, considering the results of the study under paragraph (1), any adverse impacts on air quality, as the result of the renewable volumes required by that Act; or

''(B) make a determination that no such measures are necessary.

''(3) OTHER REQUIREMENTS.—Nothing in title I of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 supercedes or otherwise affects any Federal or State requirement under any other provision of law that is more stringent than any requirement of this title.''.

Mr. BINGAMAN. Madam President, let me take up to 5 minutes to speak on amendment No. 1693 and then yield to my colleague Senator BOXER 10 minutes for her to speak on that same amendment.

This amendment addresses a number of important environmental issues associated with renewable fuels. It contains four sections. The first section makes an authorization for grants to encourage production of advanced biofuels with the most favorable greenhouse gas emission characteristics.

The second section provides for a study by EPA of potential issues that may arise as a result of increases in the renewable fuels standard. That study will result in two reports to Congress, one in 2010, the other in 2015.

The third part of the amendment allows the EPA to consider groundwater impacts when regulating fuel additives under the Clean Air Act. One of the reasons we had a problem with MTBE as a fuel additive was that we looked at it in a one-dimensional way. This section of our amendment will allow a full look at all relevant impacts of fuel additives going forward.

The final part of the amendment is a provision commonly known as antibacksliding. It basically allows EPA to address air quality issues that might arise as a result of the increased volumes of renewable fuel mandated by the Energy bill. These changes have been developed by Senator BOXER and her staff, and myself and my staff, in a collaborative manner. I thank her and her staff for the good work they did on these provisions.

I also acknowledge the assistance and support we have received on this amendment from the Renewable Fuels Association.

This is a consensus amendment on the part of those with interests in enhancing our energy security through increased use of renewable fuels in an environmentally responsible way.

I urge my colleagues to support this amendment.

I will now yield to the Senator from California for her comments on this, and I will yield her up to 10 minutes, and I will then speak in opposition to the amendment by the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, thank you so much.

I thank Senator BINGAMAN very much for this amendment we have worked very hard on for days now. I am delighted we are able to offer it.

I see my ranking member is here because he has an amendment that in concept—I am going to look at the details—in concept makes a lot of sense. In terms of this amendment, I hope I will be able to support it because what we are trying to make sure of is that in the new fuels program, this bill, we do not lose any ground in terms of the Clean Air Act so we still are able to give EPA important authority under the Clean Air Act to mitigate any adverse air quality impacts that might result from the increased use of renewable fuels.

What we learned when we dealt with MTBE, which was an additive in gasoline, was we were not prepared for any adverse impacts from MTBE. We thought it was going to be the answer. As you know, MTBE permeated the water supplies in many States. We thought it was going to clean up the air and, guess what, it did. But it created havoc with our water quality.

We want to make sure—we worked hard on this—that in this new fuels program, we do not backslide and that we are able to have all the protections we need. So at first, we fixed the water problem and now this is fixing the air quality problem.

What we do is, we give EPA authority under the Clean Air Act to consider impact on water quality when regulating fuel. Such authority, as I say, will prevent future MTBE situations. We require EPA to contract with the National Academy of Sciences to conduct a comprehensive study of the environmental impact of increasing use of renewable fuels.

The study will analyze impacts of renewable fuels on air quality, water quality, land-use patterns, deforestation rates, greenhouse gas emissions, ecologically important areas, and the long-term ability to produce biomass feedstocks.

Now, I wanted to say to my ranking member, Senator INHOFE, if I can have his attention, that I know what he is trying to do in his amendment in many ways parallels this. We, in this amendment, make sure that EPA can look at the long-term to produce biomass feedstock because that is a very important point.

I think the Senator and I both care about this. I think the Senator and I both care that the EPA is not going to lose jurisdiction over this new fuels program.

The amendment to me is also exciting because it includes a grant program for biofuels that achieve at least a 50-percent reduction of lifecycle emissions of greenhouse gases. So what we are saying is, we want innovation, and we are saying we will start a grant program so we get that technology that we all know is going to, in fact, step up and meet the challenge of global warming.

There are so many ways we can meet the challenges of reducing our carbon footprint. One way is to have fuels that have a 50-percent better carbon footprint. This amendment ensures that EPA will play a critical role in protecting our environment from any adverse environmental impact that may be realized from an increase in the production and use of renewable fuels.

So it is pretty simple. The Senator from New Mexico and I have been in very close contact over these last several days. I have been helping him to manage this bill, although I have to say, he is very competent at doing it himself.

But I have given him my advice and my help and the help of my good staff. We did have a worry at the very beginning that we did not want to live to see another MTBE problem, that is, unintended consequences of a new fuels program and unintended consequence. So how we would protect against is to be very vigilant, and we are very vigilant.

We say to the EPA: Make sure that whatever these fuels are, they are real good for our people, good for our air, good for our water, good for our land use, and also our long-term ability to produce biomass feedstocks.

Again, we go a step further we set up a grant program for new fuels, biofuels that achieve at least a 50-percent reduction in the lifecycle emissions of greenhouse gases. This particular program is authorized at $500 million. Of course, it is subject to appropriations. I do not have the need to speak any longer on this amendment. I would retain the balance of my time Senator BINGAMAN gave me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1666 TO AMENDMENT NO. 1502

Mr. INHOFE. Mr. President, it is my understanding that the unanimous consent request was for the two amendments to be side by side.

At this point, I call up amendment 1666 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. OBAMA). The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself, Mr. BURR, and Mrs. DOLE, proposes an amendment numbered 1666 to amendment No. 1502.

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

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

The amendment is as follows:

(Purpose: To ensure agricultural equity with respect to the renewable fuels standard)

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

SEC. 113. AGRICULTURE EQUITY.

(a) ASSESSMENT OF FOOD AND FEED AVAILABILITY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') shall conduct an assessment of the availability of corn for food and feed uses by not later than July 31 and November 30 of each calendar year after the date of enactment of this Act.

(2) REGIONAL WEATHER CONDITIONS.—

(A) IN GENERAL.—Not later than August 1, 2007, and annually thereafter, the Administrator, in consultation with the Secretary of Agriculture, the Secretary of Commerce, and the Association of American Feed Control Officials, shall submit to Congress, and publish in the Federal Register, an assessment of the Administrator regarding—

(i) regional weather conditions during the current crop year; and

(ii) the impact of the conditions on projected local corn supplies.

(B) FACTORS FOR CONSIDERATION.—In conducting the assessment under subparagraph (A), the Administrator shall take into consideration, as applicable—

(i) the impacts of drought, including reduced precipitation;

(ii) the impacts of flooding, including increased precipitation; and

(iii) projected local demand for corn during the following crop year.

(3) ESTIMATES.—

(A) IN GENERAL.—Not later than December 1, 2007, and annually thereafter, the Administrator shall conduct an assessment of the most current estimates of the ratio that, with respect to the marketing year beginning in September of the calendar year in which the assessment is conducted—

(i) United States domestic ending stocks of corn; bears to

(ii) total use of corn.

(B) FACTORS FOR CONSIDERATION.—In conducting the assessment under subparagraph (A), the Administrator shall take into consideration, and rely on, the data published by the Secretary of Agriculture in the monthly report entitled ''World Agricultural Supply and Demand Estimates'' (or similar public and authoritative estimates provided by the Secretary of Agriculture).

(b) POTENTIAL ECONOMIC AND CONSUMER HARM ASSESSMENT.—

(1) REGIONAL WEATHER CONDITIONS.—If the Administrator determines that an assessment of the Administrator under subsection (a)(2) indicates that there is a reasonable likelihood that the ratio described in subsection (a)(3)(A) will be equal to or less than 0.10, the Administrator shall publish the determination in the Federal Register by not later than 14 days after the date on which the determination is made.

(2) ESTIMATES.—If the Administrator determines that an assessment of the Administrator under subsection (a)(3) indicates that there is a reasonable likelihood that the ratio described in subsection (a)(3)(A) will be equal to or less than 0.10, the Administrator, in consultation with the Secretary and the Secretary of Agriculture, shall publish, by not later than 14 days after the date on which the determination is made, the intention of the Administrator to request the President to modify a portion of the requirement described in section 111(a)(2).

(3) REGIONAL DISRUPTION.—If the Administrator determines that an assessment of the Administrator under subsection (a)(2) indicates that a regional disruption to the availability of feed corn with respect to livestock producers will occur, the Administrator, in consultation with the Secretary of Agriculture, shall develop and implement a plan to ensure that regional food and feed supplies are maintained, to the maximum extent practicable, including through adjustments to the applicable renewable fuels standard under section 111(a) in the affected region.

(c) ACTIONS TO PREVENT ECONOMIC AND CONSUMER HARM.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator may submit to the President a petition to request a modification of a requirement under the renewable fuels standard under section 111(a) in a quantity of gallons sufficient to ensure, to the maximum extent practicable, that the ratio described in subsection (a)(3)(A) will be at least 0.10.

(2) LIMITATION.—A requirement under the renewable fuels standard under section 111(a) shall not be reduced by more than 15 percent during any calendar year.

(3) EFFECTIVE PERIOD.—A modification under paragraph (1) shall be effective during the 1-year period beginning on the effective date of the modification.

(d) PUBLIC PARTICIPATION.—

(1) IN GENERAL.—The Administrator shall—

(A) make each assessment conducted, and each modification provided, pursuant to this section available to the public; and

(B) provide an opportunity for public comment relating to each assessment and modification for a period of not more than 30 days.

(2) MODIFICATIONS.—Not later than 14 days after the end of the comment period described in paragraph (1)(B), the President shall promulgate the modification that is the subject to the comment period, unless the President, in consultation with the Administrator, determines that clear and compelling evidence demonstrates that the modification would not have a material effect on the quantity of corn available for food and feed use.

Mr. INHOFE. Mr. President, let me first respond to something the chairman of the committee, Senator BOXER, had stated. I believe I agree that our committee should have the jurisdiction. I do agree with her.

There are some other things. In fact, there is an easier way to do it, I would suggest to my chairman. That would be to strike the portion in the bill, the underlying bill, that talks about the President or the administration and merely put in the EPA. If you do that, then, of course, you correct the jurisdictional problems. It is another way of doing it.

My concern is that your amendment does get into some areas I do not find I get quite as excited about as the chairman does, such as having us study land-use patterns, which I do not think is as appropriate for the Federal Government to do as State and local government.

We had this debate in the past. But I would say I would like to accomplish some of the things that the chairman has tried to accomplish with her amendments.

Mrs. BOXER. May I ask my friend to yield. It can come off my time.

Mr. INHOFE. No, it can come off mine.

Mrs. BOXER. Thank you so much. Let me say to my ranking member I agree with him. We tried that approach. We were not able to gain ground. So I am with you. But we were not able to do it in our negotiation with the Energy Committee. So we went as far as we could go, and I think we have made tremendous progress.

Again, it was give and take and it was tough and your staff was very helpful as they were helping us get the best we could get. But I think after this amendment, we can foresee a future where any President—this one said he would not do it, but a future President could take the whole fuels program and eliminate EPA. So I would hope my friend would join me in this.

The other part, we are asking for reports from the EPA, we are not giving them authority over these issues. We are going to get information from them. That information we can share with local and State.

So I know my friend is going to give it some real hard thought, as I am about his amendment. But perhaps we can wind up supporting each other's amendments. But we will see where we go from here. But I say to my friend, he is absolutely right, striking the offending language would have been great for me, but we were not able to achieve that with the Energy Committee.

Mr. INHOFE. I appreciate the comments of the chairman. I recognize her concern with MTBE contamination. I understand that. But getting the Administrator authority to use the Clean Air Act to regulate water quality is something I would have to think about a little bit.

Let me go back and talk a little bit about the amendment we are running concurrently with the other amendments. This is amendment 1666. We have a lot of cosponsors to this. I would invite more to come down. I think people would see this is a very rational way to address one of the problems with the mandates that come with this bill.

We seek to ensure the bill does not pick winners and losers in domestic agriculture. Although high corn prices might be good for corn farmers, it is harmful for livestock and poultry industries.

Now, in my State of Oklahoma, I don't have a dog in this fight, or I guess I could say I have all the dogs in this fight, because we are a corn State, we are a very large livestock State. I have heard from a lot of our people there expressing their concerns.

In fact, 15 industry groups have joined together and sent both Senate leaders a letter expressing their concern that the biofuels title in this bill could harm their industries.

I ask unanimous consent at the conclusion of my remarks to have printed in the RECORD a copy of that letter.

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

(See exhibit 1.)

Mr. INHOFE. Unfortunately, the collective livestock and grocery producers' concern continues. In fact, the earlier coalition has grown to 18 industry representatives, including cattle, poultry, swine producers, Coca-Cola, Pepsi, even Cargill. In a letter to me, the coalition writes:

> We are asking Congress to provide those that utilize and rely on corn and corn products a reasonable amount of certainty that adequate supplies are available to all users of this commodity.

We know right now the price of corn is very high. This obviously has—it does not happen in a vacuum. Too often on the Senate floor we believe things can be done without affecting others. In this case, it is definitely affecting others, as indicated by these communications.

Now, with respect to our amendment, they state:

> Your amendment would go a long way in ensuring a safety net ensuring those of us that utilize corn and corn products will have enough to go around should a drought or flood occur that would limit the harvested amount that is available.

Now, our amendment seeks to provide some of the much needed equity in the current system. This amendment simply requires that the USDA provide information on projected corn harvests each year. Well, they do that anyway. This is not going to incur anymore of a hardship on the USDA; they have that capability; they are already doing it.

If the projected harvest is below a certain percentage, then the administrator has the authority to modify the mandate for the next year.

So that if it comes down and we see we are going to have a drought, we are going to have some kind of a problem, we would be able to address that by making a small adjustment to the mandate that is there.

Now, I would expect the ethanol industry to support our amendment, since first they claim there is no food versus feed issue. Second, because they have stated repeatedly that corn farmers can grow much more renewable—Fuels Association President Bob Dineen said—this is the one who is very strong in the ethanol mandate the American farmer absolutely has the ability to grow more corn to provide sufficient quantities of grain and food and feed for fuel usage and we are going to see that that happens.

Well, if that is the case, then there is not a problem. So I am not suggesting or picking any favorites with this amendment. I am saying we ought to be sure in the event that something that can be foreseen, and these droughts can be foreseen—as I say, they are doing it right now. So this amendment supports that concept.

Corn farmers have done a great job in increasing yield per acre in the past and they will continue to do that. Our amendment simply provides, as a collective food industry State, a reasonable amount of certainty and a safety net, so that all the U.S. agriculture is able to prosper.

I know there are others who are on the floor who would disagree with my amendment. I certainly wish to make sure they have time to express themselves. So if the Senator from Iowa is prepared at this point to speak, I would be glad to yield to him.

EXHIBIT 1

JUNE 20, 2007.

Sen. JAMES INHOFE,
Russell Senate Office Building,
Washington, DC.

DEAR RANKING MEMBER INHOFE: We believe in the need to advance renewable and alternative sources of energy. New fuel sources offer the potential to eliminate our dependence on foreign oil while contributing to the long-term stability of our rural economies. But, as we seek to implement policy that will move us toward accomplishing this objective, it is essential that we carefully weigh the impacts of our actions on other segments of the economy. Additionally, we would hope that any policy that is agreed upon during this debate would not overly tax one group in an effort to hopefully achieve the objective of energy independence.

We are concerned that the very aggressive increase in biofuels mandates proposed in S. 1419 raises fundamental questions about the impact that an increased federal government mandate for corn-based ethanol, in addition to new state mandates, will have on the livestock, poultry and food industry's ability to produce competitively available, affordable food. It is vitally important that we fully appreciate and understand the implications of quintupling the Renewable Fuel Standard (RFS) mandate, and we would ask that you use careful consideration and listen to the significant issues being raised by those in the agriculture and food products community.

Rapid development of the corn-based ethanol industry is already having adverse impacts on food supplies and prices, a major concern for us. Rising food prices, coupled with the rising energy prices we are seeing throughout the country, pose a threat to the health of our national economy. According to a recent report by Merrill Lynch Chief Investment Strategist Richard Bernstein, within the first three months of the year, food prices rose at an annualized rate of 7.3 percent. That is slightly higher than the anticipated annual rise in healthcare costs over the next decade, according to the Centers for Medicare and Medicaid Services' National Health Statistics Group. In addition, the continued aggressive expansion of corn ethanol production diminishes the availability of soybeans and other crops. We need a safety valve that ensures availability and that works.

We are asking Congress to provide those that utilize and rely on corn and corn products a reasonable amount of certainty that adequate supplies are available to all users of this commodity. Your amendment to S. 1419, the Agriculture Equity Adjustment Provision (#1666) would go a long way in achieving a safety net ensuring those of us that utilize corn and corn products will have enough to go around should a drought or flood occur that would limit the harvested amount that is available.

We look forward to working with you to achieve a balanced approach between all competing uses of corn as we go forward in this energy debate. We need an adequate contingency plan in place, and this amendment achieves that goal.

Thanks again for your leadership and efforts.

Sincerely,

American Feed Industry Association, American Meat Institute, Cargill, The Coca Cola Company, ConAgra Foods, General Mills, Grocery Manufacturers/Food Products Association, Hormel Foods, National Cattlemen's Beef Association, National Chicken Council, National Pork Producers Council, National Restaurant Association, National Turkey Federation, PepsiCo, Inc., Seaboard Corporation, Tyson Foods, United Egg Association, United Egg Producers.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I would be glad to yield the Senator from Iowa up to 5 minutes to speak in opposition to this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this is the third amendment today that has been very detrimental to the future of ethanol and other renewable fuels.

If we had had this attitude expressed 20 years ago when we started, in a very elementary way, down the road to a successful renewable fuels industry that we are now developing, and it is still an infant industry, we would never be here today, where we could say that we have a strong opportunity of renewable fuels.

This is the third amendment that raises questions about whether we are going to continue to have investment in renewable fuel production and everything that is connected with it.

Something that bothers me more than anything else, and I have expressed it on previous amendments today, is throughout the development of renewable fuels, and particularly agriculture being the production of the renewable feedstock, we have always had agriculture very much united between renewable fuels.

Within the last 4 or 5 months, because corn has gone from $2 to $4 a bushel, we now have beef producers raising questions about whether we ought to have an ethanol industry. You have the pork producers—and evidently we have the poultry people—raising the same question. If agriculture is not going to be united, if they had not been united, we would never have gotten here. I do not know what happens in a matter of 4 or 5 months, that after 20 years, all of a sudden things are bad about renewable fuels, and the farmer is being blamed for everything, $4 corn, food going up, energy prices going up.

You know, food prices, a farmer gets a nickel out of a big box of Corn Flakes that is half full of air when you buy it for $4. The farmer is being blamed for $4 corn, raising the price of food, raising the price of energy, causing livestock feed to go up.

You know, for the last 40 years, we have had a principle in agriculture that we call the hog-corn ratio. It was never felt, during the corn-hog ratio, when you use that, that the high price of corn was bad for livestock because, you

know, livestock prices would soon rise, and it was considered good, good, good. Everything about ethanol has been considered good, good, good: Good for the farmers, good for the environment, good for high-paying jobs in the small towns of rural America, good for national defense because of less dependence upon violent parts of the world for petroleum to be delivered, good for our balance of trade. Everything is good, good, good about renewable energy.

Now, in the last 4 or 5 months—do you think the price of corn is going to be $3.50 or $4 forever? This fall at harvest time, we might find corn at $2.50. We had 77 million acres of corn planted last year. We have 91.5 million acres believed to be planted this year. When June 30 comes and the USDA makes their next report, it may be 95 million acres of corn—the most acres planted since 1944. When you have that supply of grain coming in, the fact that the price is going to be where it is today is a dream. In 1995, we had a drought. Corn got to $4 or $5. Everybody thought it was going to be $4 or $5 for the next 5 years. The next harvest season, it was down to $1.60 a bushel. Here we have people raising questions about the stock ratio, the stock on hand that we have of grain, that when it gets down to a certain level, we are not going to use grain for renewable fuels. What are you going to do? Are you going to go shut down every ethanol plant that is operating in the United States? What other amendment comes to the floor with the idea that we are going to shut down an industry under certain circumstances? It never happens.

This is not a very good approach, particularly the use of stock ratios as proposed in this amendment. There are even questions about the use of that among economists at this point.

This is a very bad amendment for renewable fuels, for agriculture. All that is good about renewable fuels, and you shut down the whole industry, it is for naught. You can't do that.

I ask Members to vote against the amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Oklahoma has 23 minutes and the Senator from New Mexico has 16 minutes.

Mr. BINGAMAN. Mr. President, let me speak briefly in opposition to the amendment by the Senator from Oklahoma.

First, I ask unanimous consent to have printed in the RECORD following my remarks a letter I received from the American Coalition for Ethanol, the American Farm Bureau Federation, the National Association of Wheat Growers, the National Corn Growers Association, National Farmers Union, the National Sorghum Producers, and the Renewable Fuels Association.

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

(See exhibit 1.)

Mr. BINGAMAN. I would like to briefly hit the high points of this letter and explain why they are so strongly in opposition to Inhofe amendment No. 1666. I will read parts of the letter into the RECORD so Members will be aware of their position. It says:

As the Senate continues to debate the energy bill . . . we urge all Senators to vote against the amendment offered by Senators [Inhofe, Burr, and Dole] when it is brought up for a vote. We strongly oppose this amendment as it would effectively gut the RFS and thwart the growth of the domestic ethanol industry.

It goes on to say:

Senators Inhofe, Burr and Dole are proposing an amendment to the energy bill that would put in place a stocks-to-use mechanism that would suppress crop prices and be detrimental to the American farmer and to domestic renewable fuels. Stocks-to-use has limited value as an indicator of demand and expected price. It is an oversimplified way to look at supply/demand and pricing and does not often provide an accurate picture of how markets would be impacted.

It goes on with various examples.

The Senator from Iowa pointed out that the price of corn is high today but may not be high indefinitely. It makes the same point here. It says:

Most long-run economic models [from the] (U.S. Department of Agriculture and Food and Agricultural Policy Research Institute, and others) project stocks-to-use ratio slightly under 10 percent for the next several years, with prices in the $3.00–$3.50 range. Additionally, many economists have stopped using the stocks-to-use ratio in their econometric models as a tool to forecast price because of its obvious limitations.

They go on and on along the same line, pointing out deficiencies in the approach being taken by the Senator from Oklahoma in the amendment.

Let me conclude with their final statement:

Efforts to undermine the continued growth of the U.S. ethanol industry should not be tolerated. A careful look at the facts reveals that American farmers have met, can and will continue to meet our domestic and international commitments for food and feed while still making a significant and growing contribution to lessening our dependence on imported oil with homegrown, American-made renewable fuels. We strongly urge you to oppose the Inhofe/Burr/Dole amendment.

It is hard to know how to do better than that letter in pointing out the deficiencies in the amendment. It is clearly an amendment we should oppose.

EXHIBIT 1

JUNE 20, 2007.

Majority Leader HARRY REID,
U.S. Senate.
Chairman JEFF BINGAMAN,
Committee on Energy and Natural Resources, U.S. Senate.
Minority Leader MITCH MCCONNELL,
U.S. Senate.
Ranking Member PETE DOMENICI,
Committee on Energy and Natural Resources, U.S. Senate.

DEAR SENATORS: As the Senate continues to debate the energy bill, H.R. 6, we urge all Senators to vote against the amendment offered by Senators James Inhofe (R–OK), Richard Burr (R–NC), and Elizabeth Dole (R–NC) when it is brought up for a vote. We strongly oppose this amendment as it would effectively gut the RFS and thwart the growth of the domestic ethanol industry.

Senators Inhofe, Burr, and Dole are proposing an amendment to the energy bill that would put in place a stocks-to-use mechanism that would suppress crop prices and be detrimental to the American farmer and domestic renewable fuels. Stocks-to-use has limited value as an indicator of demand and expected price. It is an oversimplified way to look at supply/demand and pricing and does not often provide an accurate picture of how markets would be impacted. For example, in 2003/04 the stocks-to-use ratio was one of the lowest in the last 20 years at 9.4 percent, but prices remained at $2.50 for a season average. Most long-run economic models (U.S. Department of Agriculture and Food and Agriculture Policy Research Institute, and others) project stocks-to-use ratio slightly under 10 percent for next several years, with prices in the $3.00–3.50 range. Additionally, many economists have stopped using the stocks-to-use ratio in their econometric models as a tool to forecast price because of its obvious limitations. As corn usage are likely to increase substantially to 13, 14, or even 15 billion bushels in the future, a 10 percent stocks-to-use ratio could very well equate to carry-out of 1.3, 1.4, or 1.5 billion bushels. So while the stocks-to-use ratio might seem low in these cases, actual carry-out levels would be right in line with the 12–year average (95/96 to 06/07) of 1.38 billion bushels.

According a recent analysis from the University of Illinois, ''the stocks-to-use ratio is generally used as a 'short cut' approximation for summarizing annual supply and demand conditions. However, very different supply and demand conditions in individual years can lead to similar ratios of stocks-to-use, but very different prices. The most obvious example is the contrast between a year of very small production that results in a low stocks-to-use ratio, but also requires very high prices to force a reduction in consumption and a large crop year that results in a high level of consumption, a low stocks-to-use ratio, but low prices.''

Without the strong domestic market corn farmers won't have the incentive to plant as many acres and take the risk that large production will drive down corn prices. An arbitrary stocks-to-use ratio trigger that restricts corn use for ethanol would likely diminish overall demand and put downward pressure on the price for corn. This would serve as a disincentive to farmers and discourage them from planting more corn at a time when more corn is what the feed and fuel industries need. The food and feed industries have assumed that farmers will continue to produce record crops regardless of prices and profitability. If production declines, or even grows more slowly, stocks could also fall, eventually driving prices higher. In the long-term, America's farm sector is better off maintaining a strong and growing domestic demand base and adding value markets.

The corn industry will continue to strive to satisfy a variety of important demands and maximize the utility of its product. Seed technology developments, increasing agricultural efficiency, innovation in biofuels production processes and other breakthroughs will ensure that growers will continue to meet the world's need for food, feed, fuel, and other uses.

Efforts to undermine the continued growth of the U.S. ethanol industry should not be tolerated. A careful look at the facts reveals that American farmers have met, can and will continue to meet our domestic and international commitments for food and feed

while still making a significant and growing contribution to lessening our dependence on imported oil with homegrown, American-made renewable fuels. We strongly urge you to oppose the Inhofe/Burr/Dole amendment.

Sincerely,

American Coalition for Ethanol, American Farm Bureau Federation, National Association of Wheat Growers, National Corn Growers Association, National Farmers Union, National Sorghum Producers, Renewable Fuels Association.

Mr. BINGAMAN. I see the Senator from South Dakota here. I yield him 4 minutes to speak in opposition.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I rise to express my opposition to this amendment. I worked closely with my colleague from Oklahoma on a number of issues when I was a member of the Environment and Public Works Committee. I worked with him last week on an amendment to expand refinery capacity because we have a shortage of refinery capacity. It is something that needs to be addressed. Unfortunately, that amendment failed. This amendment, however, is not necessary because we don't have a shortage of corn. In fact, demand for corn has increased because of ethanol production. It is expected to increase further thanks in part to the growth and expansion of renewable fuels. But to suggest for a minute that somehow we are going to run out of corn simply is not true. In fact, one of the most respected economists in the agricultural community, USDA's Dr. Keith Collins, has testified before the Senate Agriculture Committee about corn and ethanol production. I will highlight some of the points he made.

First, since 1948, corn yields have increased fourfold—from 40 bushels per acre to 160 bushels per acre—due to fertilizer, better management, technology, and improved crop genetics. Corn yields in the past couple of years have moved above the long-term trend and may continue to do so in coming years as well, helping to meet biofuel demand and reduce pressure on corn prices and acreage. Over the past few years, new-generation rootworm-resistant corn has been introduced and is showing strong yield increases in many areas.

As we look out over the next decade, USDA trend projections suggest that U.S. corn yields per acre are going to rise to 168 bushels per acre by the year 2016, and some seed companies suggest they are going to go even higher, as much as 20 bushels per acre above that level. Every 5-bushel increase in yield above the current trend level would be the equivalent of adding around 2.5 million acres to corn plantings, enough to produce 1 billion gallons of ethanol each year.

If you look State by State, Arkansas growers are expected to plant 560,000 acres of corn in 2007, up from 190,000 in 2006, a nearly 300 percent increase in corn acreage in 1 year. Louisiana farmers intend to plant 700,000 acres in 2007, up from 300,000 acres in 2006, a 233-percent increase in corn acreage. In Mississippi, corn producers are expected to plant 950,000 acres in 2007, up from 340,000 acres in 2006, a 280-percent increase in corn acreage.

My point is, in the underlying bill, basically, there is a stipulation that ethanol production can't exceed about 15 billion gallons. USDA's Dr. Keith Collins, who is an expert economist down there, says we can get to 15 billion gallons of ethanol based on corn production. Today, we are producing about 6.5 billion gallons of ethanol. So to get to 15 billion gallons, which is what the USDA's Chief Economist says we can reach, we have a long way to go. There is a lot of headroom to 15 billion gallons. To suggest for a minute that somehow we need this sort of an amendment that would put all these additional restrictions on the renewable fuels standard, I submit is unnecessary.

The underlying bill has provisions already that address this issue and waivers in place for economic hardships experienced by certain regions or States. Specifically, the President can waive the RFS if one of the following conditions is met: implementation of the requirement would severely harm the economy or environment of a State or region or the United States; if extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically produced renewable fuel to consumers.

I would also add that this particular amendment creates lots of problems for areas of the country because it forces investors to make investment decisions based upon the weather. We all know we can't protect the weather or predict the weather with certainty.

This amendment is misguided and unnecessary. I hope we will vote it down.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me inquire of the time remaining on each side, please?

The PRESIDING OFFICER. There is 23 minutes for the Senator from Oklahoma, and the Senator from New Mexico has 7¾ minutes.

Mr. INHOFE. First, I may be yielding back some time. Let me respond to a couple assertions that have been made.

The Senator from Iowa was talking about in the event that livestock would not be hurt because they would actually end up going up later in the market and that will take care of that problem. I would suggest to you that a lot of individuals don't agree with that. I have a letter I will read a little bit out of. It is signed by the National Cattlemen's Beef Association, the Chicken Council, the Pork Producers Council, the Restaurant Association, and the Turkey Federation. All of them don't feel this is going to be the market result.

Since the Senator from New Mexico read some excerpts of a letter signed by a large number, we have many more who have signed this letter than the letter which was submitted by the Senator from New Mexico.

One of the paragraphs in here says: We are concerned that the very aggressive increase in biofuels mandates proposed in S. 1419 raises fundamental questions about the impact that an increased Federal Government mandate for corn-based ethanol, in addition to new State mandates, will have on the livestock, poultry, and food industry's ability to produce competitively available, affordable food.

In other words, this is going to affect a lot of people in their estimation in terms of the cost of food, not just livestock, not just the grain concern that is out there.

It continues: It is vitally important that we fully appreciate and understand the implications of quintupling the renewable fuels standard mandate, and we would ask that you use careful consideration and listen to the significant issues being raised by those in the agriculture and food products community.

Let me mention, I know the Senator from South Dakota was not in the Chamber when I made my remarks, but Oklahoma also is a corn State. I really believe the excellent statement that was made by the Senator from South Dakota—who has been a real champion, maybe the No. 1 champion, in this body of corn ethanol—really makes my case for me. If these States are increasing their production the way they are, then there is no problem. Nothing in this amendment is going to affect anything at all. In fact, the only concern we have is in the event there is a year where this is not true.

Let me just go ahead and make sure everyone understands what this amendment does and does not do. Quite often on the floor, we get people opposing something, and then you scratch your head and say: Wait a minute, is that my amendment they are talking about?

The amendment is a modification provision for food and animal feed based on the ratio of cornstalks to projected demand. In the case of a short- or low-corn crop year, there is currently no meaningful safety valve that would address this situation. This amendment would provide a small level of confidence to producers as well as investors that corn would be available to meet the needs of all uses. In other words, if the production is up, there is not a problem. This addresses disasters and worst-case scenarios and assures the renewable fuels standard does not lead to a shortage of corn for human or animal consumption.

It requires the USDA and the EPA to make a midyear-end determination of current weather conditions, followed by an end-of-the-year determination on the stalks-to-use ratio following harvest. If the determination estimates the stalks-to-use ratio is below 10 percent, it would trigger a temporary adjustment in the RFS to account for the

need for increased availability of corn feed. The amendment would not permit the RFS to fall more than 15 percent in any given year.

Now, it has been said—I suspect there is a letter floating around somewhere that says this would be the end of the world and it would completely destroy what they are trying to do. Let me just read the one limitation that is in this amendment. It says:

A requirement under the renewable fuels standard under section 111(a) shall not be reduced by more than 15 percent during any calendar year.

That is, if there is some kind of a drought or some kind of a real serious problem—it can be too much water or not enough water—then it would not affect it by more than 15 percent. Well, that is 15 percent. That is not the end of the world. It means 85 percent of these mandates are still going to be there and still be in effect.

So I think it is a very modest approach. The list of people who share this concern is a very long one. I mentioned some of the names—these industries. I will go ahead and read them at this time: American Feed Industry Association, American Meat Institute, Cargill, the Coca-Cola Company, ConAgra Foods, General Mills, Grocery Manufacturers/Food Products Association, Hormel Foods, the National Cattlemen's Beef Association, the National Chicken Council, National Pork Producers Council, the National Restaurant Association, National Turkey Federation, PepsiCo, Incorporated, Seaboard Corporation, Tyson Foods, United Egg Association, United Egg Producers—and the list goes on and on. So there is this concern out there.

Again, my State is not dissimilar in any way to the State of New Mexico. They are right next door. I would suggest we probably have about the same size corn industry, as well as perhaps our cattle industry is not quite as large as it is in New Mexico, but it certainly is not dissimilar. There is nothing I would do to be damaging to the corn industry because that is a major industry, of course, in my State.

The Food Products Association—let me mention to you how they feel. In a worst-case scenario, if you do not have some kind of a safety valve, it could be damaging. They say: More and more pursuit of corn-based ethanol is resulting in higher food and feed prices. The price of corn has jumped 55 percent since September.

According to USDA's Chief Economist, the consequences of ethanol are the biggest thing going on in agriculture today. An increase in ethanol production is already having a significant impact on food and feed supplies, such as corn, soybeans, and wheat.

The U.S. Labor Department recently reported that February prices for foodstuffs and feedstuffs were 18 percent above year-ago levels. That was in the Wall Street Journal of March of this year. According to the Wall Street Journal, the higher corn prices have raised costs for livestock and poultry which are fed corn and for crops such as soybeans, which farmers are replacing so they can grow more corn. The corn companies are starting to pass those higher prices on to consumers. Wholesale consumer food prices were 6.8 percent above year-ago levels.

So this is not happening in a vacuum. Obviously, the mandates are there for corn ethanol, and they will continue to be there. As we look down the road, Oklahoma has been pretty active in the work they are doing right now on the other types of cellulosic biomass. Right now, one of our companies in Oklahoma has been very active in that. We are leading the field. We have Oklahoma State University and Oklahoma University and the Noble Foundation leading the country in the pursuit of these technologies.

The coal-to-liquid technology is here. We are currently flying B–52s with all eight engines running on this type of a fuel. So we know it is coming. So it is not all just corn ethanol. Again, we are a corn State. We are also a big livestock State. I think this is a middle-of-the-road type of amendment.

Again, you have to respond to these statements that you are going to destroy something, when the limitation by law would be 15 percent of the current mandate in the event of some kind of a disaster. USDA is already making these studies and doing it, and it is not really requiring anything more.

With that, Mr. President, I will retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from New Mexico has 7 minutes 45 seconds, and the Senator from Oklahoma has 13½ minutes.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 1510

Mr. COCHRAN. Mr. President, it is my intention to offer an amendment at the appropriate time to reduce the impact of future disruptions of our supplies by enlarging the Strategic Petroleum Reserve. This amendment, which is cosponsored by Senators BAYH, LOTT, and LANDRIEU, will expand the capacity of the Strategic Petroleum Reserve from 1 billion barrels to 1.5 billion barrels.

The economic security of the United States is threatened by our vulnerability to disruptions of the world oil supply and the volatile prices of energy. Whether we like it or not, our Nation's transportation sector, our major industries, and our military forces are all dependent upon petroleum. We must protect ourselves from the instability and the uncertainty of the international oil market.

The existing inventory in the Strategic Petroleum Reserve represents only 56 days of net petroleum imports. Our obligation to the member countries of the International Energy Agency requires us to maintain the equivalent of 90 days of net petroleum imports. Increasing the authorized capacity of our reserves will help ensure that we meet our international obligations.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. COCHRAN. Mr. President, I am happy to yield for a question.

Mr. INHOFE. Yes, for a question.

It is my understanding that the time you are taking right now will be taken off of our time equally, and since we are under a UC for a time-certain for a vote, I know that would not be the Senator's intention.

Mr. COCHRAN. No, it would not. I will be happy to put these remarks in the RECORD.

Mr. INHOFE. Well, I think that is probably a good idea.

Mr. COCHRAN. No one was speaking when I asked for recognition. I have a statement that lasts maybe 5 minutes.

Mr. INHOFE. Go ahead.

Mr. COCHRAN. All day long, I have been trying to get an opportunity to make this statement.

Last December, the Department of Energy identified the salt domes near Richton, MS, as a preferred site for a new Strategic Petroleum Reserve storage facility. My State welcomes the opportunity to help meet our Nation's energy needs. Other sites in Texas and Louisiana will also gain additional reserves under the plan being developed by the Department of Energy.

Mr. President, our Nation's energy security and stability depend on a combination of efforts to increase domestic supplies of oil, gas, and petroleum, as well as the development and promotion of new renewable energy technologies. The combination of these efforts will make it possible for us to reduce our dependence upon foreign oil and provide for a bright economic future for all Americans.

I urge the Senate to adopt this amendment.

Mr. President, I ask unanimous consent to have a copy of the amendment printed in the RECORD.

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

On page 314, after line 2, add the following:

SEC. 708. INCREASE IN CAPACITY OF STRATEGIC PETROLEUM RESERVE.

(a) STRATEGIC PETROLEUM RESERVE.—

(1) POLICY.—Section 151(b) of the Energy Policy and Conservation Act (42 U.S.C. 6231(b)) is amended by striking ''1 billion'' and inserting ''1,500,000,000''.

(2) CREATION.—Section 154(a) of the Energy Policy and Conservation Act (42 U.S.C. 6234(a)) is amended by striking ''1 billion'' and inserting ''1,500,000,000''.

(b) FILLING STRATEGIC PETROLEUM RESERVE TO CAPACITY.—Section 301(e) of the Energy Policy Act of 2005 (42 U.S.C. 6240 note; Public Law 109–58) is amended by striking ''1,000,000,000-barrel'' and inserting ''1,500,000,000-barrel''.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me once again ask how much time remains.

The PRESIDING OFFICER. There is approximately 12½ minutes for the Senator from Oklahoma. The Senator from New Mexico has approximately 4 minutes.

Mr. BINGAMAN. Mr. President, in light of that, since there is 12 minutes still remaining for the Senator from Oklahoma—I do not know how much of that time he wants to use. Once he has used his time, I was going to take a couple minutes to sum up my position in favor of the first amendment that is being offered and we are voting on, and then I would yield that time. But I defer to the Senator from Oklahoma to make any statement he has.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. All right. Mr. President, I say to the Senator, I do not think adequate time has been given to the amendment you want to address, the Boxer amendment, and if you would want some of my time to do that, I would be willing to give it up. I am really prepared to yield back at the appropriate time on this amendment.

Let me make this comment. If people are concerned my amendment is going to be devastating, just keep in mind we have this limitation. There is a very sizable mandate that is out there. The very maximum that would be used would be to reduce that mandate—in a year when a disaster occurs—by only 15 percent. In other words, 85 percent of that mandate would still be in effect. I think that is a very reasonable approach to it.

With that, Mr. President, I will yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 1693

Mr. BINGAMAN. Mr. President, let me sum up my argument in favor of the first amendment we are going to be voting on in this sequence of three amendments; that is, amendment No. 1693 that I have cosponsored with Senator BOXER.

The amendment does address a number of important environmental issues associated with renewable fuels. It is an amendment that contains four sections.

The first makes an authorization for grants to encourage production of advanced biofuels with the most favorable greenhouse gas characteristics.

Second, we have a study by the EPA of potential issues that may arise as a result of increases in the renewable fuels standards. That study will result in two reports to Congress, both in 2010 and 2015.

The third part allows the EPA to consider groundwater impacts when regulating fuel additives under the Clean Air Act, which is a good provision.

The final part is a provision commonly known as an anti-backsliding provision, basically allowing EPA to address air quality issues that might arise as a result of the increased volumes of renewable fuel mandated in this Energy bill.

Mr. President, let me at this time conclude my remarks and ask the Senator from California if she wishes to make any concluding remarks.

Mrs. BOXER. Mr. President, I say to the Senator, if you could yield me about 2 minutes.

Mr. BINGAMAN. Mr. President, I yield the remainder of my time to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator.

Mr. President, the Senator from Illinois has asked if he could have a minute and a half. If there is no objection, I suggest we allow that to happen at this time, and I will then follow him with 2 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1666

Mr. DURBIN. Mr. President, one of the pending amendments we will consider very shortly is by Senator INHOFE, and this would create an additional mechanism that would interrupt the bill's renewable fuels standard depending on the ratio of stocks of corn to total corn use, known as the stocks-to-use ratio.

Statistics show that stocks-to-use does not correlate to price and supply information. In addition, there is already a waiver provision in the bill that offers protection to consumers if corn prices or availability becomes unsustainable.

According to one economic analysis, the 10-percent stocks-to-use trigger required by this amendment would suppress corn prices to $2.50 to $2.60 a bushel. In the current farm bill, the target price is $2.63. So by artificially suppressing the price of corn from $2.50 to $2.60, the Inhofe amendment would put downward pressure on prices and cause the triggering of loan deficiency payments. As a result, this amendment would cost the Government more in farm payments.

I am going to urge my colleagues to oppose this amendment. I understand there is a budget point of order. I have notified Senator INHOFE that I will raise that point of order at the appropriate time.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 1693

Mrs. BOXER. Mr. President, I just wanted to say I hope amendment No. 1693 that has been offered by Senator BINGAMAN and myself will be overwhelmingly supported by both sides. We know what happens when we ignore unintended consequences. I think this amendment makes sure we don't experience another MTBE; that, in fact, we are careful, regardless of what the fuels turn out to be, because we are not picking winners and losers. We are saying: Let technology go.

As a matter of fact, in this program we have to assist in the development and production of biofuels, cellulosic. So what we don't know is when these fuels come, what are they going to do to the environment? We all want to be free of foreign oil. Every one of us. But we don't want to make mistakes.

So I hope this amendment No. 1693 will be strongly supported. It ensures that the EPA stays involved. It doesn't give away all the powers of EPA to the Department of Energy. We just need to make sure what we are doing in the future is sound.

I think Senator INHOFE has made a very important point about corn. There are wonderful things about corn, but there are some negatives.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I think this first amendment can protect against these problems.

I yield the floor.

Mr. INHOFE. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. There is 1½ minutes remaining.

Mr. INHOFE. On my side?

The PRESIDING OFFICER. On your side.

Mr. INHOFE. And on the other side?

The PRESIDING OFFICER. The time has expired.

Mr. INHOFE. Mr. President, I ask unanimous consent to include Senator PRYOR as a cosponsor of amendment No. 1666.

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent to add to amendment No. 1693 Senators DODD, CARDIN, and SANDERS as cosponsors, to the amendment we are about to vote on.

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

Mr. INHOFE. Mr. President, I also ask unanimous consent to add Senator GREGG as a cosponsor.

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

Mr. BINGAMAN. Mr. President, I believe Senator GREGG would be a cosponsor to amendment No. 1666?

Mr. INHOFE. That is correct.

Mr. BINGAMAN. Mr. President, at this point I ask for the yeas and nays on amendment No. 1693.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alaska (Mr. STEVENS).

The result was announced—yeas 58, nays 34, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—58

Akaka	Gregg	Nelson (FL)
Alexander	Harkin	Nelson (NE)
Baucus	Hutchison	Obama
Bayh	Inouye	Pryor
Bingaman	Isakson	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Smith
Casey	Leahy	Snowe
Clinton	Levin	Specter
Collins	Lieberman	Stabenow
Conrad	Lincoln	Tester
Corker	Lugar	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Mikulski	
Feinstein	Murray	

NAYS—34

Allard	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Bunning	Enzi	Sessions
Burr	Graham	Shelby
Chambliss	Grassley	Sununu
Cochran	Hagel	Thune
Coleman	Hatch	Vitter
Cornyn	Inhofe	Voinovich
Craig	Kyl	Warner
Crapo	Lott	
DeMint	Martinez	

NOT VOTING—7

Biden	Dodd	Stevens
Brownback	Johnson	
Coburn	McCain	

The amendment (No. 1693) was agreed to.

AMENDMENT NO. 1666

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate equally divided prior to a vote in relation to amendment No. 1666 offered by the Senator from Oklahoma, Mr. INHOFE.

The Senator from Illinois.

Mr. DURBIN. Mr. President, this Inhofe amendment is one I am opposing, and I urge my colleagues to oppose it. There is already a waiver provision in the bill that offers protection to consumers if corn prices or availability become unsustainable.

Unfortunately, the language of the Inhofe amendment could trigger a dramatic decrease in income of farmers and a dramatic increase in Government costs. As a result, I raise a point of order that the pending amendment violates section 201 of Senate Concurrent Resolution 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The point of order must be made after time has expired.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, there have been some misconceptions about this amendment. First, my State of Oklahoma is a corn State. It is a livestock State. If my colleagues will look at the groups of people that have joined in and said we need to have this safety valve, it is virtually everyone: the National Cattlemen's Beef Association, the Chicken Council, port producers, Restaurant Association—all of these recognizing that in the event something should happen with a severe drought—and these are easy to predict—we should have some kind of a trigger that would allow the mandate to be reduced.

All this does is simply provide that if the USDA determines because of weather patterns there is going to be a real problem in the crop of corn, the mandated limit can be reduced by as much as 15 percent. In other words, we are still going to have an 85-percent mandate.

I suggest my colleagues look very carefully at this amendment. This is going to offer some assistance in the event of a serious drought or something that will affect the corn crop in America.

I ask my colleagues to support my amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Illinois.

Mr. DURBIN. Mr. President, do I have any time remaining for debate?

The PRESIDING OFFICER. The Senator has half a minute remaining.

Mr. DURBIN. Mr. President, first, I ask unanimous consent to have printed in the RECORD a letter in opposition to the Inhofe amendment from the American Coalition for Ethanol, the American Farm Bureau Association, the National Association of Wheat Growers, the National Association of Corn Growers, National Farmers Union, National Sorghum Producers, and the Renewable Fuels Association.

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

JUNE 20, 2007.

Majority Leader HARRY REID,
U.S. Senate.
Chairman JEFF BINGAMAN,
Committee on Energy and Natural Resources, U.S. Senate.
Minority Leader MITCH MCCONNELL,
U.S. Senate.
Ranking Member PETE DOMENICI,
Committee on Energy and Natural Resources, U.S. Senate.

DEAR SENATORS: As the Senate continues to debate the energy bill, H.R. 6, we urge all Senators to vote against the amendment offered by Senators James Inhofe (R–Okla.), Richard Burr (R–N.C.) and Elizabeth Dole (R–N.C.) when it is brought up for a vote. We strongly oppose this amendment as it would effectively gut the RFS and thwart the growth of the domestic ethanol industry.

Senators Inhofe, Burr and Dole are proposing an amendment to the energy bill that would put in place a stocks-to-use mechanism that would suppress crop prices and be detrimental to the American farmer and domestic renewable fuels. Stocks-to-use has limited value as an indicator of demand and expected price. It is an oversimplified way to look at supply/demand and pricing and does not often provide an accurate picture of how markets would be impacted. For example, in 2003/04 the stocks-to-use ratio was one of the lowest in the last 20 years at 9.4 percent, but prices remained at $2.50 for a season average. Most long-run economic models (U.S. Department of Agriculture and Food and Agriculture Policy Research Institute, and others) project stocks-to-use ratio slightly under 10 percent for next several years, with prices in the $3.00–3.50 range. Additionally, many economists have stopped using the stocks-to-use ratio in their econometric models as a tool to forecast price because of its obvious limitations. As corn usage are likely to increase substantially to 13, 14, or even 15 billion bushels in the future, a 10 percent stocks-to-use ratio could very well equate to carry-out of 1.3, 1.4, or 1.5 billion bushels. So while the stocks-to-use ratio might seem low in these cases, actual carry-out levels would be right in line with the 12-year average (95/96 to 06/07) of 1.38 billion bushels.

According to a recent analysis from the University of Illinois, ''the stocks-to-use ratio is generally used as a ''short cut'' approximation for summarizing annual supply and demand conditions. However, very different supply and demand conditions in individual years can lead to similar ratios of stocks-to-use, but very different prices. The most obvious example is the contrast between a year of very small production that results in a low stocks-to-use ratio, but also requires very high prices to force a reduction in consumption and a large crop year that results in a high level of consumption, a low stocks-to-use ratio, but low prices.''

Without the strong domestic market corn farmers won't have the incentive to plant as many acres and take the risk that large production will drive down corn prices. An arbitrary stocks-to-use ratio trigger that restricts corn use for ethanol would likely diminish overall demand and put downward pressure on the price for corn. This would serve as a disincentive to farmers and discourage them from planting more corn at a time when more corn is what the feed and fuel industries need. The food and feed industries have assumed that farmers will continue to produce record crops regardless of prices and profitability. If production declines, or even grows more slowly, stocks could also fall, eventually driving prices higher. In the long-term, America's farm sector is better off maintaining a strong and growing domestic demand base and adding value markets.

The corn industry will continue to strive to satisfy a variety of important demands and maximize the utility of its product. Seed technology developments, increasing agricultural efficiency, innovation in biofuels production processes and other breakthroughs will ensure that growers will continue to meet the world's need for food, feed, fuel and other uses.

Efforts to undermine the continued growth of the U.S. ethanol industry should not be tolerated. A careful look at the facts reveals that American farmers have met, can and will continue to meet our domestic and international commitments for food and feed while still making a significant and growing contribution to lessening our dependence on imported oil with homegrown, American-made renewable fuels. We strongly urge you to oppose the Inhofe/Burr/Dole amendment.

Sincerely,
American Coalition for Ethanol.
American Farm Bureau Federation.
National Association of Wheat Growers.
National Corn Growers Association.

National Farmers Union.
National Sorghum Producers.
Renewable Fuels Association.

Mr. DURBIN. I make the point again that there is already a waiver provision in this bill. The Inhofe amendment goes too far in that regard.

If it is the appropriate time, I will raise my point of order.

The PRESIDING OFFICER. The Senator may make the point of order.

Mr. DURBIN. Mr. President, I raise a point of order that the pending amendment violates section 201 of Senate Concurrent Resolution 21, the concurrent resolution on the budget for fiscal year 2007.

Mr. INHOFE. Mr. President, I move to waive the applicable points of order against my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 31, nays 63, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—31

Alexander	Dole	Reed
Boxer	Enzi	Sanders
Bunning	Hutchison	Schumer
Burr	Inhofe	Sessions
Cardin	Isakson	Shelby
Carper	Kyl	Snowe
Chambliss	Leahy	Stevens
Cochran	Lott	Sununu
Collins	Mikulski	Vitter
Cornyn	Murkowski	
DeMint	Pryor	

NAYS—63

Akaka	Ensign	McCaskill
Allard	Feingold	McConnell
Baucus	Feinstein	Menendez
Bayh	Graham	Murray
Bennett	Grassley	Nelson (FL)
Bingaman	Gregg	Nelson (NE)
Bond	Hagel	Obama
Brown	Harkin	Reid
Byrd	Hatch	Roberts
Cantwell	Inouye	Rockefeller
Casey	Kennedy	Salazar
Clinton	Kerry	Smith
Coleman	Klobuchar	Specter
Conrad	Kohl	Stabenow
Corker	Landrieu	Tester
Craig	Lautenberg	Thune
Crapo	Levin	Voinovich
Dodd	Lieberman	Warner
Domenici	Lincoln	Webb
Dorgan	Lugar	Whitehouse
Durbin	Martinez	Wyden

NOT VOTING—5

Biden	Coburn	McCain
Brownback	Johnson	

The PRESIDING OFFICER. On this vote, the yeas are 31, the nays are 63. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 1800

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1800, offered by the Senator from Arizona, Mr. KYL.

Mr. KYL. Madam President, this amendment very simply changes an IRS interpretation of the 2005 Energy bill that provides a $1-per-gallon tax credit for creation of biodiesel. An interpretation by IRS said that if you take animal fat and add it to the biodiesel—or add it to diesel, you have biodiesel and then get the $1-per-gallon credit. That was not what was intended when this was created.

What has happened is all of the animal fat used to do this was already being used by the oleo chemical industry. Folks, for example, who make soap and detergents and the like, are finding the cost of the animal fat, their feed stock, has skyrocketed 100 percent this past year because of the way this has been done. As a result, we are simply changing the interpretation IRS put on it that big oil companies can take advantage of what was not intended to be a tax credit for them, people who are already refining diesel fuel. But rather, those who would create legitimate new diesel fuel from legitimate biomass, the credit remains; nothing changes for that. It simply means the oil companies taking advantage of the credit in an improper way would no longer be able to do so.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, the Senator from Arizona seeks to strike the provision of the underlying Finance Committee amendment—frankly, the amendment package which the committee voted to report by a vote of 15 to 5. The underlying amendment before us extends for 2 years the $1-per-gallon credit for renewable diesel, including diesel produced from animal fats. That credit is in current law. It is only 2 years old. We should give it time to work.

Under the language in the underlying Finance Committee amendment, we will revisit subsidies for most fuels, including this one, in the year 2010. The bottom line is we want to displace foreign oil imports—that is the goal—and every gallon of renewable diesel produced is a gallon of foreign imports displaced.

I urge my colleagues to help decrease foreign oil imports and oppose the Kyl amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. The question now is on agreeing to the Kyl amendment.

Mr. KYL. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. COBURN), and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 45, nays 49, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—45

Alexander	Ensign	McConnell
Allard	Enzi	Menendez
Bennett	Feingold	Murkowski
Cantwell	Graham	Murray
Clinton	Gregg	Obama
Coleman	Harkin	Schumer
Collins	Hatch	Sessions
Corker	Inhofe	Shelby
Cornyn	Kennedy	Snowe
Craig	Kerry	Specter
Crapo	Klobuchar	Sununu
DeMint	Kyl	Thune
Dodd	Lautenberg	Voinovich
Domenici	Martinez	Warner
Durbin	McCaskill	Webb

NAYS—49

Akaka	Dorgan	Nelson (NE)
Baucus	Feinstein	Pryor
Bayh	Grassley	Reed
Bingaman	Hagel	Reid
Bond	Hutchison	Roberts
Boxer	Inouye	Rockefeller
Brown	Isakson	Salazar
Bunning	Kohl	Sanders
Burr	Landrieu	Smith
Byrd	Leahy	Stabenow
Cardin	Levin	Stevens
Carper	Lieberman	Tester
Casey	Lincoln	Vitter
Chambliss	Lott	Whitehouse
Cochran	Lugar	Wyden
Conrad	Mikulski	
Dole	Nelson (FL)	

NOT VOTING—5

Biden	Coburn	McCain
Brownback	Johnson	

The amendment (No. 1800) was rejected.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

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

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

Mr. BINGAMAN. Madam President, I ask unanimous consent that there be up to 2 hours 10 minutes for debate prior to a vote in relation to the Kyl second-degree amendment to the Baucus amendment No. 1704, and the cloture vote on the Baucus amendment;

with the time divided as follows: 60 minutes to be used during today's session, and 70 minutes available for debate when the Senate resumes consideration of H.R. 6 on Thursday, June 21; with all time equally divided and controlled between Senators BAUCUS and KYL or their designees; with the Republican time being controlled 15 minutes by Senator KYL and 20 minutes by Senator DOMENICI; that no other amendment be in order prior to disposition of the Kyl amendment; with 30 minutes of the time on Thursday available for debate with respect to the motion to invoke cloture on the Baucus amendment No. 1704; and then, upon the use or yielding back of time, the Senate proceed to a vote in relation to the Kyl amendment; that upon disposition of the Kyl amendment, the Senate proceed to a vote on the motion to invoke cloture on the Baucus amendment No. 1704.

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

AMENDMENT NO. 1733 TO AMENDMENT NO. 1502

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I have an amendment at the desk, No. 1733, and would ask that it be called up at this time.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KKY] proposes an amendment numbered 1733 to amendment No. 1502.

Mr. KYL. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide a condition precedent for the effective date of the revenue raises)

At the end of subtitle B of title VIII add the following:

SEC. _____. CONDITION PRECEDENT FOR THE EFFECTIVE DATE OF REVENUE RAISERS.

Notwithstanding the provisions of this subtitle, the amendments made by this subtitle shall not take effect unless the Secretary of Energy certifies that such amendments shall not increase gasoline retail prices and the reliance of the United States on foreign sources of energy.

Mr. KYL. Madam President, I will speak for one minute and then yield about 10 minutes to the Senator from Kentucky who will begin the discussion. Actually, I would like to read the entirety of this amendment. It will take me about 10 seconds. It explains what the amendment does.

Notwithstanding the provisions of this subtitle, the amendments made by this subtitle shall not take effect unless the Secretary of Energy certifies that such amendments shall not increase gasoline retail prices and reliance of the United States on foreign sources of energy.

What this amendment does very simply is to say that the $28.6 billion in tax increases called for by this bill will be allowed to go into effect as long as the Secretary of Energy can certify that it would not raise gas prices or cause further dependence on foreign oil. The reason for the amendment, obviously, is to make a point. It is going to be very difficult to have $28.6 billion in tax increases on oil producers not reflected on our gasoline cost at the pump. I predict Americans will pay more for their gasoline because of the tax increases in this legislation.

I will have more to say about the three different kinds of tax increases, why I believe that is the case, why I think it is a bad idea for us to increase our dependence on foreign oil and increase the cost of gasoline to consumers as a result of the tax increases embodied in this bill.

At this time, I yield 10 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, I thank Senator KYL for yielding. I rise in support of amendment No. 1733 that would prevent the tax increases in this bill from going into effect if the tax provisions raise gasoline prices or increase our dependency on foreign oil. I voted against these tax increases in the Finance Committee, and I strongly oppose all the tax increases in this bill. But there is one provision I oppose in particular. I am referring to the 13-percent severance tax on oil and gas leases.

There are several reasons why the Federal Government will never see the $10.6 billion allegedly raised by this provision and why we should not, under the banner of tax law, confiscate property. Very simply, the United States should not break its contracts. A deal is a deal. The Clinton administration bid out these lease contracts in the Gulf of Mexico in 1998 and 1999, more than 1,000 of them. Now, with the benefit of hindsight, the small number of performing leases—about 20 of them—look like a bad deal for the Government. That may be true. Some leases negotiated before and after the period in question have 12.5 percent royalty rates. These leases have a zero rate.

On the other hand, the favorable terms that Senator BINGAMAN complains about encourage the oil companies to pay more at the outset to drill in deeper waters. Senator BINGAMAN knows he cannot tear up the contracts he does not like, so he has proposed an unprecedented and unusual targeted severance tax that falls almost exclusively on the current holders of these leases. This tax is so unusual, the Federal Government has never imposed a severance tax on resources, and we never have enacted a tax that can be offset by royalty payments.

If there is any doubt about the purpose of this tax, Senator BINGAMAN cleared that up earlier today when he explained the tax will not impact future leaseholders. The only people who actually pay this 13 percent tax are the holders of the leases Senator BINGAMAN thinks are a bad deal. As Senator BINGAMAN explained, future leases are expected to have a royalty rate higher than the tax, and royalties can be used to offset the tax under Senator BINGAMAN's scheme. The problem with this is Congress cannot reverse contracts legislatively without paying compensation. The Supreme Court has said as much in two recent cases: Winstar and Mobil Oil. What is more, the Federal courts have said Congress cannot use its taxing power to break or modify a Government contract.

But that is precisely what this measure aims to do. If we enact this legislation, we will cast a small degree of doubt on every contract the Federal Government ever writes. We will raise the cost of Government today and for generations because every contractor will wonder whether their Congress might step in to claw back the benefits of the deal.

Here is a true story. During the savings and loan crisis, Federal regulators tried to encourage healthy thrifts to buy up failing thrifts to stabilize the savings and loan industry. They agreed to more lenient regulatory standards and tax benefits that would be available to the healthy thrifts. Later, when the cost of the savings and loan bailout became a concern, Congress enacted laws that took back some of these benefits. One of these laws was the Guarini amendment, a targeted tax provision. Similar to the Bingaman severance tax, the law seemed to raise revenue on paper. But in the end, the Federal courts reversed themselves, and the Federal Government paid out millions in damages for breach of contract. The same Federal court that decided these cases has exclusive jurisdiction to decide whether the 13-percent severance tax is legal. I am not optimistic.

We should make sure this provision never becomes law by voting for the Kyl amendment. It is unconstitutional. It is un-American. It will raise gasoline prices across the board, not lower them, by imposing additional costs on the American oil and gas companies. Most of them are small companies that risk capital to search for oil in the Gulf of Mexico.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, unless the chairman of the committee would like to speak next, I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Senator from Arizona for yielding me the time to speak on his amendment which basically requires a certification from the Secretary of Energy that these taxes will not increase retail gasoline prices or the reliance of the United States on foreign sources of energy. I think it is a good amendment. Here is why. The current bill, as I see it, does nothing to produce more energy. It doesn't do anything to make energy less expensive. It makes us more dependent on

foreign oil from my perspective. This amendment helps remediate the provisions of the current Energy bill before us.

I think back to the previous Energy bill passed in the fall of 2005, in which we accomplished a lot. We did a lot to increase the supply of energy through incentives and to hold down costs because we were increasing supply. It made us less dependent on foreign oil.

In that particular legislation, we took nothing off the table. We kept traditional fuels out there. Many of those were the petroleum products, but included hydroelectric plants. We also had incentives in there for nuclear fuels. We did a lot to encourage renewable fuels. We had provisions to encourage production of solar energy, production of wind-generated energy, geothermal energy, probably one of the more practical and efficient ways of generating energy, with some of the local governments in the State of Colorado taking advantage of the source. Hydrogen was a source, cellulosic sources of alcohol and energy fuels, corn ethanol. We even had conservation provisions in there, for example, provisions which would allow tax credits for housing and construction projects that produced buildings that conserved energy. It was a good, well-balanced bill, and it didn't have many mandates in it.

One of the concerns I have is the huge amount of mandates and tax increases we have in this bill which will make it more difficult to generate energy. Not only will it make it more difficult to generate energy, but it will also make it more expensive. When you make anything more expensive, consumer demand will go down, but also production will go down because what you are implementing is taxes that are directed to the producer.

As Senator BUNNING commented, there is going to be an injustice. It wouldn't surprise me if we have court action and if it doesn't turn away some of the revenue-producing provisions of this bill.

I am not in support of the bill as it stands now. With the adoption of the Kyl amendment, I think it remediates many of the provisions in this bill that I have an objection to. These provisions undo a lot of what we did in the big Energy bill in 2005.

I am urging my colleagues to join me in supporting the Kyl amendment. It simply states that the amendments shall not take effect unless the Secretary of Energy certifies that such amendments shall not increase gasoline retail prices and the reliance of the United States on foreign sources of oil. It is very simple, straightforward. I urge my colleagues to join me in supporting this important amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that the amendment I have offered, No. 1733, be modified to reflect that it is a second-degree amendment to the Baucus amendment No. 1704.

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

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself such time as I may consume.

First, let me begin by reminding the Senate why we are here today. We want a strong energy policy. I think most Senators agree that the underlying bill, plus the Finance Committee bill, moves this country very much in the right direction, making us less dependent upon OPEC. It enhances national security. It will move us more toward alternative and renewable fuels, conservation, cellulosic ethanol, and also clean coal technology. This is a very good bill.

It is important to remind ourselves why we have these provisions that are the subject of the amendment offered by the Senator from Arizona. We have to pay for what we do here. It is something called pay-go. Essentially, whenever we decrease taxes—and that is what the underlying Finance Committee bill does, it decreases taxes; it gives incentives to lots of different organizations to help develop new technologies, this is a tax-decrease bill—we also, under our rules, have to raise revenue the same amount that we decrease revenue.

We are here today to debate the offsetting amendment offered by the Senator from Arizona. Basically, should we pay for what we are doing? That is the basic question.

I say that is the basic question because it is one that offers no alternative. He just wants to strike the provisions that raise revenue in this bill to pay for other things, to pay for the tax decreases. So on a net basis, it is zero. Some like to say this is a tax increase bill. It is not. It is a net zero—zero-zero.

So the Senator from Arizona is not suggesting any alternative. He just says, no, we do not pay for what we are trying to do here. I think this body all agrees we need to pay and should pay for what we do. The question is whether this is a proper pay-for. I remind my colleagues that this full committee amendment, which includes the provisions which are the subject of the amendment of the Senator from Arizona, passed the committee by a vote of 15 to 5—a very strong, bipartisan vote. Many Senators believed—15 Senators believed—this is proper. It is right to have these provisions in this legislation.

We clearly do not want to increase the deficit. If the Senator's amendment passes, and these incentives for clean energy remain, it will have an effect of increasing the deficit.

Let's go in a little more detail about these offsets. The first is the section 199. What is that? I think all of our colleagues remember that several years ago—basically prior to 2004—the United States had a program called FSC-ETI. That was a program placed to give incentives for companies to manufacture products that are shipped to foreign countries. It was an incentive for domestic manufacturers to ship products overseas. The World Trade Organization ruled that this incentive violated WTO rules. The Europeans have something similar. They just constitute it a little differently, so they are able to have their stimulus for their exports that go overseas. But ours was ruled illegal by the WTO.

So what did we do about that in the Congress? We decided we were going to enact this section 199. What is that? Basically, it gives a deduction for domestic manufacturers, and it is phased in. When fully phased in in 2010, it will allow 9 percent of qualified production activities income to be deducted.

Well, here we are today saying: Well, for the five major oil companies, that 199 deduction for their production is no longer available to them. Some here suggest: Well, that is going to have the effect of increasing prices at the pump and it will maybe discourage domestic production in the United States.

Look at the record. Look at the facts. The facts are basically these. Since this provision went into effect—section 199—what has happened domestically in the United States? The major oil companies have gotten a significant break. It comes down to approximately $10 billion over 10 years. Domestic production by the five major oil companies has actually declined, even though they had this break, they got this additional incentive. Did it increase production in the United States? No, it did not increase production in the United States. It decreased production. Remember, this is a provision which applies to domestic production. It did not increase domestic production. Domestic production by oil companies actually decreased over this period of time.

I might also say that the Joint Committee on Taxation has done an analysis on this issue, and they demonstrated many of the points I am making.

So if you look at all the various factors that bear on this issue, you reach the conclusion that domestic production has gone down. So the argument that this one bill, this one portion will be responsible for decreasing domestic production is a specious argument. The facts show the opposite.

What determines gasoline prices charged at the pump? The Joint Committee on Taxation looked at this question, and it is their determination that—and it is obvious—the price at the pump is determined by an awful lot of complex factors. It is global demand. It is a lot of supply factors. I could go on as to all the factors the Joint Committee on Taxation believes contributes to this issue. To say there is a direct link that this provision is actually going to increase prices is just not accurate. It is just not going to happen.

It is a fallacious argument to try to discourage and confuse people into saying, therefore, this is not a good pay-for.

What are the other oil provisions? There are three of them. I already mentioned one. The second one is a loophole-closer.

Basically, this is a loophole identified by the Joint Committee on Taxation. In short, it has to do with credit American companies get for taxes paid overseas. For oil and gas production, there are two specific provisions relating to foreign taxes. One provision, called foreign oil and gas extraction income, or FOGEI, applies to extraction costs of oil and gas. The other, foreign oil related income, or FORI, applies to downstream distribution costs.

The long and short of it is that the Joint Committee on Taxation recommended changes to the system of credits against foreign taxes, a streamlining of FOGEI and FORI. And that's what the Finance Committee has done.

We closed this loophole, and it happens to raise over $3 billion dollars. This is a loophole closer. That is what this is. I cannot see any reason why anyone would have any problem with that.

In fact, the oil company people tell us it is probably a good thing to close this loophole. Why? Because it is so complicated to comply with.

Now, let's go to the third provision in this bill. This is the provision with respect to Outer Continental Shelf severance taxes. Clearly, constitutionally, the Congress always has the power to enact a tax. This is a 13-percent tax on production in the gulf. That is what it is. Producers can offset that tax with royalties they otherwise would pay for those leases in the gulf.

Now, the provision applies not just to the so-called years in question—1998 and 1999. It applies to a much broader range of leases in the gulf. This is not targeted to those 2 years people discuss. This is a severance tax that Congress has the power to levy in this area.

A couple points: The President himself enacted a higher level of royalties for all new leases at 16⅔ percent. On his own, he raised the royalty rate to 16⅔ percent for most new offshore deepwater federal oil and gas leases.

In this amendment, we are talking about a 13-percent severance tax. Is this a breach of contract? No. We have asked the American Law Division of the Congressional Research Service to research this point for us because we do not want to do anything that is going to be unconstitutional and wrong. They say no, that basically Congress has the power to enact this provision. Under the broad public purposes, which is the basic standard, which is utilized here in the courts, Congress does have the power to do this. The question is, Is this a taking or confiscatory? No. This is not confiscatory. Nobody can make an argument this is confiscatory. So there is no takings, fifth amendment question here. Someone can raise it, but I think any reasonable person looking at this issue would say it is not a taking, it is not confiscatory, and second, this is not a breach of contract because we are saying: Hey, Congress has the power to enact the tax and credit royalties against it.

Do not forget, the President already said those folks, those companies are not paying enough. So he raised the royalty rate to 16⅔. We are saying 13 percent, in the form of a tax. We are trying to be reasonable. We are trying to do what is right. We came up with that 13 percent.

Another point that is kind of tricky about this amendment—it is kind of interesting about this amendment—essentially, it is delegating to the Secretary whether or not the oil companies are going to pay taxes. That is basically what the amendment says: Congress, you cannot decide; it is not your prerogative; it is up to the Secretary. Because he has this little clause in there that says: Unless the Secretary certifies, it is not going to increase prices. Come on. The Secretary can say anything he wants to say in this area because it is so complicated. It is so complicated. We should not be giving such broad authority to the Secretary for him to determine whether this offset should be enacted. But that is what the Kyl amendment does. I think any reasonable person would say: Hey, that is not the right thing to do. We do not want to give the Secretary this authority. You guys—men and women in Congress—we elected you to do what is right. Basically, what is right is to enact these provisions.

So I, therefore, urge all of us—the body—let's keep our heads on straight. Let's keep our feet on the ground. This is common sense. Let's oppose this thing that does not make any sense.

Mr. President, I ask how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Montana has 16½ minutes. The Senator from Arizona has 16 minutes.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. The Republican whip is recognized.

Mr. LOTT. Mr. President, I have not spoken on this energy legislation. There is no question in my mind that we need a national energy policy. I do not think this bill, in its current form, does what we need to do. I have always believed what we need to do in America is produce more energy here at home. More supply—that is the answer—not try to do with less, try to shrink what we have in terms of energy or conserve ourselves into an energy policy. I want more. This is America.

We can produce more of everything. More oil? Yes. More natural gas? Absolutely, and do a lot of innovative things with it. More coal? I am for clean coal technology. I am for changing coal to liquids. I am for doing whatever we can with coal. I am for hydro. We should have more hydroplants, but we have people who have reservations about that. It has environmental or conservation problems. And more nuclear. It is clean. It is safe. But what are we doing to get more of them on line? Nothing.

This bill has turned out to be really about alternative fuels, conservation, and green policies.

Now, for years, I have said I do not want any of that. I want production. By the way, in my State, we can do it. We can have more of everything: oil, gas, coal to liquid, lignite coal, ethanol. We are trying to do it all. We are going to be energy independent. In fact, we are going to wield our power to other parts of the country. So that is what I wanted, but I am over that. I want a national energy policy. I am prepared to accept alternative fuels, some renewables if they make sense, if they are justified in the market but not paid for by outrageous tax credits that don't produce anything. I am for conservation. We should encourage that. Get different light fixtures, look at the utilities we have in our houses, the appliances, are they using too much electricity; insulation, I am for all of that.

So let's have the grand compromise on energy. Let's do it all. This bill doesn't do it. To my colleagues, I want to say I believe America is in great danger because of our inability to come together and do it all.

I was in Russia 3 or 4 weeks ago. I had a chance to see their transmission network of gas and to look at their fields in Siberia, the oil and natural gas. I met with the leadership of Gazprom, the Russian Government-controlled energy company. It was scary. I have no doubt in my mind they intend to use gas as a weapon. They are going to be shipping natural gas that provides the power to all of Europe, Eastern Europe, Western Europe, all the way to Ireland. By the way, if they don't get what they want, they will cut it off.

Here we are in America. We are dependent for our energy sources, 80 percent on foreign oil. Is that good? No, that is bad. Look at whom we are depending on: Russia, Iraq, Iran, Nigeria, Venezuela, and then some who I guess are more stable for now: Saudi Arabia, Kuwait. Is that what we want? No, we don't want that. This is a dangerous situation.

So we should encourage and facilitate the whole package. Flexible fuels, I am for that. We should try to see what we can do with renewables. I don't believe for a minute we are going to get 15 percent of our energy needs from wind. Come on now. Wind and solar. There are people who think we are going to heat, power, and supply all our energy needs in the future from wind and solar. For heaven's sake, get real. We have already sunk billions of dollars into some of these ideas that might work or might not. I am willing to try them. I will buy the deal, but

this is not the deal. This is another tax increase: $28.6 billion. I thought it would be $15 billion.

By the way, let me make it clear. There is some good stuff in here. Some of it I supported, some of it I voted for. But overall, what we have is an energy bill that came out of the Energy Committee that now doesn't amount to very much; it is all about renewables and green policy. It is not going to produce another drop of oil, 1 cubic foot of natural gas. In fact, now, we are going to discourage oil and gas exploration in the Gulf of Mexico.

By the way, I should be able to talk about this because this is in my neck of the woods. I have lived in the shadow of oil and gas rigs for years in the gulf. The best fishing in the gulf is around the rigs. We have oil and gas out there. Our policy in America is we don't want to drill where it is. We don't want to drill in the gulf, we don't want to drill on the west coast, we don't want to drill on the east coast, we don't want to drill in ANWR. I have a novel idea of where we ought to drill: Drill where it is, and do it safely. We can do that. Finally, after a lot of huffing and puffing and stroking and scratching last year, we finally said: Yes, we are going to have more oil and gas exploration in the Gulf of Mexico. It is going to be in a defined area. It is not going to be close to the shore, which I think it should be, much closer to the Florida coast, for instance—and my coast, too, for that matter—but we did it for control in a responsible, acceptable way. The States, by the way, are going to get some royalties out of it for the first time ever, or for the first time in many years. We came up with a good deal.

Now, in this bill, we are going to go back, and we are going to levy a 13-percent tax on oil and gas production in the Gulf of Mexico that will cost $10.6 billion on the oil companies. Now, look, I am not going to cry any tears for oil companies. I have a populist streak in me. I don't like gasoline prices. But, buddy, let me tell you, this bill is not going to reduce anybody's gasoline prices. This bill is not a national energy policy.

This bill will lead to less American production in the critical areas where we could do something quickly. By the way, we are going to tax them. Are we never going to learn when you tax something, you get less? If you get less, what do you think it is going to do to the price of gasoline? By the way, we are going to ride these cats—these companies—offshore. They are not going to put up with all these taxes. They are going to go get it somewhere else. They can do business internationally. The biggest company in the world, ExxonMobil—they are not the biggest company in terms of oil or gasoline in America, no; there are other companies that fit that role—much of their business is overseas.

So there is about $21 billion more on the oil companies, and I think it is being done in the wrong way. But we can't come out and talk about how we are going to make such great changes and that we are going to do something about energy prices and the price of gasoline, when the reverse is true. This bill would say that—exactly, it would effectively strike all the tax increases unless and until such time as the Energy Secretary can certify they will not result in increased gas prices or increased dependence on foreign sources of energy.

You are right, you know, they would not be able to certify that. This would not be good for the country.

Yes, again, I wish to say the Wyden amendment is in there. I support it. I voted against the amendment awhile ago that Senator KYL had. I am not pure either. I am over trying to be pure. But I do expect us to not do the wrong things on energy policy—don't do the bad things, even if we can't do the right things.

I am extremely upset about what we have come up with out of the Finance Committee and on the energy package as a whole. This is not going to do the job. It is not going to become law.

So here again, the Senate is spinning its wheels. Yes, well, we are making a statement. Maybe we will feel better. But in terms of addressing an energy policy, this will not do it.

I yield the floor. Thank you for the extra time.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from New York, but I don't see him yet. So I yield the balance—11 minutes plus 5 is 16—so I yield 11 minutes to the Senator from Oregon, Mr. WYDEN, and the remaining 5 to the Senator from New York when he appears on the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I wish to pick up on the comments of my friend from Arizona and my friend from Mississippi, two Senators whom I have worked with on many issues and must unfortunately disagree with them on this one. I want the Senate to understand exactly what the implications would be if the Kyl amendment were to pass.

If the Kyl amendment were to pass, the major oil companies would receive billions and billions of dollars of subsidies that President Bush says the major oil companies do not need. I wish to be specific on this as we go to the debate with the Senator from Arizona and the Senator from Mississippi.

The President of the United States has said that when the price of oil is over $55 a barrel, the oil companies do not need incentives to develop and explore. Let me repeat that. President Bush has said when the price of oil is over $55 a barrel, the oil companies do not need incentives to explore and search for oil. The price of oil at this time is substantially over $55 a barrel. So if the Kyl amendment passes and we refuse to strip these incentives the President says aren't needed, we are going to continue business as usual.

The Kyl amendment says, essentially: Let us continue these practices we have had for the last few years that have done nothing—nothing—to reduce our dependence on foreign oil.

What we have had in the past are billions of dollars of subsidies. For example, in section 199 of the Tax Code, not for investing in refinery capacity, not for investing in new production, not for investing in renewable fuels but essentially continuing the practices that have nothing—done nothing to reduce our dependence on foreign oil. I have always said we ought to target tax breaks and incentives where there is an opportunity for new production. That is why I have always favored looking at potential incentives for small companies.

But that is not what this amendment is all about. This amendment is about continuing the giveaways for the big companies, the giveaways the President of the United States says are not needed.

So where we are is oil is at almost $70 a barrel, gas is over $3, more imports than ever, and it seems to me continuing business as usual as the Kyl amendment would do is not a case you can make. The Finance Committee amendment changes our course. It ends the section 199 tax breaks for the major oil companies. It takes steps to end our addiction to oil. It takes steps to end our addiction to continuing billions of dollars of subsidies that the President says are not needed.

Let us not continue these billions and billions of dollars in the name of a modern energy policy. It is not. The idea that shoveling all these breaks, these billions of dollars of breaks at the oil industry is somehow going to be good for America is not borne out by the record. It is not borne out by the record, and in my view, until we take these steps to protect taxpayers and protect consumers and protect the security of the country, I think what will happen is we will continue to increase our addiction to foreign oil, we will continue to have these prices, these staggeringly high prices of $70 a barrel and consumers will still get clobbered at the pump.

I am going to have more to say about this in the course of tomorrow, but I would say in closing—and I see my good friend from Arizona on the floor of the Senate—that if the Senate supports this particular amendment, the Kyl amendment, what it will be doing is it will be continuing billions of dollars in tax breaks that if you use the test applied by the President of the United States, those major companies do not need. No one has been able to make a case, it seems to me, that the President of the United States is wrong. In fact, every time this topic has come up, I have said I think the discussion ought to begin with the comment of the President. I credit the President for his statement because I think it reflects modern reality. The President knows a lot about the oil

business, and the President says you don't need these subsidies when the price is over $55 a barrel.

But along comes the Kyl amendment, and the Kyl amendment says: No, I pretty much don't see it the way the President of the United States sees it. I am going to continue the billions and billions of dollars of subsidies when it is not needed.

The last point I would like to make very quickly deals with the Bingaman language. We have heard again and again that this somehow retroactively sweeps in and unravels previous agreements. That is untrue. Yesterday, I asked in the Senate Finance Committee the counsel about this. The counsel was very clear it applies prospectively, it does not apply retroactively, and it applies to all of the activity going on in the gulf.

The Government Accountability Office has said that in terms of our position in the world, we stand almost alone in terms of our position relative to getting a fair shake on revenue and protecting taxpayers. The reality—and the Bingaman amendment picks up on this—is taxpayers are getting fleeced by major oil companies when they drill on public land.

We are talking about our land, the people's land. We are not talking about private lands. We are talking about our lands. And the Bingaman amendment takes steps to correct that situation.

I hope my colleagues will reject the amendment of the Senator from Arizona. If I have made one point tonight, I want it understood, if the Kyl amendment is adopted, major oil companies would continue to receive billions of dollars of subsidies that the President of the United States has said they do not need.

Mr. President, I note that my colleague from New York has not arrived. The Senator from Arizona, I am sure, wants to respond. I reserve the time that was propounded in the request by Senator BAUCUS for Senator SCHUMER when he arrives. Since he is not here, and Senator KYL is, I yield the floor to him with the reservation for Senator SCHUMER when he arrives.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wish to respond to some of the comments my colleagues made to remind everyone many of the dire predictions, including the ones of my good friend from Oregon, are a little beside the point.

If you look at the actual wording of my amendment, it does not say anything about subsidies to big oil companies or anything of the like. Maybe I better read it again:

> Notwithstanding the provisions of this subtitle—

And those are the tax increases on oil companies, as well as the other tax increases in the legislation—

> the amendments made by this subtitle shall not take effect unless the Secretary of Energy certifies that such amendments shall not increase gasoline retail prices and the reliance of the United States on foreign sources of energy.

That is all it says. There isn't any more. There isn't anything about subsidies to oil companies or anything of the like.

What the Senator from Oregon might be saying is that the provisions of the bill are not going to go into effect because it is true that the tax increases will, in fact, raise prices for American gasoline consumers and will increase our dependency on foreign oil. If, as the chairman of the committee said, that is not true, there is no relationship—in fact, his exact words were: It is fallacious to argue that these new taxes in the bill will raise fuel costs. If that is true, then there would not be any effect. The argument of the Senator from Oregon then falls. But if it is true the taxes in this legislation will raise prices for oil consumers or gasoline consumers and will further our dependence on foreign oil, then the Senator from Oregon at least has a point to argue because one provision out of the three major tax provisions relates to the general subject that he and I have worked on in the past and that he was talking about, which is the royalties that should be paid by offshore oil companies.

One of two things is true, but they can't both be true. It might be true the tax increases in this legislation are going to raise the cost of gasoline to American consumers and increase our dependency on foreign oil, and then at least one of the things the Senator from Oregon talked about would at least come into play.

Or it could be, as the Senator from Montana said, there would not be any effect because this would not raise gasoline prices, in which case the Senator from Oregon is simply incorrect when he says that the effect of my amendment is to provide subsidies for oil companies. They can't both be true.

What is the probability? I think the probability is that the tax increases in this legislation will raise prices for American consumers and will increase our dependency on foreign oil. And that is just not my guess, although it is fairly intuitive if you understand anything about economics. If you tax something, more generally the producer of that product is going to reflect the prices in what he charges to consumers, and the price, therefore, paid at the pump, in the case of gasoline, goes up.

A recent study by the Heritage Foundation found that the tax provisions alone in this legislation, setting aside the other mandates in the Energy bill, will likely increase gas prices by 21 cents per gallon over the next 8 years. Taking all of the provisions together, the Energy bill could increase the price of regular unleaded gasoline from $3.14 a gallon to $6.40 a gallon by the year 2016, a 104-percent increase.

For comparison, current policies will lead to gas prices climbing from $3.14 to $3.67 in the year 2016. And in just the next year alone, consumers can expect to pay between $3.16 to $3.79 due to the impact of this bill.

During the next decade, between now and the year 2016, due to this bill alone, consumers can expect to spend an average of $1,445 more per year on gasoline. Again, that is not just speculation. It is obviously the law of supply and demand. It is the law of economics. If you are going to impose this tax, it is going to be passed on by the people who pay the tax. So American consumers can expect to pay a lot more for gasoline at the pump.

I don't think anybody would argue that our dependence on foreign oil is going to decrease. In fact, because of one of the three provisions of this bill, the foreign tax credit tax increase, it is obvious our oil producers are going to be put at an economic disadvantage vis-a-vis those abroad, and it is obvious we are going to have to be more dependent on foreign oil, not less.

It was interesting that the Senator from Montana started out his argument saying the purpose of this bill is to get more energy, especially from renewable fuels. It is true the purpose of a good energy bill should be to get more energy. The problem is, this bill doesn't provide any more energy. It does focus some subsidies on renewable fuels, and the only way we are going to get more renewable fuel energy, obviously, is by subsidizing those particular energy sources. But the bill itself provides not a drop of new oil. Yet somehow or another it costs $28.5 billion, and that gets to the second point the Senator from Montana made.

He said this is not a tax-increase bill; this is a tax-decrease bill. But then he lets the cat out of the bag by saying: Of course, we must still pay for what we are doing. Well, indeed. We do have to pay for what we are doing, and what we are doing is spending $28.5 billion. So the bill raises taxes by $28.6 billion. That is the estimate the Congress must use. That is what the Finance Committee is required to use, $28.6 billion in new taxes. The reason: to pay for what we are doing, for what the bill spends.

Granted, some of the spending in the bill is in the form of tax breaks, such as the last tax break we talked about. Unfortunately, my amendment was not adopted, so a tax break is going to be misused, and we are going to be paying billions of dollars because of that misuse. But I think there is no question that the tax increases that are provided for in this bill will be seen as tax increases.

Mr. President, has my time expired?

The PRESIDING OFFICER. Yes, it has.

Mr. KYL. That is the end of my time. I will resume this argument tomorrow morning and remind my colleagues why it is that I think we don't want to pass the tax increases in the bill.

Mr. WYDEN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I believe I have a couple of minutes, and then Senator SCHUMER has time reserved. I ask unanimous consent that Senator KLOBUCHAR follow Senator SCHUMER.

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

Mr. WYDEN. Mr. President, I will be very brief. The Senator from Arizona makes the point that he always does eloquently about markets, and I come back to the fact that President Bush has said you don't need subsidies when the marketplace price is over $55 a barrel. So what we want to do is cut back on the subsidies and begin to create the kind of market that I know the Senator from Arizona favors.

I also ask unanimous consent to have printed in the RECORD a Government Accountability Office report of May 1, 2007, which makes it very clear that taxpayers are being ripped off for the drilling by major companies on public lands.

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

UNITED STATES GOVERNMENT
ACCOUNTABILITY OFFICE,
Washington, DC, May 1, 2007.

Subject: Oil and Gas Royalties: A Comparison of the Share of Revenue Received from Oil and Gas Production by the Federal Government and Other Resource Owners

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate.
Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources,
House of Representatives.
Hon. STEVAN PEARCE,
Ranking Member, Subcommittee on Energy and Mineral Resources, Committee on Natural Resources, House of Representatives.
Hon. MARY L. LANDRIEU,
U.S. Senate.

Amid rising oil and gas prices and reports of record oil industry profits, a number of governments have taken steps to reevaluate and, in some cases, increase the share of oil and gas revenues they receive for the rights to develop oil and gas on their lands and waters. For example, the State of Alaska has recently passed new oil and gas legislation that will increase the state's share of revenue received from oil and gas companies operating state leases. In January 2007, the Department of the Interior announced an increase in the royalty rate for future leases granted in the deepwater region of the Gulf of Mexico. Companies engaged in exploration and development of oil and gas resources do so under terms of concessions, leases, or contracts granted by governments or other resource owners. The terms and conditions of such arrangements are established by law or negotiated on a case-by-case basis. One important aspect of the arrangements is the applicable payments from the companies to the resource owners—in the United States, these include bonuses, rentals, royalties, corporate income taxes, and special fees or taxes. The precise mix and total amount of these payments, referred to as the ''fiscal system'' varies widely across different resource owners. The total revenue, as a percentage of the value of the oil and natural gas produced, received by government resource owners, such as U.S. federal or state governments is commonly referred to as the ''government take.'' For example, a government take of 50 percent means that the government receives 50 percent of the cash flow produced from an oil or gas field.

In fiscal year 2006, oil and gas companies received over $77 billion from the sale of oil and gas produced from federal lands and waters, and the Department of the Interior's Minerals Management Service (MMS) reported that these companies paid the federal government about $10 billion in oil and gas royalties. Clearly, such large and financially significant resources must be carefully developed and managed so that our nation's rising energy needs are met while at the same time the American people are ensured of receiving a fair rate of return on publicly owned resources, especially in light of the nation's daunting current and long-range fiscal challenges.

As requested, this report documents the information provided to your staffs in March 2007 on the U.S. government's take and implications associated with increasing royalty rates. Specifically, this report discusses (1) the United States' government take relative to that of other government resource owners and (2) the potential revenue implications of raising royalty rates on federal oil and gas leases going forward. To address the government take, our work included reviewing results of studies done by oil companies and industry consultants. We also collected and analyzed various studies generated by MMS, the agency responsible for collecting oil and gas royalties from federal lands and waters. In addition, we reviewed results of studies prepared over the last 13 years by various private and government sources on government take and interviewed Alaskan state and private consulting firm officials. In evaluating the study results we conducted interviews with study authors and an industry expert to discuss the study methodologies and the appropriate interpretation of the results. Based on these interviews and our review of study results, we believe the general approach that these study authors took was reasonable and that the study authors are credible. However, we did not fully evaluate each study's methodology or the underlying data used to make the government take estimates. Overall, because all the studies came to similar conclusions with regard to the relative government-take ranking of the U.S. federal government and because such studies are used by oil and gas industry companies and governments alike for the purposes of evaluating the relative competitiveness of specific fiscal systems, we are confident that the broad conclusions of the studies are valid. To address the revenue implications of raising royalty rates, we gathered information from reports, studies, and government documents, and drew from past GAO reports related to oil and gas royalties. We also discussed the material in this report with MMS officials and they made helpful suggestions about the factors affecting the revenue implications of raising royalty rates. Our work was done from January 2007 through March 2007 in accordance with generally accepted government auditing standards.

IN SUMMARY

Based on results of a number of studies, the U.S. federal government receives one of the lowest government takes in the world. Collectively, the results of five studies presented in 2006 by various private sector entities show that the United States receives a lower government take from the production of oil in the Gulf of Mexico than do states—such as Colorado, Wyoming, Texas, Oklahoma, California, and Louisiana—and many foreign governments. Other government-take studies issued in 2006 and prior years similarly show that the United States has consistently ranked low in government take compared to other governments. For example, a study completed in 2006 for MMS showed that the U.S. federal government take in the Gulf of Mexico deepwater and shallow water was lower than 29 and 26, respectively, of the 31 fiscal systems analyzed. In deciding where and when to invest oil and gas development dollars, companies consider the government take as well as other factors, including the size an availability of the oil and gas resources in the ground; the costs of finding and developing these resources, including labor costs and the costs of compliance with environmental regulations; and the stability of the fiscal system and the country in general. All else held equal, more investment dollars will flow to regions in which the government take is relatively low, where there are large oil and gas deposits that can be developed at relatively low cost, and where the fiscal system and government are deemed to be relatively more stable. Regarding the deepwater areas of the U.S. Gulf of Mexico, the current size of the government take, the relatively large estimated amounts of oil and gas in the ground, and the proximity to the large U.S. market for oil and gas make this region a favorable place to invest. However, the high costs of operating in deepwater may deter some investment.

Increasing royalty rates on future federal oil and gas leases would likely increase the federal government take but by less than the percentage increase in the royalty rate because higher royalty rates would likely reduce some taxes and other fees and may also discourage some development and production. For example, the recently announced increase in royalty rates from 12.5 percent to 16.67 percent on future leases sold in the deepwater regions of the Gulf of Mexico will, according to MMS, increase overall federal revenues but will also cause reductions in some fees and in oil and gas production. Specifically, MMS estimates that the new royalty rate of 16.67 percent will increase revenue by $4.5 billion over 20 years. MMS also estimates that, by 2017, this increased revenue will be partially offset by revenue losses of $820 million over 20 years as a result of reduced rental fees as well as a decline in production of 5 percent. A lower royalty rate can encourage oil companies to pursue oil exploration and production and thereby provide an economic stimulus to oil producing regions. For example, according to a MMS study issued in 2006, as the industry expands output in the Gulf of Mexico, employment levels in all Gulf Coast states-including Alabama, Louisiana, Mississippi, and Texas-tend to rise to meet industry needs. As part of an energy strategy to meet the nation's energy needs and balance the impacts of energy use on the environment and climate, a healthy domestic oil and natural gas industry is essential, and that means that the United States must continue to create a market that is competitive in attracting investment in oil and natural gas development. Such development, however, should not mean that the American people forgo a competitive and fair rate of return for the extraction and sale of these natural resources, especially in light of the current and long-range fiscal challenges facing our nation. The potential trade-offs between higher revenue collections and higher oil production highlight the broader challenge of striking a balance between meeting the nation's increasing energy needs and ensuring a fair rate of return for the American people from oil production on federally leased lands and waters.

BACKGROUND

The Department of the Interior, created by the Congress in 1849, oversees and manages the nation's publicly owned natural resources, including parks, wildlife habitat,

and crude oil and natural gas resources on over 500 million acres onshore and in the waters of the Outer Continental Shelf. In this capacity, the Department of the Interior is authorized to lease federal oil and gas resources and to collect the royalties associated with their production. The Department of the Interior's Bureau of Land Management is responsible for leasing federal oil and natural gas resources on land, whereas, offshore, MMS has the leasing authority. To lease lands or waters for oil and gas exploration, companies generally must first pay the federal government a sum of money that is determined through a competitive auction. This money is called a bonus bid. After the lease is awarded and production begins, the companies must also pay royalties to MMS based on a percentage of the cash value of the oil and gas produced and sold. Royalty rates for onshore leases are generally 12 and a half percent whereas offshore, they range from 12 and a half percent for water depths of 400 meters or deeper (referred to as deepwater) to 16 and two-thirds percent for water depths less than 400 meters (referred to as shallow). However, the Secretary of the Interior recently announced plans to raise the royalty rate to 16 and two-thirds percent for most future leases issued in waters 400 meters or deeper. MMS also has the option of taking a percentage of the actual oil and natural gas produced, referred to as ''taking royalties in kind,'' and selling this energy itself or using it for other purposes, such as filling the nation's Strategic Petroleum Reserve. In addition to bonus bids and royalties, companies pay taxes on corporate profits. The sum of all these and other payments comprises the government take. Because different governments set different levels of taxes, fees, and royalties, the relative size of any one component of government take generally varies across different fiscal systems.

STUDY RESULTS INDICATE THAT THE FEDERAL GOVERNMENT RECEIVES AMONG THE LOWEST GOVERNMENT TAKES IN THE WORLD

Results of five studies presented in reports or testimony to the Alaskan state legislature in 2006 indicate that the federal government receives one of the lowest government takes among the jurisdictions evaluated. The hearing was held to discuss a proposed new state tax on oil company profits. This proposal eventually was adopted and, in 2006, the State of Alaska enacted a new oil and gas production tax law which imposed a 22.5 percent tax on oil company profits. Two of the studies presented were from major oil companies, and three were from private consulting firms. The five studies had differing scopes and somewhat different estimates of government take. For example, one study focused primarily on comparing U.S. federal, state, and Canadian fiscal systems, while other studies focused on international comparisons. The results of the five studies are summarized below and in more detail in enclosure I.

BP (formerly British Petroleum), one of the world's largest oil companies. testified that the federal government's take for leases in the Gulf of Mexico (45 percent) was lower than 9 out of 10 other fiscal systems presented, including Colorado, Wyoming, Texas, Oklahoma, California, and Louisiana (between 51 percent and 57 percent).

ConocoPhillips, Alaska's number-one oil producer in 2005, testified that the federal government's take for leases in the Gulf of Mexico (43 percent) was lower than all 8 other fiscal systems presented, including the United Kingdom (52 percent) and Norway (76 percent).

CRA International (formerly Charles River Associates), a global firm specializing in business consultancy and economics, testified that the federal government's take in the Gulf of Mexico—both deepwater (42 percent) and shallow water (50 percent)—was lower than the 6 other fiscal systems it evaluated, including Australia (61 percent).

Daniel Johnston and Company, an independent petroleum advisory firm providing services to the oil and gas industry, testified that the federal government's take in the Gulf of Mexico for deepwater (between 37 and 41 percent) was 4th lowest and for shallow water (between 48 and 51 percent) was 8th lowest among 50 fiscal systems it evaluated.

Van Meurs Corporation—a company which provides international consulting services in several areas including petroleum legislation, contracts, and negotiations—reported that the federal government's take in the Gulf of Mexico (40 percent) was the lowest among 10 fiscal systems it evaluated, including Alaska (53 percent) and Angola (64 percent).

It should be recognized that the studies presented in this testimony were done before the recent increase in the royalty rate for future deepwater leases in the Gulf of Mexico. This action will, as new leases are added to the mix over time, cause the average government take in the Gulf of Mexico to rise somewhat. In addition, 4 of the 5 studies compared government take based on 11 fiscal systems or fewer. A comparison of a much larger number of fiscal systems provides more comprehensive information. In this regard, we found that other expanded government-take studies have been issued. These are summarized below and more details are presented in enclosure II.

A study issued in 2006 and done under contract with MMS by the Coastal Marine Institute of the Louisiana State University reported on 31 fiscal systems in 25 countries. The study showed, out of the 31 fiscal systems, Gulf of Mexico deepwater, at between 38 and 42 percent, was lower than 29 other systems and Gulf of Mexico shallow water, at between 48 percent and 51 percent, was lower than 26 systems. Three other offshore fiscal systems were also shown. This included Trinidad & Tobago offshore with a government take between 48 percent and 50 percent, Australia offshore with a government take of between 53 percent and 56 percent, and Egypt offshore with a government take of between 79 percent and 82 percent. Of the 31 fiscal systems presented, Mexico had the lowest government take at between 30 percent and 32 percent, and, at the other end of the spectrum, Venezuela had the highest government take at between 88 percent and 93 percent.

A second study, issued in 2002 by Wood MacKenzie, a private consulting firm, analyzed 61 fiscal systems within 50 countries. The study showed that, out of 61 fiscal systems, Gulf of Mexico deepwater ranked lower than 54 other systems with a federal government take of about 42 percent, while Alaska's government take was about 64 percent. Of the 61 fiscal systems analyzed, Cameroon had the lowest government take at about 11 percent, and at the other end of the spectrum, Iran had the highest government take at about 93 percent.

A third study, issued by Van Meurs Corporation in 1997, analyzed 324 fiscal systems in 159 countries. The study showed that, out of 324 fiscal systems, Gulf of Mexico water greater than 800 meters ranked lower than 298 other systems with a federal government take of about 41 percent and Gulf of Mexico water between 200 and 400 meters ranked lower than 276 systems with a federal government take of about 47 percent. The study also indicated that governments tend to compete regionally and that the regional average government take for countries within North America was about 57 percent.

Finally, one of the first expanded, or comprehensive, studies was completed by Van Meurs Corporation in 1994 for the World Bank. That study showed that the government take from federal onshore lands, Gulf of Mexico deepwater, and Gulf of Mexico shallow, ranked lower than 194, 191, and 180 out of 226 fiscal systems in 144 countries, territories, and joint development zones analyzed.

The last few years of high oil and gas prices and record industry profits have been a factor in causing a number of resource owners to reevaluate their fiscal systems. For example, and as already discussed, the State of Alaska enacted in 2006, a new oil and gas production tax law which, among other things, imposed a 22.5 percent tax on oil company profits. In addition, at least five states—including New Jersey, New York, Pennsylvania, Washington, and Wisconsin—and Alberta Province in Canada are considering new oil and gas tax legislative proposals.

The level of government take can influence investment in oil and gas development and production. Resource owners are competing to some extent for finite private investment in oil and gas development, and in considering the ideal government take, the resource owners must consider that there may be a trade-off between the magnitude of government take and the level of investment. From the oil and gas industry's perspective, government take represents one of the costs of doing business. As with any industry, if the costs in one geographic area increase, industry may pursue locations elsewhere.

In addition to the overall government take, the mix of taxes, fees, and royalty rates that comprise the government take may also be important in determining the level of investment. For example, in commenting on Alaska's then-proposed revisions to its oil and gas tax law, a BP official testified that a fiscal system should be equitable to investors and the government alike and should be profit-related, that is, with a tax levied on profits not revenues. Similarly a ConocoPhillips official testified that a balanced fiscal system is critical for future oil and gas investment in Alaska and that Alaska must maintain its fiscal system competitiveness on a global basis.

Further, the size of oil and gas reserves, the costs of exploration and development, and the stability of the government and regulatory environment play a role in companies' investment decisions. In many regards, the United States is a desirable place to invest in oil and gas development and production. For example, of non-OPEC countries, the United States held almost 10 percent of oil reserves as of 2006. In addition, including the existence of a nearby market for all that is produced, the United States is generally considered a stable place to invest, especially when compared to many countries, such as Venezuela and Nigeria, that have large oil and gas reserves. For example, in Venezuela, it was reported last year that the government had taken a series of steps to increase the government take as well as take greater control over oil operations in that country, and in Nigeria, it was recently reported that there have been repeated instances of oil company employees being kidnapped or attacked. However, much of the estimated oil reserves in the United States, such as those in the deepwater areas of the Gulf of Mexico, and the smaller pockets of oil remaining in mature oil fields will be more costly to develop than oil in some other regions, and these higher costs are a deterrent for investment. In addition, to the extent that environmental regulations in the United States are stricter than in some other oil producing countries, this could increase compliance costs and necessitate to some extent a lower government take in the

United States. Further, to the extent that labor costs are a factor in determining the profitability of oil development projects, the United States may have higher labor costs than some other oil producing countries, and this would also necessitate, to some extent, a lower government take.

INCREASING ROYALTY RATES ON FUTURE FEDERAL OIL AND GAS LEASES WOULD LIKELY INCREASE THE FEDERAL GOVERNMENT TAKE

Increasing royalty rates on future federal oil and gas leases would likely increase the federal government take but by less than the percentage increase in the royalty rate itself because higher royalty rates will likely reduce some taxes and other fees and may also discourage some development and production compared to what it would be under lower government take conditions. For example, because the federal government assesses taxes on corporate profits, an increase in royalty rates would raise oil and gas company costs, thereby reducing their profits and, consequently, the corporate income taxes they pay. In addition, an increase in royalty rates may reduce the amount, in fees or bonuses, oil and gas companies are willing to pay for the rights to develop individual leases. Because such fees or bonuses are determined competitively, this may lead to lower government revenue. Finally, higher royalty rates may deter some development or production of oil and gas if companies can find more profitable investment opportunities elsewhere and for which other factors, such as stability and the amount of oil and gas reserves are comparable.

MMS' analysis that accompanied a recently announced increase in the royalty rate for new federal deepwater offshore Gulf of Mexico leases illustrates how the increase in royalty rates can be offset somewhat by reduced fees and production. MMS estimates that the increased royalty rate of 16.67 percent—from 12.5 percent—will increase revenue from royalty payments by $4.5 billion over 20 years. However, MMS also recognized that this royalty rate increase will likely cause declines in bonus and rental revenues as well as reduce oil and gas production compared to what it would have been under the lower royalty rate. Specifically, MMS estimated a decline of bonus and rental revenues amounting to $820 million over 20 years and a decline in production of 5 percent, or 110 million barrels of oil equivalent, over 20 years compared to what production would have been at the lower rate. Nonetheless, MMS estimates that by 2017, the net increase in total revenue will still be substantial.

In addition to revenue considerations, there are a number of other considerations that could be considered when establishing a royalty rate or the overall government take. These include environmental issues and socioeconomic effects. Royalties or other fees or taxes may reduce the amount of investment in oil and gas development and production and, therefore, to the extent that higher royalty rates reduce oil and gas development and production in the United States, could be used as a policy tool to reduce the domestic environmental impacts of oil and gas development. Regarding socioeconomic effects of oil and gas development and production, a 2006 study done under contract for MMS noted that as the oil and gas industry expands output in the Gulf of Mexico, employment levels in all Gulf Coast states—including Alabama, Louisiana, Mississippi, and Texas—tend to rise to meet industry needs.

As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the date of this report. At that time, we will send copies to appropriate congressional committees, the Secretary of the Interior, the Director of MMS, the Director of the Office of Management and Budget, and other interested parties. We will also make copies available to others upon request. In addition, the report will be available at no charge on GAO's Web site at http://www.gao.gov.

If you or your staff have any questions or comments about this report, please contact me at (202) 512–3841 or gaffiganm@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made contributions to this report include Frank Rusco, Assistant Director; Robert Baney; Dan Novillo; Dawn Shorey; Barbara Timmerman; and Maria Vargas.

MARK E. GAFFIGAN,
Acting Director, Natural Resources and Environment.

Mr. WYDEN. Mr. President, this General Accounting Office report makes it very clear that relative to all the other countries in the world, our taxpayers are not getting a fair shake. So this is ultimately about cutting back on subsidies the President says are not needed in order to create markets and to prevent the taxpayers of this country from being fleeced.

I thank my colleague. I know Senator SCHUMER has been patient.

Mr. KYL. Mr. President, I ask unanimous consent that Senator MCCONNELL be added as a cosponsor to my amendment.

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

Mr. SCHUMER. Parliamentary inquiry, Mr. President: Do I have 5 minutes?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. SCHUMER. It is my lucky day, Mr. President.

I rise to speak against the amendment offered by my good friend from Arizona which will restore many of the tax breaks for big oil we voted to eliminate in the Finance Committee just yesterday.

After a wave of mergers in the industry over the past two decades, we now have an elite group of five very large integrated oil companies dominating our domestic petroleum market. These companies are price leadership. They all seem to set the same price. They don't get in a room and do it. One leads and the others follow. They wink at each other. It shouldn't be legal, but it is.

They have the power to block alternative fuels, such as E85, at their branded stations and, as we all know, they have the political power to secure billions of dollars in tax breaks they don't need and we can ill-afford.

It is time to get serious about our energy policy and stop giving away taxpayers' dollars that just end up in the pockets of big oil rather than going to renewable energy alternatives or curbing the cost of gasoline at the pump.

On the surface, it seems that big oil is pumping cash rather than pumping petrol. They don't try to find much new oil, and ExxonMobile alone bought back $29 billion of its stock in the last year. The bottom line is, if they have all this extra money to buy back their stock, why are we giving them tax breaks?

When the head of ExxonMobile, one of the big oil companies, came to us in the Judiciary Committee, he said he didn't believe in alternative fuels. I wouldn't either if I were the head of one of the five big oil companies that had an oligopolistic stranglehold on the market. I wouldn't want an alternative. So they are not going to do what most other businesses, where there was a semblance of competition, would do: find a new product because they know their old product is getting expensive and may run out someday.

So that is our job. We are taking back these taxes. We are not just putting them into the Treasury. It is not taxing for taxing sake. We are putting them into tax breaks for alternative fuels. Since the oil companies would not look at alternatives, we are going to take the money that we have given them in taxes, and never should have, and give it to other companies that will invest in alternative fuels.

This is a mature industry by any standard and no longer does it need tax breaks. I have actually introduced a bill to repeal every special tax break received by the major oil and gas companies.

The policy of giving them breaks has failed. Despite ever-increasing petroleum products and general Federal tax giveaways, the oil companies don't believe they need to compete. The oil companies believe they don't need to compete to create new domestic gasoline supply. We haven't had a new refinery built in 30 years. When they have merged, they have closed refineries. So it hasn't worked.

While ExxonMobile doled out $29 billion, or 60 percent of its cashflow, on stock buyback alone, their overall production has barely budged since the 1999 merger. Exxon never should have been allowed to merge with Mobile. On the Joint Economic Committee, we are looking it over, seeing if we can look into undoing some of those unfortunate mergers, which occurred, by the way, under both Democratic and Republican Presidents. But at the same time, we have to get moving on alternative fuels.

The Finance Committee chairman and ranking member—bipartisan—were right to scale back the tax breaks that go to this very profitable industry and instead target them to renewable energy in a way that ensures technology will succeed.

The finance amendment extends tax breaks for alternative fuels by several additional years. When we were at our issues conference in New York City, DPC, Democratic Policy Committee, we heard a brilliant presentation by an investment banker from Goldman Sachs who said we are great at developing new technologies, but we are not very good at commercializing them, implementing them. That is because the tax breaks we give go for a year, 2

years, and no business wants to invest when they are not sure these breaks will continue.

The proposal in the bill, which I was proud to cosponsor, says the tax breaks will be extended for 5 years and longer so that companies will know they do keep those tax breaks and have an incentive to invest. So it makes eminent sense. Take the money away from taxes for the oil companies which refuse to engage in finding alternatives and give them to new companies that will. It is a policy that makes sense for the good of the consumer because, in the long run, it will lower prices; for the good of our foreign policy because it will decrease our dependence on dictators and potentates we don't like, such as the heads of Iran and Venezuela; and it is good for our climate because as we move to alternative fuels, less CO_2 will be put in the atmosphere.

For the first time in 6 years, this Congress is willing to stand up to the oil companies. I know many on the other side of the aisle aren't. The previous energy bills reflect what the Bush administration believes: What is good for the oil companies is good for our energy policy is good for America. They are wrong, as the price at the pump, as the increase of CO_2 in our air reveals, and as our increasing imports of oil show. We are changing that policy.

I know others on the other side of the aisle are blocking us because of obeisance to big oil, but we will succeed because the American people are behind us, and our country needs no less.

Mr. OBAMA. Mr. President, I was unable to be present during the vote on the Gregg amendment due to a previously scheduled conflict. But had I been present, I would have voted against waiving the Budget Act in relation to the Gregg amendment to eliminate the 54-cents-per-gallon tariff on imported ethanol.

This amendment to lift the tariff against Brazilian ethanol would merely replace our dependence on foreign oil with a new dependence on foreign ethanol. If we are serious about addressing national and economic security, we need to develop a robust renewable fuels industry in this country. This amendment would frustrate that goal.

Mr. KERRY. Mr. President, I would like to speak to the two amendments proposed yesterday, which invest in coal particularly as a transportation fuel and which threaten to increase the dangers of climate change rather than lessening them. These two amendments offer the Senate false choice: either to reduce our dependence on foreign oil or to worsen the rise of global climate change. But the truth is, we don't have to choose between our security at home and the security of our planet.

Energy policy today is more critical than ever because it touches on not one but two of our most vital national interests: namely, energy security and climate change. We cannot afford to sacrifice our fight against climate change at the altar of energy independence. Promoting the conversion of domestic coal to liquefied fuel will dramatically increase CO_2 emissions and that is no better than robbing Peter to pay Paul.

The truth is, we can break the stranglehold of foreign oil, we can create new jobs in energy, and we can strengthen our hand addressing global climate change and we shouldn't settle for approaches that don't help us achieve all three of these national imperatives.

Here's what scientists are telling us: On nearly a weekly basis, we see mounting scientific evidence highlighting the need to act. The most recent report from the Intergovernmental Panel on Climate Change written by more than 600 scientists, reviewed by another 600 experts, and edited by officials from 154 governments has confirmed the threat and the need for urgent action.

Because it will set back the fight against climate change, coal to liquids offers us—at best—a Pyrrhic victory in our struggle to create a sensible, sustainable energy policy. Study after study has shown that liquid fuels derived from coal produce significantly higher CO_2 emissions than traditional fuels. Transforming coal into liquid fuel involves heating it to 1,000 degrees and mixing it with water to create a gas, which is then converted into fuel usable in cars and jets. If that sounds like an energy-intensive process, it is. And energy-intensive processes generate a lot of CO_2 emissions. Every gallon of liquid fuels derived from coal produces up to 2.5 times more well-to-wheels global warming emissions than gasoline or diesel fuel from crude oil. That means that even with 85 percent capture of CO_2 during production, well-to-wheels Coal to Liquid emissions are 19–25 percent higher than conventional gasoline or diesel.

I understand that all coal-to-liquids amendments are not created equal my Democratic coal State colleagues have attempted to build environmental safeguards into their amendments. And I thank them for that. The Bunning amendment, by contrast, is full of loopholes and hollow environmental mandates that crumble under scrutiny, leaving only big subsidies for big coal. But ultimately neither should pass. This is a question of priorities, and with limited Federal dollars available, we need to support those technologies that promise the greatest oil savings and the greatest emissions reductions.

We should be turning to increased fuel economy standards, increased energy efficiency standards for commercial and residential buildings, strong renewable electricity standards, and incentives for biofuels and advanced vehicles.

Let me repeat—this is a question of priorities.

I would like to briefly address several of the arguments that are being made by coal-to-liquids industry supporters. These arguments are intended to confuse what is a very complicated process. I will do my best to unmask their arguments and make the reality as clear as possible.

First, many proponents cite the emissions reductions associated with coprocessing coal and biomass at coal-to-liquids production facilities. However, these benefits simply come from using a promising new clean technology to mask the flaws of coal. These coprocessing facilities, when equipped with carbon capture, may indeed result in lower emissions than traditional fuels, but this has nothing to do with the coal and everything to do with the biomass. We should be having a serious conversation about biomass and how it can be best integrated into our energy supply, which is a matter of some large debate, rather than blindly buying into the coal industry's assumption that coprocessing biomass and coal is the most direct road to a clean energy future.

Second, proponents focus on tailpipe emissions and argue that diesel fuel produced from coal-to-liquids has fewer emissions than traditional gasoline.

Again, we need to make sure we are comparing apples to apples. The tremendous increase in well-to-wheels CO_2 emissions comes during the production process, not at the point of tailpipe emissions. In fact, tailpipe emissions from diesel generated from crude oil and diesel generated from coal are roughly the same. Same story with gasoline generated from crude oil and gasoline generated from coal. Comparing diesel to gasoline is just a distraction diesel engines are more efficient than gasoline engines and therefore emit less CO_2, regardless of whether you are talking about traditional fuels or coal-to-liquids

Third, proponents talk about the environmental benefits associated with coal-to-liquids. This is frankly laughable.

I have spoken about the doubling of emissions associated with the coal-to-liquids production process. But if we are talking about the environmental impacts of coal mining, we have to look even beyond the emissions and consider the severe impacts to water quality. In Appalachia alone, mountaintop removal has destroyed more than 2,500 mountain peaks and leveled more than 1 million acres. This waste is dumped into river valleys and contaminates over 1,200 rivers and streams throughout the region. That waste, combined with acidic mine runoff, destroys habitat for fish and wildlife everywhere that coal is mined today. Before we jump-start a new industry in this country and ramp up coal production, we need to have a serious conversation about these and other impacts.

There are too many unknowns associated with coal-to-liquids technology, but here is what we do know: well-to-wheel emissions are two and a half

times those of traditional fuels, and even when carbon capture is applied which has not yet been demonstrated on a commercial scale emissions are 19–25 percent greater than traditional fuels.

The cost of these plants is exorbitant MIT estimates that the cost of constructing a coal-to-liquids plant is four times that of a traditional refinery. The same study estimated that it would cost $70 billion to build enough plants to replace 10 percent of American gasoline consumption.

Finally, I would like to close by saying a few words on another issue that will be coming to a vote later this afternoon. Senators CARDIN and MIKULSKI have introduced an amendment addressing the siting of liquefied natural gas terminals. This is an important amendment, and I am proud to support and cosponsor it. This is a contentious issue in Fall River, MA, where powerful interests are fighting to construct a LNG terminal far too close to a major population center. This proposal is strongly opposed by Governor Patrick and numerous State and Federal representatives. I strongly support Senators CARDIN and MIKULSKI's amendment, which would require state approval of LNG siting decisions. While LNG is an important part of our clean energy mix, it is essential that these facilities be sited in safe and appropriate locations. This amendment guarantees the state its appropriate and necessary role in approving these decisions. I urge my colleagues to support it.

Mr. KENNEDY. Mr. President, I strongly support the important legislation under consideration. Like many of the bills the Senate has taken up this year, it is the product of Democrats and Republicans working together, and I commend its authors for their hard work.

The bill before us does the things the Nation must do to become more energy self-reliant, starting with raising fuel economy standards for cars and trucks. Over 30 years ago I cosponsored Scoop Jackson's legislation which first established fuel economy standards to improve the fuel efficiency of automobiles. Unfortunately, very little progress has been made since then.

There is no silver bullet for ending our dependence on foreign oil or slowing the rate of greenhouse gas emissions, but raising CAFE standards is the single most important step we can take to make positive changes in this area. Increasing the average efficiency of passenger cars by just over 5 miles per gallon would eliminate the need for American oil imports from the Persian Gulf. The CAFE provision the Commerce Committee reported will increase fuel economy in cars from 27.5 miles a gallon to 35 miles per gallon by 2020. It is the best chance this Congress will have to raise fuel economy standards, and I hope that the Senate will preserve the Commerce Committee's strong provisions.

The bill will make more cars capable of running on biofuels. Ethanol, in particular, has incredible promise as a biofuel, and it will emit far less carbon dioxide than conventional oil. The bill will ramp up production of biofuels over the next 15 years and mandate that a growing number of new vehicles be able to run on these kinds of fuels. It also provides funding to ensure that these new biofuels can reach fuel stations across the country. This provision is particularly important to New England, which has just one E85 pump located in Chelsea, MA. Brazil has shown us the way by producing ethanol from sugarcane in amounts equivalent to 300,000 barrels of oil each day. The United States must invest in biofuels, so that we too can reduce our dependence on foreign oil.

The bill also reauthorizes the Weatherization Assistance Program, which is especially important for low-income families struggling with high energy costs throughout the Nation. In Massachusetts, energy costs are among the highest in the Nation, but this program has weatherized more than 10,000 homes in the last decade. Vulnerable families can't afford to make these expensive improvements themselves, so these wise investments by the government will help families save on energy and reduce the Nation's fossil fuel emissions.

Another critical issue is the inclusion of a strong renewable electricity standard. The RES will provide the certainty the renewable energy market needs to invest in innovative technologies. In April, Senators DURBIN, SNOWE, and REID led a bipartisan letter expressing support for mandating that major utilities generate a percentage of their electricity from renewable sources. I was one of the 50 Senators who signed the letter, and I commend Chairman BINGAMAN for his work on a renewable electricity standard.

I also commend the Finance Committee for its work to provide tax incentives for renewable energy technology, and repealing tax breaks for oil and gas companies. While most Americans are seeing less and less in their paychecks, the Big Oil companies are making money hand over fist. During the first quarter of this year, Big Oil reaped $29.5 billion in profits. Repealing these tax breaks will save taxpayers billions of dollars in subsidies to Big Oil and allow the Nation to invest in clean energy technologies.

Last week, I joined Senator SALAZAR, Senator SMITH and several other Senators in urging the Finance Committee to extend tax incentives for fuel cell technology. Hydrogen fuel cells are an energy storage technology, like batteries, that can deliver clean and reliable power. They have a broad range of uses for vehicles, auxiliary power units, and electronic devices, and they are helping us diversify our fuel supply and find better ways to deliver clean energy. Massachusetts is among the world's major centers of this technology, with more than 60 companies involved in fuel cell and hydrogen technologies. I commend Chairman BAUCUS and the Finance Committee for allowing tax credits for this important technology.

Overall, this bill brings us closer to a cleaner and more secure energy future for our nation, and I look forward to its enactment.

Mr. President, I yield back the remaining time.

Ms. KLOBUCHAR. Mr. President, I ask to speak as in morning business.

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

EMPLOYEE FREE CHOICE ACT

Ms. KLOBUCHAR. Mr. President, I am here to speak for a few minutes in support of the Employee Free Choice Act, which the Senate will be voting on, we hope, this week. I listened to Senator SCHUMER talk about evening the playing field in the area of energy, where the oil companies have long dominated, and now it is time to give some renewable companies a chance so we can actually have an even playing field for energy, and so we can stop depending on these foreign oil companies and stop spending $200,000 a minute on foreign oil. I am here today to talk about evening the playing field in another way, and that is with the Employee Free Choice Act.

I support this act because I believe we need to level the playing field for working people in this country, and this bill will do that by protecting the workers and by creating a fair and a smooth process for organizers.

It is getting harder and harder for working families in America to get by. Millions of workers have been left behind in this economy. With only a very small number of people doing incredibly well, millions of workers have been left behind. They are struggling to make ends meet with stagnant wages and declining benefits.

I see this in my State. I go to small towns, and about 100 people will show up in a cafe, and I think, why are all these people here? I realize that when the cost of college has gone up 100 percent in 10 years, as it has in our State, when you are a middle-class person and you can hardly make it day to day, you feel it first. When you have gas at $3 a gallon, you feel it in your pocketbook. When health care costs go up 100 percent, as they have in our State, you feel it first when you are a middle-class person. That is what we are seeing all over this country.

Unions help all workers, not just those that are in a union. Unions helped build this country and have lifted millions of Americans out of poverty. As we go forward as a nation, unions will continue to be the friend of working men and women everywhere.

But for too many workers, forming unions at their workplace simply is not an option. Approximately 60 million workers—that is 60 million—say they

want to join a union right now, and the reasons why are clear: Union workers earn 30 percent more than nonunion workers; union workers are 62 percent more likely to have employer-provided health coverage; and union workers are 400 percent more likely to have access to pension plans.

For millions of workers, access to fair wages and decent benefits is being denied because the current process for forming unions has become flawed. In my State, we are lucky to have some great companies and honest employers that, to a large extent, treat their workers with the respect and dignity they deserve. But there are those companies across this country that don't play by the rules, where workers considering unionization face intimidation and termination from employers.

According to national labor data, workers are illegally fired in one-quarter of all union organizing campaigns, including one in five active union supporters. When workers are systematically denied rights to fair wages and benefits, we all lose, and we need to take action.

In my last job, I was a county attorney in the largest county in Minnesota. For 8 years, I managed an office of nearly 400 unionized employees. I always believed they should be treated with the same level of respect they showed the people we represented, the victims of crime, the people who needed someone there to stand up for them. This bill creates that kind of respect.

This bill will create a process that will be fair and will even the playing field. This bill will help workers. The Employee Free Choice Act places the decision to form a union where it belongs—it places it in the hands of America's workers.

I urge my colleagues to support this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that there be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

WEST VIRGINIA, WILD AND WONDERFUL

Mr. BYRD. Mr. President, today is West Virginia's birthday. Established on June 20, 1863, West Virginia became the 35th star in our national constellation, taking her place between Kansas, which joined the Union on January 29, 1861, and Nevada, which joined on October 31, 1864. I am pleased to offer West Virginia happy birthday wishes and to take the opportunity to share a bit about my State with the rest of the country.

I urge anyone who has not visited West Virginia to do so, to see and experience for themselves the great natural beauty, the friendly people, the exquisite art, recreation, and cultural sites and events that fill our mountain home.

As a State, West Virginia is a youthful 144 years old. As a unique piece of geography, of course, West Virginia is, of course, much older. The Appalachian Mountains that define West Virginia's geography today are but the worn remains of a once-high alpine plateau similar to Tibet, rising some 10,000 to 18,000 feet high, flanked on the south and on the east by the Allegheny Mountain Range, which may have once exceeded today's Himalaya Mountains in height.

Of course, that was a long time ago, perhaps 250 million years ago, when the great wedge of coastal sediments deposited during the earlier Devonian and Carboniferous periods were thrust up toward the heavens.

Today, a bit of that alpine experience can be found in Tucker County and in Randolph County, in an area known as Dolly Sods. Filled with upland bogs, beaver ponds, and flat rocky plains, Dolly Sods is a bit of northern Canada transplanted into West Virginia, complete with beautiful fall color and harsh winter weather.

The rock that forms West Virginia's mountains, that is seamed with the State's famous coal deposits, was laid down some 320 to 286 million years ago, when West Virginia was part of a vast complex of coastal swamplands. In this endless tropical forest of primitive ferns and towering, primitive trees formed layer after layer of peat, compressed into coal seams that average 3 feet thick but which can reach 25 feet in thickness.

When one learns that 12 inches of coal requires approximately 10,000 years of continuous peat accumulation to form, one sees a very different picture of West Virginia. The reminders of this different world can still be found in the coal, in the form of lacy, ferny fossil leaves and stems, the last farewell of a lost world.

In other rock layers, there is evidence of West Virginia's earlier days as well, in the sea creatures forever preserved and now exposed far inland and at elevations well above the sea level that they knew in life.

In the New River Gorge, visitors have the opportunity to view rock sequences from those early years, 320 to 330 million years ago. Visitors can also see a more recent phenomenon in the form of the New River Gorge Bridge, the longest single-arch steel bridge in the world, rising some 876 feet above the water below. Beautiful natural stone works of art may also be seen in the Smoke Hole area and Seneca Rocks in Grant and Pendleton Counties and in many other locations around the State.

West Virginia's natural beauty, as well as its wonderful outdoor activities, can be found in each of West Virginia's 55 counties. From hot air ballooning or soaring to spelunking, from rock climbing to kayaking, hiking, horseback riding, or off-roading, one can be as energetic as one likes. You can also fish, ride a tube down a river, sit around a campfire, or sip lemonade in a rocking chair while you rest and recharge.

West Virginia is not simply for nature lovers, however. The State is full of festivals that celebrate virtually every foodstuff, musical form, and artistic discipline known to mankind. Musical events that range from bluegrass music to symphonies to garage bands, and shopping and sightseeing to please all tastes and interests.

West Virginia is famous, famous for her quilts, pottery, and handmade crafts, but there is also plenty of modern work alongside the homespun favorites.

From rustic campsites to the luxury of the Greenbrier, West Virginia has something for everybody, something for everyone. It could easily take a lifetime to experience everything there is to see and to do. By then, of course, time and nature will have changed a few more things and created new things to see and do.

So as West Virginia celebrates, I hope that you may be inspired to pay a visit. I hope all Senators may be inspired to pay a visit. You ''ain't'' seen nothing yet like it. The daylilies are blooming in great orange rafts of blossoms above the waves of green leaves, welcoming the day. Butterflies and songbirds delight the eye with color like the ribbons on a birthday present. Cool breezes are blowing, the mocking bird is singing, rivers are tumbling between the mountains, singing birthday songs. And tonight the stars will dance for you as West Virginia celebrates.

I close with a poem about West Virginia, by West Virginian Louise McNeill, from her book titled, ''Hill Daughter: New and Selected Poems.'' Louise McNeill was born in 1911 in Pocahontas County and became West Virginia's Poet Laureate in 1979.

WEST VIRGINIA

Where the mountain river flows
And the rhododendron grows
Is the land of all the lands
That I touch with tender hands;

Loved and treasured, earth and star,
By my father's father far—
Deep-earth, black-earth, of-the-lime
From the ancient oceans' time.

Plow-land, fern-land, woodland, shade,
Grave-land where my kin are laid,
West Virginia's hills to bless—
Leafy songs of wilderness;

Dear land, near land, here at home—
Where the rocks are honeycomb,
And the rhododendrons . . .
Where the mountain river runs.

HONORING CHARLESTON'S HEROES

Mr. DEMINT. Mr. President, I rise today to speak about some real heroes

and their real sacrifices this week. Late Monday, a horrible blaze in Charleston, SC, claimed the lives of nine local firefighters. Details are still being investigated, but what we know now is these heroes died trying to save lives. We fear most were caught under a collapsed roof in the quick-spreading flames.

My heart goes out to the families, friends, and coworkers of these firefighters. These were courageous public servants. We will miss them dearly. They paid the ultimate sacrifice in the line of duty. In the aftermath, our State's low country must deal with the shock and sorrow of these losses. Our job as citizens is to never forget what they did and to try to turn the shock and sorrow into solemn remembrance and a commitment to help their families.

I also want to mention two other Charleston leaders who are struggling with this situation on the ground: Fire Chief Rusty Thomas, and city of Charleston Mayor Joe Riley. According to news reports, Chief Thomas stayed up Monday night meeting with many of the families of the victims. He was on the scene all night.

The police chief, Greg Mullen, said:

Chief Thomas is a true leader.

I could not agree more. Mayor Riley is no stranger when it comes to dealing with disaster. His leadership during the trying aftermath of Hurricane Hugo was instrumental in our quick recovery. His leadership will greatly aid the Charleston Fire Department now as they attempt to move forward.

Firefighters represent the best our country has to offer. I will never forget these hometown heroes and the tremendous sacrifice they made this week. For the families of those who lost loved ones in Charleston, our words are feeble comfort for them, but we will always honor the memory and sacrifice of these heroic public servants of South Carolina.

For the families and friends of firefighters who remain on the job today, we pray for them as the Psalmist did, that God would be their ''refuge and strength, a very present help in time of trouble.''

Mr. ROCKEFELLER. Mr. President, today is a special day: one which is special to me and the nearly 2 million residents of the State of West Virginia. On this day in 1863 West Virginia entered the Union as the 35th State.

West Virginia is America. West Virginia is a place where people are proud of who they are and not what they have. It is a place where neighbor helping neighbor means something. Where community, faith, and family are not taken for granted.

The area now known as West Virginia was originally settled thousands of years ago by Native Americans. The 17th and 18th centuries saw the first pioneering European settlers who came across the Appalachians looking for an expansive new homestead. The 19th century saw America's darkest hour in the Civil War. But, it was in this conflict that Western Virginia separated from Virginia standing on its own, faithful the Union, and earning statehood. From that day to today, West Virginia has been an important part of America.

Our coal powers America. Our steel built America's cities from the ground up. Our timber built America's homes. Our chemical industry has improved the quality of life for all Americans. And yet today, it is another resource, West Virginia's most precious one, this is driving a new generation of West Virginians. West Virginia is home to some of the most pristine natural beauty in our Nation. Visitors from around the country—around the world—come to take in the majestic mountain vistas, explore our forests, celebrate our Appalachian heritage, fish, ski, and hit the links, and most importantly spread time with our people.

So, just who are these people? They have stout hearts, courage, and an unfaltering determination. These qualities are particularly evident in West Virginia veterans like Chester Merriman, the youngest person to serve in World War I at just 14 years of age, or Hershel ''Woody'' Williams, who received a Congressional Medal of Honor in World War II for his heroism during the Battle for Iwo Jima, epitomize how West Virginians have proudly served their country no matter when—from the Civil War to today's conflicts in Iraq and Afghanistan. Today, there are more than 200,000 veterans living in the State giving West Virginia the highest per capita of any State in the country.

I could go on and on and say the same thing about West Virginia's coal miners, steel workers, loggers, and chemical plant workers all of whom are truly the hardest working, finest people you ever spend time with. I know because I have.

West Virginia is my home and I am proud of that. I feel genuinely blessed to have been able to serve the people of West Virginia for as long as I have. West Virginia Day has always been a day resonating deeply inside of me and my fellow West Virginians. Happy 144th Birthday West Virginia! I ask that you, my distinguished colleagues join us in our celebration.

EMPLOYEE FREE CHOICE ACT

Mr. LEVIN. Mr. President, I am pleased to cosponsor the Employee Free Choice Act sponsored by Senator KENNEDY. Unions helped build our country. They have led the fight for critical worker safety and worker rights protections that all Americans now enjoy. They help raise wages for low- and middle-wage workers and can help close the gap from rising income inequalities.

Being a part of a union pays off for workers. For example, union cashiers earn 46 percent more than nonunion cashiers. Union food preparation workers earn 50 percent more than nonunion food preparation workers. And union maids and housekeepers earn 31 percent more than nonunion maids and housekeepers. Overall, median weekly earnings for union workers are $191 higher than those of nonunion workers, and this difference is even more significant for minority groups.

Union workers are also almost twice as likely to receive employer-sponsored health benefits and more than four times more likely to have a secure, defined-benefit pension plan than nonunion workers.

The rate of unionization in America is declining and with it workers' income. In 1973, 42.4 percent of workers in Michigan were in unions. By 2006, that number had fallen to just 19.7 percent of workers. As union membership declines, so has Michigan's real median household income, which fell 14.9 percent between 1999 and 2005.

The problem is not a lack of interest from workers. Fifty-three percent of U.S. workers state they would join a union if they could and 62 percent believe they would be worse off if unions did not exist.

The problem is the difficulties that are presented to those who seek to unionize a shop or industry. The current system does not adequately protect the workers that unionization campaigns are supposed to help and support. Workers are fired in 25 percent of private-sector union organizing campaigns. Seventy-eight percent of employers require that supervisors deliver antiunion messages to their employees. One-third of workers who unionize their workplace never even get a contract.

We have a duty to make sure that workers who want to join unions and unionize their workplace can do so, and that's what the Employee Free Choice Act will do.

The most significant provision in the bill allows for a union shop to be created through a process called a majority sign-up. Majority sign-up has been used for at least the past 70 years. In 2004, for example, about five times as many workers joined the AFL–CIO through a majority sign-up than those who were able to unionize through the National Labor Relations Board process. A majority sign up process results in less employer pressure and fewer delays than NLRB elections.

Currently, however, employers do not have to recognize employees that have a majority sign-up as a union, although many responsible companies, including Cingular and Kaiser Permanente, do. This bill would change that—if a majority of workers signs authorizations designating a union as their bargaining representative, then that union would be recognized as such.

Opponents of this bill have spread a great deal of misinformation about this provision. Many people believe the bill would take away an employee's right to a ''secret ballot'' union election. That is not true. This bill would still allow individuals the right to an NLRB

supervised election if at least 30 percent of employees want it. This bill also allows employees to form unions using another method as well.

The Employee Free Choice Act would also establish penalties for companies that coerce or intimidate employees and would provide for mediation and binding arbitration when the employer and workers cannot agree on a first contract. In short, it makes needed updates to our labor laws to better protect workers.

By allowing employees to form unions through a majority sign-up, we are supporting a worker's freedom to form a union and to bargain for better pay and better benefits. Experience has shown that this will be a good deal for the worker and a boost for America.

Mr. FEINGOLD. Mr. President, since joining this body in 1993, I have supported a number of initiatives to help the hard working men and women of this country, including increasing the minimum wage, supporting equal pay for America's workers, and promoting better trade policies. One piece of legislation that would help American workers is the Employee Free Choice Act, EFCA, and I am proud to be an original cosponsor of EFCA again this Congress. I commend my colleague, the senior Senator from Massachusetts, Senator KENNEDY, for his hard work on this legislation, as well as his longstanding dedication to improving the quality of life for America's working people.

One of the best things we can do for American workers is to remove obstacles that make it harder for them to form and join unions. As many of my colleagues will likely point out in the course of this debate, more than 60 million U.S. workers say they would join a union today if they could. Further, workers who belong to unions earn 30 percent more than nonunion workers, are 62 percent more likely to have employer-provided health care, and are four times more likely to have a pension. Better wages and better benefits help lift Americans out of poverty and into the middle class. Far too many Americans are working for wages that keep them at or below the Federal poverty line with little, if any, opportunity to bargain for better wages and benefits or advance to a better-paying position.

The Employee Free Choice Act would address some of the inequities in the current system of collective bargaining in the U.S. Many critics of this legislation focus on the card check provision, but there is much more to this legislation than just the method of voting. This bill provides for first-contract mediation and arbitration. Importantly, if an agreement has not been reached after 90 days of negotiations, either the employer or the employees can refer the dispute to the Federal Mediation and Conciliation Service for mediation. Clearly, under the ideal negotiation this would not be necessary, but it is an important option for employees to have in the collective bargaining process. The bill also provides for stronger penalties for employer violations while employees are attempting to form a union. Employers who intimidate workers attempting to unionize should face appropriate consequences.

While I understand that the vote on cloture on the motion to proceed to the Employee Free Choice Act may not be successful this week, this fight is far from over. Over the last 2 years, I have received over 1,500 letters, calls, and e-mails in support of this legislation from my constituents, and their voices mean a great deal. I support passage of this legislation for the hard-working Wisconsinites who deserve better from us. I am disappointed that more of my colleagues have not joined in supporting this bill, and I hope that they will rethink their opposition to this bill. I will continue working to pass this important legislation.

30TH ANNIVERSARY OF THE TRANS-ALASKA PIPELINE

Mr. STEVENS. Mr. President, on June 20, 1977—30 years ago to this day—oil began flowing through the Trans-Alaska Pipeline System. This event represents an important milestone in Alaska's history and a watershed moment in our struggle to secure America's energy independence.

My distinguished colleague from Alaska, Senator LISA MURKOWSKI, spoke at length about the history of the Trans-Alaska Pipeline before we adjourned last night. As she so vividly illustrated, its creation was a monumental undertaking which required the hard work of countless individuals.

During the long political fight to allow this important project to proceed, members of the environmental lobby claimed the pipeline would devastate Alaska. History has proven these critics wrong—responsible development and attentive stewardship have ensured the continued protection of our State's wildlife and lands.

Even after the Arab oil embargo in 1973, the Senate remained closely divided on this matter. In fact, a tie vote on the authorizing legislation was not broken until Vice President Spiro Agnew cast the decisive vote in its favor. My own vote on that bill still ranks as one of the most memorable I have ever cast.

When construction began in 1974, this project was the largest ever financed by private capital. Engineers faced staggering challenges as they plotted a route across 800 miles of rugged terrain and three major mountain ranges. Various geographic hurdles also necessitated the construction of seven airfields, dozens of bridges, and a 360-mile-long road to connect Prudhoe Bay to Fairbanks.

Just more than 3 years after construction started, however, the Trans-Alaska Pipeline was ready to operate. Since then, more than 15.5 billion barrels of crude oil have been sent from Alaska's North Slope, through the pipeline to Valdez, and on to refineries throughout the country.

The revenues generated by this production have had a tremendous impact in Alaska and throughout the United States. Over the past 30 years, North Slope oil production has added more than $300 billion to the U.S. economy and reduced domestic oil imports by more than $200 billion. Energy will always cost money, but instead of sending our dollars overseas, North Slope oil production—made possible by the Trans-Alaska Pipeline—has greatly contributed to economic growth here at home.

In Alaska, the economic effects of the Trans-Alaska Pipeline are even more apparent. Last year, revenues from oil production and transportation accounted for nearly 90 percent of the State government's total income—funds which were then used to help pay for our schools, our roads, and other important projects. North Slope oil revenue also provides the foundation for the permanent fund dividend, which will help assure the well-being of future generations of Alaskans.

When oil began to flow through the Trans-Alaska Pipeline in 1977, gasoline cost a mere 38 cents per gallon. Today, the nationwide average has soared to $3.00 per gallon, and many experts predict this price will reach $4.00 by the end of summer.

As those of us in the Senate continue to debate a comprehensive energy policy for our Nation, we must take note of the consequences of 30 years of oil production in Alaska. Instead of the ecological disaster many predicted, the Trans-Alaska Pipeline has been an economic lifeline for our Nation. It continues to prove we can balance environmental concerns with the production of our natural resources. I urge my colleagues to heed this lesson.

TRAVEL PROMOTION ACT

Mr. STEVENS. Mr. President, I am pleased to speak in support of the Travel Promotion Act of 2007, which I introduced late yesterday with Senator INOUYE and Senator DORGAN.

Our legislation has a simple purpose: To increase the number of foreign tourists who visit the United States.

To accomplish this goal, two complementary strategies must be undertaken: existing travel problems must be resolved, and fundamental improvements must be made to the manner in which we market our country to prospective tourists.

First, the efficiency of our border entry and screening processes must be improved. The Commerce Committee recently held two hearings on this issue, and industry leaders testified about the adverse effect September 11, 2001, has had on travel to the United States.

Heightened security measures implemented after 9/11, while necessary, continue to inconvenience many travelers. We heard witnesses describe the aforementioned difficulties international

visitors face with regard to our Nation's entry and screening processes, including the issuance of visas.

To address these problems, the Senate has already passed legislation that establishes a ''Model Ports'' program at the 20 busiest international airports in the United States. This program should reduce bottlenecks to safely and efficiently move travelers through the screening process.

The legislation we introduced yesterday, the Travel Promotion Act, would establish a nonprofit corporation to promote travel to the United States. This entity would not use one cent of taxpayer funds.

Instead, this corporation will be funded by fees paid by travelers who enter our country and matching contributions from members of the travel and tourism industry.

The corporation would be led by experts in the travel and tourism industry, appointed by the Secretary of Commerce, and held accountable by Congress. This essential step will let foreign visitors know that our country is open to tourists.

The travel and tourism industry plays an important role in every State. Those of us in Congress should take steps to resolve these pressing issues and encourage tourists to visit America.

In my home State of Alaska, the travel and tourism industry is the second largest private sector employer. More than 24,000 Alaskans hold tourism-related jobs, and the industry contributes more than $2 billion to our State's economy each year.

I look forward to working with my colleagues on this legislation.

HONORING OUR ARMED FORCES

TECHNICAL SERGEANT RYAN A. BALMER

Mr. HATCH. Mr. President, I rise today to pay humble tribute to TSgt Ryan A Balmer, who died of injuries sustained after the denotation of an improvised explosive device in Kirkuk, Iraq. A native of Mishawaka, IN, Sergeant Balmer was a member of the Air Force Office of Special Investigations and assigned to Hill Air Force Base, UT.

Sergeant Balmer was truly a special man. He was an individual deeply loved by all who knew him for his kindness, his positive outlook on life, and his infectious smile. Friends close to Special Agent Balmer say he was someone you always wanted to be around. They remembered a man who possessed the unique gift of being able to bring out the best in everyone and at 6 feet 2 inches tall he commanded respect wherever he went.

I understand that Sergeant Balmer was scheduled to come home only days after his passing. I would like to take this opportunity to extend my most heartfelt condolences to his wife Danielle and to his three children. I want to reiterate what they already know, that he saved lives and by his sacrifice that we, as a Nation, enjoy the great blessings of freedom so often take for granted. TSgt Ryan A. Balmer is an American hero in every sense of the word.

The sergeant and his family will be in my prayers forever.

SERGEANT JESSE A. BLAMIRES

Mr. President, today I rise to pay tribute to one Nation's fallen sons, SGT Jesse A. Blamires. Sergeant Blamires was a native of Sandy, UT, and a member of the 82nd Airborne Division. He was killed in a helicopter crash in Afghanistan.

Sergeant Blamires had a lifelong connection to our Nation's military. His father Craig Blamires, with whom the sergeant enjoyed camping, also served his country in the Army. Eager to pursue his dreams of service, Sergeant Blamires followed his father's footsteps and joined the U.S. Army.

The sergeant was known as a man dedicated to reaching his goals. This was reflected by his recent promotion to crew chief. One day he hoped to become a helicopter pilot, a goal I am certain he would have accomplished.

His service in Afghanistan was not the first time Sergeant Blamires had been in harm's way. In 2005, he served a tour in Iraq. Well-respected by his commanders and fellow soldiers, Sergeant Blamires was known for his ability to make others laugh and his willingness to help others in need.

However, undoubtedly, his most important life's work was as a family man. In addition to two caring parents and five supportive brothers and sisters, Sergeant Blamires is survived by his wife, Kim and their two young daughters.

Sergeant Blamires was a man who truly lived an abundant life. Although his calls to service often required him to be away from the family he loved, there was nothing Sergeant Blamires desired more than to be with his family. Fellow serviceman, SSG Ronald Walton recalls that Sergeant Blamires, ''dreamt of being a better husband and father to his two girls and he talked of it often.''

What a fine man.

What an extraordinary life.

We will always remember his dedicated service to our Nation, and it is my fervent hope that he and his family remain in our prayers.

STAFF SERGEANT VIRGIL C. MARTINEZ

Mr. President, I stand here today to pay tribute to a hero, SSG Virgil C. ''Chance'' Martinez. Sergeant Martinez was a member of the 1st Infantry Division's 1st Battalion, 7th Field Artillery Regiment and recently gave his life while serving his country in Iraq.

From the time Sergeant Martinez was a 5-year-old boy, he felt a duty-bound responsibility to follow in the footsteps of his stepfather and answer his country's call to service. His sister Kim Austin-Oliver said of her brother ''We knew at a very young age that he was going to be a soldier. It is who he has always been.''

As a teenager, Sergeant Martinez enjoyed playing on his high school ski and football teams. Shortly after graduating from high school in 1992, he would achieve his life long ambition and join the U.S. Army.

I understand that Sergeant Martinez was a man deeply devoted not only to his country but also to his family. When speaking of his lost stepson, Daniel Oliver noted, ''Chance would do anything and everything for his children and for his mother . . . he was like the Disneyland father—wanted to show his children everything.'' Sergeant Martinez was the husband to wife Mandy and father of five beautiful children.

I would like to close my remarks by highlighting an observation made by Sergeant Martinez's sister. Kim Austin-Oliver commented that Sergeant Martinez died doing what he had always wanted to do, and that is, serve his country.

I can think of no truer definition of a hero. Sergeant Martinez and the family he has left behind will forever remain in my memory and in my prayers for his selfless service to our Nation.

CORPORAL MICHAEL A. PURSEL

Mr. President, I rise to pay tribute to one of Utah's fallen sons, CPL Michael A. Pursel. Corporal Pursel, a member of the 2nd Infantry Division, recently lost his life in Baqubah, Iraq. He was 19 years old.

Corporal Pursel is actually a two-time volunteer. His service began when he joined the Army and he then volunteered to replace other soldiers from the 2nd Infantry Division. In fact, Corporal Pursel not only answered that call, but was one of the first to offer his service.

I have been informed that Corporal Pursel belonged to a family of great patriots, many of whom have served in the military themselves. This includes both of Corporal Pursel's parents. His mother Terry Dutcher, who is a Captain in the Air Force Reserve, said of her son, ''Michael was doing what he always wanted to do . . . he died living his dream.''

In memory of the life of this great soldier would submit to you that the dream of serving one's country—the dream that CPL Michael A. Pursel achieved—is a dream that more Americans must embrace. Although young in years, Corporal Pursel understood the premise that to serve one's country extends far beyond the notion of being active in one's military duty. To serve one's country enables the rest of us to enjoy our Nation's greatest gift: freedom. This was at the very core of his service and how Corporal Pursel lived his life, the life of a hero, the life of one who will forever be remembered in my prayers.

This country owes CPL Michael A. Pursel a great debt of gratitude. He shall forever be remembered and honored for his service to our Nation.

JUNETEENTH DAY

Mr. KOHL. Mr. President, I rise to recognize Juneteenth Day, a yearly commemoration of the abolition of slavery in our country.

As a nation we value and appreciate the freedom and independence Juneteenth Day represents. Historically, Juneteenth Day has been a celebration of our country's rich African-American heritage and has promoted awareness about the history of African American sacrifice.

A great celebration took place on June 19, 1865, when slavery was finally abolished 2 years after the Emancipation Proclamation. Fishing, festivals, barbecuing and baseball are just a few of the typical Juneteenth activities people enjoy today. Juneteenth has long been a day of education and enlightenment and often includes guest speakers and prayer services.

I believe that observing Juneteeth Day is necessary to truly embrace the equality and freedom our country represents. We live in a culturally diverse nation and celebrations like Juneteenth Day encourage us to understand and respect the differences that make our country great.

It is imperative that we continue the work of achieving racial and ethnic harmony and I am honored to acknowledge this important day. I commend the tremendous dedication of the people who participate in the annual Juneteenth Day celebrations.

HEAD START FOR SCHOOL READINESS ACT

Mr. ENZI. Mr. President, I rise today in support of the Head Start for School Readiness Act of 2007. This legislation is a bipartisan effort by the Health, Education, Labor and Pensions Committee to reauthorize the Head Start Act.

The Head Start Program was established in 1965 as part of the war on poverty by President Lyndon B. Johnson. The purpose of the program was, and remains, to provide educational and other developmental services to children in very low-income families. Since its creation, Head Start has been a comprehensive early childhood development program that provides educational, health, nutritional, social, and other services to low-income preschool-aged children and their families. Head Start currently provides services to over 900,000 children and their families through a network of over 1,600 public and private agencies.

The legislation before us today builds on work started last Congress by the HELP Committee under my leadership. The Head Start for School Readiness Act ensures that low-income children receive the educational and developmental services they need to be ready to learn and be successful in school.

I want to thank Senator KENNEDY for his ongoing commitment to working on a bipartisan basis, which has resulted in legislation that meets the needs of children and families who participate in the Head Start Program throughout our Nation. I would also like to thank our colleagues, Senators ALEXANDER and DODD, for their fine work and dedication to this important program.

Head Start was created to level the playing field for low-income children by providing them with education and development activities. This program recognizes that children do not start school with the same set of experiences and knowledge and helps provide low-income children with some of the experiences and knowledge their more affluent peers have as they start their elementary school experience. The Head Start Program also recognizes the important role that families play in a child's development and encourages their regular participation in the program.

This legislation helps ensure that children in the Head Start Program will be better prepared to enter school with the skills necessary to succeed. It is well documented in early childhood education research that students who are not reading at grade level by the third grade will struggle with reading the rest of their lives. Head Start provides early education for over 900,000 children each year, most of whom would not have the opportunity to attend preschool programs elsewhere. The future of these children is why we have all worked so hard to improve and strengthen this act. The legislation before us today will help Head Start Programs provide children with the early learning skills and early childhood development activities they need to be successful. Head Start introduces many of these children to books, the alphabet, numbers, as well as how to play and share with their classmates. Head Start provides the building blocks children need for success later in life.

The Head Start for School Readiness Act builds on what many great Head Start providers are already doing. Working from recommendations from the National Academy of Sciences, this bill adds educational standards related to language skills, literacy and numeracy skills, as well as cognitive, emotional, and physical development. Steps are also taken to ensure that limited English proficient children are provided assistance in acquiring the English language.

I am particularly pleased with the accountability provisions put forth in this legislation. The legislation before us today includes important changes to the Head Start Program related to the evaluation and review of grantees. The timeframe for Head Start grantees to appeal decisions made by the Secretary to terminate grants is now limited. In some instances, Head Start grantees have been found to be operating programs that are unsafe or misusing Federal funds—and are often continuing those bad practices for months—as long as 600 days in some cases—during the termination process. This equates to children not receiving quality services, and instead of being prepared for success, they fall further behind.

Additional steps have been taken in this legislation to increase the quality of Head Start Programs, including providing the Secretary the authority to terminate a grantee that has multiple and recurring deficiencies that has not made significant and substantial progress toward correcting those deficiencies. This legislation provides greater clarity for grantees as to what constitutes a program deficiency. Many of us have heard from grantees across the country who expressed frustration with the lack of consistency with which the provisions of the Head Start Program is enforced. For that reason this legislation includes provisions related to interrator reliability—this will help ensure consistency in the review of Head Start Programs across the country.

Changes were made to the distribution of grant funds to ensure that programs maintain their funded levels of enrollment. We understand that families served by the Head Start Program tend to be more migratory and that full enrollment at Centers is often difficult to maintain. However, we also know that many programs have waiting lists and that thousands of eligible children are not currently being served. This legislation balances those needs by providing flexibility in meeting full enrollment, but also requiring funds to be moved from chronically under-enrolled programs.

Senator DODD has provided valuable leadership as we worked to develop a clear policy on the roles and responsibilities of the governing bodies and policy councils. We have worked together to clarify and strengthen the roles of the governing body and policy councils while preserving the important role of parents. After careful review, the committee found that many of the important fiscal and legal responsibilities of Head Start grantees were not explicitly assigned.

Unfortunately there have been too many examples of programs that have failed the children, families, and community they were funded to serve due to appalling financial mismanagement. Cases were brought to the committee that detailed excessive and inappropriate expenditures, lost funds, and reduced services to children because proper financial management techniques were not in place. Too often the truth was hidden from governing bodies and policy councils alike.

The bill clarifies those responsibilities leading to more consistent, high-quality fiscal and legal management, which will ensure these programs are serving children in the best possible way. Changes in this legislation address the concerning situations mentioned earlier by placing fiscal responsibility with the governing body. It is absolutely necessary and vital that one entity maintain fiscal and legal control of the Federal grant dollars. That

said, we maintain the equally vital and necessary role of the policy councils in setting program priorities, classroom activities, and personnel changes. We believe this careful balance will help ensure the continued integrity of the Head Start Program for years to come.

We recognize that a vast majority of the Head Start agencies provide high quality, comprehensive services for children in the Head Start Programs. However, the provisions in this bill will create an important incentive for programs to operate at their best and in the best interest of the children they serve.

I want to particularly note emphasis we have placed on the role of parents in Head Start Programs. It is vital to remember that this program provides services to children and their families. Parents provide valuable insight and experience as to what a Head Start Program should do for children. In fact, this legislation increases the presence of parents in Head Start Programs, strengthens services for families, and provides training and development opportunities for parents that do serve on the policy councils and governing bodies.

This legislation also increases the coordination, collaboration, and excellence of early childhood education and care programs. It enhances the role of the State director of Head Start collaboration to ensure that Head Start Programs are maximizing their potential by stretching dollars, promoting partnerships to meet State and local needs, and developing strategic plans to meet future and current goals. This legislation also allows each State to apply for funds to support a State advisory council on early care and education to conduct a statewide needs assessment, identify collaboration opportunities, and support additional data collection. Additional encouragement of coordination and collaboration will stretch Federal, State and local resources to provide additional resources to disadvantaged children across the country.

Finally, this legislation requires the Department of Health and Human Services to cease any further development or implementation of the National Reporting System. While I believe that the assessment of children in the Head Start Program is important, I believe that the assessment must be both age and developmentally appropriate. This legislation requires a review and update of the assessments, standards, and measures used in Head Start Programs by the Panel on Developmental Outcomes and Assessments for Young Children of the National Academy of Sciences. Once the panel completes its recommendations, the Secretary is then allowed to revisit the issue of assessment in Head Start Programs.

The members of the HELP Committee, and in particular Senators ALEXANDER, KENNEDY, and DODD, have worked tirelessly on this legislation. The final product before us today is a comprehensive and bipartisan reauthorization of the Head Start Program. I wish to thank Senators KENNEDY, ALEXANDER, and DODD and the other members of the committee for their assistance in moving this legislation to the floor. Passage of this legislation will ensure that low-income children are prepared not only for success in school but for later success in life.

Finally, I would like to thank the staff of members of the HELP Committee who have spent countless hours preparing this legislation for passage by the Senate. In particular I would like to thank Roberto Rodriguez with Senator KENNEDY, Catherine Hildum and Sharon Lewis with Senator DODD, David Cleary and Sarah Rittling with Senator ALEXANDER, and Beth Buehlmann and Lindsay Hunsicker of my staff.

It is my hope that our bipartisan efforts will continue to produce results as we move to final passage of this legislation and on to a conference committee with the House of Representatives. We must all work together to get a bipartisan product to President Bush for his signature as soon as possible.

DYSTONIA

Mr. DODD. Mr. President, I take this opportunity to call attention to a very serious, painful neurological disorder, dystonia, that affects many muscle groups simultaneously. We recently commemorated Dystonia Awareness Week and I would like to call further attention to this serious disorder.

Dystonia is a painful disorder characterized by powerful involuntary muscle spasms. The spasms cause twisting, repetitive muscle movements, sustained postural deformities, and debilitating physical ailments. Although most forms of dystonia cause no mental damage, people living with dystonia are often prisoners in their own bodies. Currently, no cure is known and available medical therapies can only superficially address the symptoms.

Approximately 50 percent of people with dystonia have a genetically inherited form whereas birth injury, physical trauma, exposure to certain medications, surgery, or stroke is the cause for the other 50 percent. Dystonia is not selective, occurring in all racial, ethnic, and age groups. It is significantly more common than Huntington's disease, muscular dystrophy, and Lou Gehrig's disease. Given the prevalence and dystonia's impact on so many Americans as well as the limited treatment options available, I am pleased to support the goals of Dystonia Awareness Week. The Dystonia Advocacy Coalition through the commemoration of Dystonia Awareness Week and several other outreach activities seeks to raise awareness of dystonia's impact on the quality of life of 300,000 people in North America.

I call on my colleagues to support increased funding for the National Institutes of Health to support needed advances in dystonia research. Research is needed to develop reliable tests to diagnose dystonia as well as access to new treatment options to improve the lives of people living with this terrible chronic disease. Until we can find a cure for dystonia, I respectfully ask my colleagues to make a prolonged commitment to the dystonia community that goes well beyond Dystonia Awareness Week.

ROBERT STURM

Mr. CHAMBLISS. Mr. President, I rise today to pay tribute to an honest, humble and dedicated servant of the United States Senate who has decided to turn in his Senate badge and enter retirement. For over 33 years, Robert E. Sturm, has selflessly served the Senate in various positions. His humble beginnings can be traced to his first Senate position as a mail clerk for Senator Birch Bayh in 1974. Bob undoubtedly performed his duties in an exemplary fashion, for his Senate career continued in the offices of Senators Dick Clark, Donald Stewart and Russell B. Long. He eventually rose to the respected position of chief clerk of the Senate Committee on Agriculture, Nutrition and Forestry, and has served in that capacity for five current U.S. Senators including Senator PATRICK LEAHY, Senator RICHARD LUGAR, Senator TOM HARKIN, Senator THAD COCHRAN, and myself. After enjoying a 33-year career in the United States Senate, I speak on behalf of all of those who have had the pleasure of serving with Bob when I say; your retirement is well deserved.

I would like to share with you all the uniqueness of Bob's character, kind spirit and devotion to his position as chief clerk. Whether addressing an intern or chairman of a Senate committee, Bob always displayed the same measured approach, graciousness, patience and understanding. Bob never hesitates to place the needs of others before his own. It is commonplace for Bob to spend late nights at work in preparation for farm bill mark ups, accommodate last minute travel requests from impatient Senators and staff alike, fly to the furthest reaches of our great Nation to set up hearings, or answer any procedural question with the temperance of a man who has not answered the question a thousand times before. Robert Sturm is that indispensable part of your staff upon whom you grow so reliant, you wonder how you will function in his absence.

Bob, while a patient and understanding man, is not shy about enforcing the rules of the Senate Agriculture Committee which he loves. Any visitor to a Senate hearing who attempted to open a newspaper during the hearing, spoke too loudly from the audience or attempted to pass out materials not reviewed and approved by Bob, knows how quick the wrath of Bob Sturm can be meted out. Similarly, Bob guarded

the Senate Agriculture Committee hearing room with diligence and insisted that its appearance always reflected the high esteem in which he held the committee and this august body.

During my first hearing as chairman, I remember reaching for the gavel to call the hearing to order. As I looked down at the gavel, I was shocked to find that someone had placed my name on it. Humbled by this kind act, I turned to my staff and quietly asked, ''Who did this?'' The answer was of course Bob Sturm. During my chairmanship, I could always depend on Bob to place a few bags of my beloved Georgia peanuts at the seat of each Senator attending the hearings. It is the little things like this that exemplify Bob's attention to detail and willingness to serve. I also remember when the Agriculture Committee traveled around the country in the summer of 2006 to eight different farm bill field hearings. Bob was on the front lines of every hearing—from educating staff on how to select an appropriate hearing site, traveling in advance to prepare for the hearing, arranging all the necessary travel, hotel accommodations and food, to running the actual hearing—Bob was in control. Even after being exhausted from continuous travel, Bob was always the first one to arrive and the last one to leave each hearing and I never heard one word of complaint. Bob, as in the performance of all his duties, was meticulous and saw things through to the end. I will always be grateful for his devotion.

Let me finish by saying, Bob, that the Senate will sincerely miss you and most of all we thank you for your loyalty and the model of service you leave behind. Best of wishes on a healthy and happy retirement with your family. It is certainly well deserved.

ADDITIONAL STATEMENTS

TRIBUTE TO CLAY PARK

• Mr. AKAKA. Mr. President, I have often said that one of my roles as a Senator is to reflect Hawaii, and show people the meaning of aloha through my own actions. Aloha is not passive, it is not easy, but it can make a difference in people's lives. I am reminded of just how inspiring and effective aloha can be by one of my constituents, William Clay Park. I remember seeing Clay at a Senate Committee on Veterans' Affairs hearing on the island of Oahu last year. I was impressed by how he exemplified the spirit of aloha. More recently, Clay was featured in Hawaii Business Magazine for his personal story, and his professional work for Hawaii's veterans. I will ask to have the text of this article in Hawaii Business Magazine printed in the RECORD following my statement.

Clay was born and raised in Hawaii, rooted in the Native Hawaiian values of his ''ohana,'' or family. As a young man he joined the Army, and served in the Vietnam war. The war took a toll on Clay, but after leaving the Army he joined the National Guard, and started what would become a 30-year career with VA as a dental lab technician.

In 2003, Clay had retired from VA and the National Guard, and that could have been the end of his career of serving his country and his fellow veterans. Instead, he answered a call from a friend and learned that Helping Hands Hawaii, a nonprofit social services organization, was in need of help. Once at Helping Hands Hawaii, he realized that Hawaii veterans needed someone like himself to help them through the bureaucratic maze of VA benefits. They also needed someone with his kind of aloha.

Although he has only been with Helping Hands Hawaii for a few years, Clay's colleagues can already tell scores of stories about the length he will go to in order to reach veterans and help them. Those stories include hiking through Hawaii's dense forests in search of disconnected veterans who have taken to the bush. While many people pass by homeless veterans on their city streets, Clay makes it his responsibility to reach out to them, and get them the help they need.

The greatest price of war are its human costs, and many veterans pay that price long after they have returned from service. Our Nation needs more people like Clay Park, to show veterans that a grateful Nation is not willing to let them be forgotten, and will provide a helping hand when they need one.

Mahalo Clay, for being an example of the resilience and power of aloha.

Mr. President, I ask unanimous consent to have the aforementioned article from Hawaii Business Magazine printed in the RECORD.

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

[From Hawaii Business, May 2007]

CASUALTIES OF WAR

(By David K. Chao)

Clay Park joined the Army on a whim. Fresh out of Waialua High School, the 17-year-old was trying to support a friend, who didn't want to go to the recruitment office by himself. The friend wound up failing the physical, but Park passed. In 1966, after being trained as a combat medic and dental technician, he was shipped off to Vietnam, where he saw some of the heaviest fighting of the war, including the Tet Offensive in January 1968.

Park left the Army later that year and went on to a nearly 30-year career as a dental lab technician for the Veterans' Administration (VA). He also served as a National Guardsman for 24 years, retiring as a master sergeant in 2000.

Today, Park is a case manager for Helping Hands Hawaii, a nonprofit social services organization with a wide-ranging mission, which includes helping veterans in need of physical and mental health assistance. Earlier this year he was honored by Helping Hands Hawaii as one of the individuals ''for whom service is as much a part of life as breathing . . . .''

Park took some time off from his busy schedule to talk with Hawaii Business about veterans in need. Post Traumatic Stress Disorder and the coming mental health crisis that may overwhelm Hawaii and the rest of the country.

Tell me about how you started at Helping Hands and what it is you do there?

I retired from the VA in 2003 and shortly after Dr. Luke [Helping Hands Hawaii senior program director Dr. Stanley Luke] called me and told me he needed some help. I used to work with him at the VA. I didn't have any training in social work or mental health, but he thought that I could help with cultural competency [assisting with the Native Hawaiian clients]. I was only supposed to work for six months, but that was three years ago and now I help all veterans and their families.

As a case manager, I walk a veteran through the system—how to apply for VA benefits. I find them housing and food. I always carry canned goods in the back of my truck, just in case. For me, it's about being an advocate for vets, who really don't want to go through the system, but they need to talk to someone. I've gotten a few calls from wives, who say, ''I want my husband back. This is not the man I married.''

You've gone to some unusual lengths to find veterans and get them help. Can you tell me about that?

The last vet that I found was on the side of the Pali. He wasn't very high up, somewhere between Pali Highway and Kamehameha Highway, but in the deep, thick stuff. I'm an avid pig hunter, so it wasn't very hard tracking him down. I found a guy on Diamond Head once and I only had a brief description: Caucasian male, who lives under a blue tarp. That wasn't very hard either, once the police told me where the homeless are. Most of the time, they aren't in the mountains. They're in the city or on the beach. But I find them, and we talk and I bring them in.

What has happened to these veterans?

No one walks away from war unaffected. Everyone is wounded. You may not be hurt physically, but you are definitely affected mentally. Why is that? Why is it that a guy comes back and gets married and lives the Great American Dream—the house, the dog, the kids. But then, in his 50s or 60s, he takes a shotgun and blows his brains out. Why is that? It is because, when you are young, you stay busy. But as you get older, your body slows down, but your mind doesn't. And you can't cope. The ghost is always there and he comes to bite you every once in a while. Sometimes you just can't keep him in the closet.

Look what's happening now. The American forces are low, so they are sending these guys on two or three tours of duty. They come back with PTSD (Post Traumatic Stress Disorder), and they think they have fixed them up. And then they send them on their second tour. And they come back and they are worse, and they send them out for a third time.

Are you seeing a lot of Afghanistan and Iraq veterans?

I've seen a few, guys from my National Guard unit. But it's really too soon. But we'll see them, and it's going to get nasty.

How so?

The problem is that they activated units that have soldiers in their 40s and 50s. They are married and have children and jobs. When we went, we were full of piss and vinegar. We were wet behind the ears and we didn't give a damn about anything. When you go to war when you're older, your body isn't as strong as the young guys and your thinking is much different. It [your mind] can be damaged more easily and more deeply. They are saving limbs and putting in

glass eyes, but what are they doing for these soldiers' mental instabilities? They are trying, but there isn't enough. They can't keep up. It is ugly. An ugly picture.

Do you have a ghost?

Big time. But it is how you deal with it. And what you do with it. When that ghost comes out, do you let it drag you down, or do you put it back? When I came back [from Vietnam] I was angry. I was angry at the world. People were protesting the war, but they didn't know what war was really like. All they knew was what they saw on TV. Eventually, I got busy, very busy. I learned how to drive all kinds of things, big trucks, planes, so I could be in control. I looked for natural highs, like flying. Helping people is another high.

When I'm with a vet on the beach or in a park, I'll ask him: ''What do you see?'' They don't know what I'm talking about. I tell them: ''I see life. I see birds, trees and the sun. Today is today. Tomorrow may never come and yesterday is gone.''

You're just one person. What you're describing is a potential mental health crisis of epic proportions. Won't you be overwhelmed?

I may be one guy from Helping Hands but, I've got ''the Uncles,'' Victor Opiopio, Sam Stone, Charles Kanehailua, James Opiana and all their wives. These are all guys who are part of my core group of veterans, who are willing to sit down and talk to these guys [fellow veterans in need]. They [the Uncles] aren't getting paid. They are a network of people out there, who are willing to take a guy by the hand and walk them through the system. I've also got a gal at the VA who wants to help our group, as well as a VA doctor. We're a small group but we're thinking about the big picture. Are we prepared for what is going to happen? No. But if you can help one vet at a time, you're doing something. We can't just sit back and do nothing. I don't have time to do nothing. I don't.●

CONGRATULATING DR. RAMON SY

● Mr. AKAKA. Mr. President, I congratulate and extend my warmest aloha to Dr. Ramon Sy, who was selected as Hawaii's national recipient of the Jefferson Award. The Jefferson Award is a prestigious award recognizing and honoring individuals for their contributions to community and public service. Dr. Sy, through his Aloha Medical Mission, has helped to provide medical treatment to thousands of individuals in the Pacific and Asia, who are unable to access modern medical care due to cost or availability.

A native of the Philippines, Dr. Sy and seven other members of the Philippine Medical Association of Hawaii established the Aloha Medical Mission in 1983. The Aloha Medical Mission provides voluntary medical, surgical, and other health-related services, which include the donation of supplies and equipment, to medically indigent areas of Southeast Asia and the Pacific. In addition to providing access to health services, the Aloha Medical Mission also provides training to physicians overseas and through an exchange fellowship program in Honolulu, HI.

Dr. Sy is responsible for furthering the development of the Aloha Medical Mission from a small group of doctors to an organization well known within the international community. Since the establishment of the Aloha Medical Mission, Dr. Sy and his colleagues have served in 11 countries, treated 200,000 patients, and performed over 9,000 operations. His commitment to ensuring that medical care is accessible in both Hawaii and abroad demonstrates his compassion and undying concern for others. He is an inspiration to all because of his willingness to embrace the problems of those less fortunate. I hope that many will aspire to follow Dr. Sy's example by making a commitment to making a difference.

I thank Dr. Sy for his dedication and quality efforts and extend the same gratitude to all the members of the Aloha Medical Mission. I wish Dr. Sy and his family the best in their future endeavors.●

GILA CLIFF DWELLINGS CENTENNIAL

● Mr. DOMENICI. Mr. President, I would like to honor and give special attention to the 100th anniversary of the establishment of Gila Cliff Dwellings National Monument in my home State of New Mexico. On November 16, 1907, President Theodore Roosevelt signed the proclamation that recognized the Gila Cliff Dwellings and 533 surrounding acres as a national monument being what he called, ''of exceptional scientific and educational interest . . . as the best representative of the cliff-dwellers' remains of that region.'' This unique monument, nestled among the spectacular scenery of the Gila National Forest, was once the home to the people of the Mogollon, who lived along the East fork of the Gila River during the late 13th and early 14th century. It is at that place where these impressive builders constructed a 42-room collection of homes in 5 spacious sandstone caves high along the face of a small creek-canyon. Today, this monument gives Americans a glimpse of the great cultures and societies that once occupied the North American Continent prior to the arrival of European settlers.

This year-long centennial celebration is more than just an appreciation for the unique beauty that is defined by the many special places like this in New Mexico. In commemoration of this special centennial event, an unexcavated surface site referred to as the TJ Ruin will be open for a limited number of guided tours. Over the next few weeks other exciting events such as Stories in the Stars, Stories in the Shards, Rock Art and Storytelling will be taking place. There will be a number of other events, including an exhibit opening at the Silver City Museum, cowboy poetry, music, Dutch oven cooking, and Chiricahua Apache Culture Days that will be held throughout the remainder of the year to entertain those visiting the area and to celebrate the 100th anniversary.

The attractive weather and abundance of forest and desert flora and fauna in the Gila region of southwest New Mexico attracts over 60,000 visitors every year who contribute to the economies of southwestern New Mexico cities and towns such as Silver City, Cliff, Deming, Bayard, and Lordsburg. With over 1,500 miles of trails, the opportunities for mountain biking, hiking, and horseback riding are endless. There is also a great abundance of wildlife that roam the Gila region. For the fisherman, there is over 360 miles of mountain streams, creeks, rivers, and lakes that are a precious resource in the Southwest.

The outdoors reminds us all of the things we hold so dear. Public lands make up over one-third of the United States, most of which is in the West. Those of us from the State of New Mexico cherish the open spaces afforded by the West. Like the Mogollon, we are reminded daily of our dependence on the land and therefore take a devout interest in its health and management. The Gila Cliff Dwellings and the Gila National Forest remain much the same as so many years ago, and I am glad this will be the case for generations to come.

The next time you happen to be in New Mexico, I encourage you to come visit and take some time to enjoy all New Mexico has to offer. From the many beautiful mountains, to the rivers, the canyons, the wildlife, the culture and the history—the marvelous place we call the Gila has it all. New Mexico is a great place, and the Gila Cliff Dwellings help make it so. To all, past and present, who have worked hard to preserve the Gila Cliff Dwellings, I extend a heartfelt thank you and honor you this centennial year.●

RECOGNIZING B. BENEDICT GLAZER ELEMENTARY SCHOOL

● Mr. LEVIN. Mr. President, I am pleased to take this opportunity to commemorate the 40th anniversary of B. Benedict Glazer Elementary School and to congratulate the principal of Glazer Elementary, Florene McMurtry, on her retirement after 20 years of dedicated service and leadership. B. Benedict Glazer Elementary School celebrates this milestone today as a part of its annual 5th Grade Class Day.

On May 5, 1967, the Michigan House of Representatives passed Resolution No. 99 in honor of Dr. B. Benedict Glazer, Rabbi of Temple Beth El in Detroit, to formally recognize his 11 years of outstanding service to the congregation of Temple Beth El and to the State of Michigan. The resolution also paid tribute to the decision to name an elementary school in his honor. Dr. Glazer was nationally recognized as an exceptional scholar, teacher, and leader, and was well known as an advocate for uniting people of different faiths. Dr. Glazer was also at the forefront of many struggles for basic human rights, fighting for improved conditions in Michigan's mental health facilities and against various forms of racial and religious discrimination, among other noble causes.

I am proud to also recognize the many accomplishments of Glazer elementary students, which is undoubtedly the direct result of the hard work and dedication of its students, faculty and staff. Glazer was recently selected as a Leadership School by the Schools of the 21st Century and enjoys the distinction of being awarded the $100,000 Skillman Improvement Grant, the highest award among six elementary schools included in the 2007 high performing category out of 300 Detroit elementary schools. This grant is expected to help fund several worthwhile initiatives, including a GED certificate program and the purchase of additional computers to assist parents of Glazer students who have not completed high school.

The principal of B. Benedict Glazer Elementary School, Florene McMurtry, has served the Detroit Public School system in various positions for 35 years. Her passion for education is illustrated by the many notable successes she has enjoyed throughout her career as an educator. An example of her innovative approach to education was the partnership she helped form between Glazer Elementary School and Temple Beth El in 1998 to provide financial resources and tutors for students through the Glazer Elementary Ada S. and Rabbi B. Benedict Glazer Memorial Fund. Mrs. McMurtry also established the tradition of presenting dictionaries as the Glazer Memorial Prize to honor the most outstanding boy and girl student for Class Day. In 2001, Mrs. McMurtry established the InsideOut Literary Arts Project at Glazer with a writer-in-residence who integrates creative writing and drama in the school curriculum and publishes the students' work. To date, seven poetry books have been written and published.

Mrs. McMurtry has proven herself to be a devoted educator. Through her dedicated leadership and the many programs she has initiated and led, she has managed to increase parental involvement in school, student access to resources, and has served as a liaison between the students and the community. In addition, Mrs. McMurtry has received many accolades over the years in recognition of her outstanding service, including the Principal of the Year Art Award in 1996 and 2001, the Distinguished Service Award, City of Detroit in 1985 and she was a finalist for Michigan Teacher of the Year in 1984–1985.

I know my colleagues in the Senate join me in recognizing B. Benedict Glazer Elementary School on its 40th anniversary and its principal, Florene McMurtry, on her impressive record of service to the Detroit Public School system.●

HONORING GEIGER BROTHERS

● Ms. SNOWE. Mr. President, today I recognize an outstanding, family-owned small business from my home State of Maine that recently received the Gannett Family Business of the Year Award from the University of Southern Maine's Institute for Family-Owned Business. A promotional products distributor, Geiger Brothers of Lewiston has been in operation since 1878. Incredibly, the Geiger family has been in charge of the business for the entire time—a total of four generation.

Geiger Brothers was originally founded in Newark, NJ, with a staff of four, two of whom were Geiger brothers. Since then, Geiger Brothers has undergone dramatic transformations, moving to Maine over half a century ago, and expanding to 500 employees between the Lewiston office and several field offices. While the Geiger name may not jump out at people from outside of Maine, the name ''Farmers' Almanac'' is universally known. Published yearly, the ''Farmers' Almanac'' is famous for its weather forecasts, gardening tips, and recipe suggestions. It is a source of great pride for my home State of Maine that Geiger Brothers publishes the ''Farmers' Almanac.''

It is no surprise that Geiger Brothers has won the Gannett Family Business of the Year Award. In fact, there is no lack of accomplishment or recognition in Geiger's history. The recipient of the Margaret Chase Smith Maine Quality Award, the FedEx Gold Level Supplier, and the Maine State Chamber of Commerce Maine Investors Award, Geiger's list of commendations recently grew to include the Advertising Specialty Institute's Family Business of the Year and a 2006 Best Places To Work In Maine award.

In addition to publishing the world-renowned ''Farmers' Almanac,'' Geiger Brothers has consistently lived by a philosophy of community service. When, in 1988, the company ''adopted'' the Montello Elementary School in Lewiston, then-President George H.W. Bush awarded them with a ''Point of Light'' in celebration of their service and volunteerism. Since then, Geiger Brothers has continued to organize similar partnerships across Maine, and the company's employees have donated their time to worthwhile causes all across the Lewiston-Auburn area. In addition, employees live by ''The Geiger Way,'' a set of values focused on respect for all involved in the business, from employees to clients and everyone in between. The generous and benevolent spirit of Geiger Brothers is assuredly a shining example to all small businesses.

Congratulations to Gene Geiger, CEO and president; to Peter Geiger, executive vice president; and to all of Geiger Brothers' accomplished employees on their most recent honor, and all of the awards they have received. It is no wonder that Geiger Brothers has been recognized so consistently throughout the years with their dedication and willingness to serve. I wish them continued success and many more editions of the ''Farmers' Almanac.''●

REPORT OF THE VETO OF S. 5, THE STEM CELL RESEARCH ENHANCEMENT ACT OF 2007—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to be held at the desk:

To the Senate of the United States:

I am returning herewith without my approval S. 5, the ''Stem Cell Research Enhancement Act of 2007.''

Once again, the Congress has sent me legislation that would compel American taxpayers, for the first time in our history, to support the deliberate destruction of human embryos.

In 2001, I announced a policy to advance stem cell research in a way that is ambitious, ethical, and effective. I became the first President to make Federal funds available for embryonic stem cell research, and my policy did this in ways that would not encourage the destruction of embryos. Since then, my Administration has made more than $130 million available for research on stem cell lines derived from embryos that had already been destroyed. We have also provided more than $3 billion for research on all forms of stem cells, including those from adult and other non-embryonic sources.

This careful approach is producing results. It has contributed to proven therapeutic treatments in thousands of patients with many different diseases. And it is opening the prospect of new discoveries that could transform lives. Researchers are now developing promising new techniques that offer the potential to produce pluripotent stem cells, without having to destroy human life—for example, by reprogramming adult cells to make them function like stem cells.

Technical innovation in this difficult area is opening up new possibilities for progress without conflict or ethical controversy. Researchers pursuing these kinds of ethically responsible advances deserve support, and there is legislation in the Congress to give them that support. Bills supporting alternative research methods achieved majority support last year in both the House and the Senate. Earlier this spring another bill supporting alternative research won overwhelming majority support in the Senate, and I call on House leaders to pass similar legislation that would authorize additional funds for ethical stem cell research. We cannot lose the opportunity to conduct research that would give hope to those suffering from terrible diseases and help move our Nation beyond the controversies over embryo destruction. I invite policymakers and scientists to come together to solve medical problems without compromising either the high aims of science or the sanctity of human life.

S. 5, like the bill I vetoed last year, would overturn today's carefully balanced policy on stem cell research.

Compelling American taxpayers to support the deliberate destruction of human embryos would be a grave mistake. I will not allow our Nation to cross this moral line. For that reason, I must veto this bill.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 20, 2007*.

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

The President Pro Tempore (Mr. BYRD) announced that on today, June 20, 2007, he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

H.R. 57. An act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands.

H.R. 692. An act to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2366. An act to reauthorize the veterans entrepreneurial development programs of the Small Business Administration, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 1255. 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.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 535. A bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

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.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Marylyn Andrea Howe, of Massachusetts, to be a Member of the National Council on Disability for a term expiring September 17, 2008.

*Lonnie C. Moore, of Kansas, to be a Member of the National Council on Disability for a term expiring September 17, 2008.

*Kerri Layne Briggs, of Virginia, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

*Jerome F. Kever, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2008.

*Michael Schwartz, of Illinois to be a Member of the Railroad Retirement Board for a term expiring August 28, 2012.

*Virgil M. Speakman, Jr., of Ohio, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2009.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD (for himself, Mr. KOHL, Mr. KENNEDY, and Mr. BROWN):

S. 1664. A bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself, Mr. KOHL, Mr. KENNEDY, and Mr. BROWN):

S. 1665. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 1666. A bill to amend title II of the Social Security Act to improve the process for congressional consideration of international social security agreements; to the Committee on Finance.

By Mr. CARPER (for himself and Mr. COBURN):

S. 1667. A bill to establish a pilot program for the expedited disposal of Federal real property; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DODD (for himself and Ms. LANDRIEU):

S. 1668. A bill to assist in providing affordable housing to those affected by the 2005 hurricanes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW (for herself, Mr. BINGAMAN, Mr. LEVIN, Mr. SALAZAR, Mr. DURBIN, Mr. OBAMA, and Mr. KERRY):

S. 1669. A bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program (SCHIP) for covered items and services furnished by school-based health clinics; to the Committee on Finance.

By Ms. SNOWE:

S. 1670. A bill to amend title 10, United States Code, to improve the management of medical care for members of the Armed Forces, to improve the speed and efficiency of the physical disability evaluation system of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1671. A bill to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH (for himself and Mr. CONRAD):

S. Res. 240. A resolution designating October 21 through October 27, 2007, as ''National Save for Retirement Week''; to the Committee on the Judiciary.

By Mr. BROWN:

S. Res. 241. A resolution expressing the sense of the Senate that the United States should reaffirm the commitments of the United States to the 2001 Doha Declaration on the TRIPS Agreement and Public Health and to pursuing trade policies that promote access to affordable medicines; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. STEVENS, Ms. SNOWE, Ms. MIKULSKI, Ms. CANTWELL, Mr. OBAMA, Mr. KENNEDY, Ms. STABENOW, Mr. KERRY, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. BAYH, Mr. MENENDEZ, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. INOUYE, Mr. BAUCUS, Mr. AKAKA, Mr. SMITH, and Mrs. BOXER):

S. Res. 242. A resolution celebrating the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, and recognizing the need to continue pursuing the goal of educational opportunities for women and girls; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. MARTINEZ, Mr. LIEBERMAN, Mrs. DOLE, Ms. STABENOW, Mr. STEVENS, Mr. BIDEN, Mr. BURR, Mr. LEVIN, Ms. MURKOWSKI, Mr. KERRY, Ms. SNOWE, Ms. LANDRIEU, Mr. LOTT, Mr. MENENDEZ, Mr. DURBIN, Mr. WYDEN, Mr. FEINGOLD, Mr. CARDIN, Mr. CARPER, and Ms. CANTWELL):

S. Res. 243. A resolution supporting the goals and ideals of National Clean Beaches Week and the considerable value of beaches and their role in American culture; considered and agreed to.

By Mr. PRYOR (for himself, Mr. SUNUNU, Mrs. DOLE, Mr. LUGAR, Ms. LANDRIEU, Ms. MURKOWSKI, and Mr. ISAKSON):

S. Res. 244. A resolution designating June 2007 as National Safety Month; considered and agreed to.

By Mr. KYL (for himself and Mr. MCCAIN):

S. Res. 245. A resolution congratulating the University of Arizona Wildcats for winning the 2007 NCAA Division I Softball Championship; considered and agreed to.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. Res. 246. A resolution congratulating the San Antonio Spurs for winning the National Basketball Association Championship; considered and agreed to.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. Res. 247. A resolution commending the University of Washington Men's Crew, the 2007 Intercollegiate Rowing Association Champions; considered and agreed to.

By Mr. DODD (for himself, Mr. MENENDEZ, and Mr. LEVIN):

S. Con. Res. 39. A concurrent resolution supporting the goals and ideals of a world day of remembrance for road crash victims; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services. volunteer services, and for other purposes.

S. 305

At the request of Mr. GRASSLEY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 305, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

S. 358

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 456

At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 691

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor 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. 777

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 824

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 824, a bill to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

S. 831

At the request of Mr. DURBIN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 849

At the request of Mr. LEAHY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 970

At the request of Mr. SMITH, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 991

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1137

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1137, a bill to authorize grants to carry out projects to provide education on preventing teen pregnancies, and for other purposes.

S. 1154

At the request of Mr. NELSON of Nebraska, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1154, a bill to promote biogas production, and for other purposes.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1323

At the request of Mrs. MCCASKILL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1323, a bill to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating

to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

S. 1337

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1356

At the request of Mr. BROWN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1356, a bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1415

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1457

At the request of Mr. HARKIN, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Arkansas (Mr. PRYOR), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1492

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1496

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1496, a bill to amend the Food Security Act of 1985 to include pollinators in certain conservation programs.

S. 1514

At the request of Mr. DODD, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. DURBIN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1553

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1553, a bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes.

S. 1557

At the request of Mr. DODD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1557, a bill to amend part B of title IV of the Elementary and Secondary Education Act of 1965 to improve 21st Century Community Learning Centers.

S. 1571

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1571, a bill to reform the essential air service program, and for other purposes.

S. 1588

At the request of Ms. LANDRIEU, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 1588, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1593

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. NELSON) was withdrawn as a cosponsor of S. 1593, a bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes.

At the request of Mr. BAUCUS, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Illinois (Mr. DURBIN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1593, supra.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. RES. 132

At the request of Mr. STEVENS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 132, a resolution recognizing the Civil Air Patrol for 65 years of service to the United States.

S. RES. 203

At the request of Mr. MENENDEZ, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 203, a resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

S. RES. 215

At the request of Mr. ALLARD, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. Res. 215, a resolution designating September 25, 2007, as ''National First Responder Appreciation Day''.

S. RES. 224

At the request of Mrs. FEINSTEIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. Res. 224, a resolution expressing the sense of the Senate regarding the Israeli-Palestinian peace process.

S. RES. 236

At the request of Mr. BAYH, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. Res. 236, a resolution supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem.

AMENDMENT NO. 1510

At the request of Mr. COCHRAN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 1510 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1646

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 1646 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency,

and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1666

At the request of Mr. INHOFE, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 1666 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1668

At the request of Mr. INHOFE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 1668 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1693

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 1693 proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

At the request of Mr. BINGAMAN, the names of the Senator from Connecticut (Mr. DODD), the Senator from Delaware (Mr. CARPER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 1693 proposed to H.R. 6, supra.

AMENDMENT NO. 1694

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 1694 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

AMENDMENT NO. 1695

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of amendment No. 1695 intended to be proposed to H.R. 6, a bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 1666. A bill to amend title II of the Social Security Act to improve the process for congressional consideration of international social security agreements; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise to speak in favor of my bill to improve the process for congressional consideration of International Social Security Agreements.

International Social Security Agreements eliminate dual Social Security taxes when Americans work overseas for U.S. companies, and protect benefits for workers who divide their careers between two countries. As a result, American workers and their companies save approximately $800 million annually in foreign social security taxes.

The current process for congressional disapproval of these agreements is invalid because it involves the unconstitutional use of a legislative veto. This fact has not been a problem, however, because Congress has never desired to reject an International Social Security Agreement. Indeed, we currently have 21 agreements with most of our top trading partners, such as Canada, Germany, and Japan. However, Congress needs to establish a constitutionally valid process for congressional consideration and either approval or rejection of International Social Security Agreements, similar to the process used for other agreements and treaties.

The bill I am introducing today establishes such a process so that these important agreements can receive full consideration in the Congress. If either the House or the Senate determines that a particular agreement is a bad deal for U.S. workers or will harm the U.S. Social Security system, this bill will allow Congress to reject that agreement. Right now, that option does not exist under current law. This bill would fix that problem.

The bill would require that an ''approval resolution'' be introduced in both the House and the Senate once an agreement is submitted to Congress by the administration. The resolution will need to be approved by both Houses of Congress before an agreement can take effect. Of course, either House can also reject the approval resolution to prevent an agreement from taking effect.

The bill is cosponsored by Senator GRASSLEY, ranking member of the Finance Committee. I appreciate the assistance that he and his staff provided in developing this legislation.

I urge the Senate to approve this bill to establish a constitutionally valid process for Congress to consider and either approve or reject International Social Security Agreements.

By Mr. DODD (for himself and Ms. LANDRIEU):

S. 1668. A bill to assist in providing affordable housing to those affected by the 2005 hurricanes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, today, Senator LANDRIEU and I come to the floor to introduce the Gulf Coast Housing Recovery Act of 2007. This bill will help jump-start economic development in the communities devastated by Hurricanes Katrina and Rita. It will also help bring people home so they can resume their lives.

At the outset, let me recognize Senator LANDRIEU for all of her efforts to secure assistance for the people of Louisiana, who suffered the lion's share of damage from the 2005 hurricanes. She has worked tirelessly, every day since the storms, to ensure that Louisianans and others in the gulf coast can return to vibrant towns and cities. I also want to recognize the work of Congresswoman WATERS and Financial Services Chairman FRANK, who laid the groundwork for this legislation in the House. They did an outstanding job of ushering a housing recovery bill through the House.

The bill we are introducing today does the following: it authorizes additional funding to help rebuild the gulf coast; it requires the Federal, state and local governments to take additional actions to bring people home; and it requires accountability on the part of FEMA, HUD, and the states and cities receiving Federal funds.

Almost 2 years after the devastation of Hurricane Katrina, hundreds of thousands of people remain in limbo, wondering if they will be able to return home. The population in New Orleans remains at about half of pre-Katrina levels, though local groups and residents have made clear that many more want to return. Unfortunately, many of these families have no home to return to, and there is great uncertainty about whether adequate services will be available if they do return. As of April of this year, less than half of New Orleans' public schools, a third of its child care centers, and half of its hospitals were open.

Over 82,000 families from across the devastated region are still living in FEMA trailers, which were recently found to contain toxic chemicals. Over 32,000 families are receiving temporary rental assistance through HUD, and over 11,000 others are receiving temporary rental assistance through HUD. Tens of thousands of other families are being assisted by cities, counties and individuals throughout the gulf region and our country.

Much has already been done to help restore the gulf coast. Billions of dollars have been spent to house evacuees and clean up areas of Texas, Louisiana, Alabama and Mississippi. In addition, emergency CDBG funds have been appropriated to help families start to rebuild their homes and their lives. While these funds are finally getting to people in need, the reach of these funds is limited, to a great extent, to those who owned homes prior to the storms. Both Louisiana and Mississippi have understandably focused their efforts on getting homes rebuilt, and I support their efforts to help people whose largest asset was washed away. However, we must not forget the large number of residents who were renters at the time of the storms, many of whom held jobs that were critical to the economy and the culture of the gulf coast, including jobs necessary for the tourism and fishing industries.

In New Orleans, over half of the rental housing was flooded. We have an obligation, as a fair society, to ensure that all of our citizens in the gulf coast, including renters, are given the opportunity to return home, and the bill that Senator LANDRIEU and I are introducing today will do that.

This bill helps to do six key things that are necessary to help those displaced as a result of the hurricanes return to thriving cities and towns: it helps to bring people home; it replaces lost housing; it creates homeownership opportunities; it spurs economic and community development; it provides continued assistance to evacuees; and it requires accountability so that funds are properly used.

There are numerous provisions in our bill that will help families of all income levels return to a stronger gulf coast. I want to highlight a few of these provisions.

While most of the funds already provided to individuals for rebuilding efforts have gone to homeowners, even those funds have proven to be insufficient. The Louisiana Road Home program has pledged all of its funds, leaving many eligible homeowners without any assistance. This bill authorizes funding necessary to make this program whole so long as the State of Louisiana puts up $1 billion of its own funds towards this shortfall. I will be working with Senator LANDRIEU over the coming weeks to get a better sense of the exact amount needed in this program, why a shortfall of this amount exists, and to determine the legitimate uses of these funds.

Prior to the storm, there were over 5,200 families living in public housing in New Orleans, and thousands of others throughout the Gulf States. Many of these families include people with disabilities, seniors, and children. We cannot turn our backs on them.

HUD is currently running the Housing Authority of New Orleans, HANO, and it plans to demolish much of the public housing without replacing many of the affordable units. I believe this is shortsighted. I understand that in rebuilding New Orleans, there are many who advocate deconcentrating poverty, and I believe we can achieve this goal without sacrificing needed affordable housing. Under the bill we are introducing today, every unit of public housing that was occupied prior to the storm must be replaced, but not necessarily with a traditional public housing unit, nor in a traditional public housing setting.

In order to facilitate the replacement of public housing in New Orleans, this bill takes HANO out of HUD's hands, and puts it into judicial receivership. HANO has been a troubled agency for many years, and HUD control has not led to enough improvement. We need significant change at this agency.

This bill helps to spur much-needed development. It requires $55 million from funds previously given to the State of Louisiana to be used to help finance community development pilot programs in the State so that land can be acquired, bundled sold for redevelopment. In addition, the bill establishes an innovative program, the FHA–New Orleans Homeownership Opportunities Initiative, under which HUD will transfer to the New Orleans Redevelopment Authority properties which are under HUD control to be used for homeownership opportunities for low-income families.

While providing large amounts of Federal funds to the disaster area, it is important to ensure that funds are used correctly and are not subject to waste, fraud and abuse. This bill has stringent monitoring and reporting requirements that apply to FEMA, HUD, and the States receiving emergency funds so that the Congress can keep tabs on the disaster spending and ensure funds are being used efficiently and effectively to help rebuild and strengthen the gulf coast.

The Gulf Coast Housing Recovery Act of 2007 is a critical step towards rebuilding the gulf coast. It is supported by a broad coalition of national organizations, including the AARP, ACORN, Enterprise Community Partners, Lawyers Committee for Civil Rights Under Law, the Mortgage Bankers Association, the National Alliance to End Homelessness, the NAACP, the National Association of Homebuilders, the National Association of Realtors, the National Fair Housing Alliance, the National Low Income Housing Coalition, US Jesuit Conference, Volunteers of America, as well as Gulf Coast organizations such as Alabama Arise, Catholic Charities of New Orleans, Greater New Orleans Fair Housing Action Center, the Louisiana Association of Nonprofit Organizations, and Providence Community Housing.

Again, I would like to thank my colleague Senator LANDRIEU for her work to restore the lives of so many of her constituents and others in the gulf coast region. I urge my colleagues to support this bill so that needed housing and community development activities can be undertaken in the gulf coast.

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

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

S. 1668

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 ''Gulf Coast Housing Recovery Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Limitation on use of authorized amounts.

TITLE I—COMMUNITY DEVELOPMENT BLOCK GRANTS

Sec. 101. Flexibility of Federal Funds for Road Home Program.
Sec. 102. Household assistance programs funded with CDBG disaster assistance.
Sec. 103. Community development pilot programs.
Sec. 104. Road Home Program shortfall.
Sec. 105. Elimination of prohibition of use for match requirement.
Sec. 106. Reimbursement of amounts used for rental housing assistance.

TITLE II—PUBLIC HOUSING

Sec. 201. Survey of public housing residents.
Sec. 202. Housing for previous residents of public housing.
Sec. 203. Replacement of public housing dwelling units.
Sec. 204. Resident support services.
Sec. 205. Public housing in Katrina and Rita disaster areas.
Sec. 206. Reports on proposed conversions of public housing units.
Sec. 207. Authorization of appropriations for repair and rehabilitation for Katrina and Rita disaster areas.
Sec. 208. Existing public housing redevelopment.
Sec. 209. Reports on compliance.
Sec. 210. Independent administration of Housing Authority of New Orleans.
Sec. 211. Definition.

TITLE III—DISASTER VOUCHER PROGRAM AND PROJECT-BASED RENTAL ASSISTANCE

Sec. 301. Disaster voucher program.
Sec. 302. Tenant replacement vouchers for all lost units.
Sec. 303. Voucher assistance for households receiving FEMA assistance.
Sec. 304. Voucher assistance for supportive housing.
Sec. 305. Project-basing of vouchers.
Sec. 306. Preservation of project-based housing assistance payments contracts for dwelling units damaged or destroyed.
Sec. 307. GAO study of wrongful or erroneous termination of Federal rental housing assistance.

TITLE IV—DAMAGES ARISING FROM FEMA ACTIONS

Sec. 401. Reimbursement of landlords.

TITLE V—FHA HOUSING

Sec. 501. Treatment of nonconveyable properties.
Sec. 502. FHA single-family insurance.
Sec. 503. FHA-New Orleans Homeownership Opportunities Initiative.

TITLE VI—FAIR HOUSING ENFORCEMENT

Sec. 601. Fair housing initiatives program.

TITLE VII—IMPROVED DISTRIBUTION OF FEDERAL HURRICANE HOUSING FUNDS FOR HURRICANE RELIEF

Sec. 701. GAO study of improved distribution of Federal housing funds for hurricane relief.

TITLE VIII—COMMENDING AMERICANS FOR THEIR REBUILDING EFFORTS

Sec. 801. Commending Americans.

SEC. 2. LIMITATION ON USE OF AUTHORIZED AMOUNTS.

None of the amounts authorized by this Act may be used to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer.

TITLE I—COMMUNITY DEVELOPMENT BLOCK GRANTS

SEC. 101. FLEXIBILITY OF FEDERAL FUNDS FOR ROAD HOME PROGRAM.

(a) PROHIBITION OF RESTRICTION ON USE OF AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (4) and notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency shall allow the uses specified in paragraph (2), by the State of Louisiana under the Road Home Program of such State, of any amounts specified in paragraph (5), provided such funds are used in full compliance with the requirements of the Department of Housing and Urban Development's Supplemental Community Development Block Grant Program, as such requirements are established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) ELIGIBLE USES.—As specified in paragraph (1), the Administrator of the Federal Emergency Management Agency shall allow the State of Louisiana to use any amounts specified in paragraph (5) for the purposes of—

(A) acquiring property, including both land and buildings, for the purposes of removing any structure located on such property and permanently returning the property to a use compatible with open space, as required pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c);

(B) covering all or a portion of the cost of elevating a damaged residential structure located on any property acquired under subparagraph (A) in order to make the property compliant with State building codes, local ordinances or building requirements, and the National Flood Insurance Program, including elevating the lowest habitable level to at least 1 foot above the base flood elevation or the elevation described using the current best available data from the Federal Emergency Management Agency, whichever elevation is higher;

(C) covering all or a portion of the cost of—

(i) the demolition of any home deemed to be more than 50 percent damaged as a result of an inspection; and

(ii) the reconstruction of another home on the same property on which a home was demolished under clause (i), including site preparation, utility connection, and transactional costs, such that the newly constructed home is elevated so the lowest habitable level will be at least 1 foot above the base flood elevation or the elevation described using the current best available data from the Federal Emergency Management Agency, whichever elevation is higher;

(D) funding individual mitigation measures that can be incorporated into a home to reduce risk to both life and property, provided that no individual measure to be funded costs in excess of $7,500; and

(E) covering the reasonable cost to manage and administer such funds consistent with existing funding formulas identified under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and its implementing regulations.

(3) CONSISTENCY REQUIREMENT.—Uses specified in paragraph (2) shall be deemed eligible when implemented in a way consistent with the requirements of the Department of Housing and Urban Development's Supplemental Community Development Block Grant Program, as such requirements are established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), irrespective of any other requirements mandated under the Hazard Mitigation Grant Program under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

(4) SAVINGS PROVISION.—Except as provided in paragraph (3), all other provisions of section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall apply to amounts specified in paragraph (3) that are used by the State of Louisiana under the Road Home Program of such State.

(5) COVERED AMOUNTS.—The amounts specified in this paragraph is $1,170,000,000 designated for Hurricanes Katrina and Rita under the Hazard Mitigation Grant Program of the Federal Emergency Management Agency to the State of Louisiana as of June 1, 2007.

(6) EXPEDITED TRANSFER OF FUNDS.—

(A) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall, not later than 90 days after the date of enactment of this Act, transfer the amounts specified in paragraph (5) to the State of Louisiana.

(B) PROCEDURES.—The Administrator of the Federal Emergency Management Agency shall identify and implement mechanisms to be applied to all funds made available to the State of Louisiana as a result of Hurricanes Katrina and Rita under the Hazard Mitigation Grant Program under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) that will simplify the requirements of such program and ensure the expedited distribution of such funds under the program, including—

(i) creating a programmatic cost-benefit analysis to provide a means of conducting cost-benefit analysis by project type and geographic factors rather than on a structure-by-structure basis; and

(ii) developing a streamlined environmental review process to significantly speed the approval of project applications.

(7) FUTURE AMOUNTS.—Notwithstanding the provisions of this section, for the period beginning June 1, 2007 and ending December 31, 2007, any amounts in addition to the $1,170,000,000 described under paragraph (5) that are made available to the State of Louisiana as a result of Hurricanes Katrina and Rita under the Hazard Mitigation Grant Program under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall be provided by such State to local government entities, based upon the severity of hurricane damage incurred in such areas, to be used solely for the purposes set forth under such section 404.

(b) REPORTING REQUIREMENT.—The Administrator of the Federal Emergency Management Agency shall provide quarterly reports to the Committees on Banking, Housing, and Urban Affairs, and Homeland Security and Governmental Affairs of the Senate, and the Committees on Financial Services and Transportation and Infrastructure of the House of Representatives on—

(1) specific mechanisms that are being utilized to expedite funding distribution under this section; and

(2) how such mechanisms are performing.

SEC. 102. HOUSEHOLD ASSISTANCE PROGRAMS FUNDED WITH CDBG DISASTER ASSISTANCE.

(a) REPORTING REQUIREMENT.—Each State that received amounts made available under the heading ''Department of Housing and Urban Development—Community Planning and Development—Community Development Fund'' in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779) or under such heading in chapter 9 of title II of Public Law 109–234 (120 Stat. 472) shall submit reports, and make such reports available to the public on the Internet, under this subsection regarding each grant program of the State for assistance for individual households funded in whole or in part with such amounts to the committees identified in paragraph (4). Each such report under this subsection shall describe and analyze the status and effectiveness of each such grant program and shall include the information described in paragraph (2) regarding each such program, for the applicable reporting period and for the entire period of such program.

(b) CONTENTS.—The following information shall be included in any report submitted under subsection (a):

(1) The number of applications submitted for assistance under the program.

(2) The number of households for which assistance has been provided under the program.

(3) The average amount of assistance requested and provided for each household under the program and the total amount of assistance provided under the program.

(4) The number of personnel involved in executing all aspects of the program.

(5) Actions to affirmatively further fair housing.

(6) Comprehensive data, by program, on who is served during the period, by number, percentage, and zip code, including data on race, ethnicity, income, disability, family size, and family status.

(7) Actions taken to improve the program and recommendations for further such improvements.

(c) REPORTING PERIODS.—With respect to any program described in subsection (a), the first report under this section shall be submitted not later than the expiration of the 30-day period that begins upon the date of the enactment of this Act. Reports shall be submitted, during the term of each such program, not later than the expiration of each successive calendar quarter thereafter.

(d) RECEIVING COMMITTEES.—The committees specified in this paragraph are—

(1) the Committees on Banking, Housing, and Urban Affairs and Homeland Security and Governmental Affairs of the Senate; and

(2) the Committees on Financial Services and Transportation and Infrastructure of the House of Representatives.

(e) ONGOING REPORTS ON USE OF AMOUNTS.—

(1) QUARTERLY REPORTS.—During the period that amounts are being expended under the State grant programs referred to in subsection (a), the Secretary of Housing and Urban Development shall submit reports on a quarterly basis to the Committees on Banking, Housing, and Urban Affairs and Homeland Security and Governmental Affairs of the Senate, the Committees on Financial Services and Transportation and Infrastructure of the House of Representatives, and the Comptroller General of the United States. Such reports shall be made available to the public on the Internet. Such reports shall—

(A) describe and account for the use of all such amounts expended during the applicable quarterly period;

(B) certify that internal controls are in place to prevent waste, fraud, and abuse; and

(C) identify any waste, fraud, or abuse involved in the use of such amounts.

(2) MONITORING.—The Secretary of Housing and Urban Development shall monitor funds expended by each State required to submit reports under subsection (a) and, pursuant to such monitoring—

(A) upon determining that at least 2 percent of such amount has been expended, shall include in the first quarterly report thereafter a written determination of such expenditure; and

(B) upon determining, at any time after the determination under subparagraph (A), that the portion of such total amount expended at such time that was subject to waste, fraud, or abuse exceeds 10 percent, shall include in the first quarterly report thereafter a certification to that effect.

(3) ACTIONS IN RESPONSE TO WASTE, FRAUD, AND ABUSE.—If at any time the Secretary of Housing and Urban Development submits a report under paragraph (1) that includes a certification under paragraph (2)(B), the Comptroller General shall submit a report to the Committees referred to in paragraph (1) within 90 days recommending actions to be taken—

(A) to recover any improper expenditures; and

(B) to prevent further waste, fraud, and abuse in expenditure of such amounts.

SEC. 103. COMMUNITY DEVELOPMENT PILOT PROGRAMS.

(a) AVAILABILITY OF AMOUNTS.—The Secretary of Housing and Urban Development shall require the State of Louisiana to make available, from any amounts made available for such State under the heading ''Department of Housing and Urban Development—Community Planning and Development—Community Development Fund'' in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779) or under such heading in chapter 9 of title II of Public Law 109–234 (120 Stat. 472) and that remain unexpended, the following amounts:

(1) FOR ORLEANS PARISH.—$30,000,000 to the New Orleans Redevelopment Authority (in this section referred to as the ''Redevelopment Authority''), subject to subsection (c), only for use to carry out the pilot program under this section, provided that, of such amounts, $5,000,000 be used to provide low-interest loans for second mortgages (commonly referred to as ''soft'' loans) for homes sold to low-income individuals.

(2) OTHER PARISHES.—$25,000,000 to the Louisiana Housing Finance Agency to provide grants to parishes, not including Orleans Parish, that were declared a disaster area by the President as a result of Hurricanes Katrina and Rita of 2005 to establish redevelopment programs in those parishes that have requirements that are the same or substantially similar to the requirements under this section.

(b) PURPOSE.—The pilot program under this section shall fund, through the combination of amounts provided under this section with public and private capital from other sources, the purchase or costs associated with the acquisition or disposition of individual parcels of land in New Orleans, Louisiana, by the Redevelopment Authority to be aggregated, assembled, and sold for the purpose of development by the Redevelopment Authority or private entities only in accordance with, and subject to, any recovery and redevelopment plans developed and adopted by the City of New Orleans. The costs associated with acquisition or disposition of a parcel of land may include costs for activities described in subsection (c)(3) with respect to such parcel and costs described in subsection (c)(6).

(c) CERTIFICATIONS.—The Secretary of Housing and Urban Development shall ensure that amounts are made available pursuant to subsection (a) to the Redevelopment Authority only upon the submission to the Secretary of certifications to ensure that the Redevelopment Authority—

(1) has the authority to purchase land for resale for the purpose of development in accordance with the pilot program under this section;

(2) has bonding authority (either on its own or through a State bonding agency) or has credit enhancements sufficient to support public/private financing to acquire land for the purposes of the pilot program under this section;

(3) has the authority and capacity to ensure clean title to land sold under the pilot program and to reduce the risk attributable to and indemnify against environmental, flood, and other liabilities;

(4) will, where practicable, provide a first right to purchase any land acquired by the Redevelopment Authority to the seller who sold the land to the Redevelopment Authority, consistent with any recovery and redevelopment plans developed and adopted by the City of New Orleans;

(5) has in place sufficient internal controls to prevent waste, fraud, and abuse and to ensure that funds made available under this subsection may not be used to fund salaries or other administrative costs of the employees of the Redevelopment Authority; and

(6) will, in carrying out the pilot program under this section, consult with the City of New Orleans regarding coordination of activities under the program with the recovery and redevelopment plans referred to in subsection (b), reimbursement of such City for costs incurred in support of the program, and use of program income and other amounts generated through the program.

(d) DEVELOPMENT REQUIREMENTS.—In carrying out the pilot program under this section, the Redevelopment Authority shall—

(1) sell land acquired under the pilot program only as provided in subsection (b);

(2) use any proceeds from the sale of such land to replenish funds available for use under the pilot program for the purpose of acquiring new parcels of land or to repay any private financing for such purchases;

(3) require that in instances where land is developed under this section, and used for housing, not less than 25 percent of such housing be affordable and made available to low-, very low-, and extremely low-income households;

(4) sell land only—

(A) to purchasers who agree to develop such sites for sale to the public;

(B) to purchasers pursuant to subsection (c)(4); or

(C) to developers who are developing sites, including public housing development sites, as part of a neighborhood revitalization plan;

(5) ensure that any—

(A) development under the program is consistent with neighborhood revitalization plans and in accordance with any recovery and redevelopment plans developed and adopted by the City of New Orleans; and

(B) uses of such development are not inconsistent with redevelopment of adjacent parcels, where possible; and

(6) where properties are located in neighborhoods where public housing redevelopment is occurring, give priority consideration to making such properties available to meet the housing replacement requirements under this Act.

(e) INAPPLICABILITY OF STAFFORD ACT LIMITATIONS.—Any requirements or limitations under or pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act relating to use of properties acquired with amounts made available under such Act for certain purposes, restricting development of such properties, or limiting subsequent alienation of such properties shall not apply to amounts provided under this section or properties acquired under the pilot program with such amounts.

(f) GAO STUDY AND REPORT.—

(1) IN GENERAL.—Upon the expiration of the 2-year period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study of the pilot program carried out under this section to determine the effectiveness and limitations of, and potential improvements for, such program.

(2) TIMING OF REPORT.—Not later than 180 days after the expiration of the 2-year period described in paragraph (1), the Comptroller General shall submit a report to the Committees on Banking, Housing, and Urban Affairs and Homeland Security and Governmental Affairs of the Senate, and the Committees on Financial Services and Transportation and Infrastructure of the House of Representatives and regarding the results of the study.

(3) REQUIRED CONTENT.—The report required under paragraph (2) shall include a forensic audit that examines the effectiveness of internal controls to prevent waste, fraud, and abuse within the pilot program.

SEC. 104. ROAD HOME PROGRAM SHORTFALL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the State of Louisiana to carry out the Road Home Program, provided that as of June 1, 2007, the State of Louisiana has provided at least $1,000,000,000 for such program.

(b) EXCEPTION FROM PROHIBITION ON DUPLICATION OF BENEFITS.—Notwithstanding any other provision of law, to the extent that amounts made available under the heading ''Department of Housing and Urban Development-Community Planning and Development—Community Development Fund'' in chapter 9 of title I of division B of Public Law 109–148 (119 Stat. 2779), under such heading in chapter 9 of title II of Public Law 109–234 (120 Stat. 472), and under section 101 of this title, are used by the State of Louisiana under the Road Home Program, the procedures preventing duplication of benefits established pursuant to the penultimate proviso under such heading in Public Law 109–148 (119 Stat. 2781) and the 15th proviso under such heading in Public Law 109–234 (120 Stat. 473) shall not apply with respect to any benefits received from disaster payments from the Federal Emergency Management Agency, or disaster assistance provided from the Small Business Administration, except to the extent that the inapplicability of such procedures would result in a household receiving more than is necessary to repair or rebuild their structure and property, and pay for temporary relocation and necessities.

SEC. 105. ELIMINATION OF PROHIBITION OF USE FOR MATCH REQUIREMENT.

(a) IN GENERAL.—Notwithstanding any other provision of law, any amounts made available before the date of the enactment of this Act for activities under the Community Development Block Grant Program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the areas impacted or distressed by the consequences of Hurricane Katrina, Rita, or Wilma in States for which the President declared a major disaster, or made available before such date of enactment for such activities for such expenses in the areas impacted or distressed by the consequences of Hurricane Dennis, may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program.

(b) EFFICIENT ENVIRONMENTAL REVIEW.—If an environmental review for a project funded by any amounts referred to in subsection (a) has been completed by a Federal agency, such environmental review shall be considered sufficient for receipt and use of all Federal funds, provided that such environmental review is substantially similar to an environmental review under the procedures authorized under section 104(g) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)).

SEC. 106. REIMBURSEMENT OF AMOUNTS USED FOR RENTAL HOUSING ASSISTANCE.

There are authorized to be appropriated, from any amounts made available before the date of the enactment of this Act under any provision of law to the Federal Emergency Management Agency for disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act relating to the consequences of Hurricane Katrina, Rita, or Wilma that remain unobligated, and from any amounts made available before such date of enactment under any provision of law to such Agency for such disaster relief relating to the consequences of Hurricane Dennis that remain unobligated, such sums as may be necessary to be made available to the Administrator of the Federal Emergency Management Agency for transfer to the Secretary of Housing and Urban Development, for such Secretary to provide assistance under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) to reimburse metropolitan cities and urban counties for amounts used, including amounts from the Community Development Block Grant Program, the HOME Investment Partnership Program, and other programs, to provide rental housing assistance for families residing in such city or county pursuant to evacuation from their previous residences because of such hurricanes, provided that such city or county has not previously been reimbursed for such expenditures.

TITLE II—PUBLIC HOUSING

SEC. 201. SURVEY OF PUBLIC HOUSING RESIDENTS.

(a) SURVEY.—The Secretary of Housing and Urban Development shall contract with an independent research entity to conduct a survey, using appropriate scientific research methods to determine, of the households who as of August 28, 2005, resided in public housing (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) operated or administered by the Housing Authority of New Orleans, in Louisiana—

(1) which and how many such households intend to return to residences in dwelling units described in section 202(d) of this Act, when presented with the options of—

(A) returning to residence in a repaired public housing or comparable dwelling unit in New Orleans immediately;

(B) returning to residence in a temporary repaired residence in New Orleans immediately, and then moving from such repaired residence to a newly redeveloped public housing unit at a later date; or

(C) continuing to receive rental housing assistance from the Federal Government in a location other than New Orleans or in New Orleans; and

(2) when households who choose the options described under subparagraphs (A) or (B) of paragraph (1) intend to return.

(b) PARTICIPATION OF RESIDENTS.—The Secretary shall solicit recommendations from resident councils and residents of public housing operated or administered by such Housing Authority in designing and conducting the survey under subsection (a).

(c) PROPOSED SURVEY DOCUMENT.—The Secretary shall submit the full research design of the proposed document to be used in conducting the survey to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not less than 10 business days before the commencement of such survey.

(d) REPORT.—The Secretary shall submit a report to the committees referred to in subsection (c) detailing the results of the survey conducted under subsection (a) not later than 90 days after the date of the enactment of this Act.

SEC. 202. HOUSING FOR PREVIOUS RESIDENTS OF PUBLIC HOUSING.

(a) PROVISION OF DWELLING UNITS.—Not later than 90 days after the date of the enactment of this Act, the Housing Authority of New Orleans shall make available for temporary or permanent occupancy, subject to subsection (b), a number of dwelling units (including those currently occupied) described in subsection (d) that is not less than the greater of—

(1) 3,000; or

(2) the number of households who have indicated, in the survey conducted pursuant to section 201, that they intend to return to residence within 120 days after the date of the enactment of this Act, in public housing operated or administered by such public housing agency.

(b) HOUSING FOR FORMER PUBLIC HOUSING RESIDENTS.—

(1) IN GENERAL.—Subject only to subsection (c), the Housing Authority of New Orleans shall make available, upon the request of any household who, as of August 28, 2005, was a tenant of public housing operated or administered by such public housing agency, permanent or temporary occupancy (as may be necessary for redevelopment plans) for such household in a dwelling unit provided pursuant to subsection (a), so long as—

(A) the tenant—

(i) notifies the Housing Authority of New Orleans, not later than 75 days after the date of the enactment of this Act, of that tenant's intent to return; and

(ii) identifies a date that the tenant intends to occupy such a dwelling unit, which shall be not later than 120 days after the date of the enactment of this Act; and

(B) the tenant was rightfully occupying a public housing unit of the Housing Authority of New Orleans on August 28, 2005.

(2) PREFERENCES.—In making dwelling units available to households pursuant to paragraph (1), such Housing Authority shall provide to each returning tenant the choice to live in—

(A) a dwelling unit in the same public housing project occupied by the tenant as of August 28, 2005, or in the surrounding neighborhood in which such public housing project was located, if available; or

(B) in any other available dwelling unit in various other areas of the City of New Orleans, provided that the Housing Authority give each resident a choice of available units in various neighborhoods throughout the City of New Orleans.

(c) PROHIBITION OF EXCLUSION.—The Housing Authority of New Orleans shall not, including through the application of any waiting list or eligibility, screening, occupancy, or other policy or practice, prevent any household referred to in subsection (b)(1) from occupying a replacement dwelling unit provided pursuant to subsection (a), except that such Housing Authority or other manager shall prevent a household from occupying such a dwelling unit, and shall provide for occupancy in such dwelling units, as follows:

(1) Notwithstanding any priority under paragraph (4), a household shall be prevented from such occupancy to the extent that any other provision of Federal law prohibits occupancy or tenancy of such household, or any individual who is a member of such household, in the type of housing of the replacement dwelling unit provided for such household.

(2) Notwithstanding any priority under paragraph (4), a household shall be prevented from such occupancy if it includes any individual who has been convicted of a drug dealing offense, sex offense, or crime of domestic violence.

(d) REPLACEMENT DWELLING UNITS.—A dwelling unit described in this subsection is—

(1) a dwelling unit in public housing operated or administered by the Housing Authority of New Orleans; or

(2) a dwelling unit in other comparable housing located in the jurisdiction of the Housing Authority of New Orleans for which the sum of the amount required to be contributed by the tenant for rent and any separate utility costs for such unit borne by the tenant is comparable to the sum of the amount required to be contributed by the tenant for rental of a comparable public housing dwelling unit and any separate utility costs for such unit borne by the tenant.

(e) RELOCATION ASSISTANCE.—The Housing Authority of New Orleans shall provide, to each household provided occupancy in a dwelling unit pursuant to subsection (b), assistance under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 (42 U.S.C. 4601 et seq.) for relocation to such dwelling unit.

SEC. 203. REPLACEMENT OF PUBLIC HOUSING DWELLING UNITS.

(a) CONDITIONS ON DEMOLITION.—After the date of the enactment of this Act, the Housing Authority of New Orleans may only demolish or dispose of dwelling units of public housing operated or administered by such agency (including any uninhabitable unit) pursuant to a plan for replacement of such units, as approved by the Secretary of Housing and Urban Development pursuant to subsection (b).

(b) PLAN REQUIREMENTS.—The Secretary may only approve a plan for demolition or disposition of dwelling units of public housing referred to in subsection (a), if—

(1) there is a clear process for the opportunity to comment by the residents and resident councils of public housing operated or administered by such Housing Authority or the City of New Orleans, and the community in which such demolition or disposition is to occur, including the opportunity for comment on specific proposals at each stage of redevelopment, demolition, or disposition;

(2) not later than 60 days before the date of the approval of such plan, such Housing Authority has convened and conducted at least 1 public hearing regarding the demolition or disposition proposed in the plan;

(3) such plan provides that for each such dwelling unit demolished or disposed of, such public housing agency will provide additional affordable housing as set forth under subsection (c);

(4) such plan provides for the implementation of a right for households to occupancy housing in accordance with section 202;

(5) such plan provides priority in making units available under paragraph (3) to residents identified in section 201;

(6) such plan provides for offering public housing units built on site, first to former residents of that public housing development who indicate they would like to return, subject to exclusions permitted under Federal law for criminal activity;

(7) such plan provides that the proposed demolition or disposition and relocation will be carried out in a manner that affirmatively furthers fair housing, as described in

subsection (e) of section 808 of the Civil Rights Act of 1968;

(8) such plan provides for comprehensive resident services; and

(9) such plan provides for procedures for people who were on the waiting list on August 28, 2005, to receive consideration to receive housing for any units that are not needed for returning residents.

(c) REPLACEMENT UNITS.—

(1) PREVIOUSLY OCCUPIED UNITS.—For each public housing unit demolished or disposed of under this section, which was occupied by tenants on August 28, 2005, the Housing Authority of New Orleans and the Secretary of Housing and Urban Development shall provide at least 1 of the following replacement housing opportunities:

(A) The acquisition or development of additional public housing dwelling units, including units in the neighborhood where the demolished or disposed of units were located.

(B) The acquisition, development, or contracting (including through project-based assistance) of additional dwelling units that are subject to requirements regarding eligibility for occupancy, tenant contribution toward rent, and long-term affordability restrictions which are comparable to public housing units, including units in the neighborhood where the demolished or disposed of units were located.

(C) The development or contracting of project-based voucher assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), for not less than 15 years.

(2) NONOCCUPIED UNITS.—For each public housing unit demolished or disposed of under this section, which was not occupied by tenants on August 28, 2005, the Secretary of Housing and Urban Development shall provide, and the Housing Authority of New Orleans shall provide a replacement housing unit as described in paragraph (1) or shall issue a voucher under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), provided that the Housing Authority establishes, within 60 days after the date of enactment of this Act, a system to project base such vouchers, as permitted under section 8(o)(13) of such Act.

(d) INAPPLICABLE PROVISIONS.—Subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers used to comply with the requirements of subsection (b)(3) of this section, except that not more than 50 percent of the units in any such affordable housing project may be assisted under a housing assistance contract for project-based assistance under such section 8(o)(13), unless all units are specifically made available to seniors or people with disabilities.

(e) MONITORING.—The Secretary of Housing and Urban Development shall provide for the appropriate field offices of the Department to monitor and supervise enforcement of this section and plans approved under this section and to consult, regarding such monitoring and enforcement, with resident councils of, and residents of public housing operated or administered by, the Housing Authority of New Orleans and with the City of New Orleans.

SEC. 204. RESIDENT SUPPORT SERVICES.

(a) IN GENERAL.—In any instance where the Housing Authority of New Orleans is providing housing vouchers or affordable housing that is not public housing, as described in section 203, the Housing Authority shall, directly or through the use of contractors—

(1) provide mobility counseling to residents of such housing;

(2) conduct outreach to landlords of such housing in all areas of the City of New Orleans and the region; and

(3) work with developers to project-base voucher assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) in low-poverty neighborhoods, and neighborhoods undergoing revitalization.

(b) REPORTS.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, the Housing Authority of New Orleans shall submit a report to the Secretary and Congress on its activities under this section, including—

(1) the number and location of nonpublic housing units provided;

(2) the census tract in which those units are located;

(3) the poverty rate in those census tracts;

(4) the rent burdens of households assisted under this section;

(5) any demographic data, reported by census tract, on who is served in the program; and

(6) the efforts of the Authority to affirmatively further fair housing.

SEC. 205. PUBLIC HOUSING IN KATRINA AND RITA DISASTER AREAS.

(a) CONDITIONS ON DEMOLITION.—For the 2-year period after the date of the enactment of this Act, a public housing agency may only dispose or demolish public housing dwelling units located in any area for which a major disaster or emergency was declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of Hurricane Katrina or Rita of 2005, other than those covered under section 203, pursuant to a plan for replacement of such units in accordance with, and approved by the Secretary of Housing and Urban Development pursuant to subsections (b) and (c).

(b) PLAN REQUIREMENTS.—The Secretary may only approve a plan for demolition or disposition of dwelling units of public housing referred to in subsection (a), if—

(1) there is a clear process for the opportunity to comment by the residents and resident councils of public housing operated or administered by the Housing Authority, and the community in which such demolition or disposition is to occur, including the opportunity for comment on specific proposals for redevelopment, demolition, or disposition;

(2) not later than 60 days before the date of the approval of such plan, such Housing Authority has convened and conducted at least 1 public hearing regarding the demolition or disposition proposed in the plan;

(3) such plan provides that for each such dwelling unit demolished or disposed of, such public housing agency will provide additional affordable replacement housing as set forth under subsection (c);

(4) such plan provides that the proposed demolition or disposition and relocation will be carried out in a manner that affirmatively furthers fair housing, as described in subsection (e) of section 808 of the Civil Rights Act of 1968;

(5) such plan provides for comprehensive resident services;

(6) such plan provides for offering public housing units built on site, first to former residents of that public housing development who indicate they would like to return, subject to exclusions permitted under Federal law for criminal activity; and

(7) such plan provides for procedures for people who were on the waiting list on August 28, 2005, to receive consideration to receive housing for any units that are not needed for returning residents.

(c) REPLACEMENT UNITS.—

(1) PREVIOUSLY OCCUPIED UNITS.—For each public housing unit demolished or disposed of under this section, which was occupied by tenants on August 28, 2005, the Housing Authority shall provide at least 1 of the following replacement housing opportunities:

(A) The acquisition or development of additional public housing dwelling units.

(B) The acquisition, development, or contracting (including through project-based assistance) of additional dwelling units that are subject to requirements regarding eligibility for occupancy, tenant contribution toward rent, and long-term affordability restrictions which are comparable to public housing units.

(C) Project-based voucher assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), for not less than 10 years.

(2) NONOCCUPIED UNITS.—For each public housing unit demolished or disposed of under this section, which was not occupied by tenants on August 28, 2005, the Secretary of Housing and Urban Development shall provide, and the Housing Authority shall provide a replacement housing unit as described in paragraph (1) or shall issue a voucher under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(d) RELOCATION ASSISTANCE.—A public housing agency shall provide, to each household relocated pursuant to a plan under this section for demolition or disposition, assistance under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 for relocation to their new residence.

(e) RETURN OF PUBLIC HOUSING TENANTS.—A public housing agency administering or operating public housing dwelling units described in subsection (a) shall—

(1) use its best efforts to locate tenants displaced from such public housing as a result of Hurricane Katrina or Rita; and

(2) provide such residents occupancy in public housing dwelling units of such agency that become available for occupancy, or other comparable affordable units, and to ensure such residents a means to return to such housing if they so choose.

(f) INAPPLICABILITY OF CERTAIN PROJECT-BASED VOUCHER LIMITATIONS.—Subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to any project-based vouchers used to comply with the requirements of a plan under subsection (c), except that not more than 50 percent of the units in any such affordable housing project may be assisted under a housing assistance contract for project-based assistance under such section 8(o)(13), unless all units are specifically made available to seniors or people with disabilities.

(g) DISPLACEMENT FROM HABITABLE UNITS.—A public housing agency may not displace a tenant from any public housing dwelling unit described in this section that is administered or operated by such agency and is habitable (including during any period of rehabilitation), unless the agency provides a suitable and comparable replacement dwelling unit for such tenant.

SEC. 206. REPORTS ON PROPOSED CONVERSIONS OF PUBLIC HOUSING UNITS.

Not later than the expiration of the 15-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a detailed report identifying all public housing projects located in areas impacted by Hurricane Katrina or Rita of 2005, for which plans exist to transfer ownership to other entities or agencies. Such report shall include the following information for each such project:

(1) The name and location.

(2) The number of dwelling units.

(3) The proposed new owner.

(4) The existing income eligibility and rent provisions.

(5) Duration of existing affordability restrictions.

(6) The proposed date of transfer.

(7) An analysis of the impact on residents and low-income families on the waiting list of such transfer.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS FOR REPAIR AND REHABILITATION FOR KATRINA AND RITA DISASTER AREAS.

There are authorized to be appropriated such sums as may be necessary to carry out activities eligible for funding under the Capital Fund under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) for the repair, rehabilitation, redevelopment, and replacement of public housing in a designated disaster area, and for relocation expenses and community and supportive services for the residents of public housing operated or administered by housing agencies in such designated disaster areas.

SEC. 208. EXISTING PUBLIC HOUSING REDEVELOPMENT.

Notwithstanding the provisions of any request for qualification or proposal issued before the date of the enactment of this Act with respect to any public housing operated or administered by a housing agency in a designated disaster area, the housing agency shall provide replacement housing as required under section 203 or 205, as applicable.

SEC. 209. REPORTS ON COMPLIANCE.

Not later than the expiration of the 30-day period beginning on the date of the enactment of this Act and not later than the expiration of each calendar quarter thereafter, the Secretary of Housing and Urban Development shall submit a detailed report regarding compliance with the requirements of this title, including the resident participation requirement under section 203(b)(1), to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, the resident councils of, and residents of public housing operated or administered by, a housing agency in a disaster area, and the City of New Orleans.

SEC. 210. INDEPENDENT ADMINISTRATION OF HOUSING AUTHORITY OF NEW ORLEANS.

(a) RECEIVERSHIP.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall petition for judicial receivership of the Housing Authority of New Orleans pursuant to section 6(j)(3)(A)(ii) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)(3)(A)(ii)).

(b) EFFECT OF RECEIVERSHIP.—Any judicial receiver of the Housing Authority of New Orleans appointed pursuant to subsection (a) shall be required to comply with all the provisions of this Act.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the judicial receiver of the Housing Authority of New Orleans appointed pursuant to subsection (a) shall consider new and innovative models for administration of the Housing Authority of New Orleans, including public-private partnerships.

SEC. 211. DEFINITION.

For purposes of this title, the term ''designated disaster area'' means any area that was the subject of a disaster declaration by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in response to Hurricanes Katrina or Rita of 2005.

TITLE III—DISASTER VOUCHER PROGRAM AND PROJECT-BASED RENTAL ASSISTANCE

SEC. 301. DISASTER VOUCHER PROGRAM.

(a) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to provide assistance under the Disaster Voucher Program of the Department of Housing and Urban Development established pursuant to Public Law 109–148 (119 Stat. 2779) through June 30, 2008, and, to the extent that amounts for such purpose are made available, such program, and the authority of the Secretary of Housing and Urban Development to waive requirements under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) in administering assistance under such program, shall be so extended.

(b) TRANSFER OF DISASTER VOUCHER PROGRAM TO TENANT-BASED ASSISTANCE.—

(1) TRANSFER TO SECTION 8 VOUCHER PROGRAM.—There are authorized to be appropriated, for tenant-based assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), such sums as may be necessary to provide vouchers for households transitioning from the Disaster Voucher Program of the Department of Housing and Urban Development established pursuant to Public Law 109–148 (119 Stat. 2779) for the period that such household is eligible for such voucher assistance, as of the termination date of the Disaster Voucher Program, for each household that—

(A) is assisted under such program;

(B) did not receive assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) at the time of Hurricane Katrina or Rita of 2005;

(C) is not eligible for tenant replacement voucher assistance under section 302 of this Act; or

(D) is eligible for tenant replacement voucher assistance under section 302, but has not received such assistance.

(2) ELIGIBILITY FOR ASSISTANCE.—Subject to the availability of appropriations, as of January 1, 2008, any household meeting the requirements in paragraph (1) shall receive tenant-based assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(3) ADMINISTRATION OF ASSISTANCE.—Voucher assistance provided under this subsection shall be administered by the public housing agency having jurisdiction of the area in which such assisted family resides as of such termination date.

(4) TEMPORARY VOUCHERS.—If at any time a household for whom a voucher for rental housing assistance is provided pursuant to this section becomes ineligible for such rental assistance—

(A) the public housing agency administering such voucher pursuant to this section may not provide rental assistance under such voucher for any other household;

(B) the Secretary of Housing and Urban Development shall recapture from such agency any remaining amounts for assistance attributable to such voucher and may not reobligate such amounts to any public housing agency; and

(C) such voucher shall not be taken into consideration for purposes of determining future allocation of amounts for tenant-based rental assistance for any public housing agency.

(c) FORMER VOUCHER PROGRAM PARTICIPANTS.—Households who were receiving assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) as of August 28, 2005, shall continue to be assisted under such section (8)(o), subject to all the requirements under that section.

(d) IDENTIFICATION AND NOTIFICATION OF DVP-ELIGIBLE HOUSEHOLDS NOT ASSISTED.—Prior to October 31, 2007, the Secretary of Housing and Urban Development shall work with the Federal Emergency Management Agency and State and local housing agencies to identify households who, as of the date of the enactment of this Act, are eligible for assistance under this section but are not receiving assistance under this section. Upon identification of each such household, the Secretary shall—

(1) notify such household of the housing options available under this Act; and

(2) to the extent that the family is eligible for such options at such time of identification, offer the household assistance under this section.

SEC. 302. TENANT REPLACEMENT VOUCHERS FOR ALL LOST UNITS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to provide tenant replacement vouchers under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for the number of households that are equal to—

(1) the number of assisted dwelling units (whether occupied or unoccupied) located in covered assisted multifamily housing projects (as such term is defined in section 308(e) of this Act) that are not approved for reuse or resiting by the Secretary of Housing and Urban Development; plus

(2) the number of public housing dwelling units that, as of August 28, 2005, were located in areas affected by Hurricane Katrina and were considered for purposes of allocating operating and capital assistance under section 9 of the United States Housing Act of 1937 (whether occupied or unoccupied), that will not be put back into use for occupancy; plus

(3) the number of public housing dwelling units that, as of September 24, 2005, were located in areas affected by Hurricane Rita and were considered for purposes of allocating operating or capital assistance under section 9 of the United States Housing Act of 1937 (whether occupied or unoccupied), that will not be put back into use for occupancy; minus

(4) the number of previously awarded enhanced vouchers for assisted dwelling units and tenant protection vouchers for public housing units covered under this section.

(b) ALLOCATION.—Any amounts made available pursuant to this section shall, upon the request of a public housing agency for such voucher assistance, be allocated to the public housing agency based on the number of dwelling units described in paragraph (1) or (2) of subsection (a) that are located in the jurisdiction of the public housing agency.

(c) ISSUANCE.—The Secretary of Housing and Urban Development shall issue replacement vouchers for all units approved for reuse, resiting, or replacement that are not available for occupancy on January 1, 2010.

SEC. 303. VOUCHER ASSISTANCE FOR HOUSEHOLDS RECEIVING FEMA ASSISTANCE.

(a) FEMA TRANSFER OF ASSISTANCE.—As of December 21, 2007, the Federal Emergency Management Agency shall transfer to the Secretary of Housing and Urban Development all of its authority and power relating to the administration of rental assistance, and funding for such rental assistance, under the Disaster Relief Fund established under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) HUD ADMINISTRATION OF RENTAL ASSISTANCE.—

(1) IN GENERAL.—Beginning on January 1, 2008, the Secretary of Housing and Urban Development shall provide temporary housing assistance to households who received assistance under section 408(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)) as follows:

(A) REQUIRED TENANT ASSISTANCE.—Households receiving assistance shall be required to pay up to 30 percent of their income towards rent and utility costs.

(B) MINIMUM RENTAL AMOUNT.—The Secretary of Housing and Urban Development

may implement a minimum rent of up to $100 per month, only if the Secretary provides for hardship exemptions for households including seniors and people with disabilities.

(C) LIMITATION ON EXCESSIVE RENTS.—The Secretary of Housing and Urban Development shall work with landlords to minimize the payment of rents in excess of 120 percent of the fair market rent for comparable housing in the area.

(2) DEFINITION OF FAIR MARKET RENT.—In this subsection, the term ''fair market rent'' means the rent (including utilities, except telephone service), as determined by the Department of Housing and Urban Development, for units of varying sizes (by number of bedrooms), that must be paid in the market area to rent privately-owned, existing, decent, safe, and sanitary rental housing of modest (nonluxury) nature with suitable amenities

(c) RENTAL ASSISTANCE FOR HOUSEHOLDS RESIDING IN FEMA TRAILERS.—

(1) PROVISION OF ASSISTANCE.—There are authorized to be appropriated, for rental assistance, such sums as may be necessary to provide such assistance for each individual and household who, as of the date of the enactment of this Act, receives direct assistance for temporary housing under section 408(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)) as a result of Hurricane Katrina, Rita, or Wilma and is eligible for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(2) OFFER.—Subject to the availability of appropriations, the Secretary of Housing and Urban Development shall offer tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) to each individual or household who, as of the date of enactment of this Act, is residing in a trailer provided by the Federal Emergency Management Agency as part of the direct assistance that individual or household received under section 408(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)) as a result of Hurricane Katrina, Rita, or Wilma.

(3) CONDITIONS ON ASSISTANCE.—The provision of temporary housing assistance under this subsection shall be subject to the following requirements:

(A) REQUIRED TENANT ASSISTANCE.—Households receiving assistance shall be required to pay up to 30 percent of their income towards rent and utility costs.

(B) MINIMUM RENTAL AMOUNT.—The Secretary of Housing and Urban Development may implement a minimum rent of up to $100 per month, only if the Secretary provides for hardship exemptions for household including seniors and people with disabilities.

(C) LIMITATION ON EXCESSIVE RENTS.—The Secretary of Housing and Urban Development shall work with landlords to minimize the payment of rents in excess of 120 percent of the fair market rent for comparable housing in the area.

(d) TEMPORARY ASSISTANCE.—

(1) ELIGIBILITY.—Individuals or households receiving rental assistance under this section shall be eligible for such assistance only if they are eligible for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o).

(2) EFFECT OF BECOMING INELIGIBLE.—If at any time an individual or household for whom a voucher for rental housing assistance is provided pursuant to this section becomes ineligible for further such rental assistance—

(A) the public housing agency administering such voucher pursuant to this section may not provide rental assistance under such voucher for any other household;

(B) the Secretary of Housing and Urban Development shall recapture from such agency any remaining amounts for assistance attributable to such voucher and may not reobligate such amounts to any public housing agency; and

(C) such voucher shall not be taken into consideration for purposes of determining any future allocation of amounts for such tenant-based rental assistance for any public housing agency.

SEC. 304. VOUCHER ASSISTANCE FOR SUPPORTIVE HOUSING.

There are authorized to be appropriated such sums as may be necessary to provide 4,500 vouchers for project-based rental assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), and 1,000 units under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.) for use in areas impacted by Hurricanes Katrina and Rita for supportive housing dwelling units for elderly families, persons with disabilities, or homeless persons. The Secretary of Housing and Urban Development shall make available to the State of Louisiana or its designee or designees, upon request, 3,000 of such vouchers. Subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this section.

SEC. 305. PROJECT-BASING OF VOUCHERS.

The Secretary of Housing and Urban Development may waive the limitations on project-basing under section 8(o)(13)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B)) for public housing agencies located in any area in which the President declared a major disaster as a result of Hurricane Katrina, Rita, or Wilma, if—

(1) the public housing agency is working to project-base vouchers in—

(A) a mixed-income community; or

(B) a low-poverty neighborhood, or a neighborhood undergoing revitalization; or

(2) not more that 50 percent of any project is assisted under such 8(o)(13)(B), unless all units in such project are specifically designated for seniors or the disabled.

SEC. 306. PRESERVATION OF PROJECT-BASED HOUSING ASSISTANCE PAYMENTS CONTRACTS FOR DWELLING UNITS DAMAGED OR DESTROYED.

(a) TOLLING OF CONTRACT TERM.—Notwithstanding any other provision of law, a project-based housing assistance payments contract for a covered assisted multifamily housing project shall not expire or be terminated because of the damage or destruction of dwelling units in the project by Hurricane Katrina or Rita. The expiration date of the contract shall be deemed to be the later of the date specified in the contract or a date that is not less than 3 months after the dwelling units in the project or in a replacement project are first made habitable.

(b) OWNER PROPOSALS FOR REUSE OR RESITING.—The Secretary of Housing and Urban Development shall promptly review and shall approve all feasible proposals made by owners of covered assisted multifamily housing projects submitted to the Secretary, not later than October 1, 2008, that provide for the rehabilitation of the project and the resumption of use of the assistance under the contract for the project, or, alternatively, for the transfer, pursuant to subsection (c), of the contract or, in the case of a project with an interest reduction payments contract, of the remaining budget authority under the contact, to another multifamily housing project.

(c) TRANSFER OF CONTRACT.—In the case of any covered assisted multifamily housing project, the Secretary of Housing and Urban Development shall—

(1) in the case of a project with a project-based rental assistance payments contract described in subparagraph (A), (B), or (C) of subsection (e)(2), transfer the contract to another appropriate and habitable existing project or a project to be constructed (having the same or a different owner); and

(2) in the case of a project with an interest reduction payments contract pursuant to section 236 of the National Housing Act, use the remaining budget authority under the contract for interest reduction payments to reduce financing costs with respect to dwelling units in other habitable projects not currently so assisted, and such dwelling units shall be subject to the low-income affordability restrictions applicable to projects for which such payments are made under section 236 of the National Housing Act.

(d) ALLOWABLE TRANSFERS.—A project-based rental assistance payments contract may be transferred, in whole or in part, under subsection (c) to—

(1) a project with the same or different number of units or bedroom configuration than the damaged or destroyed project if approximately the same number of individuals are expected to occupy the subsidized units in the replacement project as occupied the damaged or destroyed project; or

(2) multiple projects, including some on the same site, if approximately the same number of individuals are expected to occupy the subsidized units in the replacement projects as occupied the damaged or destroyed project.

(e) DEFINITIONS.—For purposes of this section:

(1) COVERED ASSISTED MULTIFAMILY HOUSING PROJECT.—The term ''assisted multifamily housing project'' means a multifamily housing project that—

(A) as of the date of the enactment of this Act, is subject to a project-based rental assistance payments contract (including pursuant to subsection (a) of this section); and

(B) was damaged or destroyed by Hurricane Katrina or Hurricane Rita of 2005.

(2) PROJECT-BASED RENTAL ASSISTANCE PAYMENTS CONTRACT.—The term ''project-based rental assistance payments contract'' includes—

(A) a contract entered into pursuant to section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(B) a contract for project rental assistance pursuant to section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(2));

(C) a contract for project rental assistance pursuant to section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); and

(D) an interest reduction payments contract pursuant to section 236 of the National Housing Act (12 U.S.C. 1715z–1).

SEC. 307. GAO STUDY OF WRONGFUL OR ERRONEOUS TERMINATION OF FEDERAL RENTAL HOUSING ASSISTANCE.

The Comptroller General of the United States shall conduct a study of households that received Federal assistance for rental housing in connection with Hurricanes Katrina and Rita to determine if the assistance for any such households was wrongfully or erroneously terminated. The Comptroller General shall submit a report to the Congress not later than January 1, 2008, on the results of the study, which shall include an estimate of how many households were subject to such wrongful or erroneous termination and how many of those households

have incomes eligible for the household to receive tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

TITLE IV—DAMAGES ARISING FROM FEMA ACTIONS

SEC. 401. REIMBURSEMENT OF LANDLORDS.

There are authorized to be appropriated, from amounts made available before the date of the enactment of this Act under any provision of law to the Federal Emergency Management Agency for disaster relief under the Robert T. Stafford Disaster Relief Emergency Assistance Act, such sums as may be necessary for the Administrator of the Federal Emergency Management Agency to provide reimbursement to each landlord who entered into leases to provide emergency sheltering in response to Hurricane Katrina, Rita, or Wilma of 2005, pursuant to the program of the Federal Emergency Management Agency pursuant to section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) in the amount of actual, documented damages incurred by such landlord as a result of abrogation by such Agency of commitments entered into under such program, but not including reimbursement for any such landlord to the extent that such landlord has previously received reimbursement for such damages under any other Federal or non-Federal program.

TITLE V—FHA HOUSING

SEC. 501. TREATMENT OF NONCONVEYABLE PROPERTIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, in the case of any property consisting of a 1- to 4-family residence that is subject to a mortgage insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.) and was damaged or destroyed as a result of Hurricane Katrina or Rita of 2005, if there was no failure on the part of the mortgagee or servicer to provide hazard insurance for the property or to provide flood insurance coverage for the property to the extent such coverage is required under Federal law, the Secretary of Housing and Urban Development—

(1) may not deny conveyance of title to the property to the Secretary and payment of the benefits of such insurance on the basis of the condition of the property or any failure to repair the property;

(2) may not reduce the amount of such insurance benefits to take into consideration any costs of repairing the property; and

(3) with respect to a property that is destroyed, condemned, demolished, or otherwise not available for conveyance of title, may pay the full benefits of such insurance to the mortgagee notwithstanding that such title is not conveyed.

(b) BUDGET ACT COMPLIANCE.—Insurance claims may be paid in accordance with subsection (a) only to the extent or in such amounts as are or have been provided in advance in appropriations Acts for the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661(a)) of such claims.

SEC. 502. FHA SINGLE-FAMILY INSURANCE.

In determining the eligibility of any individual whose residence was damaged or destroyed as a result of Hurricane Katrina and who was current on their mortgage prior to August 28, 2005, for mortgage insurance under section 203 of the National Housing Act (12 U.S.C. 1709), the Secretary of Housing and Urban Development shall look at the creditworthiness of such individual, as such creditworthiness was established prior to August 28, 2005.

SEC. 503. FHA-NEW ORLEANS HOMEOWNERSHIP OPPORTUNITIES INITIATIVE.

(a) ESTABLISHMENT.—There is established within the Department of Housing and Urban Development an FHA-New Orleans Homeownership Opportunities Initiative (in this section referred to as the ''Initiative''), which shall provide for the conveyance or transfer of eligible homes to the New Orleans Redevelopment Authority for use in the pilot program established in section 103 of this Act.

(b) ELIGIBLE HOMES.—For purposes of this section, an eligible home is a 1, 2, 3, or 4-family residence or multi-family project—

(1) that is either vacant, abandoned, or has been foreclosed upon, subject to subsection (e)(2)(B), by the Secretary of Housing and Urban Development;

(2) to which the Secretary holds title; and

(3) which is not occupied by a person legally entitled to reside in such residence or project.

(c) REPORTS.—

(1) INITIAL LIST OF PROPERTIES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and the New Orleans Redevelopment Authority listing all eligible homes in the New Orleans area, including a list of homes in default where foreclosure by the Secretary is imminent.

(2) UPDATED LISTS.—Not later than 90 days after the initial report is submitted under paragraph (1), and every 90 days thereafter, the Secretary of Housing and Urban Development shall submit a follow-up report to the Committees and entities described in paragraph (1) listing all—

(A) new eligible homes; and

(B) 1, 2, 3, or 4-family residences or multi-family projects in the New Orleans area—

(i) that have been foreclosed upon by the Secretary, or are in default and where foreclosure is imminent; and

(ii) where the Secretary has taken all necessary actions to avoid such foreclosure.

(d) DONATED PROPERTY.—The Secretary of Housing and Urban Development, at any time, may accept, manage, and convey to the New Orleans Redevelopment Authority and residential property donated to the Secretary by a nongovernmental entity for purposes of this section.

(e) CONVEYANCE OF PROPERTIES.—

(1) REQUEST BY NORA.—Not later than 30 days after any report is submitted under subsection (c), the New Orleans Redevelopment Authority shall, in writing, request that the Secretary of Housing and Urban Development convey any and all eligible homes listed in such report.

(2) HUD ACTION.—

(A) IN GENERAL.—Not later than 30 days after the receipt of any request under paragraph (1), the Secretary of Housing and Urban Development shall convey to the New Orleans Redevelopment Authority, at no cost, title to any eligible home requested by the Authority.

(B) LIMITATION.—The Secretary of Housing and Urban Development may only convey title to an eligible home that is eligible solely because the Secretary foreclosed upon such home, if the Secretary had taken all necessary actions to avoid such foreclosure.

(f) USE OF ELIGIBLE PROPERTIES.—Any eligible home conveyed or transferred to the New Orleans Redevelopment Authority under this section shall be used in the following manner:

(1) MINIMUM USE REQUIREMENT.—Such home shall be sold, conveyed, or included in redevelopment within 18 months of such conveyance or transfer, and shall be redeveloped to meet applicable local building codes so as to ensure that such home—

(A) will be adequately rehabilitated to support sustainable homeownership; and

(B) may be in such physical condition that it can be offered for sale for habitation or occupancy within 36 months of such conveyance or transfer.

(2) LOW-INCOME OCCUPANCY REQUIREMENT.—Notwithstanding any other redevelopment plans, the New Orleans Redevelopment Authority shall ensure that a number of homes equal to the number of homes transferred or conveyed by the Secretary under this section are redeveloped and sold by the Authority to low-income households, at a price that is affordable to such households, subject to the following requirements:

(A) Redevelopment of such eligible homes will be done in concert with other redevelopment activities, as described in section 103.

(B) Preference for purchase of such eligible homes will be given to households—

(i) who have received pre-purchase homeownership counseling; and

(ii) which are comprised of individuals who on August 28, 2005, were residents of the City of New Orleans and—

(I) had, with respect to any dwelling in the City of New Orleans, a valid and nonexpired lease for such dwelling;

(II) owned a home in the City of New Orleans, but who did not receive funds under the Road Home program; or

(III) received housing vouchers under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), or lived in public housing.

(3) PRIMARY RESIDENCE REQUIREMENT.—

(A) IN GENERAL.—The individual or household buying such eligible home shall agree to use the home as their primary residence for 5 years.

(B) LIMITATION ON FLIPPING.—The New Orleans Redevelopment Authority shall ensure, by any means, including by the use of restrictive covenants, that if the individual or household who purchased the home from the Authority sells the home within 5 years of such purchase, that such sale shall only be valid if the subsequent buyer is a low-income individual or household.

(4) SALE PRICE REQUIREMENT.—The New Orleans Redevelopment Authority or its redevelopment partners shall sell eligible homes at a discounted price that is affordable to families at or below 80 percent of area median income.

(5) EXCESS PROFIT TO BE RETURNED TO HUD.—Any profit on the sale of home received by the New Orleans Redevelopment Authority or a developer for the sale of an eligible home above the redevelopment costs of such home shall be paid to the Secretary of Housing and Urban Development.

(g) COUNSELING.—The New Orleans Redevelopment Authority shall work with local nonprofit housing counseling agencies to provide pre-purchase counseling to any interested individuals or households who seek to purchase an eligible home from the Authority under this section, as required to receive preference under subsection (f)(2)(B).

(h) INSPECTION PROCESS.—The New Orleans Redevelopment Authority shall establish a process to inspect all eligible homes prior to sale under this section to ensure that such homes—

(1) meet local building codes;

(2) need no further rehabilitation; and

(3) are safe for habitation and occupation.

(i) RECAPTURE PROCEDURES.—The Secretary of Housing and Urban Development, in consultation with the New Orleans Redevelopment Authority, shall establish procedures to recapture amounts in instances where—

(1) eligible homes are not sold to low-income families;

(2) eligible home prices exceed redevelopment costs; and

(3) eligible homes sold are not used as the purchaser's primary residences for 5 years.

(j) COMPLIANCE REPORTS.—

(1) IN GENERAL.—The New Orleans Redevelopment Authority shall submit such information as the Secretary of Housing and Urban Development requires to ensure that eligible homes are being used as required under subsection (f). If at any time, the Secretary determines the Authority is in noncompliance with the requirements under subsection (f), the Secretary shall, not later than 15 days after making such determination, notify, in writing, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

(2) STATUS REPORT.—Not later than 3 years after the date of enactment of this Act, and again not later than 5 years after the date of enactment of this Act, the New Orleans Redevelopment Authority shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representative on the implementation, status, and execution of the Initiative established under this section.

(k) TERMINATION.—The Secretary of Housing and Urban Development shall not convey or transfer, and the New Orleans Redevelopment Authority shall not accept, any property under this section after 5 years from the date of enactment of this Act.

TITLE VI—FAIR HOUSING ENFORCEMENT

SEC. 601. FAIR HOUSING INITIATIVES PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a), in each of fiscal years 2008 and 2009, such sums as may be necessary, but not less than $5,000,000, for areas affected by Hurricanes Katrina and Rita, of which, in each such fiscal year—

(1) 60 percent shall be available only for private enforcement initiatives for qualified private enforcement fair housing organizations authorized under subsection (b) of such section, and, of the amount made available in accordance with this paragraph, the Secretary shall set aside an amount for multiyear grants to qualified fair housing enforcement organizations;

(2) 20 percent shall be available only for activities authorized under paragraphs (1) and (2) of subsection (c) of such section; and

(3) 20 percent shall be available only for education and outreach programs authorized under subsection (d) of such section.

(b) LOW FUNDING.—If the total amount appropriated to carry out the Fair Housing Initiatives Program for either fiscal year 2008 or 2009 is less than $50,000,000, not less than 5 percent of such total amount appropriated for such fiscal year shall be available for the areas described in subsection (a) for the activities described in paragraphs (1), (2), and (3) of such subsection.

(c) AVAILABILITY.—Any amounts appropriated under this section shall remain available until expended.

TITLE VII—IMPROVED DISTRIBUTION OF FEDERAL HURRICANE HOUSING FUNDS FOR HURRICANE RELIEF

SEC. 701. GAO STUDY OF IMPROVED DISTRIBUTION OF FEDERAL HOUSING FUNDS FOR HURRICANE RELIEF.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to examine methods of improving the distribution of Federal housing funds to assist States covered by this Act with recovery from hurricanes, which shall include identifying and analyzing—

(1) the Federal and State agencies used in the past to disburse such funds and the strengths and weakness of existing programs;

(2) the means by and extent to which critical information relating to hurricane recovery, such as property valuations, is shared among various State and Federal agencies;

(3) program requirements that create impediments to the distribution of such funds that can be eliminated or streamlined;

(4) housing laws and regulations that have caused programs to be developed in a manner that complies with statutory requirements but fails to meet the housing objectives or needs of the States or the Federal Government;

(5) laws relating to privacy and impediments raised by housing laws to the sharing, between the Federal Government and State governments, and private industry, of critical information relating to hurricane recovery;

(6) methods of streamlining applications for and underwriting of Federal housing grant or loan programs; and

(7) how to establish more equitable Federal housing laws regarding duplication of benefits.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report describing the results of the study and any recommendations regarding the issues analyzed under the study.

TITLE VIII—COMMENDING AMERICANS FOR THEIR REBUILDING EFFORTS

SEC. 801. COMMENDING AMERICANS.

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

(1) over 500,000 individuals in the United States have volunteered their time in helping rebuild the Gulf Coast region in the aftermath of Hurricane's Katrina and Rita;

(2) over $3,500,000,000 in cash and in-kind donations have been made for hurricane victims;

(3) 110,000,000 pounds of food have been distributed by Catholic Charities' Food Bank through hurricane relief efforts;

(4) almost 7,000,000 hot meals have been served by Salvation Army volunteers in hurricane relief efforts;

(5) over 10,000,000 college students have devoted their spring and fall breaks to hurricane relief efforts;

(6) almost 20,000 families displaced as a result of the hurricanes have been supported by Traveler's Aid volunteers;

(7) faith based and community organizations donated thousands of man-hours, as well as assistance, to evacuees and assistance in clean-up and recovery in the Gulf States.

(b) COMMENDATION.—The Congress hereby commends the actions and efforts by the remarkable individuals and organizations who contributed to the hurricane relief effort and recognizes that the rebuilding of the Gulf Coast region rests on the selfless dedication of private individuals and community spirit.

THE GULF COAST HOUSING RECOVERY ACT OF 2007—JUNE 20, 2007

The following organizations have endorsed the Gulf Coast Housing Recovery Act:

NATIONAL ORGANIZATIONS

AARP, ACORN, Addicts Rehabilitation Center Foundation, Inc., American Association of Homes and Services for the Aging, Asian American Justice Center, Center for Responsible Lending, Center on Budget and Policy Priorities, Consortium for Citizens with Disabilities Housing Task Force, Consumer Mortgage Coalition, Enterprise Community Partners, Institute of Real Estate Management, Jonathan Rose Companies, Lawyers Committee for Civil Rights Under Law, Local Initiatives Support Corporation, McCormack Baron Salazar, Inc., Mortgage Bankers Association, National Affordable Housing Management Association, National Alliance of Vietnamese American Service Agencies (NAVASA), National Alliance to End Homelessness, National AIDS Housing Coalition, National Apartment Association.

National Association for the Advancement of Colored People (NAACP), National Association of Affordable Housing Lenders, National Association of Home Builders, National Association of Realtors, National Baptist Convention, USA, Inc., National Coalition for Asian Pacific American Community Development (National CAPACD), National Coalition for the Homeless, National Fair Housing Alliance, NCBA Housing Management Corporation, National Housing Conference, National Housing Law Project, National Housing Trust, National Law Center on Homelessness and Poverty, National Leased Housing Association, National Low Income Housing Coalition, National Multi Housing Council, National Policy and Advocacy Council on Homelessness, NETWORK: A National Catholic Social Justice Lobby.

Oxfam America, PolicyLink, Poverty & Race Research Action Council, Religious Action Center for Reform Judaism, Technical Assistance Collaborative, Tramell Crow Company, Unitarian Universalist Association of Congregations, US Jesuit Conference, Volunteers of America.

GULF COAST AND REGIONAL ORGANIZATIONS

Acadiana Regional Coalition on Housing & Homelessness (ARCH), Alabama Appleseed Center for Law & Justice, Alabama Arise, Armstrong Family Services, Catholic Charities, New Orleans, Coalition for Citizens with Disabilities of Mississippi, Florida Legal Services, Inc., Fresh Start of Baton Rouge, Georgia Appleseed Center for Law & Justice, Inc., Greater Houston Fair Housing Center, Greater New Orleans Fair Housing Action Center, Gulf Coast Fair Housing Center (Biloxi, MS), Hope for the Homeless, Inc., Hope House, Lake to the River: The New Orleans Coalition for Legal Aid and Disaster Assistance, Last Hope, Inc., Louisiana Advocacy Coalition for the Homeless, Louisiana Appleseed Center for Law & Justice, Inc., Louisiana Association of Nonprofit Organizations, Louisiana Developmental Disabilities Council, Louisiana Housing Alliance, LA Supportive Housing Coalition.

Mental Health America of Louisiana, Mobile Fair Housing Center, NAMI Louisiana, New Orleans Neighborhood Development Collaborative, New Orleans Neighborhood Development Foundation, Northeast Louisiana Delta CDC, People Improving Communities Through Organizing—Louisiana Interfaith Together (PICO–LIFT), Project Lazarus, Providence Community Housing, Shelter Resources, Inc., Texas Appleseed, The Advocacy Center, UNITY of Greater New Orleans.

JUNE 15, 2007.

Hon. MARY LANDRIEU,
U.S. Senate,
Washington, DC.
Hon. CHRISTOPHER DODD,
U.S. Senate,
Washington, DC.

DEAR SENATORS LANDRIEU AND DODD: Enterprise Community Partners strongly supports your bill, the Gulf Coast Hurricane Housing Recovery Act of 2007. We appreciate that this legislation takes a holistic approach to redeveloping affordable housing in the impacted Gulf Coast region.

Enterprise is one of the nation's leading providers of development capital and expertise for decent, affordable homes in thriving communities. For more than two decades, Enterprise has pioneered neighborhood solutions through private-public partnerships

with financial institutions, governments, community organizations and other stakeholders.

We are bringing our resources to bear across the Gulf Coast, helping nonprofit and faith-based organizations serving low-income people and seniors; ensuring sustainable development that saves energy and natural resources; and advising state and local government on policies and programs to create communities of choice. Through partnerships with local and national partners, we have committed to invest $200 million in grants, loans and equity investment toward the development of 10,000 affordable, healthy and sustainable homes in the Gulf Coast region. Enterprise has designed, implemented, and is currently managing the $47 million Louisiana Loan Fund with other partners to provide local developers access to low-cost predevelopment and acquisition capital.

This legislation provides much-needed flexibility while insisting upon the essential principles necessary to comprehensively and equitably redevelop the Gulf Coast. Enterprise commends you for providing displaced families with a range of options, including providing additional vouchers and extending temporary housing assistance.

Enterprise and our local partner, Providence Community Housing, are working with former residents and the local, state and federal governments to redevelop the Lafitte public housing site as part of a broader strategy to revitalize the neighborhood of Treme in New Orleans. This bill creates the policy framework for rebuilding a vibrant, sustainable community of choice for families of all incomes.

The bill's provision for the New Orleans Redevelopment Authority's disposition pilot will help developers acquire off-site properties as replacement homes to reduce density in public housing. This innovative approach will help to ensure that rebuilding public housing in the Gulf Coast does not result in concentrating poverty in isolation from jobs, transportation and services.

Enterprise commends you and the members of the Senate Banking Committee for your leadership on this and other housing issues and urges Congress to expedite the passage of this critical legislation. Please call upon us if we can provide additional information or assistance.

Sincerely,

DORIS W. KOO,
President and Chief Executive Officer, Enterprise Community Partners, Inc.

BART HARVEY,
Chairman of the Board, Enterprise Community Partners, Inc.

JUNE 15, 2007.

Hon. CHRISTOPHER J. DODD,
Hon. MARY LANDRIEU,
U.S. Senate,
Washington, DC.

DEAR SENATORS DODD AND LANDRIEU, We write in support of the bill you will introduce shortly to address the housing needs of low income people affected by Hurricanes Katrina and Rita that remain largely unmet these 21 months after the disaster. While everyone has suffered with the slow pace of recovery, it is the people who had the fewest resources before the storms for whom rebuilding their lives and reestablishing permanent homes has been the most difficult. In particular, repair and replacement of rental housing affordable to low income people has received insufficient attention in the rebuilding plans to date.

Your bill will go a long way towards addressing these concerns. Among its many important provisions is a plan for the repair and redevelopment of public and assisted housing. This provision will ensure that communities will not lose desperately needed federally assisted housing units and that all residents in good standing prior to the storms will have the right to return, while also providing residents with a broader range of housing choices than previously available. Displaced public and assisted housing residents who are trying to rebuild their lives in new communities will also be able to do so without threat of losing housing assistance that makes their new homes affordable. The mobility section is a welcome addition to the House bill.

The tens of thousands more displaced low income people who were living in private housing before the storms, whose homes are gone, and whose temporary housing has been sustained via the chaotic FEMA rent assistance program will finally be able to rely on Section 8 housing vouchers, with its established rules and local administration. We are also in favor of the requirement in the bill for a GAO study to determine how the number of households whose assistance was wrongfully terminated by FEMA.

The pilot program of the New Orleans Redevelopment Authority, coupled with the FHA-New Orleans Disaster Housing Initiative, offer an innovative approach to focus resources for low income housing development in New Orleans, which sustained the greatest loss of affordable rental housing in the affected areas.

We offer the following suggestions for consideration before the bill is introduced or at mark-up. We recommend that the ongoing and desperate housing needs of low income people in Alabama and Texas be addressed in this bill. While the scale of destruction was less in these states, the distribution of resources by HUD shortchanged both states. We urge additional appropriations for Alabama and Texas, allocated through the HOME program.

Second, we ask that you consider expanding the number of new project-based vouchers from 4,500 as is in the draft bill to 25,000.

Attached is a list of organizations that are members of the Katrina Housing Group whose representatives thank you for your work on behalf of low income people displaced by the 2005 Gulf Coast Hurricanes and pledge to work with you to move your important legislation forward.

Sincerely,

THE KATRINA HOUSING GROUP,
c/o National Low Income Housing Coalition.

JUNE 14, 2007.

Hon. CHRISTOPHER DODD,
Hon. MARY LANDRIEU,
U.S. Senate,
Washington, DC.

DEAR SENATORS DODD AND LANDRIEU: The undersigned civil rights organizations are writing to express our support for the Senate version of the Gulf Coast Housing Recovery Act of 2007, soon to be introduced. This bill will address many of the pressing housing issues on the Coast and will assist with civil rights and fair housing enforcement. Because the situation on the Coast continues to be so precarious, we believe this legislation needs to move forward quickly.

In particular, we appreciate the fair housing enforcement and the fair housing reporting mechanisms in the bill. Title VI authorizes funds for vital civil rights enforcement by fair housing centers on the Coast. Title I specifically mentions that every state has to report quarterly on its programs, including how the programs are affirmatively furthering fair housing. In addition, the states must report whom they are serving by race, ethnicity, income, disability, family size, and family status.

In addition, the provisions for housing mobility, public housing replacement, and a new FHA multifamily loan program will provide much needed housing as well as the opportunity for racial and socioeconomic integration.

Thank you again for your efforts to support civil rights and fair housing.

Sincerely,

Center for Responsible Lending.
Greater Houston Fair Housing Center.
Greater New Orleans Fair Housing Action Center.
Gulf Coast Fair Housing Center (Biloxi, MS).
Lawyers Committee for Civil Rights Under Law.
Mobile Fair Housing Center.
National Association for the Advancement of Colored People (NAACP).
National Coalition for Asian Pacific American Community Development (National CAPACD).
National Fair Housing Alliance.

VOLUNTEERS OF AMERICA,
Alexandria, VA, June 13, 2007.

Hon. CHRISTOPHER DODD,
U.S. Senate, Russell Building,
Washington DC.

DEAR SENATOR DODD: On behalf of Volunteers of America, a national, nonprofit, faith-based organization dedicated to helping those in need rebuild their lives and reach their full potential, I am writing to express our strong support for the Dodd/Landrieu Gulf Coast Hurricane Housing Recovery Act of 2007. This measure will assist in the rebuilding process in the region and provide the requisite long term housing relief for many poor and low income individuals.

Volunteers of America helps more than 2 million people in over 400 communities. Since 1896, our ministry of service has supported and empowered America's most vulnerable groups, including at-risk youth, the frail elderly, men and women returning from prison, homeless individuals and families, people with disabilities, and those recovering from addictions. Our work touches the mind, body, heart—and ultimately the spirit—of those we serve, integrating our deep compassion with highly effective programs and services.

Volunteers of America has served New Orleans and the Gulf Region for over a century. Prior to Hurricane Katrina we had a diverse portfolio of over 1,000 housing units in and around New Orleans. Included in this total was senior housing, family housing, housing for persons with disabilities, and housing for people leaving homelessness. All of these properties were rendered uninhabitable by the storm, as were our offices and many of our other program sites. We continue to work in partnership with state and local governments, other non-profit agencies and with businesses, to rebuild communities along the Gulf Coast. Under our ''Coming Back Home'' Initiative, we have pledged to restore the 1,000 affordable housing units we provided in New Orleans prior to Katrina, and to seek every opportunity to build additional units. Our goal is to continue providing housing and supportive services to vulnerable populations, and offer workforce housing to people who need an affordable place to live as they strive to rebuild New Orleans. We are also providing home ownership opportunities for low income families in Louisiana, Mississippi, and Alabama.

To this end, the Gulf Coast Hurricane Housing Recovery Act of 2007, represents an excellent opportunity for the Senate to address the on going housing and rebuilding needs of this region. Thank you for your leadership in introducing this important measure and we look forward to working with you and all the members in the Senate

to ensure final passage of this landmark legislation.

Sincerely,

CHARLES W. GOULD,
President.

CITY VIEW,
San Antonio, TX, June 18, 2007.

Hon. MARY LANDRIEU,
Senate Hart Office Building,
U.S. Senate, Washington, DC.
Hon. CHRISTOPHER DODD,
Senate Rayburn Office Building,
U.S. Senate, Washington, DC.

DEAR SENATORS LANDRIEU AND DODD: As a member of Enterprise Community Partners' Real Estate Leadership Council, thank you for introducing the Gulf Coast Hurricane Housing Recovery Act of 2007. This legislation takes a critically needed holistic approach to both immediate and long-term housing needs in the impacted Gulf Coast region, which I have seen firsthand.

Taking a comprehensive but flexible approach to rebuilding in the wake of Hurricanes Katrina and Rita is essential. I believe this bill will ensure that public housing is redeveloped equitably and sustainably, ensuring that there will be no net loss of federally assisted units in the area and that former residents will have access to services and the opportunity to return. The many displaced low-income families who were not previously public housing residents now will have access to the known and reliable Section 8 housing voucher program rather than the often confusing FEMA rental assistance program.

Additionally, the New Orleans Redevelopment Authority disposition pilot program to help developers acquire properties for replacement housing takes an innovative approach. This program will go far to ensuring that New Orleans retains affordable housing options while rebuilding mixed-income communities of choice.

Through partnerships with local and national partners, Enterprise has committed to invest $200 million in loans, grants and tax credit equity toward the development of 10,000 affordable, healthy and sustainable homes in the Gulf Coast region. I would also like to commend you for your critical role in extending the placed-in-service date for the Gulf Opportunity Zone low income housing tax credits. This was an important step in ensuring that the GO-Zone tax credits will be able to be used to rebuild affordable housing for low-income families in the region.

Sincerely,

Member, Real Estate Leadership Council,
Enterprise Community Partners, Inc.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak about an important issue that will determine the success of long-term recovery efforts in the gulf coast. As you know, the gulf coast was devastated in 2005 by two of the most powerful storms to ever hit the United States in recorded history—Hurricanes Katrina and Rita. We also experienced the unprecedented disaster of having a major metropolitan city—the city of New Orleans—under up to 20 feet of water for 2 weeks when there were 28 separate levee failures which flooded 12,000 acres, or 80 percent of New Orleans, following Katrina.

I strongly believe that the Congress can provide vast amounts of tax credits, grants, loans, and waivers, but all these benefits will not spur recovery if we cannot get people back into their homes. That is where recovery must start and end. In Louisiana alone, for example, we had over 20,000 businesses destroyed. However, businesses cannot open their doors if their workers have nowhere to live. Louisiana also had 875 schools destroyed. Again, teachers cannot come back to school and teach our children if they do not have a roof over their heads. So a fundamental piece of recovery in the gulf coast is to allow disaster victims to return home and rebuild.

Given the ongoing needs in the southern part of my State in regard to damaged housing, as well as all across the gulf coast, I was pleased that H.R. 1227, the Gulf Coast Hurricane Housing Recovery Act, passed the House of Representatives on March 21, 2007. This legislation, introduced by Representative MAXINE WATERS and Representative BARNEY FRANK, addresses many of the major housing-related problems in my State, in particular issues with the Louisiana Road Home Program and public housing. Since this legislation was received in the Senate, I have been working closely with Senator CHRIS DODD, chairman of the Senate Banking Committee, to review H.R. 1227 for ways to strengthen this important legislation. To further this goal, we have consulted residents, community leaders, nonprofits, State/local officials, and other relevant stakeholders on areas where H.R. 1227 might require improvements.

Today, along with Chairman DODD, I am proud to introduce legislation which is the product of these months of intensive consultations. This legislation, a Senate companion bill to H.R. 1227, is identical to the House bill in many places, and in others it really improves upon what was included in the House bill. For example, H.R. 1227 included $15 million for the New Orleans Redevelopment Authority, NORA, to carry out a pilot program to purchase and bundle properties, then sell for redevelopment. These funds would allow NORA to initially acquire and redevelop properties in the New Orleans area. While I support this pilot program, which was included by my colleague from Louisiana, Representative RICHARD BAKER, I believe that some additional funds were necessary to truly allow NORA to ''hit the ground running'' with this program. That is why our bill includes $25 million for NORA. Furthermore, before Hurricane Katrina, at approximately 40 percent, New Orleans had one of the lowest home ownership levels of any metropolitan area in the country. As we rebuild this vibrant city, increasing home ownership should be one of the tenets of the redevelopment process. With this in mind, our bill does its part to increase home ownership opportunities for low-income renters and public housing residents by including an additional $5 million for NORA to provide soft second mortgages. The bill also directs the Federal Housing Administration to convey properties to NORA for affordable resale to these residents.

In regard to the Louisiana Road Home Program, following passage of the House bill, we learned that the Road Home is facing a shortfall of billions of dollars due to various reasons. There is certainly more than enough blame to go around for the mistakes in the creation and management of the Road Home Program, and fixing them will be a shared responsibility. But a significant initial flaw can be found in the inadequate and unfairly distributed funding which represented all the administration was willing to commit toward Louisiana recovery. At this stage, the funding shortfall threatens to stall recovery in Louisiana and leave homeowners without the vital funds they need to rebuild their homes. To address this important issue, our bill includes an authorization of funds so that if the State of Louisiana puts up $1 billion toward the Road Home shortfall, additional funds necessary to shore up the program would be available.

The Louisiana Recovery Authority, LRA, and the State legislature approved a plan that allocates $1.175 billion dollars to be included in the Road Home Program and $217 million for traditional Hazard Mitigation Projects for use by local parishes and municipalities. In particular, the money allocated for use by local parishes and municipalities can be used for retrofitting structures, such as flood-proofing and elevating homes, acquisition and relocation of residential homes from disaster-prone areas. For the $1.175 billion, the State is seeking to use these funds for the Road Home Program, and HUD has approved it for these uses, but FEMA has so far refused to allow this change. For more than a year, the State of Louisiana and FEMA have met and attempted to work out the issues for applying the funds for the Road Home with no significant progress.

To address this issue, the House bill requires FEMA to accept the State's program structure for the Road Home, which provides incentives to people who choose to remain in the State. These provisions are helpful, but maximum flexibility for using HMGP funds must be provided, so that is why our Senate companion would allow Louisiana to use this more than $1 billion for mitigation activities in the Road Home Program according to more flexible HUD Community Development Block Grant Program rules. The bill also requires FEMA to send these funds to the State within 90 days so that they can quickly be utilized for the Road Home. Lastly, and most important for our impacted parishes in Louisiana, the Dodd-Landrieu bill requires Louisiana to send any future Katrina/Rita HMGP funds directly to the parishes and localities where these funds are badly needed. I believe this is a commonsense approach as we need to make fixing the Road Home a priority but also should recognize that the parishes certainly deserve additional funds which should become available in the coming months.

I am also aware that many Louisiana Road Home recipients have seen their housing recovery grants reduced by Federal agencies, citing ''duplication of benefits'' regulations. While I understand the need to ensure fiscal responsibility on Federal recovery spending, in addition to make sure that residents are not benefiting from these disasters, these Federal regulations are in many ways stifling recovery rather than discouraging fraud and abuse. This is because Louisiana homeowners in many cases had to wait months upon months for U.S. Small Business Administration, SBA, disaster assistance, Federal Emergency Management Agency, FEMA, assistance, and many are unfortunately still waiting to see resolution on their insurance claims. The delay in delivery of this vital recovery capital, along with the immense damage in the region, has left many homeowners scrambling to cobble together enough funds for fully rebuilding their damaged homes. The Louisiana Road Home Program was created to further these ends but cannot allow residents to return home and rebuild if Federal regulations are requiring recovery funds to come back to Washington, not stay in Louisiana where they are needed. Let me clarify, though, residents should not benefit from these storms, but the Federal Government should ensure that they have the necessary resources to responsibly rebuild their lives. To these ends, H.R. 1227 included a provision to waive these ''duplication of benefits'' regulations for insurance and FEMA assistance so long as the household did not receive a windfall gain. While our bill includes a similar provision, we clarified that SBA disaster assistance is also included and that the regulation is waived so long as the household does not receive more funds than is necessary to repair/rebuild their home.

Following Katrina and Rita, there has been a great deal of emphasis placed on rebuilding gulf coast rental housing and owner-occupied housing, as there should be. The recovery of public housing, however, is one area that has not received much national press even though, prior to Hurricane Katrina, the Housing Authority of New Orleans, HANO, operated 7,379 public housing units, 5,146 of which were occupied in the New Orleans area alone. These residents, just like renters and homeowners, have a right to return home, so we must provide them the means and opportunity to do so. H.R. 1227 provides a process for returning these New Orleans public housing residents home. It includes a resident study to find out which residents want to stay where they are, which residents want to come back to public housing in New Orleans, and which residents would like to return to New Orleans with rental or section 8 voucher assistance. This study would guide redevelopment of public housing units in New Orleans. The House bill also specifies that HANO shall not demolish the 7,379 public housing units unless there is a plan in place to provide one-for-one replacement for the units. This particular provision ensures that all public housing residents who want to return home can return to affordable public housing units.

The Dodd-Landrieu Senate companion retains these provisions but strengthens them in a few ways. For example, just as in H.R. 1227, our bill sets out that all 5,146 pre-Katrina occupied units shall be replaced with 5,146 hard units. However, unlike the House bill, for the remaining units, this bill allows HANO to replace these with hard units or with project-based vouchers tied to units in low-income neighborhoods/areas undergoing revitalization. This is because some residents want to return to public housing units, but there are others who would like to transition to other types of units. This bill would allow them the choice.

Furthermore, in another improvement from the House version, our bill ties the dates for the survey and resident return to the enactment of the bill, to ensure residents have sufficient time to make decisions and to return home. Before the storms, almost 85 percent of these public housing residents were employed, and many are now employed in other cities, some with children in schools there. Although I know they want to come home as soon as possible, it would be somewhat unreasonable to require them to pull their children out of schools and leave their current jobs in such a short timeframe. The Senate bill gives these residents the time necessary to make relevant arrangements and move back within 120 days of enactment.

Another issue that was not addressed in the House bill is in regard to residents who were on a waiting list to get into public housing. With a shortage of affordable housing in the New Orleans area, these almost 6,000 residents are left without many options in pursuing suitable housing. Our bill also requires HANO, as part of its replacement plans, to contact individuals on the pre-Katrina waiting list and to give these residents consideration for any units not needed for returning residents.

As you may know, HANO has been a troubled agency long before Hurricane Katrina hit New Orleans. It has been plagued by mismanagement and financial problems for years and is currently administered by HUD. Under normal circumstances, this may not warrant much congressional attention as HUD has taken over countless housing authorities nationwide to steer them in the right direction. However, at this important stage in rebuilding public housing in New Orleans, many in the city believe we need an independent partner overseeing the process. Although there may be the best intentions from administration officials running HANO, it is still HUD in Washington calling the shots, not local officials, residents, and other groups. There are also new and innovative public housing administration models from other cities, which incorporate both resident input and public-private partnerships.

Now, I realize that Rome was not built in a day and that it will take years, not months, to fully rebuild New Orleans. Along these same lines, no one expects HANO to be completely reformed overnight, especially given its years of problems and the need to not jeopardize ongoing development in any way. But there is a general consensus that the status quo for HANO must not continue. To these ends, our bill requires HUD to put HANO into judicial receivership within 30 days, which would start the process of turning HANO over to local control. We believe it is important to start this dialogue on the next steps for HANO, given how important its role will be in rebuilding public housing in the region.

In closing, let me reiterate that this bill addresses one of the most fundamental needs following a disaster: the need to return home. Whether residents live in million-dollar mansions, rental housing, or public housing, they all share a desire to return to their communities and, in particular, their homes. The House has done its part to help these residents, so I urge my colleagues to support this comprehensive recovery legislation as now these disaster victims are counting on the Senate for action.

I ask unanimous consent to have printed in the RECORD letters of support for the legislation.

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

TRAMMELL CROW RESIDENTIAL,
Atlanta, GA, June 15, 2007.

Hon. MARY LANDRIEU,
U.S. Senate,
Washington, DC.
Hon. CHRISTOPHER DODD,
U.S. Senate,
Washington, DC.

DEAR SENATORS LANDRIEU AND DODD: As a member of Enterprise Community Partners' Real Estate Leadership Council, thank you for introducing the Gulf Coast Hurricane Housing Act of 2007. This legislation takes a critically needed holistic approach to both immediate and long-term housing needs in the impacted Gulf Coast region, which I have seen firsthand.

Taking a comprehensive but flexible approach to rebuilding in the wake of Hurricanes Katrina and Rita is essential. I believe this bill will ensure that public housing is redeveloped equitably and sustainably, ensuring that there will be no net loss of federally assisted units in the area and that former residents will have access to services and the opportunity to return. The many displaced low-income families who were not previously public housing residents now will have access to the known and reliable Section 8 housing voucher program rather than the often confusing FEMA rental assistance program.

Additionally, the New Orleans Redevelopment Authority disposition pilot program to help developers acquire properties for replacement housing takes an innovative approach. This program will go far to ensuring that New Orleans retains affordable housing

options while rebuilding mixed-income communities of choice.

Through partnerships with local and national partners, Enterprise has committed to invest $200 million in loans, grants and tax credit equity toward the development of 10,000 affordable, healthy and sustainable homes in the Gulf Coast region. I would also like to commend you for your critical role in extending the placed-in-service date for the Gulf Opportunity Zone low income housing tax credits. This was an important step in ensuring that the GO-Zone tax credits will be able to be used to rebuild affordable housing for low-income families in the region.

Thank you for your leadership on this and other Gulf Coast housing issues. I urge Congress to expedite the passage of this critical legislation.

Sincerely,

J. RONALD TERWILLIGER,
Member, Real Estate Leadership Council, Enterprise Community Partners, Inc.

REACH COMMUNITY DEVELOPMENT, INC.,
Portland, OR, June 12, 2007.

Hon. MARY LANDRIEU,
U.S. Senate,
Washington, DC.

DEAR SENATOR LANDRIEU: As a Trustee of Enterprise Community Partners and chair of Enterprise's national Network Advisory Board, thank you for introducing the Gulf Coast Hurricane Housing Recovery Act of 2007. This legislation takes a critically needed holistic approach to both immediate and long-term needs in the impacted Gulf region.

Taking a comprehensive but flexible approach to rebuilding in the wake of Hurricanes Katrina and Rita is essential. I believe this bill will ensure that public housing is redeveloped equitably and sustainably, ensuring that there will be no net loss of federally assisted units in the area and that former residents will have access to services and the opportunity to return. The many displaced low-income families who were not previously public housing residents now will have access to the known and reliable Section 8 housing voucher program rather than the often confusing FEMA rental assistance program.

Additionally, the New Orleans Redevelopment Authority disposition pilot program to help developers acquire properties takes an innovative approach. This program will go far to ensuring that New Orleans retains affordable housing options while rebuilding mixed-income communities of choice.

Enterprise is responding to Hurricanes Katrina and Rita by bringing its resources to bear to leverage locally led partnerships. Working with capable local and national partners, Enterprise has committed to invest $200 million in loans, grants and tax credit equity toward the development of 10,000 affordable, healthy and sustainable homes in the Gulf region. I would also like to commend you for your critical role in extending the placed-in-service date for the Gulf Opportunity Zone low income housing tax credits. This was an important step in ensuring that the GO-Zone tax credits will be able to be used to rebuild affordable housing for low-income families in the region.

Thank you for your leadership on this and other Gulf Coast housing issues. I urge Congress to expedite the passage of this critical legislation.

Sincerely,

DEE WALSH,
Executive Director, REACH Community Development, Inc.

By Ms. SNOWE:

S. 1670. A bill to amend title 10, United States Code, to improve the management of medical care for members of the Armed Forces, to improve the speed and efficiency of the physical disability evaluation system of the Department of Defense, and for other purposes; to the Committee on Armed Services.

Ms. SNOWE. Mr. President, I rise today to proudly join my friend and colleague Senator BLANCHE LINCOLN in the introduction of the Servicemembers' Healthcare Benefits and Rehabilitation Enhancement Act of 2007.

In March, I was able to visit one of Maine's returning soldiers who has been assigned outpatient care at the Walter Reed Army Medical Center. We spoke about the many issues and obstacles faced by our wounded troops as they struggle not only to recover from their injuries, but to prepare themselves for their future. During our meeting, this soldier covered many of the pitfalls faced by troops as they confront the bewildering processes of medical and physical evaluation boards without the benefit of anyone to advocate on their behalf. In fact, he aptly described the process as an ''adversarial'' system that onerously demands wounded soldiers to provide the ''burden of proof'' for their claims.

In response, we have crafted this legislation in order to remedy a variety of flaws that currently plague the military health care system, including: Inequitable disability ratings, a lack of advocacy within military outpatient facilities, inadequate mental health treatment, and inefficient transition from the DOD to the VA.

First off, our bill would address the concerns I have heard from a number of returning troops from my home State of Maine and across this Nation who have gone without the proper advocacy and case management for medical benefits during their stay at military outpatient facilities. It is inexcusable that our returning heroes are often forced to navigate the esoteric physical disability evaluation system, PDES, within an adversarial atmosphere.

The measure we are proposing would require the Secretary of Defense to provide each recovering servicemember in a military medical treatment facility with a medical care manager who will assist him or her with all matters regarding their medical status, along with a caseworker who will assist each servicemember and his or her family in obtaining all the information necessary for transition, recovery, and benefits collection. Further, provisions we included will create a DOD-wide ombudsmen office to provide policy guidance to, and oversight of, ombudsman offices in all military departments and the medical system of the DOD. Only then, will our returning servicemembers recover within an atmosphere that is based upon advocacy.

Additionally, recent news reports and independent analysis have revealed troubling statistics regarding rampant inaccuracies within the military disability ratings system. According to Pentagon data analyzed by the Veterans' Disability Benefits Commission, since 2000, 92.7 percent of all disability ratings handed out by physical evaluation boards, PEBs, have been 20 percent or lower. Under the current policy, those who receive disability ratings under 30 percent and have served less than 20 years of military service are discharged with only a severance check, deprived of full military retirement pay, life insurance, health insurance, and access to military commissaries.

Further evidence of a troubled disability ratings system shows that since America went to war in Afghanistan and Iraq, fewer veterans have received disability ratings of 30 percent or more, inferring that the DOD may have lowered the ratings for injured troops who would have otherwise received a host of lifelong benefits. On top of that, it currently takes an average of 209 days for troops to complete the PDES process by receiving notification of potential discharge and a subsequent disability rating.

As a means of fixing these blatant flaws within the military disability ratings system, this legislation consolidates the physical evaluation system by placing the informal and formal physical evaluation boards under one command, as a method of streamlining and expediting the process. Our troops deserve timely care and efficient treatment upon their return home, and therefore, no recovering servicemember should be forced to endure lengthy delays in a medical hold or holdover status due to bureaucratic inefficiencies.

The bill also requires that physicians preparing each individual medical case for all physical evaluation boards report multiple diagnosed medical impairments that, in concert, may deem a servicemember to be unfit for duty. Under the current system, the U.S. Army, for example, only rates physical impairments that individually, cause a servicemember to be deemed unfit for duty, ultimately dismissing ailments that may significantly hinder a servicemember's ability to continue his or her service in the military or find gainful employment in the civilian sector.

Over the past year, the American public has also become acutely aware of the effects of traumatic brain injury, TBI, which has become the signature injury of the wars in Iraq and Afghanistan, affecting thousands of returning servicemembers. Therefore, it is now more imperative than ever for both the DOD and the VA to implement mental health treatment policies that accurately diagnose and adequately treat debilitating mental health injuries among our injured troops.

Our bill addresses these issues by including a provision that requires all servicemembers who are expected to deploy to a combat theater to receive a mental health assessment that tests their cognitive functioning within 120

days before deployment, a mental health assessment within 60 days after deployment, to include a comprehensive screening for mild, moderate, and severe cases of TBI. Additionally, all servicemembers will receive a third mental health assessment at the time of their predischarge physical.

The measure we are putting forward today also aims to update the current disability ratings system used by the military and the VA to include the effects of TBI and posttraumatic stress disorder, along with any other mental health disorders that may affect our Nation's returning warriors. The Secretary of Veterans Affairs would be required to issue a report to Congress detailing a plan to update the Veteran's Administration Schedule for Ratings Disabilities, VASRD, to align its disability ratings to more closely reflect the effects of mental health disorders, including TBI and PTSD on the modern workforce.

The Servicemembers' Healthcare Benefits and Rehabilitation Enhancement Act of 2007 also calls on the Secretaries of Defense and Veterans Affairs to provide Congress with a report detailing plans to increase the role of eligible private sector rehabilitation providers for assisting the VA in providing comprehensive post acute inpatient and outpatient rehabilitation for TBI and PTSD, if in certain instances, the VA is unable to provide such services.

The Veterans Health Administration is, unequivocally, the foremost expert in providing mental health treatment for our recovering servicemembers, yet in varying circumstances, the VA may require additional health care coverage in remote areas. All of our returning heroes, despite the severity of their mental health ailments, or their location geographically, deserve every available option for rehabilitative services, to ensure that they never go untreated.

Additionally, to help ease the transition from the military health care system to the VA system, both the DOD and the VA must adopt and implement a unified electronic medical database. Interagency database compatibility would not only increase medical efficiency, but it would significantly ease the transition into civilian life for injured or retiring servicemembers who deserve timely and effective health care. Therefore, our legislation establishes and implements a single electronic military and medical record database within the DOD that will be used to track and record the medical status of each member of the Armed Forces in theater and throughout the military health care process, and will be accessible to the VA through the joint patient tracking application, JPTA. This electronic records system will be identical to the VistA system, currently used by the VA, which has served as a model of excellence for electronic medical databases among our Nation's health community.

I have nothing but the utmost respect for those brave Americans who served in uniform with honor, courage, and distinction. The obligation our Nation holds for its servicemembers and veterans is enormous, and it is an obligation that must be fulfilled every day. We must always remain cognizant of the wisdom laid forth by President George Washington, when he stated, ''The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country.''

At a time when over 600,000 courageous men and women have returned from combat in both Iraq and Afghanistan, I believe it is now up to Congress to do everything in its power to answer the call of our men and women who have nobly served our Nation in uniform, to ensure that they receive the heroes treatment they rightly earned and rightly deserve. Again, I want to thank my colleague, Senator LINCOLN, for her assistance in making this a stronger bill and bringing it before the Senate. I strongly urge my colleagues to support this legislation.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1671. A bill to reauthorize and improve the entrepreneurial development programs of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepeneurship.

Mr. KERRY. Mr. President, as chairman of the Committee on Small Business and Entrepreneurship, I am pleased to introduce today with Ranking Member Senator SNOWE the Entrepreneurial Development Act of 2007. As always, I appreciate the opportunity to work with my colleague from Maine on the issues facing the Nation's small businesses, and I believe that we have taken another step in the right direction with this bill.

The Entrepreneurial Development Act reauthorizes and expands the Small Business Administration's entrepreneurial development programs. In particular, it supports women and minority small business ownership opportunities by boosting Small Business Development Centers, Women's Business Centers, SCORE, and other counseling and assistance programs. Investing in these core small business assistance programs is critical to creating jobs and boosting our economy. In Massachusetts alone, SBDCs served over 8,500 entrepreneurs last year and our Center for Women and Enterprise has generated 15,000 jobs over the last 10 years. These programs will not only help our entrepreneurs succeed today, but they will build the next generation of small business owners too.

We have long supported these kinds of improvements and many of the provisions in the bill unanimously passed the Committee on Small Business and Entrepreneurship last Congress.

The bill takes a number of steps to improve the Women's Business Center grant program through streamlining paperwork and increased oversight, and also promoting greater consultation between the National Women's Business Council, the Interagency Committee on Women's Business Enterprise and Women's Business Centers. This increased communication between the different groups will help them provide the most effective and efficient assistance to women-owned small businesses.

The bill also creates a Native American small business development program, an Office of Native American Affairs within the Small Business Administration, SBA, and a Native American grant pilot program to foster increased employment and expansion of small businesses in Indian Country through business counseling services. According to the SBA's Office of Advocacy, the American Indian and Alaska Native community is one of the fastest growing business groups in the country. Yet nearly 25 percent of the country's American Indian and Alaska Native populations live in poverty. There are huge small business opportunities just waiting to be tapped in Indian Country. We should be building on the energy and excitement among Native American entrepreneurs with more support from the federal government, and that's exactly what we intend to do.

In addition, the bill creates several pilot programs that will help to deal with some of the most important issues facing small businesses.

First, the bill establishes a pilot program to assist small businesses in complying with Federal and State laws and regulations. Reducing redtape for small businesses has always been one of my top priorities for the committee. We must help small firms navigate the labyrinthine regulatory system because compliance is critical to their success and their continued contribution to our economy. I'm committed to seeing that small businesses have every tool available—from guides to direct compliance assistance and counseling to assist them along the way.

In addition, this bill seeks to address the small business health insurance crisis through a competitive, pilot grant program for SBDCs to provide counseling and resources to small businesses about health insurance options in their communities. I have heard time and time again from small business owners that their number one concern is the high cost of health insurance. At least 27 million Americans working for small businesses don't have health insurance. That means that 27 million Americans are one slip, illness or emergency room visit away from disaster. We must do everything we can to help them.

Finally, the bill creates a Minority Entrepreneurship and Innovation pilot program to provide competitive grants to Historically Black Colleges and Universities, Hispanic Serving Institutions, Alaska Native and Native Hawaiian Serving Institutions, and Tribal

Colleges to create a curricula focused on entrepreneurship. The goal of this program is to target students in highly skilled fields such as engineering, manufacturing, science and technology, and guide them towards entrepreneurship as a career option. Traditionally, minority-owned businesses are disproportionately represented in the service sectors. Promoting entrepreneurial education to undergraduate students will help expand business ownership beyond the service sectors to higher growth technical and financial sectors. One of our Nation's greatest assets is our diversity and investing in minority businesses only helps to increase the value of that asset. Unfortunately, investment in our minority business community has been sorely lacking. For example, in Massachusetts, minorities make up about 15 percent of our population, but they own only about 5 percent of the businesses and account for just 1.4 percent of sales. These statistics demonstrate why programs like the Minority Entrepreneurship and Innovation pilot program are so important to the future minority business leaders of tomorrow. Making this investment will ensure that we will have enough entrepreneurs from all sectors of our Nation to keep our economy competitive and strong.

I thank Senator SNOWE for joining me in introducing this important bill, and I urge my colleagues to support it when it comes before the full Senate for consideration. 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. 1671

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 ''Entrepreneurial Development Act of 2007''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—REAUTHORIZATION

Sec. 101. Reauthorization.

TITLE II—WOMEN'S SMALL BUSINESS OWNERSHIP PROGRAMS

Sec. 201. Office of Women's Business Ownership.
Sec. 202. Women's Business Center Program.
Sec. 203. National Women's Business Council.
Sec. 204. Interagency Committee on Women's Business Enterprise.
Sec. 205. Preserving the independence of the National Women's Business Council.

TITLE III—INTERNATIONAL TRADE

Sec. 301. Small Business Administration Associate Administrator for International Trade.
Sec. 302. Office of International Trade.

TITLE IV—NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM

Sec. 401. Short title.
Sec. 402. Native American Small Business Development Program.
Sec. 403. Pilot programs.

TITLE V—NATIONAL SMALL BUSINESS REGULATORY ASSISTANCE

Sec. 501. Short title.
Sec. 502. Purpose.
Sec. 503. Small Business Regulatory Assistance Pilot Program.
Sec. 504. Rulemaking.

TITLE VI—OTHER PROVISIONS

Sec. 601. Minority Entrepreneurship and Innovation Pilot Program.
Sec. 602. Institutions of higher education.
Sec. 603. Health insurance options information for small business concerns.
Sec. 604. National Small Business Development Center Advisory Board.
Sec. 605. Office of Native American Affairs pilot program.
Sec. 606. Privacy requirements for SCORE chapters.
Sec. 607. National Small Business Summit.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

TITLE I—REAUTHORIZATION

SEC. 101. REAUTHORIZATION.

(a) IN GENERAL.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by striking subsections (d), (e), and (j); and

(2) by adding at the end the following:

''(d) SCORE PROGRAM.—There are authorized to be appropriated to the Administrator to carry out the Service Corps of Retired Executives program authorized by section 8(b)(1) such sums as are necessary for the Administrator to make grants or enter into cooperative agreements for a total of—

''(1) $7,000,000 in fiscal year 2008;

''(2) $8,000,000 in fiscal year 2009; and

''(3) $9,000,000 in fiscal year 2010''.

(b) SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21 of the Small Business Act (15 U.S.C. 648) is amended—

(1) in subsection (a)(4)(C), by amending clause (vii) to read as follows:

''(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph—

''(I) $135,000,000 for fiscal year 2008;

''(II) $140,000,000 for fiscal year 2009; and

''(III) $145,000,000 for fiscal year 2010.''; and

(2) in subsection (c)(3)(T), by striking ''October 1, 2006'' and inserting ''October 1, 2010''.

(3) PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM.—

(A) IN GENERAL.—Section 27(g) of the Small Business Act (15 U.S.C. 654(g)) is amended—

(i) in paragraph (1), by striking ''fiscal years 2005 and 2006'' and inserting ''fiscal years 2008 through 2010''; and

(ii) in paragraph (2), by striking ''fiscal years 2005 and 2006'' and inserting ''fiscal years 2008 through 2010''.

(B) CONFORMING AMENDMENT.—Section 21(c)(3)(T) of the Small Business Act (15 U.S.C. 648(c)(3)(T)) is amended by striking ''October 1, 2006'' and inserting ''October 1, 2010''.

TITLE II—WOMEN'S SMALL BUSINESS OWNERSHIP PROGRAMS

SEC. 201. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

Section 29(g) of the Small Business Act (15 U.S.C. 656(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)(i), by striking ''in the areas'' and all that follows through the end of subclause (I), and inserting the following: ''to address issues concerning management, operations, manufacturing, technology, finance, retail and product sales, international trade, and other disciplines required for—

''(I) starting, operating, and growing a small business concern;''; and

(B) in subparagraph (C), by inserting before the period at the end the following: '', the National Women's Business Council, and any association of women's business centers''; and

(2) by adding at the end the following:

''(3) PROGRAMS AND SERVICES FOR WOMEN-OWNED SMALL BUSINESSES.—The Assistant Administrator, in consultation with the National Women's Business Council, the Interagency Committee on Women's Business Enterprise, and 1 or more associations of women's business centers, shall develop programs and services for women-owned businesses (as defined in section 408 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note)) in business areas, which may include—

''(A) manufacturing;

''(B) technology;

''(C) professional services;

''(D) retail and product sales;

''(E) travel and tourism;

''(F) international trade; and

''(G) Federal Government contract business development.

''(4) TRAINING.—The Administrator shall provide annual programmatic and financial oversight training for women's business ownership representatives and district office technical representatives of the Administration to enable representatives to carry out their responsibilities under this section.

''(5) GRANT PROGRAM AND TRANSPARENCY IMPROVEMENTS.—The Administrator shall improve the transparency of the women's business center grant proposal process and the programmatic and financial oversight process by—

''(A) providing notice to the public of each women's business center grant announcement for an initial and renewal grant, not later than 6 months before awarding such grant;

''(B) providing notice to grant applicants and recipients of program evaluation and award criteria, not later than 12 months before any such evaluation;

''(C) reducing paperwork and reporting requirements for grant applicants and recipients;

''(D) standardizing the oversight and review process of the Administration; and

''(E) providing to each women's business center, not later than 30 days after the completion of a site visit at that center, a copy of site visit reports and evaluation reports prepared by district office technical representatives or Administration officials.''.

SEC. 202. WOMEN'S BUSINESS CENTER PROGRAM.

(a) WOMEN'S BUSINESS CENTER GRANTS PROGRAM.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2), (3), and (4), as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) the term 'association of women's business centers' means an organization that represents not fewer than 30 percent of the women's business centers that are participating in a program under this section, and whose primary purpose is to represent women's business centers;'';

(2) in subsection (b)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), and adjusting the margins accordingly;

(B) by striking ''The Administration'' and inserting the following:

''(1) IN GENERAL.—The Administration'';

(C) by striking ''The projects shall'' and inserting the following:

''(2) USE OF FUNDS.—The projects shall''; and

(D) by adding at the end the following:

''(3) AMOUNT OF GRANTS.—

''(A) IN GENERAL.—The Administrator may award a grant under this subsection of not more than $150,000 per year.

''(B) EQUAL ALLOCATIONS.—In the event that the Administration has insufficient funds to provide grants of $150,000 for each grant recipient under this subsection in any fiscal year, available funds shall be allocated equally to grant recipients, unless any recipient requests a lower amount than the allocable amount.

''(4) ASSOCIATIONS OF WOMEN'S BUSINESS CENTERS.—

''(A) RECOGNITION.—The Administrator shall recognize the existence and activities of any association of women's business centers established to address matters of common concern.

''(B) CONSULTATION.—The Administrator shall consult with each association of women's business centers to develop—

''(i) a training program for the staff of the women's business centers and the Administration; and

''(ii) recommendations to improve the policies and procedures for governing the general operations and administration of the Women's Business Center Program, including grant program improvements under subsection (g)(5).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(A) in subsection (h)(2), by striking ''to award a contract (as a sustainability grant) under subsection (l) or'';

(B) in subsection (j)(1), by striking ''The Administration'' and inserting ''Not later than November 1st of each year, the Administrator''; and

(C) in subsection (k)—

(i) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated to the Administration to carry out this section, to remain available until expended—

''(A) $15,000,000 for fiscal year 2008;

''(B) $16,000,000 for fiscal year 2009; and

''(C) $17,500,000 for fiscal year 2010.

''(2) ALLOCATION.—Of amounts made available pursuant to paragraph (1), the Administrator shall use not less than 60 percent for grants under subsection (m).

''(3) USE OF AMOUNTS.—Amounts made available under this subsection may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section.''; and

(ii) by striking paragraph (4).

(2) RENEWAL GRANTS.—

(A) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(B) REFERENCE.—Subsection (l)(4)(D) of section 29 of the Small Business Act (15 U.S.C. 656), as redesignated by subparagraph (A) of this paragraph, is amended by striking ''or subsection (l)''.

(C) ALLOCATION.—Section 29(k)(2) of the Small Business Act (15 U.S.C. 656(k)(2)), as amended by this Act, is amended by striking ''subsection (m)'' and inserting ''subsection (l)''.

(D) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on the day after the effective date of the amendments made by section 8305(b) of the Small Business and Work Opportunity Act of 2007 (Public Law 110-28) (striking subsection (l)).

SEC. 203. NATIONAL WOMEN'S BUSINESS COUNCIL.

(a) COSPONSORSHIP AUTHORITY.—Section 406 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7106) is amended by adding at the end the following:

''(f) COSPONSORSHIP AUTHORITY.—The Council is authorized to enter into agreements as a cosponsor with public and private entities, in the same manner as is provided in section 8(b)(1)(A) of the Small Business Act (15 U.S.C. 637(b)(1)(A)), to carry out its duties under this section.''.

(b) MEMBERSHIP.—Section 407(f) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107(f)) is amended by adding at the end the following:

''(3) REPRESENTATION OF MEMBER ORGANIZATIONS.—In consultation with the chairperson of the Council and the Administrator, a national women's business organization or small business concern that is represented on the Council may replace its representative member on the Council during the service term to which that member was appointed.''.

(c) ESTABLISHMENT OF WORKING GROUPS.—Title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101 et seq.) is amended by inserting after section 410, the following new section:

''SEC. 411. WORKING GROUPS.

''(a) ESTABLISHMENT.—There are established within the Council, working groups, as directed by the chairperson.

''(b) DUTIES.—The working groups established under subsection (a) shall perform such duties as the chairperson shall direct.''.

(d) CLEARINGHOUSE FOR HISTORICAL DOCUMENTS.—Section 409 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7109) is amended by adding at the end the following:

''(c) CLEARINGHOUSE FOR HISTORICAL DOCUMENTS.—The Council shall serve as a clearinghouse for information on small businesses owned and controlled by women, including research conducted by other organizations and individuals relating to ownership by women of small business concerns in the United States.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 410(a) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7110(a)) is amended by striking ''2001 through 2003, of which $550,000'' and inserting ''2008 through 2010, of which not less than 30 percent''.

SEC. 204. INTERAGENCY COMMITTEE ON WOMEN'S BUSINESS ENTERPRISE.

(a) CHAIRPERSON.—Section 403(b) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7103(b)) is amended—

(1) by striking ''Not later'' and inserting the following:

''(1) IN GENERAL.—Not later''; and

(2) by adding at the end the following:

''(2) VACANCY.—In the event that a chairperson is not appointed under paragraph (1), the Deputy Administrator of the Small Business Administration shall serve as acting chairperson of the Interagency Committee until a chairperson is appointed under paragraph (1).''.

(b) POLICY ADVISORY GROUP.—Section 401 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101) is amended—

(1) by striking ''There'' and inserting the following:

''(a) IN GENERAL.—There''; and

(2) by adding at the end the following:

''(b) POLICY ADVISORY GROUP.—

''(1) ESTABLISHMENT.—There is established a Policy Advisory Group to assist the chairperson in developing policies and programs under this Act.

''(2) MEMBERSHIP.—The Policy Advisory Group shall be composed of 7 policy making officials, of whom—

''(A) 1 shall be a representative of the Small Business Administration;

''(B) 1 shall be a representative of the Department of Commerce;

''(C) 1 shall be a representative of the Department of Labor;

''(D) 1 shall be a representative of the Department of Defense;

''(E) 1 shall be a representative of the Department of the Treasury; and

''(F) 2 shall be representatives of the Council.''.

SEC. 205. PRESERVING THE INDEPENDENCE OF THE NATIONAL WOMEN'S BUSINESS COUNCIL.

(a) FINDINGS.—Congress finds the following:

(1) The National Women's Business Council provides an independent source of advice and policy recommendations regarding women's business development and the needs of women entrepreneurs in the United States to—

(A) the President;

(B) Congress;

(C) the Interagency Committee on Women's Business Enterprise; and

(D) the Administrator.

(2) The members of the National Women's Business Council are small business owners, representatives of business organizations, and representatives of women's business centers.

(3) The chair and ranking member of the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives make recommendations to the Administrator to fill 8 of the positions on the National Women's Business Council. Four of the positions are reserved for small business owners who are affiliated with the political party of the President and 4 of the positions are reserved for small business owners who are not affiliated with the political party of the President. This method of appointment ensures that the National Women's Business Council will provide Congress with nonpartisan, balanced, and independent advice.

(4) In order to maintain the independence of the National Women's Business Council and to ensure that the Council continues to provide Congress with advice on a nonpartisan basis, it is essential that the Council maintain the bipartisan balance established under section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107).

(b) MAINTENANCE OF PARTISAN BALANCE.—Section 407(f) of the Women's Business Ownership Act of 1988 (15 U.S.C. 7107(f)), as amended by this Act, is amended by adding at the end the following:

''(4) PARTISAN BALANCE.—When filling a vacancy under paragraph (1) of this subsection of a member appointed under paragraph (1) or (2) of subsection (b), the Administrator shall, to the extent practicable, ensure that there are an equal number of members on the Council from each of the 2 major political parties.

''(5) ACCOUNTABILITY.—If a vacancy is not filled within the 30-day period required under paragraph (1), or if there exists an imbalance of party-affiliated members on the Council for a period exceeding 30 days, the Administrator shall submit a report, not later than 10 days after the expiration of either such 30-day deadline, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the

House of Representatives, that explains why the respective deadline was not met and provides an estimated date on which any vacancies will be filled, as applicable.''.

TITLE III—INTERNATIONAL TRADE

SEC. 301. SMALL BUSINESS ADMINISTRATION ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—Section 22(a) of the Small Business Act (15 U.S.C. 649(a)) is amended by adding at the end the following: ''The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.''.

(b) AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking ''five Associate Administrators'' and inserting ''Associate Administrators''; and

(2) by adding at the end the following: ''One of the Associate Administrators shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.''.

(c) DISCHARGE OF ADMINISTRATION INTERNATIONAL TRADE RESPONSIBILITIES.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

''(h) DISCHARGE OF ADMINISTRATION INTERNATIONAL TRADE RESPONSIBILITIES.—The Administrator shall ensure that—

''(1) the responsibilities of the Administration regarding international trade are carried out through the Associate Administrator for International Trade;

''(2) the Associate Administrator for International Trade has sufficient resources to carry out such responsibilities; and

''(3) the Associate Administrator for International Trade has direct supervision and control over the staff of the Office of International Trade, and over any employee of the Administration whose principal duty station is a United States Export Assistance Center or any successor entity.''.

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting ''the Administrator of'' before ''the Small Business Administration''; and

(2) by inserting ''through the Associate Administrator for International Trade, and'' before ''in cooperation with''.

(e) TECHNICAL AMENDMENT.—Section 22(c)(5) of the Small Business Act (15 U.S.C. 649(c)(5)) is amended by striking the period at the end and inserting a semicolon.

(f) EFFECTIVE DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator shall appoint an Associate Administrator for International Trade under section 22 of the Small Business Act (15 U.S.C. 649), as amended by this section.

SEC. 302. OFFICE OF INTERNATIONAL TRADE.

Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking ''sec. 22. (a) There'' and inserting the following:

''SEC. 22. OFFICE OF INTERNATIONAL TRADE.

''(a) ESTABLISHMENT.—There''.

(2) in subsection (a), by inserting ''(referred to in this section as the 'Office'),'' after ''Trade'';

(3) in subsection (b)—

(A) by striking ''The Office'' and inserting the following:

''(b) TRADE DISTRIBUTION NETWORK.—The Office, including United States Export Assistance Centers (referred to as 'one-stop shops' in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8)) and as 'export centers' in this section)''; and

(B) by amending paragraph (1) to read as follows:

''(1) assist in maintaining a distribution network using regional and local offices of the Administration, the small business development center network, the women's business center network, and export centers for—

''(A) trade promotion;

''(B) trade finance;

''(C) trade adjustment;

''(D) trade remedy assistance; and

''(E) trade data collection.'';

(4) in subsection (c)—

(A) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

''(1) establish annual goals for the Office relating to—

''(A) enhancing the exporting capability of small business concerns and small manufacturers;

''(B) facilitating technology transfers;

''(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently against foreign entities;

''(D) increasing the access to capital by small business concerns;

''(E) disseminating information concerning Federal, State, and private programs and initiatives; and

''(F) ensuring that the interests of small business concerns are adequately represented in trade negotiations;'';

(C) in paragraph (2), as so redesignated, by striking ''mechanism for'' and all that follows through ''(D)'' and inserting the following: ''mechanism for—

''(A) identifying subsectors of the small business community with strong export potential;

''(B) identifying areas of demand in foreign markets;

''(C) prescreening foreign buyers for commercial and credit purposes; and

''(D)''; and

(D) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''full-time export development specialists to each Administration regional office and assigning''; and

(II) by striking ''office. Such specialists'' and inserting ''office and providing each Administration regional office with a full-time export development specialist, who'';

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

(iii) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(F) participate jointly with employees of the Office in an annual training program that focuses on current small business needs for exporting; and

''(G) jointly develop and conduct training programs for exporters and lenders in cooperation with the United States Export Assistance Centers, the Department of Commerce, small business development centers, and other relevant Federal agencies.'';

(5) in subsection (d)—

(A) by inserting ''EXPORT FINANCING PROGRAMS.—'' after ''(d)'';

(B) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(C) by striking ''The Office shall work in cooperation'' and inserting the following:

''(1) IN GENERAL.—The Office shall work in cooperation''; and

(D) by striking ''To accomplish this goal, the Office shall work'' and inserting the following:

''(2) TRADE FINANCIAL SPECIALIST.—To accomplish the goal established under paragraph (1), the Office shall—

''(A) designate at least 1 individual within the Administration as a trade financial specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

''(B) work'';

(6) in subsection (e), by inserting ''TRADE REMEDIES.—'' after ''(e)'';

(7) by amending subsection (f) to read as follows:

''(f) REPORTING REQUIREMENT.—The Office shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

''(1) a description of the progress of the Office in implementing the requirements of this section;

''(2) the destinations of travel by Office staff and benefits to the Administration and to small business concerns therefrom; and

''(3) a description of the participation by the Office in trade negotiations.'';

(8) in subsection (g), by inserting ''STUDIES.—'' after ''(g)''; and

(9) by adding at the end the following:

''(i) EXPORT ASSISTANCE CENTERS.—

''(1) IN GENERAL.—During the period beginning on October 1, 2007, and ending on September 30, 2010, the Administrator shall ensure that the number of full-time equivalent employees of the Office assigned to the one-stop shops referred to in section 2301(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721 (b)) is not less than the number of such employees so assigned on January 1, 2003.

''(2) PRIORITY OF PLACEMENT.—Priority shall be given, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

''(A) had an Administration employee assigned to such center before January 2003; and

''(B) has not had an Administration employee assigned to such center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

''(3) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

''(4) GOALS.—The Office shall work with the Department of Commerce and the Export-Import Bank to establish shared annual goals for the Export Centers.

''(5) OVERSIGHT.—The Office shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Centers.''.

TITLE IV—NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM

SEC. 401. SHORT TITLE.

This title may be cited as the ''Native American Small Business Development Act of 2007''.

SEC. 402. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 as section 38; and

(2) by inserting after section 36 the following:

"SEC. 37. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Alaska Native' has the same meaning as the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b));

''(2) the term 'Alaska Native corporation' has the same meaning as the term 'Native Corporation' in section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m));

''(3) the term 'Assistant Administrator' means the Assistant Administrator of the Office of Native American Affairs established under subsection (b);

''(4) the terms 'center' and 'Native American business center' mean a center established under subsection (c);

''(5) the term 'Native American business development center' means an entity providing business development assistance to federally recognized tribes and Native Americans under a grant from the Minority Business Development Agency of the Department of Commerce;

''(6) the term 'Native American small business concern' means a small business concern that is owned and controlled by—

''(A) a member of an Indian tribe or tribal government;

''(B) an Alaska Native or Alaska Native corporation; or

''(C) a Native Hawaiian or Native Hawaiian Organization;

''(7) the term 'Native Hawaiian' has the same meaning as in section 625 of the Older Americans Act of 1965 (42 U.S.C. 3057k);

''(8) the term 'Native Hawaiian Organization' has the same meaning as in section 8(a)(15);

''(9) the term 'tribal college' has the same meaning as the term 'tribally controlled college or university' has in section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4));

''(10) the term 'tribal government' has the same meaning as the term 'Indian tribe' has in section 7501(a)(9) of title 31, United States Code; and

''(11) the term 'tribal lands' means all lands within the exterior boundaries of any Indian reservation.

''(b) OFFICE OF NATIVE AMERICAN AFFAIRS.—

''(1) ESTABLISHMENT.—There is established within the Administration the Office of Native American Affairs, which, under the direction of the Assistant Administrator, shall implement the Administration's programs for the development of business enterprises by Native Americans.

''(2) PURPOSE.—The purpose of the Office of Native American Affairs is to assist Native American entrepreneurs to—

''(A) start, operate, and grow small business concerns;

''(B) develop management and technical skills;

''(C) seek Federal procurement opportunities;

''(D) increase employment opportunities for Native Americans through the start and expansion of small business concerns; and

''(E) increase the access of Native Americans to capital markets.

''(3) ASSISTANT ADMINISTRATOR.—

''(A) APPOINTMENT.—The Administrator shall appoint a qualified individual to serve as Assistant Administrator of the Office of Native American Affairs in accordance with this paragraph.

''(B) QUALIFICATIONS.—The Assistant Administrator appointed under subparagraph (A) shall have—

''(i) knowledge of the Native American culture; and

''(ii) experience providing culturally tailored small business development assistance to Native Americans.

''(C) EMPLOYMENT STATUS.—The Assistant Administrator shall be a Senior Executive Service position under section 3132(a)(2) of title 5, United States Code, and shall serve as a noncareer appointee, as defined in section 3132(a)(7) of title 5, United States Code.

''(D) RESPONSIBILITIES AND DUTIES.—The Assistant Administrator shall—

''(i) administer and manage the Native American Small Business Development program established under this section;

''(ii) recommend the annual administrative and program budgets for the Office of Native American Affairs;

''(iii) consult with Native American business centers in carrying out the program established under this section;

''(iv) recommend appropriate funding levels;

''(v) review the annual budgets submitted by each applicant for the Native American Small Business Development program;

''(vi) select applicants to participate in the program under this section;

''(vii) implement this section; and

''(viii) maintain a clearinghouse to provide for the dissemination and exchange of information between Native American business centers.

''(E) CONSULTATION REQUIREMENTS.—In carrying out the responsibilities and duties described in this paragraph, the Assistant Administrator shall confer with and seek the advice of—

''(i) Administration officials working in areas served by Native American business centers and Native American business development centers;

''(ii) representatives of tribal governments;

''(iii) tribal colleges;

''(iv) Alaska Native corporations; and

''(v) Native Hawaiian Organizations.

''(c) NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.—

''(1) AUTHORIZATION.—

''(A) IN GENERAL.—The Administration, through the Office of Native American Affairs, shall provide financial assistance to tribal governments, tribal colleges, Native Hawaiian Organizations, and Alaska Native corporations to create Native American business centers in accordance with this section.

''(B) USE OF FUNDS.—The financial and resource assistance provided under this subsection shall be used to overcome obstacles impeding the creation, development, and expansion of small business concerns, in accordance with this section, by—

''(i) reservation-based American Indians;

''(ii) Alaska Natives; and

''(iii) Native Hawaiians.

''(2) 5-YEAR PROJECTS.—

''(A) IN GENERAL.—Each Native American business center that receives assistance under paragraph (1)(A) shall conduct a 5-year project that offers culturally tailored business development assistance in the form of—

''(i) financial education, including training and counseling in—

''(I) applying for and securing business credit and investment capital;

''(II) preparing and presenting financial statements; and

''(III) managing cash flow and other financial operations of a business concern;

''(ii) management education, including training and counseling in planning, organizing, staffing, directing, and controlling each major activity and function of a small business concern; and

''(iii) marketing education, including training and counseling in—

''(I) identifying and segmenting domestic and international market opportunities;

''(II) preparing and executing marketing plans;

''(III) developing pricing strategies;

''(IV) locating contract opportunities;

''(V) negotiating contracts; and

''(VI) utilizing varying public relations and advertising techniques.

''(B) BUSINESS DEVELOPMENT ASSISTANCE RECIPIENTS.—The business development assistance under subparagraph (A) shall be offered to prospective and current owners of small business concerns that are owned by—

''(i) American Indians or tribal governments, and located on or near tribal lands;

''(ii) Alaska Natives or Alaska Native corporations; or

''(iii) Native Hawaiians or Native Hawaiian Organizations.

''(3) FORM OF FEDERAL FINANCIAL ASSISTANCE.—

''(A) DOCUMENTATION.—

''(i) IN GENERAL.—The financial assistance to Native American business centers authorized under this subsection may be made by grant, contract, or cooperative agreement.

''(ii) EXCEPTION.—Financial assistance under this subsection to Alaska Native corporations or Native Hawaiian Organizations may only be made by grant.

''(B) PAYMENTS.—

''(i) TIMING.—Payments made under this subsection may be disbursed in an annual lump sum or in periodic installments, at the request of the recipient.

''(ii) ADVANCE.—The Administration may disburse not more than 25 percent of the annual amount of Federal financial assistance awarded to a Native American small business center after notice of the award has been issued.

''(iii) NO MATCHING REQUIREMENT.—The Administration shall not require a grant recipient to match grant funding received under this subsection with non-Federal resources as a condition of receiving the grant.

''(4) CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—A Native American business center may enter into a contract or cooperative agreement with a Federal department or agency to provide specific assistance to Native American and other underserved small business concerns located on or near tribal lands, to the extent that such contract or cooperative agreement is consistent with the terms of any assistance received by the Native American business center from the Administration.

''(5) APPLICATION PROCESS.—

''(A) SUBMISSION OF A 5-YEAR PLAN.—Each applicant for assistance under paragraph (1) shall submit a 5-year plan to the Administration on proposed assistance and training activities.

''(B) CRITERIA.—

''(i) IN GENERAL.—The Administration shall evaluate and rank applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance.

''(ii) PUBLIC NOTICE.—The criteria required by this paragraph and their relative importance shall be made publicly available, within a reasonable time, and stated in each solicitation for applications made by the Administration.

''(iii) CONSIDERATIONS.—The criteria required by this paragraph shall include—

''(I) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of current or potential owners of Native American small business concerns;

''(II) the ability of the applicant to commence a project within a minimum amount of time;

''(III) the ability of the applicant to provide quality training and services to a significant number of Native Americans;

''(IV) previous assistance from the Administration to provide services in Native American communities; and

''(V) the proposed location for the Native American business center site, with priority given based on the proximity of the center to the population being served and to achieve a broad geographic dispersion of the centers.

''(6) PROGRAM EXAMINATION.—

''(A) IN GENERAL.—Each Native American business center established pursuant to this subsection shall annually provide the Administration with an itemized cost breakdown of actual expenditures incurred during the preceding year.

''(B) ADMINISTRATION ACTION.—Based on information received under subparagraph (A), the Administration shall—

''(i) develop and implement an annual programmatic and financial examination of each Native American business center assisted pursuant to this subsection; and

''(ii) analyze the results of each examination conducted under clause (i) to determine the programmatic and financial viability of each Native American business center.

''(C) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to renew a grant, contract, or cooperative agreement with a Native American business center, the Administration—

''(i) shall consider the results of the most recent examination of the center under subparagraph (B), and, to a lesser extent, previous examinations; and

''(ii) may withhold such renewal, if the Administration determines that—

''(I) the center has failed to provide adequate information required to be provided under subparagraph (A), or the information provided by the center is inadequate; or

''(II) the center has failed to provide adequate information required to be provided by the center for purposes of the report of the Administration under subparagraph (E).

''(D) CONTINUING CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—

''(i) IN GENERAL.—The authority of the Administrator to enter into contracts or cooperative agreements in accordance with this subsection shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

''(ii) RENEWAL.—After the Administrator has entered into a contract or cooperative agreement with any Native American business center under this subsection, it shall not suspend, terminate, or fail to renew or extend any such contract or cooperative agreement unless the Administrator provides the center with written notification setting forth the reasons therefore and affords the center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

''(E) MANAGEMENT REPORT.—

''(i) IN GENERAL.—The Administration shall prepare and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an annual report on the effectiveness of all projects conducted by Native American business centers under this subsection and any pilot programs administered by the Office of Native American Affairs.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include, with respect to each Native American business center receiving financial assistance under this subsection—

''(I) the number of individuals receiving assistance from the Native American business center;

''(II) the number of startup business concerns created;

''(III) the number of existing businesses seeking to expand employment;

''(IV) jobs created or maintained, on an annual basis, by Native American small business concerns assisted by the center since receiving funding under this Act;

''(V) to the maximum extent practicable, the capital investment and loan financing utilized by emerging and expanding businesses that were assisted by a Native American business center; and

''(VI) the most recent examination, as required under subparagraph (B), and the subsequent determination made by the Administration under that subparagraph.

''(7) ANNUAL REPORT.—Each entity receiving financial assistance under this subsection shall annually report to the Administration on the services provided with such financial assistance, including—

''(A) the number of individuals assisted, categorized by ethnicity;

''(B) the number of hours spent providing counseling and training for those individuals;

''(C) the number of startup small business concerns created or maintained;

''(D) the gross receipts of assisted small business concerns;

''(E) the number of jobs created or maintained at assisted small business concerns; and

''(F) the number of Native American jobs created or maintained at assisted small business concerns.

''(8) RECORD RETENTION.—

''(A) APPLICATIONS.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 7 years.

''(B) ANNUAL REPORTS.—The Administration shall maintain copies of the information collected under paragraph (6)(A) indefinitely.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 2008 through 2010, to carry out the Native American Small Business Development Program, authorized under subsection (c).''.

SEC. 403. PILOT PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) INCORPORATION BY REFERENCE.—The terms defined in section 37(a) of the Small Business Act (as added by this title) have the same meanings as in that section 37(a) when used in this section.

(2) JOINT PROJECT.—The term ''joint project'' means the combined resources and expertise of 2 or more distinct entities at a physical location dedicated to assisting the Native American community.

(b) NATIVE AMERICAN DEVELOPMENT GRANT PILOT PROGRAM.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—There is established a 4-year pilot program under which the Administration is authorized to award Native American development grants to provide culturally tailored business development training and related services to Native Americans and Native American small business concerns.

(B) ELIGIBLE ORGANIZATIONS.—The grants authorized under subparagraph (A) may be awarded to—

(i) any small business development center; or

(ii) any private, nonprofit organization that—

(I) has members of an Indian tribe comprising a majority of its board of directors;

(II) is a Native Hawaiian Organization; or

(III) is an Alaska Native corporation.

(C) AMOUNTS.—The Administration shall not award a grant under this subsection in an amount which exceeds $100,000 for each year of the project.

(D) GRANT DURATION.—Each grant under this subsection shall be awarded for not less than a 2-year period and not more than a 4-year period.

(2) CONDITIONS FOR PARTICIPATION.—Each entity desiring a grant under this subsection shall submit an application to the Administration that contains—

(A) a certification that the applicant—

(i) is a small business development center or a private, nonprofit organization under paragraph (1)(B);

(ii) employs an executive director or program manager to manage the facility; and

(iii) agrees—

(I) to a site visit as part of the final selection process;

(II) to an annual programmatic and financial examination; and

(III) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

(B) information demonstrating that the applicant has the ability and resources to meet the needs, including cultural needs, of the Native Americans to be served by the grant;

(C) information relating to proposed assistance that the grant will provide, including—

(i) the number of individuals to be assisted; and

(ii) the number of hours of counseling, training, and workshops to be provided;

(D) information demonstrating the effective experience of the applicant in—

(i) conducting financial, management, and marketing assistance programs designed to impart or upgrade the business skills of current or prospective Native American business owners;

(ii) providing training and services to a representative number of Native Americans;

(iii) using resource partners of the Administration and other entities, including universities, tribal governments, or tribal colleges; and

(iv) the prudent management of finances and staffing;

(E) the location where the applicant will provide training and services to Native Americans; and

(F) a multiyear plan, corresponding to the length of the grant, that describes—

(i) the number of Native Americans and Native American small business concerns to be served by the grant;

(ii) in the continental United States, the number of Native Americans to be served by the grant; and

(iii) the training and services to be provided to a representative number of Native Americans.

(3) REVIEW OF APPLICATIONS.—The Administration shall—

(A) evaluate and rank applicants under paragraph (2) in accordance with predetermined selection criteria that is stated in terms of relative importance;

(B) include such criteria in each solicitation under this subsection and make such information available to the public; and

(C) approve or disapprove each completed application submitted under this subsection not later than 60 days after the date of submission.

(4) ANNUAL REPORT.—Each recipient of a Native American development grant under this subsection shall annually report to the Administration on the impact of the grant funding, including—

(A) the number of individuals assisted, categorized by ethnicity;

(B) the number of hours spent providing counseling and training for those individuals;

(C) the number of startup small business concerns created or maintained with assistance from a Native American business center;

(D) the gross receipts of assisted small business concerns;

(E) the number of jobs created or maintained at assisted small business concerns; and

(F) the number of Native American jobs created or maintained at assisted small business concerns.

(5) RECORD RETENTION.—

(A) APPLICATIONS.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 7 years.

(B) ANNUAL REPORTS.—The Administration shall maintain copies of the information collected under paragraph (4) indefinitely.

(c) AMERICAN INDIAN TRIBAL ASSISTANCE CENTER GRANT PILOT PROGRAM.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—There is established a 4-year pilot program, under which the Administration shall award not less than 3 American Indian Tribal Assistance Center grants to establish joint projects to provide culturally tailored business development assistance to prospective and current owners of small business concerns located on or near tribal lands.

(B) ELIGIBLE ORGANIZATIONS.—

(i) CLASS 1.—Not fewer than 1 grant shall be awarded to a joint project performed by a Native American business center, a Native American business development center, and a small business development center.

(ii) CLASS 2.—Not fewer than 2 grants shall be awarded to joint projects performed by a Native American business center and a Native American business development center.

(C) AMOUNTS.—The Administration shall not award a grant under this subsection in an amount which exceeds $200,000 for each year of the project.

(D) GRANT DURATION.—Each grant under this subsection shall be awarded for a 3-year period.

(2) CONDITIONS FOR PARTICIPATION.—Each entity desiring a grant under this subsection shall submit to the Administration a joint application that contains—

(A) a certification that each participant of the joint application—

(i) is either a Native American business center, a Native American business development center, or a small business development center;

(ii) employs an executive director or program manager to manage the center; and

(iii) as a condition of receiving an American Indian Tribal Assistance Center grant, agrees—

(I) to an annual programmatic and financial examination; and

(II) to the maximum extent practicable, to remedy any problems identified pursuant to that examination;

(B) information demonstrating an historic commitment to providing assistance to Native Americans—

(i) residing on or near tribal lands; or

(ii) operating a small business concern on or near tribal lands;

(C) information demonstrating that each participant of the joint application has the ability and resources to meet the needs, including the cultural needs, of the Native Americans to be served by the grant;

(D) information relating to proposed assistance that the grant will provide, including—

(i) the number of individuals to be assisted; and

(ii) the number of hours of counseling, training, and workshops to be provided;

(E) information demonstrating the effective experience of each participant of the joint application in—

(i) conducting financial, management, and marketing assistance programs, designed to impart or upgrade the business skills of current or prospective Native American business owners; and

(ii) the prudent management of finances and staffing; and

(F) a plan for the length of the grant, that describes—

(i) the number of Native Americans and Native American small business concerns to be served by the grant; and

(ii) the training and services to be provided.

(3) REVIEW OF APPLICATIONS.—The Administration shall—

(A) evaluate and rank applicants under paragraph (2) in accordance with predetermined selection criteria that is stated in terms of relative importance;

(B) include such criteria in each solicitation under this subsection and make such information available to the public; and

(C) approve or disapprove each application submitted under this subsection not later than 60 days after the date of submission.

(4) ANNUAL REPORT.—Each recipient of an American Indian tribal assistance center grant under this subsection shall annually report to the Administration on the impact of the grant funding received during the reporting year, and the cumulative impact of the grant funding received since the initiation of the grant, including—

(A) the number of individuals assisted, categorized by ethnicity;

(B) the number of hours of counseling and training provided and workshops conducted;

(C) the number of startup business concerns created or maintained with assistance from a Native American business center;

(D) the gross receipts of assisted small business concerns;

(E) the number of jobs created or maintained at assisted small business concerns; and

(F) the number of Native American jobs created or maintained at assisted small business concerns.

(5) RECORD RETENTION.—

(A) APPLICATIONS.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 7 years.

(B) ANNUAL REPORTS.—The Administration shall maintain copies of the information collected under paragraph (4) indefinitely.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $1,000,000 for each of fiscal years 2008 through 2010, to carry out the Native American Development Grant Pilot Program, authorized under subsection (b); and

(2) $1,000,000 for each of fiscal years 2008 through 2010, to carry out the American Indian Tribal Assistance Center Grant Pilot Program, authorized under subsection (c).

TITLE V—NATIONAL SMALL BUSINESS REGULATORY ASSISTANCE

SEC. 501. SHORT TITLE.

This title may be cited as the ''National Small Business Regulatory Assistance Act of 2007''.

SEC. 502. PURPOSE.

The purpose of this title is to establish a 4-year pilot program to—

(1) provide confidential assistance to small business concerns;

(2) provide small business concerns with the information necessary to improve their rate of compliance with Federal and State regulations derived from Federal law;

(3) create a partnership among Federal agencies to increase outreach efforts to small business concerns with respect to regulatory compliance;

(4) provide a mechanism for unbiased feedback to Federal agencies on the regulatory environment for small business concerns; and

(5) expand the services delivered by the small business development centers under section 21(c)(3)(H) of the Small Business Act to improve access to programs to assist small business concerns with regulatory compliance.

SEC. 503. SMALL BUSINESS REGULATORY ASSISTANCE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ASSOCIATION.—The term ''association'' means the association established pursuant to section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) representing a majority of small business development centers.

(2) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term ''participating small business development center'' means a small business development center participating in the pilot program established under this title.

(3) REGULATORY COMPLIANCE ASSISTANCE.—The term ''regulatory compliance assistance'' means assistance provided by a small business development center to a small business concern to assist and facilitate the concern in complying with Federal and State regulatory requirements derived from Federal law.

(4) SMALL BUSINESS DEVELOPMENT CENTER.—The term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648).

(5) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam.

(b) AUTHORITY.—In accordance with this section, the Administrator shall establish a pilot program to provide regulatory compliance assistance to small business concerns through participating small business development centers.

(c) SMALL BUSINESS DEVELOPMENT CENTERS.—

(1) IN GENERAL.—In carrying out the pilot program established under this section, the Administrator shall enter into arrangements with participating small business development centers under which such centers shall—

(A) provide access to information and resources, including current Federal and State nonpunitive compliance and technical assistance programs similar to those established under section 507 of the Clean Air Act Amendments of 1990 (42 U.S.C. 7661f);

(B) conduct training and educational activities;

(C) offer confidential, free of charge, one-on-one, in-depth counseling to the owners and operators of small business concerns regarding compliance with Federal and State regulations derived from Federal law, provided that such counseling is not considered to be the practice of law in a State in which a small business development center is located or in which such counseling is conducted;

(D) provide technical assistance;

(E) give referrals to experts and other providers of compliance assistance who meet such standards for educational, technical, and professional competency as are established by the Administrator; and

(F) form partnerships with Federal compliance programs.

(2) REPORTS.—Each participating small business development center shall transmit to the Administrator and the Chief Counsel for Advocacy of the Administration, as the Administrator may direct, a quarterly report that includes—

(A) a summary of the regulatory compliance assistance provided by the center under the pilot program;

(B) the number of small business concerns assisted under the pilot program; and

(C) for every fourth report, any regulatory compliance information based on Federal law that a Federal or State agency has provided to the center during the preceding year and requested that it be disseminated to small business concerns.

(d) ELIGIBILITY.—A small business development center shall be eligible to receive assistance under the pilot program established under this section only if such center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(e) SELECTION OF PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTERS.—

(1) GROUPINGS.—

(A) CONSULTATION.—The Administrator shall select the small business development center programs of 2 States from each of the groups of States described in subparagraph (B) to participate in the pilot program established under this section.

(B) GROUPS.—The groups described in this subparagraph as follows:

(i) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(ii) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(iii) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(iv) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(v) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(vi) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(vii) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(viii) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(ix) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(x) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(2) DEADLINE FOR SELECTION.—The Administrator shall make selections under this subsection not later than 6 months after the date of publication of final regulations under section 1704.

(f) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the pilot program established under this section.

(g) GRANT AMOUNTS.—Each State program selected to receive a grant under subsection (e) shall be eligible to receive a grant in an amount equal to—

(1) not less than $150,000 per fiscal year; and

(2) not more than $300,000 per fiscal year.

(h) EVALUATION AND REPORT.—The Comptroller General of the United States shall—

(1) not later than 30 months after the date of disbursement of the first grant under the pilot program established under this section, initiate an evaluation of the pilot program; and

(2) not later than 6 months after the date of the initiation of the evaluation under paragraph (1), transmit to the Administrator, the Chief Counsel for Advocacy, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(A) the results of the evaluation; and

(B) any recommendations as to whether the pilot program, with or without modification, should be extended to include the participation of all small business development centers.

(i) POSTING OF INFORMATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration and publish in the Federal Register a guidance document describing the requirements of an application for assistance under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(B) $5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

(2) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the pilot program established under this section only with amounts appropriated in advance specifically to carry out this section.

(k) TERMINATION.—The Small Business Regulatory Assistance Pilot Program established under this section shall terminate 4 years after the date of disbursement of the first grant under the pilot program.

SEC. 504. RULEMAKING.

After providing notice and an opportunity for comment, and after consulting with the association (but not later than 180 days after the date of enactment of this Act), the Administrator shall promulgate final regulations to carry out this title, including regulations that establish—

(1) priorities for the types of assistance to be provided under the pilot program established under this title;

(2) standards relating to educational, technical, and support services to be provided by participating small business development centers;

(3) standards relating to any national service delivery and support function to be provided by the association under the pilot program;

(4) standards relating to any work plan that the Administrator may require a participating small business development center to develop; and

(5) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for compliance assistance under the pilot program.

TITLE VI—OTHER PROVISIONS

SEC. 601. MINORITY ENTREPRENEURSHIP AND INNOVATION PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the terms ''Alaska Native-serving institution'' and ''Native Hawaiian-serving institution'' have the meanings given those terms in section 317 of the Higher Education Act of 1965 (20 U.S.C. 1059d);

(2) the term ''Hispanic serving institution'' has the meaning given the term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a);

(3) the term ''historically Black college and university'' has the meaning given the term ''part B institution'' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061);

(4) the term ''small business development center'' has the same meaning as in section 21 of the Small Business Act (15 U.S.C. 648); and

(5) the term ''Tribal College'' has the meaning given the term ''tribally controlled college or university'' in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801).

(b) MINORITY ENTREPRENEURSHIP AND INNOVATION GRANTS.—

(1) IN GENERAL.—The Administrator shall make grants to historically Black colleges and universities, Tribal Colleges, Hispanic serving institutions, Alaska Native-serving institutions, and Native Hawaiian-serving institutions, or to any entity formed by a combination of such institutions—

(A) to assist in establishing an entrepreneurship curriculum for undergraduate or graduate studies; and

(B) for placement of small business development centers on the physical campus of the institution.

(2) CURRICULUM REQUIREMENT.—An institution of higher education receiving a grant under this subsection shall develop a curriculum that includes training in various skill sets needed by successful entrepreneurs, including—

(A) business management and marketing, financial management and accounting, market analysis and competitive analysis, innovation and strategic planning; and

(B) additional entrepreneurial skill sets specific to the needs of the student population and the surrounding community, as determined by the institution.

(3) SMALL BUSINESS DEVELOPMENT CENTER REQUIREMENT.—Each institution receiving a grant under this subsection shall open a small business development center that—

(A) performs studies, research, and counseling concerning the management, financing, and operation of small business concerns;

(B) performs management training and technical assistance regarding the participation of small business concerns in international markets, export promotion and technology transfer, and the delivery or distribution of such services and information;

(C) offers referral services for entrepreneurs and small business concerns to business development, financing, and legal experts; and

(D) promotes market-specific innovation, niche marketing, capacity building, international trade, and strategic planning as keys to long-term growth for its small business concern and entrepreneur clients.

(4) GRANT LIMITATIONS.—A grant under this subsection—

(A) may not exceed $500,000 for any fiscal year for any 1 institution of higher education;

(B) may not be used for any purpose other than those associated with the direct costs incurred to develop and implement a curriculum that fosters entrepreneurship and the costs incurred to organize and run a small business development center on the grounds of the institution; and

(C) may not be used for building expenses, administrative travel budgets, or other expenses not directly related to the implementation of the curriculum or activities authorized by this section.

(5) EXCEPTION FROM SMALL BUSINESS ACT REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) do not apply to assistance made available under this subsection.

(6) REPORT.—Not later than November 1 of each year, the Associate Administrator of Entrepreneurial Development of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report evaluating the award and use of grants under this subsection during the preceding fiscal year, which shall include—

(A) a description of each entrepreneurship program developed with grant funds, the date of the award of such grant, and the

number of participants in each such program;

(B) the number of small business concerns assisted by each small business development center established with a grant under this subsection; and

(C) data regarding the economic impact of the small business development center counseling provided under a grant under this subsection.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, to remain available until expended, for each of fiscal years 2008 and 2010.

(d) LIMITATION ON USE OF OTHER FUNDS.—The Administrator shall carry out this section only with amounts appropriated in advance specifically to carry out this section.

SEC. 602. INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended by striking ": *Provided,* That" and all that follows through "on such date." and inserting the following: "On and after December 31, 2007, the Administration may only make a grant under this paragraph to an applicant that is an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) that is accredited (and not merely in preaccreditation status) by a nationally recognized accrediting agency or association, recognized by the Secretary of Education for such purpose in accordance with section 496 of that Act (20 U.S.C. 1099b), or to a women's business center operating pursuant to section 29 as a small business development center, unless the applicant was receiving a grant (including a contract or cooperative agreement) on December 31, 2007.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2007.

SEC. 603. HEALTH INSURANCE OPTIONS INFORMATION FOR SMALL BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) ASSOCIATION.—The term "association" means an association established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) representing a majority of small business development centers.

(2) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term "participating small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648) that—

(A) is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)); and

(B) receives a grant under the pilot program.

(3) PILOT PROGRAM.—The term "pilot program" means the small business health insurance information pilot program established under this section.

(4) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam.

(b) SMALL BUSINESS HEALTH INSURANCE INFORMATION PILOT PROGRAM.—The Administrator shall establish a pilot program to make grants to small business development centers to provide neutral and objective information and educational materials regarding health insurance options, including coverage options within the small group market, to small business concerns.

(c) APPLICATIONS.—

(1) POSTING OF INFORMATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration and publish in the Federal Register a guidance document describing—

(A) the requirements of an application for a grant under the pilot program; and

(B) the types of informational and educational materials regarding health insurance options to be created under the pilot program, including by referencing materials and resources developed by the National Association of Insurance Commissioners, the Kaiser Family Foundation, and the Healthcare Leadership Council.

(2) SUBMISSION.—A small business development center desiring a grant under the pilot program shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(d) SELECTION OF PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTERS.—

(1) IN GENERAL.—The Administrator shall select not more than 20 small business development centers to receive a grant under the pilot program.

(2) SELECTION OF PROGRAMS.—In selecting small business development centers under paragraph (1), the Administrator may not select—

(A) more than 2 programs from each of the groups of States described in paragraph (3); and

(B) more than 1 program in any State.

(3) GROUPINGS.—The groups of States described in this paragraph are the following:

(A) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(B) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(C) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(D) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(E) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(F) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(G) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(H) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(I) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(J) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(4) DEADLINE FOR SELECTION.—The Administrator shall make selections under this subsection not later than 6 months after the later of the date on which the information described in subsection (c)(1) is posted on the website of the Administration and the date on which the information described in subsection (c)(1) is published in the Federal Register.

(e) USE OF FUNDS.—

(1) IN GENERAL.—A participating small business development center shall use funds provided under the pilot program to—

(A) create and distribute informational materials; and

(B) conduct training and educational activities.

(2) CONTENT OF MATERIALS.—

(A) IN GENERAL.—In creating materials under the pilot program, a participating small business development center shall evaluate and incorporate relevant portions of existing informational materials regarding health insurance options, including materials and resources developed by the National Association of Insurance Commissioners, the Kaiser Family Foundation, and the Healthcare Leadership Council.

(B) HEALTH INSURANCE OPTIONS.—In incorporating information regarding health insurance options under subparagraph (A), a participating small business development center shall provide neutral and objective information regarding health insurance options in the geographic area served by the participating small business development center, including traditional employer sponsored health insurance for the group insurance market, such as the health insurance options defined in section 2791 of the Public Health Services Act (42 U.S.C. 300gg–91) or section 125 of the Internal Revenue Code of 1986, and Federal and State health insurance programs.

(f) GRANT AMOUNTS.—Each participating small business development center program shall receive a grant in an amount equal to—

(1) not less than $150,000 per fiscal year; and

(2) not more than $300,000 per fiscal year.

(g) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the pilot program.

(h) REPORTS.—Each participating small business development center shall transmit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a quarterly report that includes—

(1) a summary of the information and educational materials regarding health insurance options provided by the participating small business development center under the pilot program; and

(2) the number of small business concerns assisted under the pilot program.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(B) $5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

(2) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the pilot program only with amounts appropriated in advance specifically to carry out this section.

SEC. 604. NATIONAL SMALL BUSINESS DEVELOPMENT CENTER ADVISORY BOARD.

Section 21(i)(1) of the Small Business Act (15 U.S.C. 648(i)(1)) is amended by striking "nine members" and inserting "10 members".

SEC. 605. OFFICE OF NATIVE AMERICAN AFFAIRS PILOT PROGRAM.

(a) DEFINITION.—In this section, the term "Indian tribe" means any band, nation, or organized group or community of Indians located in the contiguous United States, and the Metlakatla Indian Community, whose members are recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians.

(b) AUTHORIZATION.—The Office of Native American Affairs of the Administration may conduct a pilot program—

(1) to develop and publish a self-assessment tool for Indian tribes that will allow such tribes to evaluate and implement best practices for economic development; and

(2) to provide assistance to Indian tribes, through the Inter-Agency Working Group, in identifying and implementing economic development opportunities available from the

Federal Government and private enterprise, including—

(A) the Administration;

(B) the Department of Energy;

(C) the Environmental Protection Agency;

(D) the Department of Commerce;

(E) the Federal Communications Commission;

(F) the Department of Justice;

(G) the Department of Labor;

(H) the Office of National Drug Control Policy; and

(I) the Department of Agriculture.

(c) TERMINATION OF PROGRAM.—The authority to conduct a pilot program under this section shall terminate on September 30, 2009.

(d) REPORT.—Not later than September 30, 2009, the Office of Native American Affairs shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the effectiveness of the self-assessment tool developed under subsection (b)(1).

SEC. 606. PRIVACY REQUIREMENTS FOR SCORE CHAPTERS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by inserting after subsection (b) the following

''(c) PRIVACY REQUIREMENTS.—

''(1) IN GENERAL.—A chapter of the Service Corps of Retired Executives program authorized by subsection (b)(1) or an agent of such a chapter may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance from that chapter or agent without the consent of such individual or small business concern, unless—

''(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

''(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a chapter of the Service Corps of Retired Executives program authorized by subsection (b)(1), but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

''(2) ADMINISTRATOR USE OF INFORMATION.—This subsection shall not—

''(A) restrict Administrator access to program activity data; or

''(B) prevent the Administrator from using client information to conduct client surveys.

''(3) REGULATIONS.—

''(A) IN GENERAL.—The Administrator shall issue regulations to establish standards—

''(i) for disclosures with respect to financial audits under paragraph (1)(B); and

''(ii) for client surveys under paragraph (2)(B), including standards for oversight of such surveys and for dissemination and use of client information.

''(B) MAXIMUM PRIVACY PROTECTION.—Regulations under this paragraph shall, to the extent practicable, provide for the maximum amount of privacy protection.

''(C) INSPECTOR GENERAL.—Until the effective date of regulations under this paragraph, any client survey and the use of such information shall be approved by the Inspector General who shall include such approval in the semi-annual report of the Inspector General.''.

SEC. 607. NATIONAL SMALL BUSINESS SUMMIT.

(a) IN GENERAL.—Not later than December 31, 2009, the President shall convene a National Small Business Summit to examine the present conditions and future of the community of small business concerns in the United States. The summit shall include owners of small business concerns, representatives of small business groups, labor, academia, State and Federal government, Federal research and development agencies, and nonprofit policy groups concerned with the issues of small business concerns.

(b) REPORT.—Not later than 90 days after the date of the conclusion of the summit convened under subsection (a), the President shall issue a report on the results of the summit. The report shall identify key challenges and recommendations for promoting entrepreneurship and the growth of small business concerns.

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I rise today to join with Chairman KERRY in introducing the Entrepreneurial Development Act of 2007, a bill to reauthorize and improve the U.S. Small Business Administration's—SBA—Entrepreneurial Development Programs. I have long fought to expand the power and reach of the SBA's entrepreneurial development tools, which are used by millions of aspiring entrepreneurs and small businesses across the United States. These programs demonstrate how Congress can play a positive role in enhancing private-sector financing for start-up companies. We must continue to strengthen these core SBA programs because they have proven invaluable in aiding the efforts and dreams of America's entrepreneurs.

The bill which I am cosponsoring today is the product of the type of bipartisan work the Small Business Committee has come to be known for. The provisions contained in this legislation are a compilation of ideas and initiatives put forward by myself, Chairman KERRY, and other Committee members. Much of the language in the Entrepreneurial Development Act of 2007 was contained in my SBA Reauthorization and Improvements Act passed unanimously by the Small Business Committee during the 109th Congress. Unfortunately, this bipartisan bill never passed the Senate.

Since 1980, Small Business Development Centers—SBDCs—have been essential in the delivery of management and technical counseling assistance and educational programs to prospective and existing small business owners. Since its inception, the SBDC program has served over 11 million clients with new business starts, sustainability programs for struggling firms, and expansion plans for growth firms. For every dollar spent on the SBDC program, approximately $2.66 in tax revenue is generated.

An example of the local value of the SBDC program is found in my home State of Maine, where SBDCs invested more than 10,000 hours in counseling to 3,000 clients in 2005. The economic benefits of these services on the economy in Maine was demonstrated by a recent study of the Maine SBDCs that showed: No. 1, long-term clients of the Maine SBDC generated $44 million in incremental sales and 908 new jobs because of SBDC counseling assistance; and No. 2, the total amount of tax revenue generated as a result of counseling 5 or more hours is approximately $3.0 million in State taxes and $1.58 million in Federal tax revenues.

The Women's Business Center—WBC—program, established by Congress in 1988, promotes the growth of women-owned businesses through business training and technical assistance, and provides access to credit and capital, Federal contracts, and international trade opportunities. The WBC program served more than 144,000 clients across the country last year, providing help with financial management, procurement training, marketing and technical assistance. WBCs also provide specialized programs that include mentoring in various languages, Internet training, issues facing displaced workers, and rural home-based entrepreneurs. According to the SBA's 2008 budget submission, WBCs were responsible for creating or retaining over 6,800 jobs nationwide. I take great pride in the fact that my own State of Maine leads the way for women-owned businesses. Today, there are more than 63,000 women-owned firms in Maine, employing over 75,000 Mainers and generating more than $9 billion in sales. We must all be committed to multiplying that story of success in every State in America.

Service Corps of Retired Executives—SCORE—is a nonprofit association that matches business-management counselors with small business clients. SCORE volunteer counselors share their management and technical expertise with both existing and prospective small business owners. With its 10,500 member volunteer association sponsored by the SBA, and more than 389 service delivery points and a Web site, SCORE provides counseling to small businesses nationwide. The National SCORE organization delivers its services of business and technical assistance through a national network of chapters, an Internet counseling site, partnerships with SBA, the SBDCs and WBCs, and with the public/private sector. In 2006, SCORE counseled and trained over 300,000 clients.

The bill being introduced today builds upon the aforementioned successes of SBA's Entrepreneurial Development programs, which counsels over 1.2 million small businesses and entrepreneurs each year through the expertise of the trained resource partners located across America.

In addition to reauthorizing SBA's Entrepreneurial Development programs and increasing funding levels, this bill also addresses the crisis small businesses face when it comes to securing quality, affordable health insurance. In 4 of the past 5 years, health insurance costs have increased by double-digit percentage levels. This has led to a disturbing trend of fewer and fewer small businesses being able to offer health insurance to their employees. The Kaiser Family Foundation recently reported that only 47 percent of our Nation's smallest businesses—with less than 10 employees—are able to

offer health insurance as a workplace benefit. In stark contrast, health insurance is nearly universally offered at larger businesses.

A key provision in this bill would establish a 4-year, pilot grant program to provide information, counseling, and educational materials to small businesses, through the well-established national framework of SBDCs. Recent research conducted by the non-partisan Healthcare Leadership Council found that with a short educational and counseling session, small businesses were up to 33 percent more likely to offer health insurance to their employees. My proposal is based on the Small Business Health Education and Awareness Act, which I introduced in the 109th Congress with Senator BENNETT, and plan to reintroduce this session with Senators KERRY and BENNETT.

Most American workers are employed by small and medium sized enterprises. It is these businesses that account for nearly 98 percent of the growth in exporter population—and are among the major beneficiaries when foreign barriers are reduced. Additionally, 97 percent of exporters are small businesses. Over the last decade, the number of exports from small businesses increased by more than 250 percent. Small businesses account for almost $300 billion of yearly export sales—nearly one-third of total U.S. exports.

This bill establishes an Associate Administrator for International Trade, and expands the trade distribution network to include the United States Export Assistance Centers USEACs. In addition, this section ensures that all our Nation's small exporters have access to export financing. This provision establishes a floor of international finance specialists at level SBA had in January 2003. Finally, this provision increases the maximum loan guarantee amount to $2.75 million and specifies that the loan cap for international trade loans—ITLs—is $3.67 million, as well as sets out that working capital is an eligible use for loan proceeds. The bill also makes ITLs consistent with regular SBA 7(a) loans in terms of allowing the same collateral and refinancing terms as with regular 7(a) loans.

The SBA's entrepreneurial development programs provide tremendous value for a relatively small investment. I am committed to ensuring that Americans have the necessary resources to start, grow, and develop a business. I believe that it is our duty to do everything possible to sustain prosperity and job creation throughout the United States. I urge my colleagues to support this vital piece of legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 240—DESIGNATING OCTOBER 21 THROUGH OCTOBER 27, 2007, AS ''NATIONAL SAVE FOR RETIREMENT WEEK''

Mr. SMITH (for himself and Mr. CONRAD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 240

Whereas the cost of retirement continues to rise, in part, because people in the United States are living longer than ever before, the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅔ of workers or their spouses are currently saving for retirement and that the actual amount of retirement savings of workers lags far behind the amount that is realistically needed to adequately fund retirement;

Whereas many employees have available to them through their employers access to defined benefit and defined contribution plans to assist them in preparing for retirement;

Whereas many employees may not be aware of their retirement savings options and may not have focused on the importance of and need for saving for their own retirement;

Whereas many employees may not be taking advantage of workplace defined contribution plans at all or to the full extent allowed by the plans or under Federal law; and

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to save for retirement and the availability of tax-advantaged retirement savings vehicles to assist them in saving for retirement: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 21 through October 27, 2007, as ''National Save for Retirement Week'';

(2) supports the goals and ideals of National Save for Retirement Week, including raising public awareness about the importance of adequate retirement savings and the availability of employer-sponsored retirement plans; and

(3) calls on the Federal Government, States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe the week with appropriate programs and activities with the goal of increasing the retirement savings of all the people of the United States.

SENATE RESOLUTION 241—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD REAFFIRM THE COMMITMENTS OF THE UNITED STATES TO THE 2001 DOHA DECLARATION ON THE TRIPS AGREEMENT AND PUBLIC HEALTH AND TO PURSUING TRADE POLICIES THAT PROMOTE ACCESS TO AFFORDABLE MEDICINES

Mr. BROWN submitted the following resolution; which was referred to the Committee on Finance:

Whereas the World Trade Organization (WTO) administers and enforces the Agreement on Trade-Related Aspects of Intellectual Property Rights (in this preamble referred to as ''the TRIPS Agreement'') to safeguard access to essential drugs;

Whereas, in 1999, the World Health Assembly, by consensus including the United States, adopted Resolution 52.19 on the World Health Organization's Revised Drug Strategy, which expressed concern ''about the situation in which one third of the world's population has no guaranteed access to essential drugs, [and] in which new world trade agreements may have a negative impact on local manufacturing capacity and the access to and prices of pharmaceuticals in developing countries,'' and urged member states to ''ensure that public health rather than commercial interests have primacy in pharmaceutical and health policies and to review their options under'' the TRIPS Agreement;

Whereas, in 2001, the member states of the WTO, by consensus including the United States, adopted the Doha Declaration on the TRIPS Agreement and Public Health, in which member states agreed that ''intellectual property protection is important for the development of new medicines'', but also expressed ''concerns about its effects on prices'';

Whereas the Doha Declaration further states that the TRIPS Agreement ''can and should be interpreted and implemented in a manner supportive of WTO Members' right to protect public health and, in particular, to promote access to medicines for all'';

Whereas Article 31 of the TRIPS Agreement allows each member state the flexibility to issue compulsory licences which permit the use of the subject matter of a patent, and gives member states broad latitude for such use;

Whereas the World Health Organization's 2006 Report of the Commission on Intellectual Property Rights, Innovation and Public Health emphasized the need for innovation in medical technologies and access to such innovation, and the report also—

(1) states that the Doha Declaration clarifies the right of governments to use compulsory licensing as a means of resolving tensions that may arise between public health and the protection of intellectual property rights, and to determine the grounds for using compulsory licensing;

(2) recommends that developing countries provide for the use of compulsory licensing provisions in legislation as one means to facilitate access to affordable medicines through import or local production;

(3) recommends that bilateral trade agreements not seek to impose obligations to protect intellectual property rights that are greater than those required under the TRIPS Agreement, because such obligations could potentially reduce access to medicines in developing countries; and

(4) recommends that developing countries should not impose restrictions for the use of,

or reliance on, data from pharmaceutical development tests in ways that would exclude fair competition or impede the use of flexibilities built into the TRIPS Agreement, unless such a restriction is required for public health reasons;

Whereas the Governments of Thailand and Brazil have issued compulsory licenses to gain access to less expensive versions of second-generation anti-retroviral drugs in order to treat a much larger number of HIV/AIDS patients;

Whereas the Government of the United States has recognized the right of the Government of Thailand to issue compulsory licenses in accordance with the laws of Thailand and the obligations of the Government of Thailand as a member of the WTO;

Whereas the 2007 ''Special 301'' Report, the annual review of intellectual property rights protection and enforcement conducted by the Office of the United States Trade Representative, elevated Thailand to the Priority Watch List, pursuant to section 182 of the Trade Act of 1974 (19 U.S.C. 2242), for reasons including ''indications of a weakening of respect for patents, as the Thai Government announced decisions to issue compulsory licenses for several patented pharmaceutical products'';

Whereas the 2007 ''Special 301'' Report singled out Brazil for having ''at times indicated consideration of the use of compulsory licensing on patented pharmaceutical products'';

Whereas the 2007 ''Special 301'' Report cited 21 developing countries for ''inadequate'' intellectual property rights protections on pharmaceutical test data;

Whereas the United States Trade Representative has negotiated or is seeking to complete several bilateral or regional trade agreements with developing countries that contain further obligations to protect intellectual property rights, including—

(1) limitations on the grounds for issuing compulsory licenses;

(2) requirements that countries adopt periods of data exclusivity on the scientific evidence used to determine that drugs are safe and effective, which either delays the timely entry of generic drugs into the market or forces competitors producing generic drugs to invest in costly, time-consuming, and redundant clinical trials, including trials that violate ethical rules concerning the repetition of experiments on humans;

(3) extensions of patent terms beyond 20 years;

(4) linkage between drug registration and assertions of patent protection, so that agencies responsible for the regulation of drugs are prohibited from granting marketing approval to a generic version of a medicine if the product is covered by a patent; and

(5) obligations to extend patent protection to minor improvements in, or new uses of, older products; and

Whereas the United States is a user of flexibilities provided in the TRIPS Agreement, including the use of involuntary authorizations to use the subject matter of patents in a number of important sectors, including medical devices, software, and automobile manufacturing: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should—

(1) honor the commitments the United States made in the 2001 World Trade Organization Doha Declaration on the TRIPS Agreement and Public Health, which allows member states of the World Trade Organization to use ''to the full'' the flexibilities in the Agreement on Trade-Related Aspect of Intellectual Property Rights (in this resolution referred to as ''the TRIPS Agreement'') ''to protect public health and, in particular, to promote access to medicines for all,'' including the issuance of compulsory licenses on grounds determined by member states;

(2) not place countries on the ''Special 301'' Priority Watch List under section 182 of the Trade Act of 1974 (19 U.S.C. 2242) for exercising the flexibilities on public health provided for in the TRIPS Agreement, such as issuing compulsory licenses to obtain access to generic medicines in accordance with the Doha Declaration;

(3) not ask trading partners who are developing nations to adopt measures to protect intellectual property rights that relate to public health in excess of protections required in the TRIPS Agreement; and

(4) support new global norms for promoting medical research and development that seek to provide a sustainable basis for a needs-driven essential health agenda.

SENATE RESOLUTION 242—CELEBRATING THE ACCOMPLISHMENTS OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, ALSO KNOWN AS THE PATSY TAKEMOTO MINK EQUAL OPPORTUNITY IN EDUCATION ACT, AND RECOGNIZING THE NEED TO CONTINUE PURSUING THE GOAL OF EDUCATIONAL OPPORTUNITIES FOR WOMEN AND GIRLS

Mrs. MURRAY (for herself, Mr. STEVENS Ms. SNOWE Ms. MIKULSKI, Ms. CANTWELL, Mr. OBAMA, Mr. KENNEDY, Ms. STABENOW, Mr. KERRY, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. BAYH, Mr. MENENDEZ, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. INOUYE, Mr. BAUCUS, Mr. AKAKA, Mr. SMITH, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 242

Whereas 35 years ago, on June 23, 1972, the Education Amendments of 1972 containing title IX was signed into law by the President;

Whereas Representatives Patsy T. Mink and Edith Green led the successful fight in Congress to pass this legislation;

Whereas title IX prohibits discrimination on the basis of sex in the administration of any education program receiving Federal financial assistance;

Whereas remarkable gains have been made to ensure equal opportunity for women and girls under the inspiration and mandate of title IX;

Whereas title IX serves as the nondiscrimination principle in education;

Whereas title IX has increased access and opportunities for women and girls;

Whereas title IX has increased educational opportunities for women and girls, increased access to professional schools and nontraditional fields of study, and improved employment opportunities;

Whereas title IX has increased opportunities for women and girls in sports, leading to greater access to competitive sports, and building strong values such as teamwork, leadership, discipline, work ethic, self-sacrifice, pride in accomplishment, and strength of character;

Whereas on October 29, 2002, title IX was named the ''Patsy Takemoto Mink Equal Opportunity in Education Act'' in recognition of Representative Mink's heroic, visionary, and tireless leadership in developing and winning passage of title IX; and

Whereas while title IX has been instrumental in fostering 35 years of progress toward equality between men and women in educational institutions and the workplace, there remains progress to be made: Now, therefore, be it

Resolved, That the Senate celebrates—

(1) the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, in increasing opportunities for women and girls in all facets of education; and

(2) the magnificent accomplishments of women and girls in sports.

SENATE RESOLUTION 243—SUPPORTING THE GOALS AND IDEALS OF NATIONAL CLEAN BEACHES WEEK AND THE CONSIDERABLE VALUE OF BEACHES AND THEIR ROLE IN AMERICAN CULTURE

Mr. LAUTENBERG (for himself, Mr. MARTINEZ, Mr. LIEBERMAN, Mrs. DOLE, Ms. STABENOW, Mr. STEVENS, Mr. BIDEN, Mr. BURR, Mr. LEVIN, Ms. MURKOWSKI, Mr. KERRY, Ms. SNOWE, Ms. LANDRIEU, Mr. LOTT, Mr. MENENDEZ, Mr. DURBIN, Mr. WYDEN, Mr. FEINGOLD, Mr. CARDIN, Mr. CARPER, and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 243

Whereas coastal areas produce 85 percent of all United States tourism dollars and are the leading tourism destination in America;

Whereas over 50 percent of the population of the United States lives in coastal counties;

Whereas the beaches in these coastal counties provide recreational opportunities for numerous Americans and their families who, together with international tourists, make almost 2,000,000,000 trips to the beach each year to fish, sunbathe, boat, swim, surf, and bird-watch;

Whereas beaches are a critical driver of the American economy and its competitiveness in the global economy;

Whereas beaches represent a critical part of our natural heritage and a beautiful part of the American landscape;

Whereas beaches are sensitive ecosystems, susceptible to degradation and alteration from natural forces, sea level rise, pollution, untreated sewage, and improper use;

Whereas members of the Government, the private sector, and nongovernmental organizations, along with citizen volunteers, have worked diligently to clean up and protect our beaches over the years;

Whereas great strides have been made in understanding the science of watersheds and the connections between inland areas and coastal waters;

Whereas the Federal Government should develop science-based policies that are commensurate with that knowledge; and

Whereas a 7-day week, commencing in June and including July 5, will be observed as National Clean Beaches Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Clean Beaches Week;

(2) recognizes the value of beaches to the American way of life and the important contributions of beaches to the economy, recreation, and natural environment of the United States; and

(3) encourages Americans to work to keep beaches safe and clean for the continued enjoyment of the public and to engage in activities during National Clean Beaches Week

that foster stewardship, healthy living, and volunteerism along our coastlines.

SENATE RESOLUTION 244—DESIGNATING JUNE 2007 AS NATIONAL SAFETY MONTH

Mr. PRYOR (for himself, Mr. SUNUNU, Mrs. DOLE, Mr. LUGAR, Ms. LANDRIEU, Ms. MURKOWSKI, and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 244

Whereas the National Safety Council, founded in 1913, is celebrating its 94th anniversary as the premier source of safety and health information, education, and training in the United States in 2007;

Whereas the mission of the National Safety Council is to educate and influence people to prevent accidental injury and death;

Whereas the National Safety Council was congressionally chartered in 1953 and is celebrating its 54th anniversary as a congressionally chartered organization in 2007;

Whereas the National Safety Council works to promote policies, practices, and procedures leading to increased safety, protection, and health in business and industry, in schools and colleges, on roads and highways, and in homes and communities;

Whereas, even with advancements in safety that create a safer environment for the people of the United States such as new legislation and improvements in technology, the number of unintentional injuries remains unacceptable;

Whereas the people of the United States deserve to live in communities that promote safe and healthy living;

Whereas such a solution requires the cooperation of all levels of government, as well as the Nation's employers and the general public;

Whereas the summer season, traditionally a time of increased accidental injuries and fatalities, is an appropriate time to focus attention on injury risks and preventions; and

Whereas the theme of ''National Safety Month'' for 2007 is ''Celebrating Safe Communities'': Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2007 as ''National Safety Month''; and

(2) recognizes the accomplishments of the National Safety Council and calls upon the people of the United States to observe the month with appropriate ceremonies and respect.

SENATE RESOLUTION 245—CONGRATULATING THE UNIVERSITY OF ARIZONA WILDCATS FOR WINNING THE 2007 NCAA DIVISION I SOFTBALL CHAMPIONSHIP

Mr. KYL (for himself and Mr. MCCAIN) submitted the following resolution: which was considered and agreed to:

S. RES. 245

Whereas on June 6, 2007, the University of Arizona (UA) Wildcats of Tucson, Arizona, won the 2007 National Collegiate Athletic Association Women's College World Series Softball Championship by defeating the University of Tennessee Lady Volunteers by a score of 5 to 0, winning their 8th title since 1991;

Whereas, in the championship game, UA pitcher Taryne Mowatt set a Women's College World Series record by pitching 60 innings and was named the tournament's Most Outstanding Player;

Whereas Kristie Fox, Jenae Leles, and Caitlin Lowe were selected to be on the all-tournament team;

Whereas the UA Wildcats completed the season with a 50-14-1 record, climbing from the loser's bracket to emerge victorious; and

Whereas Coach Mike Candrea has taken the UA Wildcats to the Women's College World Series 19 times over the last 20 years, and won 8 national championship titles: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Arizona Wildcats for winning the 2007 NCAA Division I Women's Softball Championship; and

(2) recognizes all the players, coaches, and support staff who were instrumental in this achievement.

SENATE RESOLUTION 246—CONGRATULATING THE SAN ANTONIO SPURS FOR WINNING THE NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 246

Whereas on June 14, 2007, the San Antonio Spurs (Spurs) won their fourth National Basketball Association (NBA) Championship since 1999 by defeating the Cleveland Cavaliers 4 to 0;

Whereas Tony Parker won his first NBA Finals Most Valuable Player award after shooting 57 percent for the series and averaging 24.5 points per game;

Whereas Spurs Head Coach Gregg Popovich added to his growing legacy by winning his fourth NBA championship;

Whereas Spurs owner and Chief Executive Officer Peter Holt and General Manager R.C. Buford have built the San Antonio Spurs into 1 of the best organizations in NBA history;

Whereas the Spurs hold an all-time record of 16 wins and 6 losses in the NBA Finals;

Whereas the Spurs have the best winning percentage in NBA Finals history;

Whereas the Spurs are committed to serving the San Antonio community by promoting education, achievement, and civic responsibility; and

Whereas the Spurs are the pride and joy of the City of San Antonio: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the San Antonio Spurs for winning the 2007 National Basketball Association Championship; and

(2) respectfully requests the Secretary of the Senate to transmit 1 enrolled copy of this resolution to Senator Hutchison for presentation to the San Antonio Spurs.

SENATE RESOLUTION 247—COMMENDING THE UNIVERSITY OF WASHINGTON MEN'S CREW, THE 2007 INTERCOLLEGIATE ROWING ASSOCIATION CHAMPIONS

Ms. CANTWELL (for herself and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 247

Whereas crew is the oldest intercollegiate sport in the United States, dating back to 1852;

Whereas the Intercollegiate Rowing Association Championship, which began in 1895, is the oldest college rowing championship in the United States and is 1 of the most prestigious championships in collegiate rowing;

Whereas the University of Washington first attended the Intercollegiate Rowing Association Championship in the 1913;

Whereas the Washington Huskies Men's Crew Team was the number 1 ranked team in the United States all season and entered the Intercollegiate Rowing Association Championships as the top seeded team;

Whereas the University of Washington's varsity eight, second varsity eight, and open four each won gold medals in their respective races, and the freshman eight took home the bronze medal;

Whereas this is the 12th varsity eight title won by University of Washington at the Intercollegiate Rowing Association Championships, and the first such win by the Huskies since 1997;

Whereas the Huskies also won the Ten Eyck Trophy for the first time since 1970 by winning the overall points championship;

Whereas the entire University of Washington Men's Crew Team should be commended for demonstrating determination, work ethic, attitude, and heart; and

Whereas the members of the Men's Crew Team have brought great honor to themselves, their families, the University of Washington, and the State of Washington: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Washington Men's Crew Team for winning the 2007 Intercollegiate Rowing Association Championship and acquiring the Ten Eyck Trophy; and

(2) recognizes the achievements of the rowers, coaches, and staff whose skill, discipline, and dedication allowed them to reach such heights.

SENATE CONCURRENT RESOLUTION 39—SUPPORTING THE GOALS AND IDEALS OF A WORLD DAY OF REMEMBRANCE FOR ROAD CRASH VICTIMS

Mr. DODD (for himself, Mr. MENENDEZ, and Mr. LEVIN) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 39

Whereas 40,000 people in the United States, and 1,200,000 people globally, die in road crashes each year;

Whereas another 20,000,000 to 50,000,000 people globally are injured each year as a result of speeding motor vehicles, the increasing use of motor vehicles, and rapid urbanization;

Whereas the World Health Organization has predicted that by the year 2020 the annual number of deaths from motor vehicle crashes is likely to surpass the annual number of deaths from AIDS;

Whereas the current estimated cost of motor vehicle crashes worldwide is $518,000,000,000 annually, representing between 3 and 5 percent of the gross domestic product of each nation;

Whereas over 90 percent of motor vehicle-related deaths occur in low- and middle-income countries;

Whereas, according to the World Health Organization, motor vehicle-related deaths and costs continue to rise in these countries due to a lack of appropriate road engineering and injury prevention programs in public health sectors; and

Whereas the United Nations General Assembly adopted a resolution designating the third Sunday of November as a day of remembrance for road crash victims and their families, and called on nations globally to improve road safety: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of a world day of remembrance for road crash victims; and

(2) encourages the people of the United States to commemorate a world day of remembrance for road crash victims with appropriate ceremonies, programs, and other activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1716. Mr. WEBB submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1717. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1718. Mr. GREGG (for himself, Mrs. FEINSTEIN, Mr. SUNUNU, Mr. KYL, Mr. ENSIGN, Mrs. HUTCHISON, and Mr. MARTINEZ) proposed an amendment to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1719. Mr. CORNYN (for himself, Mr. DURBIN, Mrs. HUTCHISON, and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1720. Mr. INHOFE (for himself, Mr. VITTER, Mr. VOINOVICH, and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1721. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1722. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1723. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1724. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1725. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1726. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1727. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1728. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1729. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1730. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1731. Mr. SUNUNU submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1732. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1733. Mr. KYL (for himself, Mr. LOTT, and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1734. Mr. BURR submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1735. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1736. Mr. REID submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1737. Mr. REID (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1738. Mr. COLEMAN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1739. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1740. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1741. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1742. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1743. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1744. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1745. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1746. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1747. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1748. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1749. Mr. BOND submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1750. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1751. Mr. CRAPO (for himself, Mr. CRAIG, and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1752. Mr. GRASSLEY (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1753. Mr. DEMINT (for himself, Mr. CRAIG, Mr. GRAHAM, Mr. INHOFE, Mr. BURR, Ms. MURKOWSKI, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1419, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; which was ordered to lie on the table.

SA 1754. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R.

6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1755. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1756. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1757. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1758. Mr. REED submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1759. Mr. WYDEN (for himself, Ms. LANDRIEU, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1760. Mr. BINGAMAN (for himself, Mrs. BOXER, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1761. Mr. CARDIN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1762. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1763. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1764. Mr. AKAKA (for himself, Ms. MURKOWSKI, Ms. SNOWE, Mr. SMITH, Ms. CANTWELL, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1765. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1766. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1767. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1768. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1769. Mr. BROWN (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1770. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1771. Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. CARPER, Mr. COLEMAN, Mr. OBAMA, Ms. KLOBUCHAR, and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1772. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1773. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1774. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1775. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1776. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1777. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1778. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1779. Mr. HARKIN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1780. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1781. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1782. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1783. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1784. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1785. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1786. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1787. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1788. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1789. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1790. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1791. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1792. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1793. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1711 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1794. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1712 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs.

MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1795. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1713 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1796. Mr. HARKIN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1797. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1798. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1799. Mrs. BOXER (for herself, Mr. ALEXANDER, Mr. WARNER, Mr. LIEBERMAN, Mrs. FEINSTEIN, and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1800. Mr. KYL proposed an amendment to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra.

SA 1801. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1802. Mr. DORGAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1803. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1804. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1805. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1806. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1807. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1808. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1809. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1810. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1811. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1812. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1813. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1814. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1815. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1816. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1817. Ms. STABENOW (for herself, Mr. KERRY, Mr. SCHUMER, Mr. LEVIN, Mr. BROWN, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table.

SA 1818. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, supra; which was ordered to lie on the table.

SA 1819. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 6, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1716. Mr. WEBB submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 283, after line 20, insert the following:

(d) MAJOR ENERGY PRODUCER RECORDS.—

(1) IN GENERAL.—Following the declaration of an energy emergency by the President under section 606, a major energy producer (as defined by section 702) shall maintain and shall make available to the Federal Trade Commission, such books, accounts, memoranda, and other records as the Commission determines are relevant to determine whether the producer is in violation of this title.

(2) RETENTION.—A major energy producer subject to paragraph (1) shall retain records required by paragraph (1) for a period of 1 year after the expiration of the declaration of an energy emergency.

SA 1717. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, after line 21, add the following:

SEC. 151. STUDY OF OFFSHORE WIND RESOURCES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means a college or university that—

(A) as of the date of enactment of this Act, has an offshore wind power research program; and

(B) is located in a region of the United States that is in reasonable proximity to the eastern outer Continental Shelf, as determined by the Secretary.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Minerals Management Service.

(b) STUDY.—The Secretary, in cooperation with an eligible institution, as selected by the Secretary, shall conduct a study to assess each offshore wind resource located in the region of the eastern outer Continental Shelf.

(c) REPORT.—Upon completion of the study under subsection (b), the Secretary shall submit to Congress a report that includes—

(1) a description of—

(A) the locations and total power generation resources of the best offshore wind resources located in the region of the eastern outer Continental Shelf, as determined by the Secretary;

(B) based on conflicting zones relating to any infrastructure that, as of the date of enactment of this Act, is located in close proximity to any offshore wind resource, the likely exclusion zones of each offshore wind resource described in subparagraph (A);

(C) the relationship of the temporal variation of each offshore wind resource described in subparagraph (A) with—

(i) any other offshore wind resource; and

(ii) with loads and corresponding system operator markets;

(D) the geological compatibility of each offshore wind resource described in subparagraph (A) with any potential technology relating to sea floor towers; and

(E) with respect to each area in which an offshore wind resource described in subparagraph (A) is located, the relationship of the

authority under any coastal management plan of the State in which the area is located with the Federal Government; and

(2) recommendations on the manner by which to handle offshore wind intermittence.

(d) INCORPORATION OF STUDY.—Effective beginning on the date on which the Secretary completes the study under subsection (b), the Secretary shall incorporate the findings included in the report under subsection (c) into the planning process documents for any wind energy lease sale—

(1) relating to any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary; and

(2) that is completed on or after the date of enactment of this Act.

(e) EFFECT.—Nothing in this section—

(1) delays any final regulation to be promulgated by the Secretary of the Interior to carry out section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)); or

(2) limits the authority of the Secretary to lease any offshore wind resource located in any appropriate area of the outer Continental Shelf, as determined by the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

SA 1718. Mr. GREGG (for himself, Mrs. FEINSTEIN, Mr. SUNUNU, Mr. KYL, Mr. ENSIGN, Mrs. HUTCHISON, and Mr. MARTINEZ) proposed an amendment to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

Strike section 831 and insert the following:

SEC. 831. ELIMINATION OF ETHANOL TARIFF AND DUTY.

(a) IN GENERAL.—

(1) ELIMINATION OF PERMANENT TARIFF OF 2.5 PERCENT.—Subheading 2207.10.60 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking the column 1 general rate of duty and inserting ''Free''; and

(B) by striking the matter contained in the column 1 special rate of duty column and inserting ''Free''.

(2) ELIMINATION OF PERMANENT TARIFF OF 1.9 PERCENT.—

(A) IN GENERAL.—Chapter 22 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

''	2207.20.20	Ethyl alcohol and other spirits, denatured, of any strength (if used as a fuel or in a mixture to be used as a fuel)	Free	Free (A+, AU, BH, CA, CL, D, E, IL, J, JO, MA, MX, P, SG)	20%	''.

(B) CONFORMING AMENDMENT.—The article description for subheading 2207.20.00 of the Harmonized Tariff Schedule of the United States is amended by inserting ''(not provided for in subheading 2207.20.20)'' after ''strength''.

(b) REPEAL OF TEMPORARY DUTY OF 54 CENTS PER GALLON.—Subchapter I of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking heading 9901.00.50; and

(2) by striking U.S. Notes 2 and 3 relating to heading 9901.00.50.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SA 1719. Mr. CORNYN (for himself, Mr. DURBIN, Mrs. HUTCHISON, and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, add the following:

SEC. 305. FUTUREGEN GASIFICATION-BASED NEAR-ZERO EMISSIONS POWER PLANT.

(a) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term ''Consortium'' means the consortium described in subsection (c).

(2) FACILITY.—The term ''Facility'' means the FutureGen Facility authorized under subsection (b).

(b) AUTHORIZATION OF FACILITY.—The Secretary shall construct a facility, to be known as the ''FutureGen Facility'', to determine the feasibility of integrating commercial-scale gasification combined cycle power plant technologies with advanced clean coal energy technologies, including through carbon capture and geological sequestration.

(c) COOPERATIVE AGREEMENT.—The Secretary shall offer to enter into a cooperative agreement with a nonprofit consortium of domestic and international coal-fueled power producers, domestic and international coal companies, and other interested parties to provide for the financing of the Facility.

(d) OBJECTIVES.—The Secretary shall establish objectives for the Facility, including objectives providing for—

(1) subject to the availability of appropriations and the completion of an environmental impact statement by October 31, 2007, the operation of the Facility by December 31, 2012;

(2) the Facility to be designed in a manner that—

(A) achieves—

(i)(I) at least a 99-percent reduction in the quantity of sulfur dioxide otherwise emitted by the Facility; or

(II) a sulfur dioxide emission level of 15 ppm, as measured at the stack; and

(ii) at least a 90-percent reduction in the quantity of mercury emitted as compared to the mercury content of the coal fed to the gasifier;

(B) emits—

(i) not more than 0.05 pounds of nitrogen oxide emissions per mmbtu of coal gasified; and

(ii) not more than 0.005 pounds of total particulate emissions in the flue gas per million British thermal units;

(C) captures at least 90 percent of carbon dioxide emissions;

(D) permanently sequesters at least 1,000,000 metric tons per year of carbon dioxide in deep saline geological formations; and

(E) can be used to determine the feasibility of ultimately operating a commercial near-zero emission coal-fueled powerplant at a cost that is not greater than 110 percent of the average cost of operation of a similar facility operating in the United States as of the date of enactment of this Act that does not capture and sequester carbon dioxide, including—

(i) evaluating alternative carbon dioxide monitoring technologies and plant operational strategies that contribute to ultimate commercial competitiveness of near-zero emission technology; and

(ii) providing a sub-scale research platform to test new systems and components that could reduce ultimate costs without impairing the availability of the Facility to operate; and

(3) building stakeholder acceptance of near-zero emission technology, including the sequestration of carbon dioxide.

(e) SYSTEM INTEGRATION.—To reduce technical risk and focus development efforts on system integration, the Secretary shall, to the maximum extent practicable, ensure that the Facility is designed in a manner to use, as appropriate—

(1) available advanced clean coal technology; and

(2) state-of-the-art technology systems and components.

(f) DATA PROTECTION.—The Secretary may agree to protect information from the facility to the same extent authorized for the clean coal power initiative program under section 402(h) of the Energy Policy Act of 2005 (42 U.S.C. 15962(h)).

(g) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Facility shall be considered to be a research and development activity subject to the cost-sharing requirements of section 988(b) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)).

(2) FEDERAL SHARE.—The Secretary may credit toward the Federal share for the Facility contributions received by the Secretary from other countries.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share shall be paid by the Consortium.

(B) SOURCE OF FUNDS.—To pay the non-Federal share, the Consortium may use amounts made available to the Consortium by States, technology providers, and other non-Federal entities.

(h) INSUFFICIENT FUNDS.—

(1) CONVEYANCE TO SECRETARY.—The Secretary may agree to take title to the Facility if the Secretary determines that the Consortium has insufficient funds to complete the Facility.

(2) INSUFFICIENT APPROPRIATED FUNDS.—If operations at the Facility are terminated because of insufficient appropriated Federal funds to complete the Facility, the Secretary may agree to reimburse the Consortium for the Consortium's share of the Facility costs.

(i) TITLE TO FACILITY.—

(1) IN GENERAL.—The Secretary may vest fee title or any other property interests acquired in the Facility in any entity, including the United States.

(2) COLLATERAL.—The Secretary may agree to allow the Consortium to use title to the Facility as collateral toward any required financing for the Facility.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section for each of fiscal years 2008 through 2017.

SA 1720. Mr. INHOFE (for himself, Mr. VITTER, Mr. VOINOVICH, and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 218, line 17, strike ''standard'' and insert ''standards''.

Beginning on page 220, strike line 13 and all that follows through page 222, line 6, and insert the following:

(d) IDENTIFICATION OF STANDARDS.—

(1) IN GENERAL.—For the purpose of subsection (c)(2), not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate regulations to identify 1 or more standards that encourage a comprehensive and environmentally-sound approach to certification of green buildings.

(2) BASIS.—The standards identified under paragraph (1) shall be based on—

(A) a biennial study, which shall be carried out by the Director to compare and evaluate standards;

(B) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subtitle;

(C) the ability of the applicable standard-setting organization to collect and reflect public comment;

(D) the ability of the standards to be developed and revised through a consensus-based process, as described in Circular No. A–119 of the Office of Management and Budget;

(E) an evaluation of the adequacy of the standards, which shall give credit for—

(i) efficient and sustainable use of water, energy, and other natural resources;

(ii) use of renewable energy sources;

(iii) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls; and

(iv) such other criteria as the Director determines to be appropriate; and

(F) recognition as a national consensus standard.

(3) BIENNIAL REVIEW.—The Director shall—

(A) conduct a biennial review of the standards identified under paragraph (1); and

(B) include the results of each biennial review in the report required to be submitted under subsection (c).

On page 238, line 9, strike ''the standard'' and insert ''a standard''.

SA 1721. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. USE OF OFFSHORE OIL AND GAS PLATFORMS AND OTHER FACILITIES FOR ALTERNATIVE ENERGY PRODUCTION.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE ENERGY.—The term ''alternative energy'' means energy from a source other than oil or gas.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a grant program under which the Secretary shall provide grants to pay the Federal share of the cost of—

(A) converting offshore oil and gas platforms or other facilities that are decommissioned from service for oil and gas purposes to alternative energy production facilities; or

(B) using offshore oil and gas platforms or other facilities that are being used for oil and gas purposes to also produce alternative energy.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out activities under paragraph (1) shall be not more than 50 percent.

(3) APPLICABLE LAW.—The Outer Continental Shelf Land Act (43 U.S.C. 1301 et seq.) shall apply to any activities carried out under this section.

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

(5) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide grants under this section terminates on the date that is 10 years after the date of enactment of this Act.

SA 1722. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE IN NONATTAINMENT AREAS.

Section 109 of the Clean Air Act (42 U.S.C. 7409) is amended by adding at the end the following:

''(e) NONATTAINMENT AREAS.—In any area designated by the Administrator as a nonattainment area under section 107 for purposes of a national ambient air quality standard for ozone—

''(1) the requirements that apply with respect to fees under section 182(d)(3) or 185, source permitting under subparagraph (C) or (I) of section 110(a)(2), contingency measures under section 172(c)(9) or 182(c)(9), or motor vehicle emission budgets under section 176, as in effect at the time of application of the requirements, shall be the requirements that apply for purposes of the national ambient air quality standard for ozone; and

''(2) the requirements that applied under a national ambient air quality standard for ozone shall not apply for purposes of the standard if the requirements were—

''(A) revoked, rescinded, or withdrawn by the Administrator or are otherwise not in effect at the time of application of the requirements; and

''(B) less stringent than the national ambient air quality standard for ozone that is in effect at the time of application of the requirements.''.

SA 1723. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. EXTENDED ATTAINMENT DATE FOR CERTAIN DOWNWIND AREAS.

Section 181 of the Clean Air Act (42 U.S.C. 7511) is amended by adding at the end the following:

''(d) EXTENDED ATTAINMENT DATE FOR CERTAIN DOWNWIND AREAS.—

''(1) DEFINITIONS.—In this subsection:

''(A) CURRENT CLASSIFICATION.—The term 'current classification' means—

''(i) any classification of an area on the date on which the Administrator determines that the area is a downwind area; and

''(ii) with respect to any reclassification made by the Administrator under subsection (b)(2)(A) after the date of enactment of this subsection, the classification of an area on the date immediately before the date on which the Administrator reclassified the area.

''(B) DOWNWIND AREA.—The term 'downwind area' means any area that the Administrator classifies as a downwind area under paragraph (2).

''(C) ELIGIBLE IMPLEMENTATION PLAN REVISION.—The term 'eligible implementation plan revision' means a revision of an implementation plan for a downwind area that—

''(i) complies with each requirement of this Act relating to the current classification of a downwind area (including any requirement relating to any nonattainment plan provision described in section 172(c)); and

''(ii) includes any other additional provision necessary to demonstrate that, not later than the date on which the attainment

date for the downwind area is extended under paragraph (3), the downwind area shall demonstrate attainment of each national standard, as determined by the Administrator.

''(D) NATIONAL STANDARD.—The term 'national standard' means—

''(i) the national primary ambient air quality standard for ozone; and

''(ii) the national secondary ambient air quality standard for ozone.

''(E) NECESSARY FINAL REDUCTION IN POLLUTION TRANSPORT.—The term 'necessary final reduction in pollution transport' means the final reduction in pollution transport of an upwind area that is necessary for a downwind area to achieve attainment of each national standard, as determined by the Administrator.

''(F) UPWIND AREA.—The term 'upwind area' means an area that—

''(i) significantly contributes to the nonattainment by a downwind area of any national standard, as determined by the Administrator; and

''(ii) is—

''(I) a nonattainment area that has an attainment date for a national standard that is later than the attainment date of the downwind area for which the nonattainment area significantly contributes to nonattainment under clause (i); or

''(II) an area—

''(aa) that is located in a State other than the State in which the downwind area is located for which the nonattainment area significantly contributes to nonattainment under clause (i); and

''(bb) for which the Administrator, by regulation, has established 1 or more requirements to eliminate any emission generated by the area that significantly contributes to the nonattainment of the downwind area, as determined by the Administrator under clause (i).

''(2) CLASSIFICATION OF DOWNWIND AREA.—The Administrator shall designate as a downwind area any area—

''(A) that has not attained a national standard; and

''(B) for which an upwind area significantly contributes to the nonattainment by the downwind area of any national standard described in subparagraph (A), as determined by the Administrator.

''(3) EXTENSION OF ATTAINMENT DATE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in accordance with paragraph (4), the Administrator shall extend the attainment date of any national standard applicable to a downwind area if, before the date on which the Administrator is required to determine whether to reclassify the downwind area under subsection (b)(2)(A), the Administrator approves an eligible implementation plan revision for the downwind area.

''(B) RECLASSIFIED DOWNWIND AREAS.—

''(i) PRIOR RECLASSIFICATIONS.—The Administrator shall withdraw any reclassification of a downwind area made by the Administrator under subsection (b)(2)(A), and extend the attainment date applicable to the downwind area in accordance with paragraph (4), if—

''(I) not earlier than April 1, 1997, the Administrator reclassified the downwind area under subsection (b)(2)(A); and

''(II) not later than 1 year after the date of enactment of this subsection, the Administrator approves an eligible implementation plan revision for the downwind area.

''(ii) FUTURE RECLASSIFICATIONS.—The Administrator shall withdraw any reclassification of a downwind area made by the Administrator under subsection (b)(2)(A) after the date of enactment of this subsection, and extend the attainment date applicable to the downwind area in accordance with paragraph (4), if, not later than 1 year after the date on which the Administrator reclassifies the downwind area, the Administrator approves an eligible implementation plan revision for the downwind area.

''(4) LENGTH OF EXTENSION OF ATTAINMENT DATE.—

''(A) IN GENERAL.—Subject to subparagraph (B), in extending the attainment date applicable to a downwind area under paragraph (3), the Administrator shall extend the attainment date to the earliest practicable date on which the downwind area could achieve attainment of each national standard, as determined by the Administrator.

''(B) MAXIMUM LENGTH OF EXTENSION.—In extending the attainment date of a downwind area under paragraph (3), the Administrator shall extend the attainment date of the downwind area to a date not later than the date on which the upwind area contributing to nonattainment of the downwind area is required to achieve a necessary final reduction in pollution transport.''.

SA 1724. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 17, strike ''90'' and insert ''30''.

SA 1725. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike line 20 and insert the following:

(3) AUTOMATIC WAIVER APPROVAL.—If the President fails to approve or disapprove a petition for waiver of the requirements of subsection (a) by the deadline specified in paragraph (2), the waiver shall be considered to be granted.

(4) TERMINATION OF WAIVERS.—A waiver

On page 22, line 1, strike ''(4)'' and insert ''(5)''.

SA 1726. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, after line 21, add the following:

SEC. 151. COMMISSION ON RENEWABLE ENERGY.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Commission on Renewable Energy'' (referred to in this section as the ''Commission'')—

(1) to advise Congress on—

(A) issues relating to renewable energy research and development; and

(B) policies relating to the expansion of the use of renewable energy in the energy markets of the United States; and

(2) to facilitate collaboration among Federal agencies relating to the execution of national renewable energy objectives.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of—

(A) the Secretary (or a designee);

(B) the Secretary of Agriculture (or a designee);

(C) the Secretary of Commerce (or a designee);

(D) the Administrator of the National Oceanic and Atmospheric Administration (or a designee);

(E) the Director of the National Science Foundation (or a designee);

(F) the Director of the Office of Science and Technology Policy (or a designee);

(G) the Director of the Office of Management and Budget (or a designee); and

(H) 7 representatives selected in accordance with paragraph (3), to be comprised of representatives of—

(i) national laboratories;

(ii) State laboratories;

(iii) industry;

(iv) trade groups; and

(v) State agencies.

(2) ELIGIBILITY OF DESIGNEES.—To serve as a member of the Commission, an individual designated to serve under subparagraphs (A) through (G) of paragraph (1) shall be of a position not lower than Assistant Secretary (or an equivalent position).

(3) REPRESENTATIVES.—

(A) SELECTION.—Not later than 60 days after the date of enactment of this Act, the Secretary, in accordance with subparagraph (B), and in consultation with each individual described in subparagraphs (A) through (G) of paragraph (1), shall select representatives from each group described in subparagraph (H) to serve as members of the Commission.

(B) QUALIFICATIONS.—A representative selected under subparagraph (A) shall be an individual who, by reason of professional background and experience, is specially qualified to serve as a member of the Commission.

(C) TERM.—A representative selected under subparagraph (A) shall serve for a term of 4 years.

(D) TREATMENT.—A representative selected under subparagraph (A) shall—

(i) serve without compensation; and

(ii) be considered an employee of the Federal Government in the performance of those services for the purposes of—

(I) chapter 81 of title 5, United States Code; and

(II) chapter 171 of title 28, United States Code.

(c) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chairperson, but not less often than quarterly.

(2) FORM OF MEETINGS.—The Commission may meet in person or through electronic means.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) CHAIRPERSON.—

(1) SELECTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Commission shall select a Chairperson—

(i) from among the members of the Commission; and

(ii) through a unanimous vote of approval.

(B) INITIAL SELECTION.—The Secretary shall select the initial Chairperson.

(2) TERM.—The Chairperson shall serve for a term of 6 years.

(g) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) promote research and development of renewable energy, including—

(i) wind energy;

(ii) wave energy;

(iii) solar energy;

(iv) geothermal energy; and

(v) the production of biofuels (with particular emphasis on the production of biofuels based on cellulosic fuels);

(B) identify and recommend public and private research institutions to carry out that research and development; and

(C) in consultation with renewable energy experts regarding renewable energy policies, develop policy recommendations for Federal agencies.

(2) STUDIES.—Not later than 90 days after the date on which the Commission holds the initial meeting of the Commission, and every 4 years thereafter, the Chairperson of the Commission, acting through the Secretary, shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess, for the period covered by the study, issues relating to—

(A) any advancement made relating to renewable energy; and

(B) the adoption of each advancement described in subparagraph (A) into the energy markets of the United States.

(3) ANNUAL REPORT.—Not later than 1 year after the date on which the Commission holds the initial meeting of the Commission, and annually thereafter, the Commission shall submit to Congress a report that contains—

(A) a detailed statement describing each activity carried out by the Commission; and

(B) the recommendations of the Commission relating to the funding of research for the development of renewable energy by—

(i) the Federal Government;

(ii) the industrial sector of the United States; and

(iii) any other country.

(h) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(C) CONFIDENTIALITY.—Any information provided by a Federal agency to the Commission under this paragraph shall be confidential commercial or financial information for the purposes of section 552(b)(4) of title 5, United States Code, if the Federal agency obtained the information from an entity other than a Federal agency.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(4) GIFTS.—

(A) IN GENERAL.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(B) ANNUAL REPORT.—Not later than 1 year after the date on which the Commission holds the initial meeting of the Commission, and annually thereafter, the Commission shall submit to Congress a report that describes each gift received by each member of the Commission during the period covered by the report.

(i) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

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

(k) TERMINATION OF COMMISSION.—The Commission shall terminate on October 1, 2016.

SA 1727. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RENEWABLE ELECTRICITY PRODUCTION CREDIT ALLOWED FOR LANDFILL GAS FACILITIES WHICH PRODUCE FUEL FROM A NONCONVENTIONAL SOURCE.

(a) IN GENERAL.—Section 45(e)(9) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) SPECIAL RULE FOR CERTAIN FACILITIES.—

''(i) IN GENERAL.—The amount of qualified energy resources taken into account under subsection (a) at any qualified facility described in clause (ii) shall be reduced by the amount of such resources used in producing qualified fuels (as defined by section 45K(c)) at such facility.

''(ii) QUALIFIED FACILITY DESCRIBED.—A qualified facility is described in this clause if such facility—

''(I) is placed in service after the date of the enactment of this subparagraph, and

''(II) produces electricity from gas derived from the biodegradation of municipal solid waste and such biodegradation occurred in a facility (within the meaning of section 45K) the production from which a credit is allowed under section 45K for the taxable year.''.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 45(e)(9) of such Code is amended by inserting ''which is placed in service before the date of the enactment of subparagraph (C) and'' after ''shall not include an facility''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after the date of the enactment of this Act.

SA 1728. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CREDIT FOR CORROSION PREVENTION AND MITIGATION MEASURES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

''SEC. 45O. CORROSION PREVENTION AND MITIGATION MEASURES.

''(a) IN GENERAL.—For purposes of section 38, the corrosion prevention and mitigation credit determined under this section for the taxable year is an amount equal to 50 percent of the excess of—

''(1) qualified corrosion prevention and mitigation expenditures with respect to qualified property, over

''(2) the amount such expenditures would have been, taking into account—

''(A) amounts paid or incurred to satisfy Federal, State, or local requirements, and

''(B) amounts paid for corrosion prevention practices, as certified by a person certified pursuant to subsection (b)(2).

''(b) QUALIFIED CORROSION PREVENTION AND MITIGATION EXPENDITURES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified corrosion prevention and mitigation expenditures' means amounts paid or incurred by the taxpayer during the taxable year for engineering design, materials, and application and installation of corrosion prevention and mitigation technology.

''(2) CERTIFICATION MAY BE REQUIRED.—The Secretary shall require by regulation that no amount be taken into account under paragraph (1) for any design, material, application, or installation unless such design, material, application, or installation meets such certification requirements. Such requirements shall provide for accreditation of certifying persons by an independent entity with expertise in corrosion prevention and mitigation technology.

''(3) CORROSION PREVENTION AND MITIGATION TECHNOLOGY.—Corrosion prevention and mitigation technology includes a system comprised of at least one of the following: a corrosion-protective coating or paint; chemical treatment; corrosion-resistant metals; and cathodic protection. The Secretary from time to time by regulations or other guidance may modify the list contained in the preceding sentence to reflect changes in corrosion prevention and mitigation technology.

''(4) QUALIFIED PROPERTY.—The term 'qualified property' means property which is—

''(A) comprised primarily of a metal susceptible to corrosion,

''(B) of a character subject to the allowance for depreciation,

''(C) originally placed in service or owned by the taxpayer, and

''(D) located in the United States.

''(c) RECAPTURE OF CREDIT.—

''(1) IN GENERAL.—If, as of the close of any taxable year, there is a recapture event with respect to any qualified property for which a credit was allowed under subsection (a), the

tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

''(A) the applicable recapture percentage, and

''(B) the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted if the qualified corrosion prevention and mitigation expenditures of the taxpayer with respect to such property had been zero.

''(2) APPLICABLE RECAPTURE PERCENTAGE.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

''If the property ceases to be qualified property within:	**The recapture percentage is:**
(i) One full year after placed in service	100
(ii) One full year after the close of the period described in clause (i)	80
(iii) One full year after the close of the period described in clause (ii)	60
(iv) One full year after the close of the period described in clause (iii)	40
(v) One full year after the close of the period described in clause (iv)	20.

''(B) RECAPTURE EVENT DEFINED.—For purposes of this subsection, the term 'recapture event' means—

''(i) CESSATION OF USE.—The cessation of use of the qualified property.

''(ii) CHANGE IN OWNERSHIP.—

''(I) IN GENERAL.—Except as provided in subclause (II), the disposition of a taxpayer's interest in the qualified property with respect to which the credit described in subsection (a) was allowable.

''(II) AGREEMENT TO ASSUME RECAPTURE LIABILITY.—Subclause (I) shall not apply if the person acquiring the qualified property agrees in writing to assume the recapture liability of the person disposing of the qualified property. In the event of such an assumption, the person acquiring the qualified property shall be treated as the taxpayer for purposes of assessing any recapture liability (computed as if there had been no change in ownership).

''(III) SPECIAL RULE FOR TAX EXEMPT ENTITIES.—Subclause (II) shall not apply to any tax exempt entity (as defined in section 168(h)(2)).

''(iii) SPECIAL RULES.—

''(I) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(II) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.

''(III) NO RECAPTURE BY REASON OF CASUALTY LOSS.—The increase in tax under this subsection shall not apply to a cessation of operation of the property as qualified property by reason of a casualty loss to the extent such loss is restored by reconstruction or replacement within a reasonable period established by the Secretary.

''(d) DENIAL OF DOUBLE BENEFIT.—For purposes of this subtitle—

''(1) BASIS ADJUSTMENTS.—

''(A) IN GENERAL.—If a credit is determined under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(B) CERTAIN DISPOSITIONS.—If, during any taxable year, there is a recapture amount determined with respect to any property the basis of which was reduced under subparagraph (A), the basis of such property (immediately before the event resulting in such recapture) shall be increased by an amount equal to such recapture amount. For purposes of the preceding sentence, the term 'recapture amount' means any increase in tax (or adjustment in carrybacks or carryovers) determined under subsection (c).

''(2) OTHER DEDUCTIONS AND CREDITS.—No deduction or credit shall be allowed under this chapter for any expense taken into account under this section.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section.

''(f) TERMINATION.—This section shall not apply to any taxable year beginning after December 31, 2017.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end thereof the following new paragraph:

''(32) Corrosion prevention and mitigation credit determined under section 45O(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45N the following new item:

''Sec. 45O. Corrosion prevention and mitigation measures.''.

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

SA 1729. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OFFSHORE RENEWABLE ENERGY.

(a) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES.—Section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)) is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) COMPETITIVE OR NONCOMPETITIVE BASIS.—Any lease, easement, or right-of-way under paragraph (1) shall be issued on a competitive basis, unless—

''(A) the lease, easement, or right-of-way relates to a project that meets the criteria established under section 388(d) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109–58);

''(B) the lease, easement, or right-of-way—

''(i) is for the placement and operation of a meteorological or marine data collection facility; and

''(ii) has a term of not more than 5 years; or

''(C) the Secretary determines, after providing public notice of a proposed lease, easement, or right-of-way, that no competitive interest exists.''; and

(2) by adding at the end the following:

''(11) CLARIFICATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Federal Energy Regulatory Commission shall not have authority to approve or license a wave or current energy project on the outer Continental Shelf under part I of the Federal Power Act (16 U.S.C. 792 et seq.)

''(B) TRANSMISSION OF POWER.—Subparagraph (A) shall not affect any authority of the Commission with respect to the transmission of power generated from a project described in subparagraph (A).''.

(b) PROJECTS IN STATE WATERS.—

(1) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—Not later than 90 days after the date of receipt of a request of a State, the Federal Energy Regulatory Commission (referred to in this section as the ''Commission'') shall enter into a memorandum of understanding with the State with respect to the authorization of ocean energy projects (including wave, current, and tidal energy projects) located in offshore waters and submerged land over which the State has jurisdiction.

(B) PARTICIPATION BY SECRETARY OF INTERIOR.—To the extent that a project described in subparagraph (A) involves any Federal submerged land or water on the outer Continental Shelf, the Secretary of the Interior shall also be a party to the applicable memorandum of understanding under this paragraph.

(C) GOAL.—The goal of a memorandum of understanding under this paragraph shall be to ensure coordination among the Commission, the States, and the Secretary of the Interior, as applicable, to facilitate the consideration of authorizations for ocean energy projects.

(2) COMMISSION PROCEDURES.—Not later than 1 year after the date of enactment of this Act, the Commission shall publish regulations that—

(A) establish a permitting process for wave, current, and tidal energy projects in submerged land and offshore waters under the jurisdiction of a State; and

(B) take into consideration, and provide for—

(i) the specific technological, environmental, and other unique characteristics of those projects; and

(ii) the size and scope of the projects.

(3) EFFECT OF SUBSECTION.—Nothing in this subsection alters, limits, or modifies any claim of a State to any jurisdiction over, or any right, title, or interest in, submerged land or offshore water of the State.

(c) CONSIDERATION OF CERTAIN REQUESTS FOR AUTHORIZATION.—In considering a request for authorization of a project pending before the Commission as of the date of enactment of this Act, the Secretary of the Interior shall rely, to the maximum extent practicable, on the materials submitted to the Commission before that date.

(d) SAVINGS PROVISION.—Nothing in this section or an amendment made by this section requires the resubmission of any document that was previously submitted, or the reauthorization of any action that was previously authorized, with respect to a project for which a preliminary permit was issued by the Commission before the date of enactment of this Act.

SA 1730. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting

new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OFFSHORE RENEWABLE ENERGY.

Section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)) is amended by striking paragraph (3) and inserting the following:

''(3) COMPETITIVE OR NONCOMPETITIVE BASIS.—Any lease, easement, or right-of-way under paragraph (1) shall be issued on a competitive basis, unless—

''(A) the lease, easement, or right-of-way relates to a project that meets the criteria established under section 388(d) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109–58);

''(B) the lease, easement, or right-of-way—

''(i) is for the placement and operation of a meteorological or marine data collection facility; and

''(ii) has a term of not more than 5 years; or

''(C) the Secretary determines, after providing public notice of a proposed lease, easement, or right-of-way, that no competitive interest exists.''.

SA 1731. Mr. SUNUNU submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, after line 17, insert the following:

SEC. 809A. CREDIT FOR BIOMASS FUEL PROPERTY EXPENDITURES.

(a) ALLOWANCE OF CREDIT.—Subsection (a) of section 25D (relating to allowance of credit), as amended by this Act, is amended—

(1) by striking ''and'' at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting '', and'', and

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

''(5) 30 percent of the qualified biomass fuel property expenditures made by the taxpayer during such year.''.

(b) MAXIMUM CREDIT.—Paragraph (1) of section 25D(b) (relating to maximum credit), as amended by this Act, is amended—

(1) by striking ''and'' at the end of subparagraph (C),

(2) by striking the period at the end of subparagraph (D) and inserting '', and'', and

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

''(E) $4,000 with respect to any qualified biomass fuel property expenditures.''.

(c) MAXIMUM EXPENDITURES.—Subparagraph (A) of section 25D(e)(4) (relating to maximum expenditures in case of joint occupancy) is amended—

(1) by striking ''and'' at the end of clause (ii),

(2) by striking the period at the end of clause (iii) and inserting '', and'', and

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

''(iv) $13,334 in the case of any qualified biomass fuel property expenditures.''.

(d) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURES.—Subsection (d) of section 25D (relating to definitions), as amended by this Act, is amended by adding at the end the following new paragraph:

''(5) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified biomass fuel property expenditure' means an expenditure for property—

''(i) which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

''(ii) which has a thermal efficiency rating of at least 75 percent.

''(B) BIOMASS FUEL.—For purposes of this section, the term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(e) EFFECTIVE DATE.—The amendments made by this subsection shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2007.

SA 1732. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, lines 17 to 20, strike ''to so much of the renewable diesel produced at such facility and sold or used during the taxable year in a qualified biodiesel mixture as exceeds 60,000,000 gallons''.

SA 1733. Mr. KYL (for himself, Mr. LOTT, and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; as follows:

At the end of subtitle B of title VIII add the following:

SEC. _____. CONDITION PRECEDENT FOR THE EFFECTIVE DATE OF REVENUE RAISERS.

Notwithstanding the provisions of this subtitle, the amendments made by this subtitle shall not take effect unless the Secretary of Energy certifies that such amendments shall not increase gasoline retail prices and the reliance of the United States on foreign sources of energy.

SA 1734. Mr. BURR submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 403 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) (as amended by section [_____] of the amendment), add the following:

''(c) AUDIT.—

''(1) IN GENERAL.—Not later than 30 days after the end of each fiscal year in which a county receives payments under title I or the payment in lieu of taxes program under chapter 69 of title 31, United States Code, the county shall submit to the State in which the county is located an audit of the expenditure of the payments by the county during the preceding fiscal year.

''(2) FAILURE TO REPORT.—If, during any fiscal year, a county described in paragraph (1) fails to submit the audit by the deadline described in that paragraph, the county shall be ineligible for payments under this Act or the payment in lieu of taxes program under chapter 69 of title 31, United States Code, as applicable, for the subsequent fiscal year.

''(3) CERTIFICATION.—The State shall—

''(A) not later than 60 days after the end of the fiscal year in which the audits were submitted under paragraph (1), certify the audits; and

''(B) on certification of the audit under subparagraph (A), submit the certified audit to the Secretary concerned.

''(4) REPORT.—Not later than 90 days after the end of the fiscal year in which the audits were submitted under paragraph (1), the Secretary concerned shall submit to the appropriate committees of Congress a report that describes the results of the audits submitted and certified under this subsection.''.

SA 1735. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 6, strike line 17 and all that follows through page 7, line 16, and insert the following:

(1) ADVANCED BIOFUEL.—The term ''advanced biofuel'' means fuel produced in the United States—

(A) that meets the requirements of an appropriate American Society for Testing and Materials standard; and

(B) the lifecycle greenhouse gas emissions of which are at least 50 percent lower than the average lifecycle greenhouse gas emissions of conventional fuel, as determined by the Administrator of the Environmental Protection Agency.

On page 7, between lines 23 and 24, insert the following:

(4) CONVENTIONAL FUEL.—The term ''conventional fuel'' means any fossil-fuel based transportation fuel, boiler fuel, or home heating fuel used in the United States as of the date of enactment of this Act.

On page 7, line 24, strike ''(4)'' and insert ''(5)''.

On page 9, line 11, strike ''(5)'' and insert ''(6)''.

On page 10, line 1, strike ''(6)'' and insert ''(7)''.

On page 10, line 3, strike ''(7)'' and insert ''(8)''.

On page 10, line 16, strike ''President'' and insert ''Administrator of the Environmental Protection Agency''.

On page 11, line 15, strike ''gasoline'' and insert ''conventional fuel''.

On page 13, line 3, strike ''2016'' and insert ''2012''.

On page 13, between lines 5 and 6, strike the table and insert the following:

Calendar year:	Applicable volume of advanced biofuels (in billions of gallons):
2012	0.5
2013	1.5
2014	2.5
2015	3.5
2016	4.5
2017	6.0
2018	9.0
2019	12.0
2020	15.0
2021	18.0
2022	21.0

SA 1736. Mr. REID submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—CLEAN RENEWABLE ENERGY AND ECONOMIC DEVELOPMENT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Clean Renewable Energy and Economic Development Act''.

SEC. __2. FINDINGS.

Congress finds that—

(1) electricity produced from renewable resources—

(A) helps to reduce emissions of greenhouse gases and other air pollutants;

(B) enhances national energy security;

(C) conserves water and finite resources; and

(D) provides substantial economic benefits, including job creation and technology development;

(2) the potential exists for a far greater percentage of electricity generation in the United States to be achieved through the use of renewable resources, as compared to the percentage of electricity generation using renewable resources in existence as of the date of enactment of this Act;

(3) many of the best potential renewable energy resources are located in rural areas far from population centers;

(4) the lack of adequate electric transmission capacity is a primary obstacle to the development of electric generation facilities fueled by renewable energy resources;

(5) the economies of many rural areas would substantially benefit from the increased development of water-efficient electric generation facilities fueled by renewable energy resources;

(6) more efficient use of the existing excess transmission capacity, better integration of resources, and greater investments in distributed generation and off-grid solutions may increase the availability of transmission and distribution capacity for adding renewable resources and help keep ratepayer costs low;

(7) the Federal Government has not adequately invested in or implemented an integrated approach to accelerating the development, commercialization, and deployment of renewable energy technologies and renewable electricity generation, including through enhancing distributed generation or through vehicle- and transportation-sector use; and

(8) it is in the national interest for the Federal Government to implement policies that would enhance the quantity of electric transmission capacity available to take full advantage of the renewable energy resources available to generate electricity, and to more fully integrate renewable energy into the energy policies of the United States, and to address the tremendous national security and global warming challenges of the United States.

SEC. 3. NATIONAL RENEWABLE ENERGY ZONES.

(a) IN GENERAL.—Title II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended—

(1) by inserting before the section heading of section 201 (16 U.S.C. 824 et seq.) the following:

''Subpart A—Regulation of Electric Utility Companies'';

and

(2) by adding at the end the following:

''Subpart B—National Renewable Energy Zones

''SEC. 231. DEFINITIONS.

''In this subpart:

''(1) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means—

''(i) any lignin waste material that is segregated from other waste materials and is determined to be nonhazardous by the Administrator of the Environmental Protection Agency; and

''(ii) any solid, nonhazardous, cellulosic material that is derived from—

''(I) mill residue, precommercial thinnings, slash, brush, or nonmerchantable material;

''(II) solid wood waste materials, including a waste pallet, a crate, dunnage, manufacturing and construction wood wastes, and landscape or right-of-way tree trimmings;

''(III) agriculture waste, including an orchard tree crop, a vineyard, a grain, a legume, sugar, other crop byproducts or residues, and livestock waste nutrients; or

''(IV) a plant that is grown exclusively as a fuel for the production of electricity.

''(B) INCLUSIONS.—The term 'biomass' includes animal waste that is converted to a fuel rather than directly combusted, the residue of which is converted to a biological fertilizer, oil, or activated carbon.

''(C) EXCLUSIONS.—The term 'biomass' does not include—

''(i) municipal solid waste;

''(ii) paper that is commonly recycled; or

''(iii) pressure-treated, chemically-treated, or painted wood waste.

''(2) COMMISSION.—The term 'Commission' means the Federal Energy Regulatory Commission.

''(3) DISTRIBUTED GENERATION.—The term 'distributed generation' means—

''(A) reduced electricity consumption from the electric grid because of use by a customer of renewable energy generated at a customer site; and

''(B) electricity or thermal energy production from a renewable energy resource for a customer that is not connected to an electric grid or thermal energy source pipeline.

''(4) ELECTRICITY CONSUMING AREA.—The term 'electricity consuming area' means the area within which electric energy would be consumed if new high-voltage electric transmission facilities were to be constructed to access renewable electricity in a national renewable energy zone.

''(5) ELECTRICITY FROM RENEWABLE ENERGY.—The term 'electricity from renewable energy' means—

''(A) electric energy generated from solar energy, wind, biomass, landfill gas, the ocean (including tidal, wave, current, and thermal energy), geothermal energy, or municipal solid waste; or

''(B) new hydroelectric generation capacity achieved from increased efficiency, or an addition of new capacity, at an existing hydroelectric project.

''(6) FEDERAL TRANSMITTING UTILITY.—The term 'Federal transmitting utility' means—

''(A) a Federal power marketing agency that owns or operates an electric transmission facility; and

''(B) the Tennessee Valley Authority.

''(7) FUEL CELL VEHICLE.—The term 'fuel cell vehicle' means an onroad vehicle or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

''(8) GRID-ENABLED VEHICLE.—The term 'grid-enabled vehicle' means an electric drive vehicle or fuel cell vehicle that has the ability to communicate electronically with an electric power provider or with a localized energy storage system with respect to charging and discharging an onboard energy storage device, such as a battery.

''(9) HIGH-VOLTAGE ELECTRIC TRANSMISSION FACILITY.—The term 'high-voltage electric transmission facility' means 1 of the electric transmission facilities that—

''(A) are necessary for the transmission of electric power from a national renewable energy zone to an electricity-consuming area in interstate commerce; and

''(B) has a capacity in excess of 200 kilovolts.

''(10) INDIAN LAND.—The term 'Indian land' means—

''(A) any land within the limits of any Indian reservation, pueblo, or rancheria;

''(B) any land not within the limits of any Indian reservation, pueblo, or rancheria title to which was, on the date of enactment of this subpart—

''(i) held in trust by the United States for the benefit of any Indian tribe or individual; or

''(ii) held by any Indian tribe or individual subject to restriction by the United States against alienation;

''(C) any dependent Indian community; and

''(D) any land conveyed to any Alaska Native corporation under the Alaska Native

Claims Settlement Act (42 U.S.C. 1601 et seq.).

''(11) NETWORK UPGRADE.—The term 'network upgrade' means an addition, modification, or upgrade to the transmission system of a transmission provider required at or beyond the point at which the generator interconnects to the transmission system of the transmission provider to accommodate the interconnection of 1 or more generation facilities to the transmission system of the transmission provider.

''(12) RENEWABLE ELECTRICITY CONNECTION FACILITY.—

''(A) IN GENERAL.—The term 'renewable electricity connection facility' means an electricity generation or transmission facility that uses renewable energy sources.

''(B) INCLUSIONS.—The term 'renewable electricity connection facility' includes inverters, substations, transformers, switching units, storage units and related facilities, and other electrical equipment necessary for the development, siting, transmission, storage, and interconnection of electricity generated from renewable energy sources.

''(13) RENEWABLE ENERGY CREDIT.—The term 'renewable energy credit' means a unique instrument representing 1 or more units of electricity generated from renewable energy that is designated by a widely-recognized certification organization approved by the Commission or the Secretary of Energy.

''(14) RENEWABLE ENERGY TRUNKLINE.—

''(A) IN GENERAL.—The term 'renewable energy trunkline' means all transmission facilities and equipment within a national renewable energy zone owned, controlled, or operated by a transmission provider from the point at which the ownership changes from the generation owner to the transmission system of the transmission provider to the point at which the facility connects to a high-voltage transmission facility, including any modifications, additions or upgrades to the facilities and equipment, at a voltage of 115 kilovolts or more.

''(B) EXCLUSION.—The term 'renewable energy trunkline' does not include a network upgrade.

''SEC. 232. DESIGNATION OF NATIONAL RENEWABLE ENERGY ZONES.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subpart, the President shall designate as a national renewable energy zone each geographical area that, as determined by the President—

''(1) has the potential to generate in excess of 1 gigawatt of electricity from renewable energy, a significant portion of which could be generated in a rural area or on Federal land within the geographical area;

''(2) has an insufficient level of electric transmission capacity to achieve the potential described in paragraph (1); and

''(3) has the capability to contain additional renewable energy electric generating facilities that would generate electricity consumed in 1 or more electricity consuming areas if there were a sufficient level of transmission capacity.

''(b) RENEWABLE ENERGY REQUIREMENTS.—In making the designations required by subsection (a), the President shall take into account Federal and State requirements for utilities to incorporate renewable energy as part of the load of electric generating facilities.

''(c) CONSULTATION.—Before making any designation under subsection (a), the President shall consult with—

''(1) the Governors of affected States;

''(2) the public;

''(3) public and private electricity and transmission utilities and cooperatives;

''(4) Federal and State land management and energy and environmental agencies;

''(5) renewable energy companies;

''(6) local government officials;

''(7) renewable energy and energy efficiency interest groups;

''(8) Indian tribes; and

''(9) environmental protection and land, water, and wildlife conservation groups.

''(d) RECOMMENDATIONS.—Not sooner than 3 years after the date of enactment of this subpart, and triennially thereafter, the Secretary of Energy and the Federal transmitting utilities, in cooperation with the Director of the Bureau of Land Management, the Director of the United States Geological Survey, the Commissioner of Reclamation, the Director of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Secretary of Defense, and after consultation with the Governors of the States, shall recommend to the President and Congress—

''(1) specific areas with the greatest potential for environmentally acceptable renewable energy resource development; and

''(2) modifications of laws (including regulations) and resource management plans necessary to fully achieve that potential.

''(e) REVISION OF DESIGNATIONS.—Based on the recommendations received under subsection (d), the President may revise the designations made under subsection (a), as appropriate.

''SEC. 233. ENCOURAGING CLEAN ENERGY DEVELOPMENT IN NATIONAL RENEWABLE ENERGY ZONES.

''(a) COST RECOVERY.—The Commission shall promulgate such regulations as are necessary to ensure that a public utility transmission provider that finances a high-voltage electric transmission facility or other renewable electricity connection facility added in a national renewable energy zone after the date of enactment of this subpart recovers all prudently incurred costs, and a reasonable return on equity, associated with the new transmission capacity.

''(b) ALTERNATIVE TRANSMISSION FINANCING MECHANISM.—

''(1) IN GENERAL.—The Commission shall permit a renewable energy trunkline built by a public utility transmission provider in a national renewable energy zone to, in advance of generation interconnection requests, be initially funded through a transmission charge imposed on all transmission customers of the transmission provider or, if the renewable energy trunkline is built in an area served by a regional transmission organization or independent system operator, all of the transmission customers of the transmission operator, if the Commission finds that—

''(A) the renewable energy resources that would use the renewable energy trunkline are remote from the grid and load centers;

''(B) the renewable energy trunkline will likely result in multiple individual renewable energy electric generation projects being developed by multiple competing developers; and

''(C) the renewable energy trunkline has at least 1 project subscribed through an executed generation interconnection agreement with the transmission provider and has tangible demonstration of additional interest.

''(2) NEW ELECTRIC GENERATION PROJECTS.—As new electric generation projects are constructed and interconnected to the renewable energy trunkline, the transmission services contract holder for the generation project shall, on a prospective basis, pay a pro rata share of the facility costs of the renewable energy trunkline, thus reducing the effect on the rates of customers of the public utility transmission provider.

''(c) FEDERAL TRANSMITTING UTILITIES.—

''(1) IN GENERAL.—Not later than 1 year after the designation of a national renewable energy zone, a Federal transmitting utility that owns or operates 1 or more electric transmission facilities in the national renewable energy zone shall identify specific additional high-voltage or other renewable electricity connection facilities required to substantially increase the generation of electricity from renewable energy in the national renewable energy zone.

''(2) LACK OF PRIVATE FUNDS.—If, by the date that is 3 years after the date of enactment of this subpart, no privately-funded entity has committed to financing (through self-financing or through a third-party financing arrangement with a Federal transmitting utility) to ensure the construction and operation of a high-voltage or other renewable electricity connection facility identified pursuant to paragraph (1) by a specified date, the Federal transmitting utility responsible for the identification shall finance such a transmission facility if the Federal transmitting utility has sufficient bonding authority under paragraph (3).

''(3) BONDING AUTHORITY.—

''(A) IN GENERAL.—A Federal transmitting utility may issue and sell bonds, notes, and other evidence of indebtedness in an amount not to exceed, at any 1 time, an aggregate outstanding balance of $10,000,000,000, to finance the construction of transmission facilities identified pursuant to paragraph (1) for the principal purposes of—

''(i) increasing the generation of electricity from renewable energy; and

''(ii) conveying that electricity to an electricity consuming area.

''(B) RECOVERY OF COSTS.—A Federal transmitting utility shall recover the costs of renewable electricity connection facilities financed pursuant to paragraph (2) from entities using the transmission facilities over a period of 50 years.

''(C) NONLIABILITY OF CERTAIN CUSTOMERS.—Individuals and entities that, as of the date of enactment of this subpart, are customers of a Federal transmitting utility shall not be liable for the costs, in the form of increased rates charged for electricity, of renewable electricity connection facilities constructed pursuant to this section, except to the extent the customers are treated in a manner similar to all other users of the Federal transmitting utility.

''(d) OPERATION OF HIGH-VOLTAGE TRANSMISSION LINES USING RENEWABLE ENERGY RESOURCES.—

''(1) PUBLIC UTILITIES FINANCING LIMITATION.—The regulations promulgated pursuant to subsection (a) shall, to the maximum extent practicable, ensure that not less than 75 percent of the capacity of any high-voltage transmission lines financed pursuant to this section is used for electricity from renewable energy.

''(2) NON-PUBLIC UTILITIES ACCESS LIMITATION.—Notwithstanding section 368 of the Energy Policy Act of 2005 (42 U.S.C. 15926), the Commission shall promulgate regulations to ensure, to the maximum extent practicable, that not less than 75 percent of the capacity of high-voltage transmission facilities sited primarily or partially on Federal land and constructed after the date of enactment of this subpart is used for electricity from renewable energy.

''SEC. 234. FEDERAL POWER MARKETING AGENCIES.

''(a) PROMOTION OF RENEWABLE ENERGY AND ENERGY EFFICIENCY.—Each Federal transmitting utility shall—

''(1) identify and take steps to promote energy conservation and renewable energy electric resource development in the regions served by the Federal transmitting utility;

''(2) use the purchasing power of the Federal transmitting utility to acquire, on behalf of the Federal Government, electricity

from renewable energy and renewable energy credits in sufficient quantities to meet the requirements of section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852); and

''(3) identify opportunities to promote the development of facilities generating electricity from renewable energy on Indian land.

''(b) WIND INTEGRATION PROGRAMS.—The Bonneville Power Administration and the Western Area Power Administration shall each establish a program focusing on the improvement of the integration of wind energy into the transmission grids of those Administrations through the development of transmission products, including through the use of Federal hydropower resources, that—

''(1) take into account the intermittent nature of wind electric generation; and

''(2) do not impair electric reliability.

''(c) SOLAR INTEGRATION PROGRAM.—Each of the Federal Power Administrations and the Tennessee Valley Authority shall establish a program to carry out projects focusing on the integration of solar energy, through photovoltaic concentrating solar systems and other forms and systems, into the respective transmission grids and into remote and distributed applications in the respective service territories of the Federal Power Administrations and Tennessee Valley Authority, that—

''(1) take into account the solar energy cycle;

''(2) maximize the use of Federal land for generation or energy storage, where appropriate; and

''(3) do not impair electric reliability.

''(d) GEOTHERMAL INTEGRATION PROGRAM.—The Bonneville Power Administration and the Western Area Power Administration shall establish a joint program to carry out projects focusing on the development and integration of geothermal energy resources into the respective transmission grids of the Bonneville Power Administration and the Western Area Power Administration, as well as non-grid, distributed applications in those service territories, including projects combining geothermal energy resources with biofuels production or other industrial or commercial uses requiring process heat inputs, that—

''(1) maximize the use of Federal land for the projects and activities;

''(2) displace fossil fuel baseload generation or petroleum imports; and

''(3) improve electric reliability.

''(e) RENEWABLE ELECTRICITY AND ENERGY SECURITY PROJECTS.—

''(1) IN GENERAL.—The Federal transmitting utilities, shall, in consultation with the Commission, the Secretary, the National Association of Regulatory Utility Commissioners, and such other individuals and entities as are necessary, undertake geographically diverse projects within the respective service territories of the utilities to acquire and demonstrate grid-enabled and nongrid-enabled plug-in electric and hybrid electric vehicles and related technologies as part of their fleets of vehicles.

''(2) INCREASE IN RENEWABLE ENERGY USE.—To the maximum extent practicable, each project conducted pursuant to any of subsections (b) through (d) shall include a component to develop vehicle technology, utility systems, batteries, power electronics, or such other related devices as are able to substitute, as the main fuel source for vehicles, transportation-sector petroleum consumption with electricity from renewable energy sources.''.

(b) TRANSMISSION COST ALLOCATION.—Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding at the following:

''(f) TRANSMISSION COST ALLOCATION.—

''(1) IN GENERAL.—Not later than 180 days after the date on which the President designates an area as a national renewable energy zone under section 232, the State utility commissions or other appropriate bodies having jurisdiction over the public utilities providing service in the national renewable energy zone or an adjacent electricity consuming area may jointly propose to the Commission a cost allocation plan for high-voltage electric transmission facilities built by a public utility transmission provider that would serve the electricity consuming area.

''(2) APPROVAL.—The Commission may approve a plan proposed under paragraph (1) if the Commission determines that—

''(A) taking into account the users of the transmission facilities, the plan will result in rates that are just and reasonable and not unduly discriminatory or preferential; and

''(B) the plan would not unduly inhibit the development of renewable energy electric generation projects.

''(3) COST ALLOCATION.—Unless a plan is approved by the Commission under paragraph (2), the Commission shall fairly allocate the costs of new high-voltage electric transmission facilities built in the area by 1 or more public utility transmission providers (recognizing the national and regional benefits associated with increased access to electricity from renewable energy) pursuant to a rolled-in transmission charge.

''(4) FEDERAL TRANSMITTING UTILITY.—Nothing in this subsection expands, directly or indirectly, the jurisdiction of the Commission with respect to any Federal transmitting utility.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 3 of the Federal Power Act (42 U.S.C. 796) is amended by adding at the end the following:

''(30) ELECTRIC DRIVE VEHICLE.—

''(A) IN GENERAL.—The term 'electric drive vehicle' means a vehicle that uses—

''(i) an electric motor for all or part of the motive power of the vehicle; and

''(ii) off-board electricity wherever practicable.

''(B) INCLUSIONS.—The term 'electric drive vehicle' includes—

''(i) a battery electric vehicle;

''(ii) a plug-in hybrid electric vehicle; and

''(iii) a plug-in hybrid fuel cell vehicle.''.

(2) Subpart A of part II of the Federal Power Act (as redesignated by subsection (a)) is amended—

(A) in the heading of section 201, by striking ''PART'' and inserting ''SUBPART''; and

(B) by striking ''this Part'' each place it appears and inserting ''this subpart''.

SA 1737. Mr. REID (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

In section 102, redesignate paragraphs (2), (3), (4), (5), (6), and (7) as paragraphs (4), (5), (13), (16), (17), and (18), respectively.

In section 102, between paragraphs (1) and (4) (as so redesignated), insert the following:

(2) ADVANCED RENEWABLE FUEL.—The term ''advanced renewable fuel'' means—

(A) advanced biofuel; or

(B) renewable electric fuel.

(3) BATTERY.—The term ''battery'' means an energy storage device used in an onroad vehicle or nonroad vehicle powered, in whole or in part, using an off-board or on-board source of electricity.

In section 102, between paragraphs (5) and (13) (as so redesignated), insert the following:

(6) ELECTRIC DRIVE VEHICLE.—

(A) IN GENERAL.—The term ''electric drive vehicle'' means a vehicle that uses—

(i) an electric motor for all or part of the motive power of the vehicle; and

(ii) off-board electricity.

(B) INCLUSIONS.—The term ''electric drive vehicle'' includes—

(i) a battery electric vehicle;

(ii) a plug-in hybrid electric vehicle; and

(iii) a plug-in hybrid fuel cell vehicle.

(7) FUEL CELL VEHICLE.—The term ''fuel cell vehicle'' means an onroad vehicle or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

(8) GEOTHERMAL ENERGY.—The term ''geothermal energy'' means energy derived from a geothermal deposit (within the meaning of section 613(e)(2) of the Internal Revenue Code of 1986).

(9) INCREMENTAL HYDROPOWER.—

(A) IN GENERAL.—The term ''incremental hydropower'' means additional energy generated as a result of an efficiency improvement or capacity addition made on or after January 1, 2003, to an existing hydropower facility, as measured on the basis of the same water flow information that is used to determine the historic average annual generation baseline for the hydropower facility and certified by the Secretary or the Federal Energy Regulatory Commission.

(B) EXCLUSION.—The term ''incremental hydropower'' does not include additional energy generated as a result of operational changes not directly associated with an efficiency improvement or capacity addition.

(10) OCEAN ENERGY.—The term ''ocean energy'' includes current, wave, tidal, and thermal energy.

(11) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term ''plug-in hybrid electric vehicle'' means an onroad vehicle or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an onboard, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(12) PLUG-IN HYBRID FUEL CELL VEHICLE.—The term ''plug-in hybrid fuel cell vehicle'' means a fuel cell vehicle with a battery powered by an off-board source of electricity.

In section 102, between paragraphs (13) and (16) (as so redesignated), insert the following:

(14) RENEWABLE ELECTRIC FUEL.—The term ''renewable electric fuel'' means renewable energy from electricity that is used to power a vehicle.

(15) RENEWABLE ENERGY.—The term ''renewable energy'' means electric energy generated at a facility (including a distributed generation facility) placed in service on or after January 1, 2003, from—

(A) solar, wind, or geothermal energy;

(B) ocean energy;

(C) incremental hydropower;

(D) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))); or

(E) landfill gas.

In section 102(16)(A) (as so redesignated), strike clause (i) and insert the following:

(i) produced from—

(I) renewable biomass; or

(II) renewable energy; and

In section 102(16)(B), strike clauses (i) and (ii) and insert the following:

(i) conventional biofuel;

(ii) advanced biofuel; and

(iii) renewable electric fuel.

At the end of section 111(a)(1), add the following:

(D) REGULATIONS FOR RENEWABLE ELECTRIC FUEL.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to incorporate renewable electric fuel into the renewable fuel program established under this title.

(ii) AUDITING AND CERTIFICATION PROCEDURES.—The regulations promulgated under clause (i) shall include auditing and certification procedures for verifying that renewable electricity is being used as a motor fuel under the renewable fuel program.

(iii) AWARDING OF RENEWABLE FUEL CREDITS.—The President shall award renewable fuel credits to renewable electric fuel producers and distributors only if the producer or distributor demonstrates through the established certification procedures that renewable electric fuel is being used as a motor fuel.

In section 111(a)(2)(A)(ii), strike ''biofuels'' each place it appears and insert ''renewable fuels''.

In section 111(a)(2)(B)(ii), strike ''biofuels'' and insert ''renewable fuels''.

At the end of section 111(c), add the following:

(4) ENERGY CONTENT RELATIVE FOR RENEWABLE ELECTRIC FUEL.—The conversion factor of renewable electric fuel shall be 6.4 kilowatt hours of renewable electricity per gallon of renewable fuel, unless the President establishes a different conversion factor by regulation.

SA 1738. Mr. COLEMAN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, after line 23, add the following:

SEC. 131. LOCAL OWNERSHIP OF BIOREFINERIES.

''(a) DEFINITIONS.—In this section:

''(1) BIOREFINERY.—The term 'biorefinery' has the meaning given the term in section 9003(b).

''(2) ELIGIBLE PURCHASER.—The term 'eligible purchaser', with respect to a biorefinery, means—

''(A) a natural person with a principal residence that is located not more than 50 miles from the biorefinery; or

''(B) a farmer or rancher cooperative.

''(b) REQUIREMENT.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of a biorefinery that is financed, refinanced, or financially supported, in whole or in part, using a loan, loan guarantee, or grant made by a Federal agency on or after the date of enactment of this section, as a condition of the receipt of the loan, loan guarantee, or grant, the recipient shall provide eligible purchasers with an opportunity to participate in the financing or ownership of the biorefinery in accordance with this section.

''(2) FARMERS AND RANCHER COOPERATIVES.—If the recipient of a loan, loan guarantee, or grant made by a Federal agency under paragraph (1) is a farmer or rancher cooperative, it fulfills the requirement in paragraph (1) above. However, the farmer or rancher cooperative may provide eligible purchasers with an opportunity to participate in the financing or ownership of the biorefinery in accordance with this section.

''(3) LEVEL OF FEDERAL SUPPORT.—Paragraph (1) shall apply to a biorefinery only if not less than 3 percent of the total amount of funds that is used to finance, refinance, or financially support the biorefinery is derived from Federal funds.

''(c) TERMS AND CONDITIONS.—To be eligible to receive a loan, loan guarantee, or grant from a Federal agency in connection with a biorefinery, the recipient—

''(1) during the 60-day period beginning on the date of receipt of the loan, loan guarantee, or grant by the recipient, shall permit eligible purchasers to participate in the financing or ownership of the biorefinery on the conditions that—

''(A) eligible purchasers, collectively, be allowed to invest not less than 40 percent of the projected total amount of non-Federal funds that will be used to construct or expand the biorefinery; and

''(B) an individual eligible purchaser be allowed to invest not more than 2.5 percent of the projected total amount of non-Federal funds that will be used to construct or expand the biorefinery;

''(2) shall provide to eligible purchasers competitive terms and conditions that are no less favorable than the terms and conditions that are offered for funding for similar recipients or classes of recipients or, if there are no similar recipients or classes of recipients, other entities with similar risk characteristics, as determined by the Secretary;

''(3) if the amount of funding offered by eligible purchasers for a biorefinery exceeds the amount that is solicited by a recipient, may—

''(A) accept all such offered amounts; or

''(B) award the amounts on a competitive basis; and

''(4) shall conduct the financing or refinancing of the biorefinery in accordance with Federal law (including Federal law governing securities).''.

SA 1739. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 1, strike ''$1.11'' and insert ''$1.28''.

SA 1740. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 180, strike line 23 and all that follows through page 181, line 9, and insert the following:

''(2) CARBON CAPTURE DEMONSTRATION PROJECTS.—

''(A) IN GENERAL.—The Secretary shall carry out a demonstration of not less than 5 large-scale carbon dioxide capture technologies developed by appropriate applicants, as selected by the Secretary, including any—

''(i) precombustion technology;

''(ii) postcombustion technology;

''(iii) oxy-fuel combustion technology; and

''(iv) other promising new technology, as determined by the Secretary.

''(B) FACILITIES.—The Secretary shall select 1 or more appropriate sites and facilities to test each technology selected under subparagraph (A).

''(C) LINKAGE TO STORAGE ACTIVITIES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, may require the carbon dioxide captured from each demonstration project carried out under subparagraph (A) to be used in large-scale carbon dioxide sequestration demonstration projects.

SA 1741. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE — COASTAL AND OCEAN DEVELOPMENT GRANTS

SEC. —01. COASTAL AND OCEAN ASSISTANCE FOR STATES FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the Coastal and Ocean Assistance for States Fund.

(b) CREDITS.—Beginning with fiscal year 2008, the Fund shall be credited with 5 percent of the amounts deposited in the Treasury of the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

SEC. —02. COASTAL AND OCEAN ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall—

(1) establish a grant program to provide grants to eligible coastal States in accordance with this title; and

(2) make 85 percent of the amounts available in the Fund for each fiscal year available for grants under the program.

(b) ELIGIBLE COASTAL STATES.—To be eligible for a grant under the program, a coastal State shall—

(1) submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require; and

(2) include in its application a multi-year plan, subject to approval by the Secretary, for the use of funds received under the grant program;

(3) demonstrate to the satisfaction of the Secretary that it has established a trust fund, or other accounting measures, subject

to approval by the Secretary, to ensure the accurate accounting of funds received under the grant program, to administer funds received under the grant program;

(4) specify in its application how it will allocate any funds received under the grant program among—

(A) coastal zone management activities;

(B) coastal and estuarine land protection;

(C) living marine resource activities;

(D) relocation of threatened coastal villages;

(E) natural resources enhancements;

(F) mitigation of impacts from offshore activities;

(G) coastal damage prevention and restoration;

(H) coastal zone management education; and

(I) management costs associated with eligible activities under section —03; and

(4) describe in its application each activity to be financed, in whole or in part, with funds provided by the grant.

(c) ALLOCATION OF GRANT FUNDS.—

(1) IN GENERAL.—The Secretary shall allocate grants under the program among the eligible coastal States according to a formula under which—

(A) 31 percent of the funds are allocated equally among coastal States that have a coastal management program approved under to the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(B) 31 percent of the funds are allocated on the basis of the ratio of tidal shoreline miles in a State to the tidal shoreline miles of all States;

(C) 31 percent of the funds are allocated on the basis of the ratio of coastal population of a State to the coastal population of all States; and

(D) 7 percent of the funds are allocated on the basis of the ratio of—

(i) the square miles of national marine sanctuaries, marine monuments, and national estuarine research reserves within the seaward boundaries of a an eligible coastal State, to

(ii) to the total square miles of all such sanctuaries, monuments, and reserves within the seaward boundaries of all eligible coastal States.

(2) TERRITORIES.—For purposes of paragraph (1), Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be treated collectively as a single State.

(3) REALLOCATION.—If, at the end of any fiscal year, funds available for distribution under the program remain unexpended and unobligated, the Secretary may—

(A) carry such remaining funds forward for not more than 3 fiscal years; and

(B) reallocate any such remaining funds among eligible coastal States in accordance with the formula described in paragraph (1).

(d) LOCAL GOVERNMENT SHARE.—In awarding grants under the program, the Secretary shall ensure that not less than 20 percent of the funds made available to a State in each fiscal year pursuant to this title shall be made available to coastal local governments of such State to carry out eligible activities under section —03.

SEC. —03. ELIGIBLE USE OF FUNDS.

Grant funds under section —02 may only be used for—

(1) coastal management planning and implementation, as provided for under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(2) coastal and estuarine land protection, including the protection of the environmental integrity of important coastal and estuarine areas, including wetlands and forests, that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses;

(3) efforts to protect and manage living marine resources, including fisheries, research, management, and enhancement;

(4) programs and activities in coordination with the National Oceanic and Atmospheric Administration designed to improve or complement the management and mission of national marine sanctuaries, marine monuments, and national estuarine research reserves;

(5) mitigation, restoration, protection, and relocation of threatened native and rural coastal communities;

(6) mitigation of the effects of offshore activities, including environmental restoration;

(7) efforts to protect and restore coastal lands and wetlands, and to restore or prevent damage to wetlands in the coastal zone and coastal estuaries to lands, life, and property;

(8) long-range coastal and ocean research and education, and natural resource management; or

(9) regional multi-State management efforts designed to manage, protect, or restore the coastal zone and ocean resources.

SEC. —04. FISH AND WILDLIFE IMPROVEMENT GRANTS.

Within 6 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Interior, shall—

(1) establish by regulation a grant program to provide grants to States to manage, protect, and improve fish and wildlife habitat; and

(2) make 10 percent of the amounts available in the Fund for each fiscal year available for grants under the program.

(b) ELIGIBLE STATES.—To be eligible to participate in the grant program, a State shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

SEC. —05. ADMINISTRATION.

Except as otherwise expressly provided in this title, not more than 5 percent of the amounts available in the Fund for a fiscal year may be used by the Secretary for administrative expenses and for activities and programs related to the protection of coastal, fishery, and ocean resources.

SEC. —06. AUDITS.

The Secretary shall establish such rules regarding recordkeeping by State and local governments and the auditing of expenditures made by State and local governments from funds made available under this title as may be necessary. Such rules shall be in addition to other requirements established regarding recordkeeping and the auditing of such expenditures under other authority of law.

SEC. —07. DISPOSITION OF FUNDS.

Notwithstanding any other provision of this title, a coastal State or local government may use funds received under this title to make any payment that is eligible to be made with funds provided to States under section 35 of the Mineral Leasing Act (30 U.S.C. 191).

SEC. —08. DEFINITIONS.

In this title:

(1) COASTAL POPULATION.—The term ''coastal population'' means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 et seq) as of the date of enactment of this Act.

(2) COASTAL STATE.—The term ''coastal State'' has the meaning given that term by section 304(4) of the Coastal Zone Management Act (16 U.S.C. 1453(4)).

(3) The term ''Fund'' means the Coastal and Ocean Assistance for States Fund established by section —01(a).

(4) LOCAL GOVERNMENT.—The term ''local government'' means a political subdivision all or part of which is within a coastal zone (as defined in section 304 of the Coastal Zone Management Act (16 U.S.C. 1453(1))) as of the date of enactment of this Act.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(6) STATE.—The term ''State'' means—

(A) each of the several States;

(B) the District of Columbia; and

(C) Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

(7) TIDAL SHORELINE.—The term ''tidal shoreline'' has the same meaning as when used in section 923.110(c)(2)(i) of title 15, Code of Federal Regulations, as that section is in effect as of the date of enactment of this Act.

TITLE —OCEAN POLICY TRUST FUND

SEC. —01. OCEAN POLICY TRUST FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the Ocean Policy Trust Fund.

(b) CREDITS.—Beginning with fiscal year 2008, the Fund shall be credited with an amount equal to 5 percent of the amounts deposited in the Treasury of the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year—

(1) amounts in the aggregate not in excess of 95 percent of the amounts available in the Fund for that fiscal year for grants under this title; and

(2) such sums as may be necessary, not in excess of 5 percent of the amounts available in the Fund for that fiscal year, to the Secretary of Commerce for administrative expenses of managing the grant program established by section —03 of this title.

(d) REVERSION.—Unless otherwise provided in the grant terms, any grant funds that are not obligated nor expended at the end of the 2-year period beginning on the date on which the grant funds become available to the grantee shall be returned to the Fund.

SEC. —02. OCEAN POLICY TRUST FUND COUNCIL.

(a) MEMBERSHIP.—

(1) An Ocean Policy Trust Fund Council is established which shall consist of 12 members as follows:

(A) The Under Secretary of Commerce for Oceans and Atmosphere.

(B) The Assistant Administrator of the National Marine Fisheries Service.

(C) The Assistant Administrator of the National Ocean Service.

(D) An employee of the Department of the Interior with expertise in ocean resource management, to be designated by the Secretary of the Interior.

(E) 4 representatives of the oil and gas industry or the commercial fishing industry, to be appointed by the Secretary of Commerce, of whom—

(i) 1 shall be appointed to represent the East Coast, 1 shall be appointed to represent the Gulf of Mexico, 1 shall be appointed to represent the West Coast, and 1 shall be appointed to represent Alaska; and

(ii) at least 2 of whom shall represent the commercial fishing industry.

(F) 2 representatives of non-profit conservation organizations, appointed by the Secretary of Commerce.

(G) 2 representatives of academia with ocean science credentials, appointed by the Secretary of Commerce.

(b) APPOINTMENT AND TERMS.—

(1) Except as provided in paragraphs (2), (3), and (4), the term of office of a member of the Council appointed under subsection (a)(1)(E), (a)(1)(F), or (a)(1)(G) of this section is 3 years.

(2) Of the Council members first appointed under subsection (a)(1)(E) of this section, 1 shall be appointed for a term of 1 year and 1 shall be appointed for a term of 2 years.

(3) Of the Council members first appointed under subsection (a)(1)(F) of this section, 1 shall be appointed for a term of 2 years.

(4) Of the Council members first appointed under subsection (a)(1)(G) of this section, 1 shall be appointed for a term of 1 year and one shall be appointed for a term of 2 years.

(5) Whenever a vacancy occurs among members of the Council appointed under subparagraph (E), (F), or (G) of subsection (a)(1) of this section, the Secretary shall appoint an individual in accordance with that subparagraph to fill that vacancy for the remainder of the applicable term.

(c) CHAIRMAN.—The Council shall have a Chairman, who shall be elected by the Council from its members. The Chairman shall serve for a 3-year term, except that the first Chairman may be elected for a term of less than 3 years, as determined by the Council.

(d) QUORUM.—8 members of the Council shall constitute a quorum for the transaction of business.

(e) MEETINGS.—The Council shall meet at the call of the Chairman at least once per year. Council meetings shall be open to the public, and the Chairman shall take appropriate steps to provide adequate notice to the public of the time and place of such meetings. If a Council member appointed under subparagraph (E), (F), or (G) of subsection (a)(1) of this section misses 3 consecutively scheduled meetings, the Secretary may remove that individual in accordance with subsection (b)(5) of this section.

(f) COORDINATOR.—The Under Secretary shall appoint an individual, who shall serve at the pleasure of the Administrator—

(1) to be responsible, with assistance from the National Oceanic and Atmospheric Administration, for facilitating consideration of Fund grant applications by the Council and otherwise assisting the Council in carrying out its responsibilities; and

(2) who shall be compensated with the funds appropriated under section —01(c)(2) of this title.

(g) FUNCTIONS.—The Council shall—

(1) receive and review grant applications under section —03; and

(2) make recommendations to the Senate Appropriations Committee and the House of Representatives Appropriations Committee concerning—

(A) which grant requests should be funded;

(B) the amount of each such grant request that should be funded; and

(C) whether the Congress should impose any specific requirements, conditions, or limitations on a grant recommended for funding.

SEC. —03. OCEAN POLICY TRUST FUND GRANT PROGRAM.

(a) IN GENERAL.—There is established a grant program under which grants are to be funded, as provided by appropriations Acts, from amounts in the Fund. The grant program shall be administered by the Secretary, who shall establish applications, review, oversight, and financial accountability procedures and administer any funds appropriated under subsection (b).

(b) AWARD BY APPROPRIATION.—Grants under the program shall be awarded by appropriations Act on the basis of the Council's recommendations.

(c) APPLICATIONS.—A State or local government, nonprofit conservation organization, or other person seeking a grant from the Fund shall submit an application, in accordance with the procedures established by the Secretary under subsection (a), to the Council—

(1) containing such information and assurances as the Secretary may require;

(2) describing how the grant proceeds will be allocated among—

(A) ocean protection activities;

(B) coastal zone management activities;

(C) coastal and estuarine land protection;

(D) living marine resource activities;

(E) natural resource enhancements;

(F) mitigation of impacts from offshore activities;

(H) ocean literacy and education; and

(3) describing with specificity the purpose for which the grant will be used.

(d) ELIGIBLE PURPOSES.—A grant under the program may be used for—

(1) efforts to protect and manage living marine resources and their habitat, including fisheries, fisheries enforcement, research, management, and enhancement;

(2) programs and activities in coordination with the National Oceanic and Atmospheric Administration or the Department of Interior designed to improve or complement the management and mission of national marine sanctuaries, marine monuments and national estuarine research reserves;

(3) coastal management planning and implementation, as provided for under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(4) coastal and estuarine land protection and erosion control, including protection of the environmental integrity of important coastal and estuarine areas; and

(5) mitigation of the effects of offshore activities, including environmental restoration.

SEC. —04. DEFINITIONS.

In this title:

(1) COUNCIL.—The term ''Council'' means the Ocean Policy Trust Fund Council established by section —02.

(2) FUND.—The term ''Fund'' means the Ocean Policy Trust Fund established by section —01.

(3) SECRETARY.—Except where otherwise provided, the term ''Secretary'' means the Secretary of Commerce.

○

SA 1742. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TREATMENT OF LIABILITY FOR CERTAIN MULTIPLE EMPLOYER PLANS.

(a) IN GENERAL.—In the case of an applicable pension plan—

(1) if an eligible employer elects the application of subsection (b), any liability of the employer with respect to the applicable pension plan shall be determined under subsection (b), and

(2) if an eligible employer does not make such election, any liability of the employer with respect to the applicable pension plan shall be determined under subsection (c).

(b) ELECTION TO SPIN OFF LIABILITY.—

(1) IN GENERAL.—If an eligible employer elects, within 180 days after the date of the enactment of this Act, to have this subsection apply, the applicable pension plan shall be treated as having, effective January 1, 2006, spun off such employer's allocable portion of the plan's assets and liabilities to an eligible spunoff plan and the employer's liability with respect to the applicable pension plan shall be determined by reference to the eligible spunoff plan in the manner provided under paragraph (2). The employer's liability, as so determined, shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(2) LIABILITY OF EMPLOYERS ELECTING SPINOFF.—

(A) ONGOING FUNDING LIABILITY.—

(i) IN GENERAL.—In the case of an eligible spunoff plan, the amendments made by section 401, and subtitles A and B of title I, of the Pension Protection Act of 2006 shall not apply to plan years beginning before the first plan year for which the plan ceases to be an eligible spunoff plan (or, if earlier, January 1, 2017), and except as provided in clause (ii), the employer maintaining such plan shall be liable for ongoing contributions to the eligible spunoff plan on the same terms and subject to the same conditions as under the provisions of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 as in effect before such amendments. Such liability shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(ii) INTEREST RATE.—In applying section 302(b)(5)(B) of the Employee Retirement Income Security Act of 1974 and section 412(b)(5)(B) of the Internal Revenue Code of 1986 (as in effect before the amendments made by subtitles A and B of title I of the Pension Protection Act of 2006) and in applying section 4006(a)(3)(E)(iii) of such Act (as in effect before the amendments made by section 401 of such Act) to an eligible spunoff plan for plan years beginning after December 31, 2007, and before the first plan year to which such amendments apply, the third segment rate determined under section 303(h)(2)(C)(iii) of such Act and section 430(h)(2)(C)(iii) of such Code (as added by such amendments) shall be used in lieu of the interest rate otherwise used.

(B) TERMINATION LIABILITY.—If an eligible spunoff plan terminates under title IV of the Employee Retirement Income Security Act of 1974 on or before December 31, 2010, the liability of the employer maintaining such plan resulting from such termination under section 4062 of the Employee Retirement Income Security Act of 1974 shall be determined in accordance with the assumptions and methods described in subsection (c)(2)(A). The employer's liability, as so determined, shall be in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan.

(c) LIABILITY OF EMPLOYERS NOT ELECTING SPINOFF.—

(1) IN GENERAL.—If an applicable pension plan is terminated under the Employee Retirement Income Security Act of 1974, an eligible employer which does not make the election described in subsection (b) shall be liable to the corporation with respect to the applicable pension plan (in lieu of any other liability to the Pension Benefit Guaranty Corporation or to the applicable pension plan with respect to the applicable pension plan)

in an amount equal to the fractional portion of the adjusted unfunded benefit liabilities of such plan as of December 31, 2005, determined without regard to any adjusted unfunded benefit liabilities to be transferred to an eligible spunoff plan pursuant to subsection (b).

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

(A) ADJUSTED UNFUNDED BENEFIT LIABILITIES.—The term ''adjusted unfunded benefit liabilities'' means the amount of unfunded benefit liabilities (as defined in section 4001(a)(18) of the Employee Retirement Income Security Act of 1974), except that the interest assumption shall be the rate of interest under section 302(b) of the Employee Retirement Income Security Act of 1974 and section 412(b) of the Internal Revenue Code of 1986, as in effect before the amendments made by the Pension Protection Act of 2006, for the most recent plan year for which such rate exists.

(B) FRACTIONAL PORTION.—The term ''fractional portion'' means a fraction, the numerator of which is the amount required to be contributed to the applicable pension plan for the 5 plan years ending before December 31, 2005, by such employer, and the denominator of which is the amount required to be contributed to such plan for such plan years by all employers which do not make the election described in subsection (b).

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

(1) APPLICABLE PENSION PLAN.—The term ''applicable pension plan'' means a single employer plan which—

(A) was established in the State of Alaska on March 18, 1967, and

(B) as of January 1, 2005, had 2 or more contributing sponsors at least 2 of which were not under common control.

(2) ALLOCABLE PORTION.—The term ''allocable portion'' means, with respect to any eligible employer making an election under subsection (b), the portion of an applicable pension plan's liabilities and assets which bears the same ratio to all such liabilities and assets as such employer's share (determined under subsection (c) as if no eligible employer made an election under subsection (b)) of the excess (if any) of—

(A) the liabilities of the plan, valued in accordance with subsection (c), over

(B) the assets of the plan,

bears to the total amount of such excess.

(3) ELIGIBLE EMPLOYER.—An ''eligible employer'' is an employer which participated in an eligible multiple employer plan on or after January 1, 2000.

SA 1743. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TAX-EXEMPT TREATMENT OF CERTAIN BONDS ISSUED BY CERTAIN JOINT ACTION AGENCIES.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, with respect to the issuance of any bond after the date of the enactment of this Act by any joint action agency described in subsection (b), if such bond satisfies the requirements of subsection (c) then—

(1) such bond shall be treated as issued by a political subdivision for purposes of section 103 of such Code, and

(2) the sale or transmission of power by such agency to its members shall not result in such bond being treated as a private activity bond under section 141 of such Code.

(b) AGENCY DESCRIBED.—An agency is described in this subsection if such agency is established under State law on December 1, 2000, or July 26, 2005, for the purpose of participating in the ownership, design, construction, operation, and maintenance of 1 or more generating or transmission facilities and has the powers and immunities of a public utility, and such agency's membership includes at least 1 municipal utility.

(c) BOND REQUIREMENTS.—A bond issued as part of an issue satisfies the requirements of this subsection if the aggregate face amount of the bonds issued pursuant to such issue, when added to the aggregate face amount of bonds previously issued pursuant to this section by all agencies described in subsection (b), does not exceed $1,000,000,000. An agency established under State law in 2005 shall not expend any portion of the final 25 percent of that portion available to such agency of the initial authorization of $1,000,000,000 without the approval of at least 80 percent of the agency's board of directors.

SA 1744. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. 611. INVESTIGATION OF GASOLINE PRICES.

(a) IN GENERAL.—Notwithstanding any other provision of law, if, based on weekly data published by the Energy Information Administration of the Department of Energy, the average weekly price of gasoline in a State or urban area increases 20 percent or more at least 3 times in any 3-month period, the Federal Trade Commission shall examine the causes and initiate an investigation, if necessary, into the retail price of gasoline in that State to determine if the price of gasoline is being artificially manipulated by reducing refinery capacity or by any other form of manipulation.

(b) REPORT.—Not later than 30 days after the completion of the investigation described in subsection (a), the Federal Trade Commission shall report to Congress the results of the investigation.

(c) PUBLIC MEETING.—Not later than 14 days after issuing the report described in subsection (b), the Federal Trade Commission shall hold a public hearing in the State in which the retail price of gasoline was investigated as described in subsection (a) for the purpose of presenting the results of the investigation.

(d) ACTION ON PRICE INCREASE.—If the Federal Trade Commission determines that the increase in gasoline prices in a State is a result of market manipulation, the Federal Trade Commission shall, in cooperation with the Attorney General of that State, take appropriate action.

SA 1745. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, after line 21, add the following:

SEC. 151. COMMISSION ON RENEWABLE ENERGY.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Commission on Renewable Energy'' (referred to in this section as the ''Commission'')—

(1) to advise Congress on—

(A) issues relating to renewable energy research and development; and

(B) policies relating to the expansion of the use of renewable energy in the energy markets of the United States; and

(2) to facilitate collaboration among Federal agencies relating to the execution of national renewable energy objectives.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of—

(A) the Secretary (or a designee);

(B) the Secretary of Agriculture (or a designee);

(C) the Secretary of Commerce (or a designee);

(D) the Administrator of the National Oceanic and Atmospheric Administration (or a designee);

(E) the Director of the National Science Foundation (or a designee);

(F) the Director of the Office of Science and Technology Policy (or a designee);

(G) the Director of the Office of Management and Budget (or a designee); and

(H) 7 representatives selected in accordance with paragraph (3), to be comprised of representatives of—

(i) national laboratories;

(ii) State laboratories;

(iii) industry;

(iv) trade groups; and

(v) State agencies.

(2) ELIGIBILITY OF DESIGNEES.—To serve as a member of the Commission, an individual designated to serve under subparagraphs (A) through (G) of paragraph (1) shall be of a position not lower than Assistant Secretary (or an equivalent position).

(3) REPRESENTATIVES.—

(A) SELECTION.—Not later than 60 days after the date of enactment of this Act, the Secretary, in accordance with subparagraph (B), and in consultation with each individual described in subparagraphs (A) through (G) of paragraph (1), shall select representatives from each group described in subparagraph (H) to serve as members of the Commission.

(B) QUALIFICATIONS.—A representative selected under subparagraph (A) shall be an individual who, by reason of professional background and experience, is specially qualified to serve as a member of the Commission.

(C) TERM.—A representative selected under subparagraph (A) shall serve for a term of 4 years.

(D) TREATMENT.—A representative selected under subparagraph (A) shall—

(i) serve without compensation; and

(ii) be considered an employee of the Federal Government in the performance of those services for the purposes of—

(I) chapter 81 of title 5, United States Code; and

(II) chapter 171 of title 28, United States Code.

(c) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chairperson, but not less often than quarterly.

(2) FORM OF MEETINGS.—The Commission may meet in person or through electronic means.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) CHAIRPERSON.—

(1) SELECTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Commission shall select a Chairperson—

(i) from among the members of the Commission; and

(ii) through a unanimous vote of approval.

(B) INITIAL SELECTION.—The Secretary shall select the initial Chairperson.

(2) TERM.—The Chairperson shall serve for a term of 6 years.

(g) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) promote research and development of renewable energy, including—

(i) wind energy;

(ii) wave energy;

(iii) solar energy;

(iv) geothermal energy; and

(v) the production of biofuels (with particular emphasis on the production of biofuels based on cellulosic fuels);

(B) identify and recommend public and private research institutions to carry out that research and development; and

(C) in consultation with renewable energy experts regarding renewable energy policies, develop policy recommendations for Federal agencies.

(2) STUDIES.—Not later than 90 days after the date on which the Commission holds the initial meeting of the Commission, and every 4 years thereafter, the Chairperson of the Commission, acting through the Secretary, shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess, for the period covered by the study, issues relating to—

(A) any advancement made relating to renewable energy; and

(B) the adoption of each advancement described in subparagraph (A) into the energy markets of the United States.

(3) ANNUAL REPORT.—Not later than 1 year after the date on which the Commission holds the initial meeting of the Commission, and annually thereafter, the Commission shall submit to Congress a report that contains—

(A) a detailed statement describing each activity carried out by the Commission; and

(B) the recommendations of the Commission relating to the funding of research for the development of renewable energy by—

(i) the Federal Government;

(ii) the industrial sector of the United States; and

(iii) any other country.

(h) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(C) CONFIDENTIALITY.—Any information provided by a Federal agency to the Commission under this paragraph shall be confidential commercial or financial information for the purposes of section 552(b)(4) of title 5, United States Code, if the Federal agency obtained the information from an entity other than a Federal agency.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(4) GIFTS.—

(A) IN GENERAL.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(B) ANNUAL REPORT.—Not later than 1 year after the date on which the Commission holds the initial meeting of the Commission, and annually thereafter, the Commission shall submit to Congress a report that describes each gift received by each member of the Commission during the period covered by the report.

(i) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(j) BUDGET SUBMISSION.—The Secretary shall include the budget of the Commission in the annual budget submission of the Secretary to Congress.

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

(l) TERMINATION OF COMMISSION.—The Commission shall terminate on October 1, 2016.

SA 1746. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 2 and 3, insert the following:

SEC. 269. SMALL BUSINESS ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) ENERGY DISASTER LOAN PROGRAM.—

(1) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (3) the following:

''(4) ENERGY EMERGENCIES.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

''(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, or propane during the subsequent calendar month, commonly known as the 'front month';

''(iii) the term 'heating fuel' means heating oil, natural gas, propane, or kerosene; and

''(iv) the term 'significant increase' means—

''(I) with respect to the price of heating oil, natural gas, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

''(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

''(B) AUTHORIZATION.—The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of a significant increase in the price of heating fuel occurring on or after October 1, 2004.

''(C) INTEREST RATE.—Any loan or guarantee extended under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

''(D) MAXIMUM AMOUNT.—No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administrator, in which case the Administrator, in the discretion of the Administrator, may waive the $1,500,000 limitation.

''(E) DECLARATIONS.—For purposes of assistance under this paragraph—

''(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

''(ii) if no declaration has been made under clause (i), the Governor of a State in which a significant increase in the price of heating fuel has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

''(F) USE OF FUNDS.—Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating fuel to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.''.

(2) CONFORMING AMENDMENTS RELATING TO HEATING FUEL.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting '', significant increase in the price of heating fuel'' after ''civil disorders''; and

(B) by inserting ''other'' before ''economic''.

(3) EFFECTIVE PERIOD.—The amendments made by this subsection shall apply during the 4-year period beginning on the date on which guidelines are published by the Administrator under subsection (b).

(b) GUIDELINES AND RULEMAKING.—

(1) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator shall issue such guidelines as the Administrator determines to be necessary to carry out this section and the amendments made by this section.

(2) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator, after consultation with the

Secretary, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(4)(A)(iv)(II) of the Small Business Act, as added by this Act.

(c) REPORTS.—Not later than 12 months after the date on which the Administrator issues guidelines under subsection (b), and annually thereafter until the date that is 12 months after the end of the effective period of section 7(b)(4) of the Small Business Act, as added by this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(4) of the Small Business Act, as added by this Act, including—

(1) the number of small business concerns that applied for a loan under such section and the number of those that received such loans;

(2) the dollar value of those loans;

(3) the States in which the small business concerns that received such loans are located;

(4) the type of heating fuel or energy that caused the significant increase in the cost for the participating small business concerns; and

(5) recommendations for ways to improve the assistance provided under such section 7(b)(4), if any.

(d) DEFINITIONS.—In this section—

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

(2) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

SA 1747. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, after line 21, add the following:

SEC. 151. STUDY OF FEASIBILITY RELATING TO CONSTRUCTION OF PIPELINES AND CARBON DIOXIDE SEQUESTRATION FACILITIES.

(1) IN GENERAL.—The Secretary, in coordination with the Federal Energy Regulatory Commission, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior, shall conduct a study to assess the feasibility of the construction of—

(A) pipelines to be used for the transportation of carbon dioxide; and

(B) carbon dioxide sequestration facilities.

(2) SCOPE.—In conducting the study under paragraph (1), the Secretary shall consider—

(A) any barrier or potential barrier in existence as of the date of enactment of this Act, including any technical, siting, financing, or regulatory barrier, relating to—

(i) the construction of pipelines to be used for the transportation of carbon dioxide; or

(ii) the underground sequestration of carbon dioxide;

(B) any market risk (including throughput risk) relating to—

(i) the construction of pipelines to be used for the transportation of carbon dioxide; or

(ii) the underground sequestration of carbon dioxide;

(C) any regulatory, financing, or siting option that, as determined by the Secretary, would—

(i) mitigate any market risk described in subparagraph (B); or

(ii) help ensure the construction of pipelines dedicated to the transportation of carbon dioxide;

(D) the means by which to ensure the safe transportation of carbon dioxide;

(E) any preventive measure to ensure the integrity of pipelines to be used for the transportation of carbon dioxide; and

(F) any other appropriate issue, as determined by the Secretary.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,0000 for each of fiscal years 2008 and 2009.

SA 1748. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ADDITIONAL INCENTIVES FOR PRODUCTION OF WIND ENERGY.

(a) INCOME FROM WIND ENERGY TREATED AS QUALIFYING INCOME.—Paragraph (1) of section 7704(d) (relating to qualifying income) is amended by striking ''and'' at the end of subparagraph (F), by striking the period at the end fo subparagraph (G) and inserting '', and'', and by inserting after subparagraph (G) the following new subparagraph:

''(H) income and gains derived from the production of electricity from wind.''.

(b) EXCLUSION FROM LIMITATION ON PASSIVE ACTIVITY CREDITS.—Clause (i) of section 469(d)(2)(A) (relating to separate application of passive activity losses and credits in case of publicly traded partnerships) is amended by inserting ''(other than the portion of the credit under section 45(a) which is attributable to energy produced at a qualified facility described in section 45(d)(1))'' after ''subchapter A''.

(c) QUALIFIED NONRECOURSE FINANCING OF WIND ENERGY PROPERTY TREATED AS AT RISK.—

(1) IN GENERAL.—Subparagraphs (A) and (B) of section 465(b)(6) (relating to qualified nonrecourse financing treated as amount at risk) is amended by inserting ''or renewable energy property'' after ''real property'' each place it appears.

(2) RENEWABLE ENERGY PROPERTY.—Section 465(b) is amended by adding at the end the following new subparagraph:

''(C) RENEWABLE ENERGY PROPERTY.—For purposes of this paragraph, the term 'renewable energy property' means property held for the purpose of producing energy from wind.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 1749. Mr. BOND submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 15 and 16, insert the following:

SEC. 234. STANDARDS FOR SMALL-DUCT HIGH-VELOCITY AIR CONDITIONING AND HEAT PUMP SYSTEMS.

Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended—

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

''(C) Small-Duct High-Velocity (SDHV) Systems: 11.00 for products manufactured on or after January 23, 2006.''; and

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

''(C) Small-Duct High-Velocity (SDHV) Systems: 6.80 for products manufactured on or after January 23, 2006.''.

SA 1750. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. FULL EXPENSING FOR QUALIFIED REFINERY PROPERTY.

(a) IN GENERAL.—Subsection (a) of section 179C (relating to election to expense certain refineries) is amended by striking ''50 percent of''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property placed in service after the date of the enactment of this Act.

SEC. ____. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

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

(B) by striking ''If'' and inserting:

''(1) TREBLE DAMAGES.—If'', and

(C) by adding at the end the following new paragraph:

''(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).''.

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting ''OR PUNITIVE DAMAGES'' after ''LAWS''.

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

''SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

''Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.''.

(2) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

''(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.''.

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 91. Punitive damages compensated by insurance or otherwise.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. _____. MODIFICATIONS TO WHISTLEBLOWER REFORMS.

(a) MODIFICATION OF TAX THRESHOLD FOR AWARDS.—Subparagraph (B) of section 7623(b)(5), as added by the Tax Relief and Health Care Act of 2006, is amended by striking ''$2,000,000'' and inserting ''$20,000''.

(b) WHISTLEBLOWER OFFICE.—

(1) IN GENERAL.—Section 7623 is amended by adding at the end the following new subsections:

''(c) WHISTLEBLOWER OFFICE.—

''(1) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the 'Whistleblower Office' which—

''(A) shall at all times operate at the direction of the Commissioner and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner,

''(B) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,

''(C) shall monitor any action taken with respect to such matter,

''(D) shall inform such individual that it has accepted the individual's information for further review,

''(E) may require such individual and any legal representative of such individual to not disclose any information so provided,

''(F) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual, and

''(G) shall determine the amount to be awarded to such individual under subsection (b).

''(2) FUNDING FOR OFFICE.—There is authorized to be appropriated $10,000,000 for each fiscal year for the Whistleblower Office. These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.

''(3) REQUEST FOR ASSISTANCE.—

''(A) IN GENERAL.—Any assistance requested under paragraph (1)(F) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

''(B) FUNDING OF ASSISTANCE.—From the amounts available for expenditure under subsection (b), the Whistleblower Office may, with the agreement of the individual described in subsection (b), reimburse the costs incurred by any legal representative of such individual in providing assistance described in subparagraph (A).

''(d) REPORTS.—The Secretary shall each year conduct a study and report to Congress on the use of this section, including—

''(1) an analysis of the use of this section during the preceding year and the results of such use, and

''(2) any legislative or administrative recommendations regarding the provisions of this section and its application.''.

(2) CONFORMING AMENDMENT.—Section 406 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking subsections (b) and (c).

(3) REPORT ON IMPLEMENTATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on the establishment and operation of the Whistleblower Office under section 7623(c) of the Internal Revenue Code of 1986.

(c) PUBLICITY OF AWARD APPEALS.—Paragraph (4) of section 7623(b), as added by the Tax Relief and Health Care Act of 2006, is amended to read as follows:

''(4) APPEAL OF AWARD DETERMINATION.—

''(A) IN GENERAL.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).

''(B) PUBLICITY OF APPEALS.—Notwithstanding sections 7458 and 7461, the Tax Court may, in order to preserve the anonymity, privacy, or confidentiality of any person under this subsection, provide by rules adopted under section 7453 that portions of filings, hearings, testimony, evidence, and reports in connection with proceedings under this subsection may be closed to the public or to inspection by the public.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.

(2) PUBLICITY OF AWARD APPEALS.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 406 of the Tax Relief and Health Care Act of 2006.

SEC. ___. MODIFICATIONS OF DEFINITION OF EMPLOYEES COVERED BY DENIAL OF DEDUCTION FOR EXCESSIVE EMPLOYEE REMUNERATION.

(a) IN GENERAL.—Paragraph (3) of section 162(m) is amended to read as follows:

''(3) COVERED EMPLOYEE.—For purposes of this subsection, the term 'covered employee' means, with respect to any taxpayer for any taxable year, an individual who—

''(A) was the chief executive officer of the taxpayer, or an individual acting in such a capacity, at any time during the taxable year,

''(B) is 1 of the 4 highest compensated officers of the taxpayer for the taxable year (other than the individual described in subparagraph (A)), or

''(C) was a covered employee of the taxpayer (or any predecessor) for any preceding taxable year beginning after December 31, 2006.

''In the case of an individual who was a covered employee for any taxable year beginning after December 31, 2006, the term 'covered employee' shall include a beneficiary of such employee with respect to any remuneration for services performed by such employee as a covered employee (whether or not such services are performed during the taxable year in which the remuneration is paid).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SA 1751. Mr. CRAPO (for himself, Mr. CRAIG, and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TAX-EXEMPT FINANCING OF CERTAIN ELECTRIC TRANSMISSION FACILITIES NOT SUBJECT TO PRIVATE BUSINESS USE TEST.

(a) IN GENERAL.—Section 141(b)(6) of the Internal Revenue Code of 1986 (defining private business use) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR CERTAIN ELECTRIC TRANSMISSION FACILITIES.—For purposes of the 1st sentence of subparagraph (A), the operation or use of an electric transmission facility by any person which is not a governmental unit shall not be considered a private business use if—

''(i) the facility is placed in service on or after the date of the enactment of this subparagraph and is owned by—

''(I) a State or political subdivision of a State, or any agency, authority, or instrumentality of any of the foregoing providing electric service, directly or indirectly to the public, or

''(II) a State or political subdivision of a State expressly authorized under applicable State law effective on or after January 1, 2004, to finance and own electric transmission facilities, and

''(ii) bonds for such facility are issued before the date which is 5 years after the date of the enactment of this subparagraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SA 1752. Mr. GRASSLEY (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in

clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, after line 12, insert the following:

(d) PRIORITY FOR UNIVERSITY PARTNERSHIPS.—Subsection (d) of section 48B (relating to qualifying gasification project program) is amended by adding at the end the following new paragraph:

''(4) UNIVERSITY PARTNERSHIPS.—In determining which qualifying gasification projects to certify under this subsection, the Secretary may give priority to otherwise qualifying projects that also include collaborative research and education partnerships with universities in which—

''(A) the university has demonstrated active involvement in successful use of biomass fuels,

''(B) the project will provide electricity, synthetic gas, steam, heating, or cooling to the university from a facility with a nameplate generation capacity of at least 20 megawatts or equivalent,

''(C) the project will provide the opportunity for applied university research, demonstration, technical education, and certification in gasification technology and applications of the use of biomass fuel, and

''(D) the research associated with the project involves the goal of reducing greenhouse gas emissions.''.

SA 1753. Mr. DEMINT (for himself, Mr. CRAIG, Mr. GRAHAM, Mr. INHOFE, Mr. BURR, Ms. MURKOWSKI, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1419, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers from price gouging, to increase the energy efficiency of products, buildings and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes; which was ordered to lie on the table, as follows:

At the end, add the following:

TITLE VIII—NUCLEAR WASTE ACCESS TO YUCCA

SEC. 801. SHORT TITLE.

This title may be cited as the ''Nuclear Waste Access to Yucca Act''.

SEC. 802. DEFINITIONS.

In this title:

(1) DISPOSAL.—The term ''disposal'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(2) HIGH-LEVEL RADIOACTIVE WASTE.—The term ''high-level radioactive waste'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(3) PROJECT.—The term ''Project'' means the Yucca Mountain Project.

(4) REPOSITORY.—The term ''repository'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(6) SPENT NUCLEAR FUEL.—The term ''spent nuclear fuel'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(7) YUCCA MOUNTAIN SITE.—The term ''Yucca Mountain site'' has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

SEC. 803. WITHDRAWAL OF LAND.

(a) LAND WITHDRAWAL; JURISDICTION; RESERVATION; ACQUISITION.—

(1) LAND WITHDRAWAL.—Subject to valid existing rights, and except as otherwise provided in this title, the land described in subsection (b) is withdrawn permanently from any form of entry, appropriation, or disposal under the public land laws, including, without limitation—

(A) the mineral leasing laws;

(B) the geothermal leasing laws;

(C) materials sales laws; and

(D) the mining laws.

(2) JURISDICTION.—As of the date of enactment of this Act, any land described in subsection (b) that is under the jurisdiction of the Secretary of the Air Force or the Secretary of the Interior shall be—

(A) transferred to the Secretary; and

(B) under the jurisdiction of the Secretary.

(3) RESERVATION.—The land described in subsection (b) is reserved for use by the Secretary for activities associated with the disposal of high-level radioactive waste and spent nuclear fuel under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.), including—

(A) development;

(B) preconstruction testing and performance confirmation;

(C) licensing;

(D) construction;

(E) management and operation;

(F) monitoring;

(G) closure and post-closure; and

(H) other such activities associated with the disposal of high-level radioactive waste and spent nuclear fuel under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.).

(b) LAND DESCRIPTION.—

(1) BOUNDARIES.—The land referred to in subsection (a) is the approximately 147,000 acres of land located in Nye County, Nevada, as generally depicted on the map relating to the Project, numbered YMP–03–024.2, entitled ''Proposed Land Withdrawal'', and dated July 21, 2005.

(2) LEGAL DESCRIPTION AND MAP.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall—

(i) publish in the Federal Register a notice containing a legal description of the land described in this subsection; and

(ii) provide to Congress, the Governor of the State of Nevada, and the Archivist of the United States—

(I) a copy of the map referred to in paragraph (1); and

(II) the legal description of the land.

(B) TREATMENT.—

(i) IN GENERAL.—The map and legal description referred to in subparagraph (A) shall have the same force and effect as if the map and legal description were included in this title.

(ii) TECHNICAL CORRECTIONS.—The Secretary of the Interior may correct any clerical or typographical error in the map and legal description referred to in subparagraph (A).

(c) REVOCATIONS.—

(1) PUBLIC LAND ORDER.—Public Land Order 6802, dated September 25, 1990 (as extended by Public Land Order 7534), and any condition or memorandum of understanding accompanying the land order (as so extended), is revoked.

(2) RIGHT OF WAY.—The rights-of-way reservations relating to the Project, numbered N–48602 and N–47748 and dated January 5, 2001, are revoked.

(d) MANAGEMENT OF WITHDRAWN LAND.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Air Force and the Secretary of the Interior, as appropriate, shall manage the land withdrawn under subsection (a)(1) in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this title; and

(C) other applicable laws.

(2) MANAGEMENT PLAN.—

(A) DEVELOPMENT.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Air Force and the Secretary of the Interior, as appropriate, shall develop and submit to Congress and the State of Nevada a management plan for the use of the land withdrawn under subsection (a)(1).

(B) PRIORITY.—Subject to subparagraphs (C), (D), and (E), use of the land withdrawn under subsection (a)(1) for an activity not relating to the Project shall be subject to such conditions and restrictions as the Secretary considers to be appropriate to facilitate activities relating to the Project.

(C) AIR FORCE USE.—The management plan may provide for the continued use by the Department of the Air Force of the portion of the land withdrawn under subsection (a)(1) located within the Nellis Air Force base test and training range under such terms and conditions as may be agreed to by the Secretary and the Secretary of the Air Force.

(D) NEVADA TEST SITE USE.—The management plan may provide for the continued use by the National Nuclear Security Administration of the portion of the land withdrawn under subsection (a)(1) located within the Nevada test site of the Administration under such conditions as the Secretary considers to be necessary to minimize any effect on activities relating to the Project or other activities of the Administration.

(E) OTHER USES.—

(i) IN GENERAL.—The management plan shall include provisions—

(I) relating to the maintenance of wildlife habitat on the land withdrawn under subsection (a)(1); and

(II) under which the Secretary may permit any use not relating to the Project, as the Secretary considers to be appropriate, in accordance with the requirements under clause (ii).

(ii) REQUIREMENTS.—

(I) GRAZING.—The Secretary may permit any grazing use to continue on the land withdrawn under subsection (a)(1) if the grazing use was established before the date of enactment of this Act, subject to such regulations, policies, and practices as the Secretary, in consultation with the Secretary of the Interior, determines to be appropriate, and in accordance with applicable grazing laws and policies, including—

(aa) the Act of June 28, 1934 (commonly known as the ''Taylor Grazing Act'') (43 U.S.C. 315 et seq.);

(bb) title IV of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1751 et seq.); and

(cc) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.).

(II) HUNTING AND TRAPPING.—The Secretary may permit any hunting or trapping use to continue on the land withdrawn under subsection (a)(1) if the hunting or trapping use was established before the date of enactment of this Act, at such time and in such zones as

the Secretary, in consultation with the Secretary of the Interior and the State of Nevada, may establish, taking into consideration public safety, national security, administration, and public use and enjoyment of the land.

(F) PUBLIC ACCESS.—

(i) IN GENERAL.—The management plan may provide for limited public access to the portion of the land withdrawn under subsection (a)(1) that was under the control of the Bureau of Land Management on the day before the date of enactment of this Act.

(ii) SPECIFIC USES.—The management plan may permit public uses of the land relating to the Nye County Early Warning Drilling Program, utility corridors, and other uses the Secretary, in consultation with the Secretary of the Interior, considers to be consistent with the purposes of the withdrawal under subsection (a)(1).

(3) MINING.—

(A) IN GENERAL.—Surface and subsurface mining and oil and gas production, including slant drilling from outside the boundaries of the land withdrawn under subsection (a)(1), shall be prohibited at any time on or under the land.

(B) EVALUATION OF CLAIMS.—The Secretary of the Interior shall evaluate and adjudicate the validity of any mining claim relating to any portion of the land withdrawn under subsection (a)(1) that was under the control of the Bureau of Land Management on the day before the date of enactment of this Act.

(C) COMPENSATION.—The Secretary shall provide just compensation for the acquisition of any valid property right relating to mining pursuant to the withdrawal under subsection (a)(1).

(4) CLOSURES.—If the Secretary, in consultation with the Secretary of the Air Force and the Secretary of the Interior, as appropriate, determines that the health and safety of the public or the national defense and security require the closure of a road, trail, or other portion of the land withdrawn under subsection (a)(1) (including the airspace above the land), the Secretary—

(A) may close the road, trail, or portion of land (including airspace); and

(B) shall provide to the public a notice of the closure.

(5) IMPLEMENTATION.—The Secretary and the Secretary of the Air Force or the Secretary of the Interior, as appropriate, shall implement the management plan developed under paragraph (2) under such terms and conditions as may be agreed to by the Secretaries.

SEC. 804. RECEIPT AND STORAGE FACILITIES.

Section 114(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(b)) is amended—

(1) by striking ''If the President'' and inserting the following:

''(1) IN GENERAL.—If the President''; and

(2) by adding at the end the following:

''(2) APPLICATION FOR RECEIPT AND STORAGE FACILITIES.—

''(A) IN GENERAL.—In conjunction with the submission of an application for a construction authorization under this subsection, the Secretary shall apply to the Commission for a license in accordance with part 72 of title 10, Code of Federal Regulations (or a successor regulation), to construct and operate facilities to receive and store spent nuclear fuel and high-level radioactive waste at the Yucca Mountain site.

''(B) DEADLINE FOR FINAL DECISION BY COMMISSION.—The Commission shall issue a final decision approving or disapproving the issuance of the license not later than 18 months after the date of submission of the application to the Commission.''.

SEC. 805. REPEAL OF CAPACITY LIMITATION.

Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking the second and third sentences.

SEC. 806. INFRASTRUCTURE ACTIVITIES.

Section 114 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134) is amended by adding at the end the following:

''(g) INFRASTRUCTURE ACTIVITIES.—

''(1) CONSTRUCTION OF CONNECTED FACILITIES.—At any time after the completion by the Secretary of a final environmental impact statement that evaluates the activities to be performed under this subsection, the Secretary may commence the following activities in connection with any activity or facility licensed or to be licensed by the Commission at the Yucca Mountain site:

''(A) Preparation of the site for construction of the facility (including such activities as clearing, grading, and construction of temporary access roads and borrow areas).

''(B) Installation of temporary construction support facilities (including such items as warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and construction support buildings).

''(C) Excavation for facility structures.

''(D) Construction of service facilities (including such facilities as roadways, paving, railroad spurs, fencing, exterior utility and lighting systems, transmission lines, and sanitary sewerage treatment facilities).

''(E) Construction of structures, systems, and components that do not prevent or mitigate the consequences of possible accidents that could cause undue risk to the health and safety of the public.

''(F) Installation of structural foundations (including any necessary subsurface preparation) for structures, systems, and components that prevent or mitigate the consequences of possible accidents that could cause undue risk to the health and safety of the public.

''(2) AUTHORIZATION TO RECEIVE AND STORE.—

''(A) DEFINITIONS.—In this paragraph:

''(i) DEFENSE WASTE.—The term 'defense waste' means high-level radioactive waste, and spent nuclear fuel, that results from an atomic energy defense activity.

''(ii) LEGACY SPENT NUCLEAR FUEL.—The term 'legacy spent nuclear fuel' means spent nuclear fuel—

''(I) that is subject to a contract entered into pursuant to section 302; and

''(II) for which the Secretary determines that there is not at the time of the determination, and will not be within a reasonable time after the determination, sufficient domestic capacity available to recycle the spent nuclear fuel.

''(B) AUTHORIZATION FOR DEFENSE WASTE.—At any time after the issuance of a license for receipt and storage facilities under subsection (b)(2), the Secretary may transport defense waste to receipt and storage facilities at the Yucca Mountain site.

''(C) AUTHORIZATION FOR LEGACY SPENT NUCLEAR FUEL.—At any time after the issuance of a construction authorization under subsection (d) and the issuance of a license for receipt and storage facilities under subsection (b)(2), the Secretary may receive and store legacy spent nuclear fuel and high-level radioactive waste at the Yucca Mountain site.''.

SEC. 807. RAIL LINE.

(a) CONSTRUCTION OF RAIL LINE.—The Secretary shall acquire rights-of-way within the corridor designated in subsection (b) in accordance with this section, and shall construct and operate, or cause to be constructed and operated, a railroad and such facilities as are required to transport spent nuclear fuel and high-level radioactive waste from existing rail systems to the site of surface facilities within the geologic repository operations area for the receipt, handling, packaging, and storage of spent nuclear fuel and high-level radioactive waste prior to emplacement.

(b) ACQUISITION AND WITHDRAWAL OF LAND.—

(1) ROUTE DESIGNATION AND ACQUISITION.—

(A) RIGHTS-OF-WAY AND FACILITIES.—The Secretary shall acquire such rights-of-way and develop such facilities within the corridor referred to as ''X'' on the map dated [_____] and on file with the Secretary as are necessary to carry out subsection (a).

(B) RECOMMENDATIONS.—The Secretary shall consider specific alignment proposals for the route for the corridor made by the State of Nevada and the units of local government within whose jurisdiction the route is proposed to pass.

(C) NOTICE AND DESCRIPTION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(i) publish in the Federal Register a notice containing a legal description of the corridor; and

(ii) file copies of the map referred to in paragraph (1) and the legal description of the corridor with—

(I) Congress;

(II) the Secretary of the Interior;

(III) the Governor of the State of Nevada;

(IV) the Board of County Commissioners of Lincoln County, Nevada;

(V) the Board of County Commissioners of Nye County, Nevada; and

(VI) the Archivist of the United States.

(D) ADMINISTRATION.—

(i) EFFECT.—The map and legal description referred to in subparagraph (C) shall have the same force and effect as if the map and legal description were included in this title.

(ii) CORRECTIONS.—The Secretary may correct clerical and typographical errors in the map and legal description and make minor adjustments in the boundaries of the corridor.

(2) WITHDRAWAL AND RESERVATION.—

(A) PUBLIC LAND.—Subject to valid existing rights, the public land depicted on the map referred to in paragraph (1)(C) is withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including the mineral leasing laws, the geothermal laws, the material sale laws, and the mining laws.

(B) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land is transferred from the Secretary of the Interior to the Secretary.

(C) RESERVATION.—The land is reserved for the use of the Secretary for the construction and operation of transportation facilities and associated activities under title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10121 et seq.)

(D) MEMORANDUM OF UNDERSTANDING.—The Secretary may also enter into a memorandum of understanding with the head of any other agency having administrative jurisdiction over other Federal land used for purposes of the corridor referred to in paragraph (1)(A).

(c) ENVIRONMENTAL IMPACT.—

(1) IN GENERAL.—The Secretary shall comply with all applicable requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to activities carried out under this section.

(2) CONSIDERATION OF POTENTIAL IMPACTS.—To the extent a Federal agency is required to consider the potential environmental impact of an activity carried out under this section, the Federal agency shall adopt, to the maximum extent practicable, an environmental

impact statement prepared under this section.

(3) EFFECT OF ADOPTION OF STATEMENT.—The adoption by a Federal agency of an environmental impact statement under paragraph (2) shall be considered to satisfy the responsibilities of the Federal agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and no further consideration under that Act shall be required by the Federal agency.

SEC. 808. NEW PLANT CONTRACTS.

Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) is amended by striking paragraph (5) and inserting the following:

''(5) REQUIRED PROVISIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any contract entered into under this section shall provide that—

''(i) following issuance of a license to construct and operate facilities to receive and store spent nuclear fuel at the Yucca Mountain site, the Secretary shall take title to the high-level radioactive waste or spent nuclear fuel involved as expeditiously as practicable upon the request of the generator or owner of such waste or spent fuel; and

''(ii) in return for the payment of fees established by this section, the Secretary, beginning not later than January 31, 1998, shall dispose of the high-level radioactive waste or spent nuclear fuel involved as provided in this subtitle.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), with respect to a nuclear power facility for which a license application is filed with the Commission after January 1, 2008, under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134), a contract entered into under this section shall—

''(i) except as provided in clause (ii) and any terms and conditions relating to spent nuclear fuel generated before the date of enactment of the Nuclear Fuel Management and Disposal Act, be consistent with the terms and conditions of the contract entitled 'Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste' that is included in section 961.11 of title 10 of the Code of Federal Regulations (as in effect on the date of enactment of the Nuclear Fuel Management and Disposal Act);

''(ii) provide for the taking of title to, and removal of, high-level waste or spent nuclear fuel beginning not later than 30 years after the date on which the nuclear power facility begins commercial operations; and

''(iii) be entered into not later than 60 days after the date on which the license application is docketed by the Commission.''.

SEC. 809. NUCLEAR WASTE FUND.

(a) BUDGET ACT ALLOCATIONS.—Effective for fiscal year 2008 and each fiscal year thereafter, funds appropriated from the Nuclear Waste Fund established under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) shall not be subject to—

(1) the allocations for discretionary spending under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)); or

(2) the suballocations of appropriations committees under section 302(b) of that Act.

(b) FUND USES.—Section 302(d)(4) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)(4)) is amended by striking ''with'' and all that follows through ''storage site'' and inserting ''with surface facilities within the geologic repository operations area (including surface facilities for the receipt, handling, packaging, and storage of spent nuclear fuel and high-level radioactive waste prior to emplacement, or transportation to the repository of spent nuclear fuel or high-level radioactive waste to surface facilities for the receipt, handling, packaging, and storage of spent nuclear fuel and high-level radioactive waste prior to emplacement and the transportation, treating, or packaging of spent nuclear fuel or high-level radioactive waste to be disposed of in the repository, to be stored in a monitored retrievable storage site),''.

SEC. 810. WASTE CONFIDENCE.

For purposes of a determination by the Nuclear Regulatory Commission on whether to grant or amend any license to operate any civilian nuclear power reactor or high-level radioactive waste or spent fuel storage or treatment facility under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the provisions of this title (including the amendments made by this title) and the obligation of the Secretary to develop a repository in accordance with the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.), shall provide sufficient and independent grounds for any further findings by the Nuclear Regulatory Commission of reasonable assurances that spent nuclear fuel and high-level radioactive waste would be disposed of safely and in a timely manner.

SA 1754. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle D—Boutique Fuel Reduction

SEC. 161. SHORT TITLE.

This subtitle may be cited as the ''Boutique Fuel Reduction Act of 2007''.

SEC. 162. REDUCTION IN NUMBER OF BOUTIQUE FUELS.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) in clause (ii)(II), by inserting ''an unexpected problem with distribution or delivery equipment that is necessary for the transportation or delivery of fuel or fuel additives,'' after ''equipment failure,'';

(2) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(3) in clause (vi) (as redesignated by paragraph (2))—

(A) in subclause (I), by striking ''fuels approved under'' and all that follows through the end of the subclause and inserting ''fuels included on the list published under subclause (II) (including any revisions to the list under subclause (III)).'';

(B) by striking subclause (III) and inserting the following:

''(III) REMOVAL OF FUELS FROM LIST.—

''(aa) IN GENERAL.—The Administrator, after providing notice and an opportunity for comment, shall remove a fuel from the list published under subclause (II) if the Administrator determines that the fuel has ceased to be included in any State implementation plan or is identical to a Federal fuel control or prohibition established and enforced the Administrator.

''(bb) PUBLICATION OF REVISED LIST.—On removing a fuel from the list under item (aa), the Administrator shall publish a revised list that reflects that removal.''; and

(C) by striking subclause (IV) and inserting the following:

''(IV) NO LIMITATION ON AUTHORITY.—Nothing in subclause (I) or (V) limits the authority of the Administrator to approve a control or prohibition relating to any new fuel under this paragraph in a State implementation plan (or a revision to such a plan), if—

''(aa) the new fuel completely replaces a fuel on the list published under subclause (II) (including any revisions to the list under subclause (III));

''(bb) the new fuel does not increase the total number of fuels contained on the list (including any revisions to the list); or

''(cc) the Administrator, in consultation with the Secretary of Energy, publishes in the Federal Register, after providing notice and an opportunity for public comment, a determination that the control or prohibition will not any cause fuel supply or distribution interruption or have any significant adverse impact on fuel producibility in the affected area or any contiguous area.''.

SEC. 163. COMPLETION OF HARMONIZATION STUDY.

Section 1509(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1084) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Secretary shall submit to Congress a report on the results of the study conducted under subsection (a) by not later than the earlier of—

''(A) the date that is 270 days after the date of enactment of this subparagraph; and

''(B) June 1, 2008.''.

SA 1755. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 281, after line 22, insert the following:

(d) SUSPENSION OF GASOLINE EXCISE TAX.—If the President declares a Federal energy emergency under subsection (a), the tax imposed under section 4081(a) of the Internal Revenue Code of 1986 shall be suspended during the period specified pursuant to subsection (b)(1) in the geographic area specified pursuant to subsection (b)(3).

SA 1756. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 279, between lines 19 and 20, insert the following:

SEC. 603A. SUSPENSION OF DAVIS-BACON REQUIREMENTS DURING ENERGY EMERGENCY.

Notwithstanding subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act), the

President shall suspend the provisions of such subchapter during any energy emergency declared by the President under section 606 for the area or region to which the energy emergency applies.

SA 1757. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 283, between lines 20 and 21, insert the following:

(d) REIMBURSEMENT OF COURT COSTS.—If the Federal Trade Commission brings an enforcement action against a person or business entity under this section and the defendant is not found to have violated this title, the court shall order the Commission to reimburse the defendant for all costs associated with defending against the enforcement action.

On page 286, between lines 8 and 9, insert the following:

(h) REIMBURSEMENT OF COURT COSTS.—If a State brings an enforcement action against a person or business entity under this section and the defendant is not found to have violated this title, the court shall order the State to reimburse the defendant for all costs associated with defending against the enforcement action.

SA 1758. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 131. ENERGY EFFICIENCY RESIDENTIAL GUARANTEES.

Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) (as amended by section 124(a)) is amended—

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

''(11) Energy efficiency residential financing guarantees provided under subsection (g).''; and

(2) by adding at the end the following:

''(g) ENERGY EFFICIENCY RESIDENTIAL GUARANTEES.—

''(1) IN GENERAL.—Subject to the availability of funds appropriated in advance, the Secretary shall make guarantees under this section for single and multifamily mortgage bonds and related financing for energy efficiency purposes.

''(2) PURPOSES.—The Secretary shall make a guarantee under this subsection only for—

''(A) bonds and related financing issued by State housing and energy agencies; or

''(B) debt financing for energy efficiency measures in new or existing housing supported by Federal financial assistance programs under which energy efficiency projects are approved jointly by State housing finance and energy agencies.

''(3) CRITERIA.—Not later than 90 days after the date of enactment of this subsection, the Secretary (in consultation with State housing finance, energy, weatherization and public utility commissioners) shall promulgate regulations establishing criteria for energy efficiency projects eligible for guarantees under this subsection.

''(4) ADMINISTRATION.—Subsections (a)(2) and (d) shall not apply to a guarantee made under this subsection.''.

SA 1759. Mr. WYDEN (for himself, Ms. LANDRIEU, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, add the following:

SEC. 305. ASSESSMENT OF CARBON SEQUESTRATION AND METHANE AND NITROUS OXIDE EMISSIONS FROM TERRESTRIAL ECOSYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADAPTATION STRATEGY.—The term ''adaptation strategy'' means a land use and management strategy that can be used to increase the sequestration capabilities of any terrestrial ecosystem.

(2) ASSESSMENT.—The term ''assessment'' means the national assessment authorized under subsection (b).

(3) COVERED GREENHOUSE GAS.—The term ''covered greenhouse gas'' means carbon dioxide, nitrous oxide, and methane gas.

(4) NATIVE PLANT SPECIES.—The term ''native plant species'' means any noninvasive, naturally occurring plant species within a terrestrial ecosystem.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) TERRESTRIAL ECOSYSTEM.—

(A) IN GENERAL.—The term ''terrestrial ecosystem'' means any ecological and surficial geological system on public land.

(B) INCLUSIONS.—The term ''terrestrial ecosystem'' includes—

(i) forest land;

(ii) grassland; and

(iii) freshwater aquatic ecosystems.

(b) AUTHORIZATION OF ASSESSMENT.—Not later than 2 years after the date on which the final methodology is published under subsection (f)(3)(D), the Secretary shall complete a national assessment of—

(1) the quantity of carbon stored in and released from terrestrial ecosystems; and

(2) the annual flux of covered greenhouse gases in and out of terrestrial ecosystems.

(c) COMPONENTS.—In conducting the assessment under subsection (b), the Secretary shall—

(1) determine the processes that control the flux of covered greenhouse gases in and out of each terrestrial ecosystem;

(2) estimate the technical and economic potential for increasing carbon sequestration in natural and managed terrestrial ecosystems through management activities or restoration activities in each terrestrial ecosystem;

(3) develop near-term and long-term adaptation strategies or mitigation strategies that can be employed—

(A) to enhance the sequestration of carbon in each terrestrial ecosystem;

(B) to reduce emissions of covered greenhouse gases; and

(C) to adapt to climate change; and

(4) estimate annual carbon sequestration capacity of terrestrial ecosystems under a range of policies in support of management activities to optimize sequestration.

(d) USE OF NATIVE PLANT SPECIES.—In developing restoration activities under subsection (c)(2) and management strategies and adaptation strategies under subsection (c)(3), the Secretary shall emphasize the use of native plant species (including mixtures of many native plant species) for sequestering covered greenhouse gas in each terrestrial ecosystem.

(e) CONSULTATION.—In conducting the assessment under subsection (b) and developing the methodology under subsection (f), the Secretary shall consult with—

(1) the Secretary of Energy;

(2) the Secretary of Agriculture;

(3) the Administrator of the Environmental Protection Agency;

(4) the heads of other relevant agencies;

(5) consortia based at institutions of higher education and with research corporations; and

(6) forest and grassland managers.

(f) METHODOLOGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting the assessment.

(2) REQUIREMENTS.—The methodology developed under paragraph (1)—

(A) shall—

(i) determine the method for measuring, monitoring, quantifying, and monetizing covered greenhouse gas emissions and reductions, including methods for allocating and managing offsets or credits; and

(ii) estimate the total capacity of each terrestrial ecosystem to—

(I) sequester carbon; and

(II) reduce emissions of covered greenhouse gases; and

(B) may employ economic and other systems models, analyses, and estimations, to be developed in consultation with each of the individuals described in subsection (e).

(3) EXTERNAL REVIEW AND PUBLICATION.—On completion of a proposed methodology, the Secretary shall—

(A) publish the proposed methodology;

(B) at least 60 days before the date on which the final methodology is published, solicit comments from—

(i) the public; and

(ii) heads of affected Federal and State agencies;

(C) establish a panel to review the proposed methodology published under subparagraph (A) and any comments received under subparagraph (B), to be composed of members—

(i) with expertise in the matters described in subsections (c) and (d); and

(ii) that are, as appropriate, representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international organizations; and

(D) on completion of the review under subparagraph (C), publish in the Federal register the revised final methodology.

(g) ESTIMATE; REVIEW.—The Secretary shall—

(1) based on the assessment, prescribe the data, information, and analysis needed to establish a scientifically sound estimate of—

(A) the carbon sequestration capacity of relevant terrestrial ecosystems;

(B) a national inventory of covered greenhouse gas sources that is consistent with the inventory prepared by the Environmental Protection Agency entitled the ''Inventory

of U.S. Greenhouse Gas Emissions and Sinks: 1990-2005''; and

(C) the willingness of covered greenhouse gas emitters to pay to sequester the covered greenhouse gases emitted by the applicable emitters in designated terrestrial ecosystems; and

(2) not later than 180 days after the date on which the assessment is completed, submit to the heads of applicable Federal agencies and the appropriate committees of Congress a report that describes the results of the assessment.

(h) DATA AND REPORT AVAILABILITY.—On completion of the assessment, the Secretary shall incorporate the results of the assessment into a web-accessible database for public use.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of the 3 years following the date of enactment of this Act.

SA 1760. Mr. BINGAMAN (for himself, Mrs. BOXER, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, between lines 8 and 9, insert the following:

(8) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term ''lifecycle greenhouse gas emissions'' means the aggregate quantity of greenhouse gases attributable to the production, transportation, and use of renewable fuel, including the production, extraction, cultivation, distribution, marketing, and transportation of feedstocks, as modified by deducting, as determined by the Administrator of the Environmental Protection Agency—

(A) any greenhouse gases captured at the facility and sequestered; and

(B) the carbon content, expressed in units of carbon dioxide equivalent, of any feedstock that is renewable biomass.

SA 1761. Mr. CARDIN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator''), in cooperation with the Secretary, the Secretary of Agriculture, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol of not less than 10 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing the consumption of ethanol;

(2) an evaluation of the economic, market, and energy impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy impacts on gasoline retailers and consumers of separate and distinctly-labeled fuel storage facilities and dispensers;

(4) an evaluation on the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of onroad, off-road, and marine engines, recreational boats, vehicles, and equipment; and

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out the study under this section $1,000,000.

SEC. ___. WAIVER OF REQUIREMENTS FOR NEW FUELS AND FUEL ADDITIVES.

Section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)) is amended by striking the last sentence and inserting the following: ''After providing notice and opportunity for comment, the Administrator shall approve or deny an application submitted under this paragraph not later than 270 days after the date of the receipt of the application.''.

SA 1762. Mr. VOINOVICH submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 39, strike line 12 and all that follows through page 42, line 8, and insert the following:

(b) IMPROVEMENTS TO UNDERLYING LOAN GUARANTEE AUTHORITY.—

(1) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

''(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

''(i) a demonstration plant; or

''(ii) a project for which the Secretary approved a loan guarantee.''.

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost has been made; or

''(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

''(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

''(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).''.

(3) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), upon the request of the borrower, the Secretary shall guarantee 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee, on the condition that the Secretary has—

''(A) received from the borrower a payment in full for the cost of the obligation; and

''(B) deposited the payment in the Treasury.

''(2) LIMITATION ON AMOUNT.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.

''(3) APPROVAL OF APPLICATIONS.—

''(A) DEADLINE.—The Secretary shall approve or disapprove an application for a guarantee not later than 1 year after the date of receipt of the application.

''(B) REPORT.—The Secretary shall submit to Congress an annual report on the approval or disapproval of all loan guarantee applications that includes—

''(i) the reasons for each approval and disapproval; and

''(ii) an evaluation and recommendation by the Secretary for the termination of authority for each eligible project category described in section 1703(b).''.

(4) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(5) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary in a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

''(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.''.

At the end, add the following:

TITLE VIII—COLLABORATIVE PERMITTING PROCESS FOR DOMESTIC FUELS FACILITIES

SEC. 801. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) DOMESTIC FUELS FACILITY.—

(A) IN GENERAL.—The term ''domestic fuels facility'' means a facility at which crude oil is refined into transportation fuel or other petroleum products.

(B) INCLUSION.—The term ''domestic fuels facility'' includes a domestic fuels facility expansion.

(3) DOMESTIC FUELS FACILITY EXPANSION.—The term ''domestic fuels facility expansion'' means a physical change in a domestic fuels facility that results in an increase in the capacity of the domestic fuels facility.

(4) DOMESTIC FUELS FACILITY PERMITTING AGREEMENT.—The term ''domestic fuels facility permitting agreement'' means an agreement entered into between the Administrator and a State or Indian tribe under subsection (b).

(5) DOMESTIC FUELS PRODUCER.—The term ''domestic fuels producer'' means an individual or entity that—

(A) owns or operates a domestic fuels facility; or

(B) seeks to become an owner or operator of a domestic fuels facility.

(6) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(7) PERMIT.—The term ''permit'' means any permit, license, approval, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or Indian tribal government agency delegated with authority by the Federal Government, or authorized under Federal law to issue permits.

(8) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 802. COLLABORATIVE PERMITTING PROCESS FOR DOMESTIC FUELS FACILITIES.

(a) IN GENERAL.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a domestic fuels facility permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a domestic fuels facility shall be improved using a systematic interdisciplinary multimedia approach as provided in this section.

(b) AUTHORITY OF ADMINISTRATOR.—Under a domestic fuels facility permitting agreement—

(1) the Administrator shall have authority, as applicable and necessary, to—

(A) accept from a refiner a consolidated application for all permits that the domestic fuels producer is required to obtain to construct and operate a domestic fuels facility;

(B) establish a schedule under which each Federal, State, or Indian tribal government agency that is required to make any determination to authorize the issuance of a permit shall—

(i) concurrently consider, to the maximum extent practicable, each determination to be made; and

(ii) complete each step in the permitting process; and

(C) issue a consolidated permit that combines all permits that the domestic fuels producer is required to obtain; and

(2) the Administrator shall provide to State and Indian tribal government agencies—

(A) financial assistance in such amounts as the agencies reasonably require to hire such additional personnel as are necessary to enable the government agencies to comply with the applicable schedule established under paragraph (1)(B); and

(B) technical, legal, and other assistance in complying with the domestic fuels facility permitting agreement.

(c) AGREEMENT BY THE STATE.—Under a domestic fuels facility permitting agreement, a State or governing body of an Indian tribe shall agree that—

(1) the Administrator shall have each of the authorities described in subsection (b); and

(2) each State or Indian tribal government agency shall—

(A) make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

(B) comply, to the maximum extent practicable, with the applicable schedule established under subsection (b)(1)(B).

(d) INTERDISCIPLINARY APPROACH.—

(1) IN GENERAL.—The Administrator and a State or governing body of an Indian tribe shall incorporate an interdisciplinary approach, to the maximum extent practicable, in the development, review, and approval of domestic fuels facility permits subject to this section.

(2) OPTIONS.—Among other options, the interdisciplinary approach may include use of—

(A) environmental management practices; and

(B) third party contractors.

(e) DEADLINES.—

(1) NEW DOMESTIC FUELS FACILITIES.—In the case of a consolidated permit for the construction of a new domestic fuels facility, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(A) 360 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 90 days after the expiration of the deadline established under subparagraph (A).

(2) EXPANSION OF EXISTING DOMESTIC FUELS FACILITIES.—In the case of a consolidated permit for the expansion of an existing domestic fuels facility, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(A) 120 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 30 days after the expiration of the deadline established under subparagraph (A).

(f) FEDERAL AGENCIES.—Each Federal agency that is required to make any determination to authorize the issuance of a permit shall comply with the applicable schedule established under subsection (b)(1)(B).

(g) JUDICIAL REVIEW.—Any civil action for review of any determination of any Federal, State, or Indian tribal government agency in a permitting process conducted under a domestic fuels facility permitting agreement brought by any individual or entity shall be brought exclusively in the United States district court for the district in which the domestic fuels facility is located or proposed to be located.

(h) EFFICIENT PERMIT REVIEW.—In order to reduce the duplication of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this section.

(i) SEVERABILITY.—If 1 or more permits that are required for the construction or operation of a domestic fuels facility are not approved on or before any deadline established under subsection (e), the Administrator may issue a consolidated permit that combines all other permits that the domestic fuels producer is required to obtain other than any permits that are not approved.

(j) SAVINGS.—Nothing in this section affects the operation or implementation of otherwise applicable law regarding permits necessary for the construction and operation of a domestic fuels facility.

(k) CONSULTATION WITH LOCAL GOVERNMENTS.—Congress encourages the Administrator, States, and tribal governments to consult, to the maximum extent practicable, with local governments in carrying out this section.

(l) EFFECT ON LOCAL AUTHORITY.—Nothing in this section affects—

(1) the authority of a local government with respect to the issuance of permits; or

(2) any requirement or ordinance of a local government (such as zoning regulations).

At the appropriate place, insert the following:

Subtitle __—Energy Trust Fund

SEC. __. EXPANSION OF ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) FULL EXPENSING.—Section 179C(a) of the Internal Revenue Code of 1986 (relating to treatment as expenses) is amended by striking ''50 percent of''.

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

SEC. __. LIMITATION ON PERCENTAGE DEPLETION.

(a) IN GENERAL.—Section 613A of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) LIMITATION ON AGGREGATE AMOUNT OF DEPLETION.—In the case of any oil or gas well, the allowance for depletion allowed under section 613 shall not exceed the basis of the taxpayer in such property.''.

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

SEC. __. TERMINATION OF DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS.

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''This subsection shall not apply to any taxable year beginning after the date of the enactment of this sentence.''.

(b) CONFORMING AMENDMENTS.—Paragraphs (2) and (3) of section 291(b) of such Code are each amended by striking ''section 263(c), 616(a),'' and inserting ''section 616(a)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. __. DEDICATION OF RESULTING REVENUES TO THE ENERGY TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

''SEC. 9511. ENERGY TRUST FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the 'Energy Trust

Fund', consisting of such amounts as may be appropriated or credited to such Fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST.—There are hereby appropriated to the Energy Trust Fund amounts equivalent to the revenues resulting from the amendments made by subtitle __ of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

''(c) EXPENDITURES.—Amounts in the Energy Trust Fund shall be available, as provided in appropriation Acts, only for the purpose of making expenditures—

''(1) to accelerate the use of clean domestic renewable energy resources (including solar, wind, clean coal, and nuclear) and alternative fuels (including ethanol, including cellulosic ethanol, biodiesel, and fuel cell technology);

''(2) to promote the utilization of energy-efficient products and practices and conservation; and

''(3) to increase research, development, and deployment of clean renewable energy and efficiency technologies.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

''Sec. 9511. Energy Trust Fund.''.

SA 1763. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

''This Act shall not affect the jurisdiction of the Commodity Futures Trading Commission with respect to transactions or conduct subject to the Commodity Exchange Act (7 U.S.C. 1, et seq.).''

SA 1764. Mr. AKAKA (for himself, Ms. MURKOWSKI, Ms. SNOWE, Mr. SMITH, Ms. CANTWELL, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

Subtitle G—Marine and Hydrokinetic Renewable Energy Promotion

SEC. 281. DEFINITION OF MARINE AND HYDROKINETIC RENEWABLE ENERGY.

(a) IN GENERAL.—In this subtitle, the term ''marine and hydrokinetic renewable energy'' means electrical energy from—

(1) waves, tides, and currents in oceans, estuaries, and tidal areas;

(2) free flowing water in rivers, lakes, and streams;

(3) free flowing water in man-made channels, including projects that utilize non-mechanical structures to accelerate the flow of water for electric power production purposes; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

(b) EXCLUSION.—Except as provided in subsection (a)(3), the term ''marine and hydrokinetic renewable energy'' does not include energy from any source that uses a dam, diversionary structure, or impoundment for electric power purposes.

SEC. 282. RESEARCH AND DEVELOPMENT.

(a) PROGRAM.—The Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall establish a program of marine and hydrokinetic renewable energy research, including—

(1) developing and demonstrating marine and hydrokinetic renewable energy technologies;

(2) reducing the manufacturing and operation costs of marine and hydrokinetic renewable energy technologies;

(3) increasing the reliability and survivability of marine and hydrokinetic renewable energy facilities;

(4) integrating marine and hydrokinetic renewable energy into electric grids;

(5) identifying opportunities for cross fertilization and development of economies of scale between offshore wind and marine and hydrokinetic renewable energy sources;

(6) identifying, in conjunction with the Secretary of Commerce and the Secretary of the Interior, the potential environmental impacts of marine and hydrokinetic renewable energy technologies and measures to minimize or prevent adverse impacts, and technologies and other means available for monitoring and determining environmental impacts;

(7) identifying, in conjunction with the Commandant of the United States Coast Guard, the potential navigational impacts of marine and hydrokinetic renewable energy technologies and measures to minimize or prevent adverse impacts;

(8) standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces; and

(9) providing public information and opportunity for public comment concerning all technologies.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall provide to the appropriate committees of Congress a report that addresses—

(1) the potential environmental impacts of hydrokinetic renewable energy technologies in free-flowing water in rivers, lakes, and streams;

(2) the means by which to minimize or prevent any adverse environmental impacts;

(3) the potential role of monitoring and adaptive management in addressing any adverse environmental impacts; and

(4) the necessary components of such an adaptive management program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of the fiscal years 2008 through 2017.

SEC. 283. NATIONAL OCEAN ENERGY RESEARCH CENTERS.

(a) IN GENERAL.—Subject to the availability of appropriations under subsection (e), the Secretary shall establish not less than 1, and not more than 6, national ocean energy research centers at institutions of higher education for the purpose of conducting research, development, demonstration, and testing of ocean energy technologies and associated equipment.

(b) EVALUATIONS.—Each Center shall (in consultation with developers, utilities, and manufacturers) conduct evaluations of technologies and equipment described in subsection (a).

(c) LOCATION.—In establishing centers under this section, the Secretary shall locate the centers in coastal regions of the United State in a manner that, to the maximum extent practicable, is geographically dispersed.

(d) REVIEW BY SECRETARY.—Prior to carrying out any activity under this section in waters subject to the jurisdiction of the United States, the Secretary of Commerce may require design approval or operating conditions of the activity for the protection of marine resources under the jurisdiction of the Department of Commerce.

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

SA 1765. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 13 and 14, insert the following:

(d) MINIMUM FUEL ECONOMY TARGET.—Section 32902(b) of title 49, United States Code, as amended by this section, is further amended by adding at the end the following:

''(3) MINIMUM FUEL ECONOMY TARGET FOR PASSENGER AUTOMOBILES MANUFACTURED IN THE UNITED STATES.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, for any model year in which the Secretary prescribes average fuel economy standards for automobiles on the basis of vehicle attributes pursuant to subjection (l), the average fuel economy standard in that model year shall also provide for an alternative minimum standard that shall apply to a manufacturer's domestically manufactured passenger automobiles and foreign manufactured passenger automobiles, as calculated under section 32904 (as in effect on the day before the date of the enactment of the Ten-in-Ten Fuel Economy Act).

''(B) ALTERNATIVE MINIMUM STANDARD.—The alternative minimum standard referred to in subparagraph (A) shall be the greater of—

''(i) 27.5 miles per gallon; or

''(ii) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign passenger car fleets manufactured for sale in the United States by all manufacturers in that model year, which projection shall be published in the Federal Register when the standard for that model year is promulgated in accordance with this section.''.

(e) CREDIT TRADING LIMITATION.—Section 32903(e) of title 49, United States Code, as amended by section 506, is further amended by adding at the end the following: ''Any credit trading program established by the Secretary of Transportation may not allow manufacturers to use any such credits to meet the alternative minimum fuel economy standard for domestically manufactured and foreign manufactured passenger automobiles established pursuant to section 32902(b)(3).''.

SA 1766. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 13 and 14, insert the following:

(d) MINIMUM FUEL ECONOMY TARGET.—Section 32902(b) of title 49, United States Code, as amended by this section, is further amended by adding at the end the following:

''(3) MINIMUM FUEL ECONOMY TARGET FOR PASSENGER AUTOMOBILES MANUFACTURED IN THE UNITED STATES.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, for any model year in which the Secretary prescribes average fuel economy standards for automobiles on the basis of vehicle attributes pursuant to subjection (l), the average fuel economy standard in that model year shall also provide for an alternative minimum standard that shall apply separately to a manufacturer's domestically manufactured passenger automobiles and foreign manufactured passenger automobiles, as calculated under section 32904 (as in effect on the day before the date of the enactment of the Ten-in-Ten Fuel Economy Act).

''(B) ALTERNATIVE MINIMUM STANDARD.—The alternative minimum standard referred to in subparagraph (A) shall be the greater of—

''(i) 27.5 miles per gallon; or

''(ii) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign passenger car fleets manufactured for sale in the United States by all manufacturers in that model year, which projection shall be published in the Federal Register when the standard for that model year is promulgated in accordance with this section.''.

(e) CREDIT TRADING LIMITATION.—Section 32903(e) of title 49, United States Code, as amended by section 506, is further amended by adding at the end the following: ''Any credit trading program established by the Secretary of Transportation may not allow manufacturers to use any such credits to meet the alternative minimum fuel economy standard for domestically manufactured and foreign manufactured passenger automobiles established pursuant to section 32902(b)(3).''.

SA 1767. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, strike lines 19 and 20 and insert the following:

biofuel'' means fuel derived from—

(i) renewable biomass, other than corn starch, grown in the United States; or

(ii) renewable biomass, other than corn starch, grown outside the United States, on the condition that the fuel, or renewable biomass used in the fuel, whichever is imported, is certified by the importer, refiner, or blender as having been grown, produced, and transported in a manner consistent with standards equivalent to or more stringent than those established under environmental, labor, and public health laws of the United States, including laws relating to the conversion of forests, grassland, and wetland for agricultural use or other biomass production.

SA 1768. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1___. ANNUAL REPORTS.

For each calendar year beginning after the date of enactment of this Act, the President shall submit to Congress a report that describes, with respect to the preceding calendar year—

(1) the quantity of—

(A) renewable fuels imported into the United States;

(B) feedstocks imported into the United States to produce renewable fuels; and

(C) renewable fuels and feedstocks that are used to achieve compliance with applicable renewable fuels standards and other requirements under this title; and

(2) the impact on the environment, labor conditions, and public health status of foreign countries with respect to production in the United States of renewable fuels to achieve compliance with those standards and requirements.

SA 1769. Mr. BROWN (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2___. FEDERAL FLEET FUEL EFFICIENT VEHICLES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) ADVANCED TECHNOLOGY VEHICLE.—The term ''advanced technology vehicle'' means a light duty vehicle that meets—

(A) the Bin 5 Tier II emission standard established in regulations issued by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(B) any new emission standard for fine particulate matter prescribed by the Administrator under that Act (42 U.S.C. 7401 et seq.); and

(C) at least 125 percent of the average base year combined fuel economy, calculated on an energy-equivalent basis, for vehicles of a substantially similar footprint.

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

(b) FUEL EFFICIENCY REQUIREMENT.—The Secretary shall coordinate with the Administrator to ensure that vehicles procured by Federal agencies are the most fuel efficient in their class.

(c) PURCHASE OF ADVANCED TECHNOLOGY VEHICLES.—

(1) IN GENERAL.—The Secretary shall coordinate with the Administrator to ensure that, of the vehicles procured after September 30, 2008—

(A) not less than 5 percent of the total number of the vehicles procured in each of fiscal years 2009 and 2010 are advanced technology vehicles;

(B) not less than 15 percent shall be advanced technology vehicles by January 1, 2015; and

(C) not less than 25 percent shall be advanced technology vehicles by January 1, 2020.

(2) WAIVER.—The Secretary, in consultation with the Administrator, may waive the requirements of paragraph (1) for any fiscal year to the extent that the Secretary determines necessary to adjust to limitations on the commercial availability of advanced technology vehicles.

(d) REPORT ON PLANS FOR IMPLEMENTATION.—At the same time that the President submits the budget for fiscal year 2009 to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a report summarizing the plans for carrying out subsections (b) and (c).

SA 1770. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following;

''(D) EFFECTIVE RULEMAKING.—The prescription of average fuel economy standards under this paragraph shall be made without regard to—

''(i) chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act');

SA 1771. Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. CARPER, Mr. COLEMAN, Mr. OBAMA, Ms. KLOBUCHAR, and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which

was ordered to lie on the table; as follows:

On page 47, after line 23, add the following:

SEC. 131. BIODIESEL FUEL STANDARD.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by inserting after subsection (o) the following:

''(p) BIODIESEL FUEL.—

''(1) DEFINITIONS.—In this subsection:

''(A) ASTM.—The term 'ASTM' means the American Society of Testing and Materials.

''(B) BIO-BASED DIESEL REPLACEMENT.—The term 'bio-based diesel replacement' means any type of bio-based renewable fuel derived from plant or animal matter that—

''(i) may be used as a substitute for standard diesel fuel; and

''(ii) meets—

''(I) the registration requirements for fuels and fuel additives under this section; and

''(II) the requirements of applicable ASTM standards.

''(C) BIODIESEL.—

''(i) IN GENERAL.—The term 'biodiesel' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

''(I) the registration requirements for fuels and fuel additives under this section; and

''(II) the requirements of ASTM standard D6751.

''(ii) INCLUSION.—For the purpose of measuring the applicable volume of the biodiesel fuel standard under paragraph (2), the term 'biodiesel' includes any bio-based diesel replacement that meets—

''(I) applicable registration requirements for fuels and fuel additives under this section; or

''(II) applicable ASTM standards.

''(D) BIODIESEL BLEND.—The term 'biodiesel blend' means a blend of biodiesel fuel that meets the requirements of ASTM standard D6751 with petroleum-based diesel fuel.

''(2) BIODIESEL FUEL STANDARD.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate regulations to ensure that diesel fuel sold or introduced into commerce in the United States, on an annual average basis, contains the applicable volume of biodiesel determined in accordance with subparagraphs (B) and (C).

''(B) CALENDAR YEARS 2008 THROUGH 2012.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2008 through 2012 shall be determined in accordance with the following table:

Calendar year:	"Applicable volume of biodiesel (in millions of gallons):
2008	450
2009	625
2010	800
2011	1,000
2012	1,250

''(C) CALENDAR YEAR 2013 AND THEREAFTER.—For the purpose of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be determined by the Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, based on a review of the implementation of the program during calendar years 2008 through 2012, including a review of—

''(i) the impact of the use of renewable fuels on the environment, air quality, energy security, job creation, and rural economic development; and

''(ii) the expected annual rate of future production of biodiesel.

''(D) MINIMUM PERCENTAGE OF BIODIESEL.—For the purpose of subparagraph (B), at least 80 percent of the minimum applicable volume for each of calendar years 2008 through 2012 shall be biodiesel.

''(E) COMPLIANCE.—The regulations promulgated under subparagraph (A) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this paragraph are met, but shall not—

''(i) restrict geographic areas in which biodiesel may be used; or

''(ii) impose any per-gallon obligation for the use of biodiesel.

''(F) WAIVERS.—

''(i) MARKET EVALUATION.—The Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall continually evaluate the impact of the biodiesel requirements established under this paragraph on the price of diesel fuel.

''(ii) WAIVER.—If the Administrator determines that there is a significant biodiesel feedstock disruption or other market circumstances that would make the price of biodiesel fuel unreasonable, the Administrator, with the concurrence of the Secretary of Energy and the Secretary of Agriculture, shall issue an order to reduce, for a 60-day period, the quantity of biodiesel required under subparagraph (A) by an appropriate quantity that does not exceed 15 percent of the applicable annual requirement for biodiesel.

''(iii) FACTORS.—In making determinations under this subparagraph, the Administrator shall consider—

''(I) the purposes of this Act;

''(II) the differential between the price of diesel fuel and the price of biodiesel; and

''(III) the impact the biodiesel mandate has on consumers.

''(iv) EXTENSIONS.—If the Administrator determines that the feedstock disruption or circumstances described in clause (ii) is continuing beyond the 60-day period described in clause (ii) or this clause, the Administrator, with the concurrence of the Secretary of Energy and the Secretary of Agriculture, may issue an order to reduce, for an additional 60-day period, the quantity of biodiesel required under subparagraph (A) by an appropriate quantity that does not exceed an additional 15 percent of the applicable annual requirement for biodiesel.

''(v) RESTORATION.—If the Administrator determines that the feedstock disruption or circumstances described in clause (ii) or (iv) has concluded and that it is practicable, the Administrator, with the concurrence of the Secretary of Energy and the Secretary of Agriculture, may issue an order to increase the quantity of biodiesel required under subparagraph (A) by an appropriate quantity to account for the gallons of biodiesel not used during the period a waiver or extension was in effect under this subparagraph.

''(G) PREEMPTION OF STATE BIODIESEL MANDATES.—

''(i) IN GENERAL.—The standard established under subparagraph (A) shall not apply to any diesel fuel subject to a State biodiesel mandate that has been enacted as of January 1, 2007.

''(ii) PRODUCTION AND USE OF BIODIESEL AND BIO-BASED RENEWABLE DIESEL.—Subject to clause (iii), no State or unit of local government shall establish or continue to enforce a mandate that requires the level of production or use of biodiesel or bio-based diesel replacement to exceed the maximum level of production or use of biodiesel or bio-based diesel replacement described in any—

''(I) engine warranty; or

''(II) specification derived in accordance with the ASTM.

''(iii) STATE AND MUNICIPAL VEHICLES.—Nothing in this paragraph preempts the authority of a State or unit of local government—

''(I) to regulate the use of biodiesel in vehicles owned by the State or local government, respectively; or

''(II) to establish financial incentives to promote the use of biodiesel.

''(iv) FINANCIAL INCENTIVES.—Nothing in this paragraph precludes States from establishing financial incentives to promote the voluntary use or production of biodiesel.''.

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

(1) in subsection (o)(1)(C)(ii)(II), by striking ''biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f))) and''; and

(2) by redesignating the first subsection (r) (relating to fuel and fuel additive importers and importation) as subsection (u) and moving that subsection so as to appear at the end of the section.

SEC. 132. BIODIESEL LABELING.

Subsection (p) of section 211 of the Clean Air Act (42 U.S.C. 7545) (as added by section 131(a)) is amended by adding at the end the following:

''(3) BIODIESEL LABELING.—

''(A) IN GENERAL.—Each retail diesel fuel pump shall be labeled in a manner that informs consumers of the percent of biodiesel that is contained in the biodiesel blend that is offered for sale, as determined by the Administrator.

''(B) LABELING REQUIREMENTS.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall promulgate biodiesel labeling requirements as follows:

''(i) Biodiesel blends that contain less than or equal to 5 percent biodiesel by volume and that meet ASTM D975 diesel specifications shall not require any additional labels.

''(ii) Biodiesel blends that contain more than 5 percent biodiesel by volume but not more than 20 percent by volume shall be labeled 'contains biodiesel in quantities between 5 percent and 20 percent'.

''(iii) Biodiesel blends that contain more than 20 percent biodiesel by volume shall be labeled 'contains more than 20 percent biodiesel'.''.

SA 1772. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 8 through page 5, line 12.

On page 114, after line 16, insert the following:

SEC. 855. CREDIT FOR COMPACT FLUORESCENT LIGHT BULBS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

"SEC. 25E. CREDIT FOR COMPACT FLUORESCENT LIGHT BULBS.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to $2 per qualifying compact fluorescent light bulb purchased by the taxpayer during such year for use in a dwelling unit located in the United States and used as a residence by the taxpayer.

''(b) MAXIMUM CREDIT.—The credit allowed under subsection (a) for any taxable year shall not exceed $100 per return.

''(c) QUALIFYING COMPACT FLUORESCENT LIGHT BULB.—For purposes of this section, the term 'qualifying compact fluorescent light bulb' means any compact fluorescent light bulb which meets the requirements of the Energy Star program in effect for such light bulbs in 2008.

''(d) TERMINATION.—The credit allowed under this section shall not apply to property purchased after December 31, 2008.''.

(b) CLERICAL AMENDMENT.—The table of chapters for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Credit for compact fluorescent light bulbs.''

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

SA 1773. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 8 through page 5, line 12.

SA 1774. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 8 through page 5, line 12.

On page 114, after line 16, insert the following:

SEC. 855. EXTENSION OF ENERGY EFFICIENT APPLIANCE CREDIT.

Subsection (b) of section 45M (as amended by this Act) is amended by striking ''calendar year 2008, 2009, or 2010'' each place it appears in paragraphs (1)(A), (2)(B), (2)(C), (3)(B), and (3)(C) and inserting ''calendar years 2008 through 2017''.

SA 1775. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 8 through page 5, line 12.

On page 157, after line 14, insert the following:

SEC. 879. ACCELERATED DEPRECIATION FOR SCRUBBERS.

(a) IN GENERAL.—Subparagraph (A) of section 168(e)(3) (relating to 3-year property) is amended—

(1) by striking ''and'' at the end of clause (ii),

(2) by striking the period at the end of clause (iii) and inserting '', and'', and

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

''(iv) any qualifying scrubber, as defined in subsection (i)(19).''.

(b) QUALIFYING SCRUBBER.—Section 168(i) (relating to definitions and special rules), as amended by this Act, is amended by adding at the end the following new paragraph:

''(19) QUALIFYING SCRUBBER.—For purposes of this section, the term 'qualifying scrubber' means any wet or dry scrubber or scrubber system which meets all standards issued by the Environmental Protection Agency applicable to such scrubber or scrubber system.''.

(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.

SA 1776. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PRODUCTION OF MINERALS AND RENEWABLE ENERGY.

(a) DEFINITIONS.—In this section:

(1) COASTAL POLITICAL SUBDIVISION.—The term ''coastal political subdivision'' means a political subdivision of a contributing energy State any part of which political subdivision is—

(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the contributing energy State as of the date of enactment of this Act; and

(B) not more than 200 nautical miles from the geographic center of any leased tract.

(2) CONTRIBUTING ENERGY STATE.—The term ''contributing energy State'' means—

(A) in the case of an offshore area, a State that has, within the offshore administrative boundaries beyond the submerged land of the State, an energy area available for leasing of minerals or renewable energy under subsection (c); and

(B) in the case of an onshore area, a State that has, within the onshore boundaries of the State, an energy area available for leasing of minerals or renewable energy under subsection (c).

(3) ENERGY AREA.—

(A) IN GENERAL.—The term ''energy area'' means—

(i) in the case of an offshore area, any area that is within the offshore administrative boundaries beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State; and

(ii) in the case of an onshore area, any Federal land that is within the onshore boundaries of a State.

(B) EXCLUSIONS.—The term ''energy area'' does not include—

(i) a unit of the National Park System;

(ii) a component of the National Wild and Scenic Rivers System;

(iii) a component of the National Trails System;

(iv) a component of the National Wilderness Preservation System;

(v) a National Monument;

(vi) any part of the National Landscape Conservation System;

(vii) a National Conservation Area;

(viii) a National Marine Sanctuary;

(ix) a National Marine Monument; or

(x) a National Recreation Area.

(4) MINERALS.—The term ''minerals'' has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(5) QUALIFIED REVENUES.—

(A) IN GENERAL.—The term ''qualified revenues'' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for energy areas.

(B) EXCLUSIONS.—The term ''qualified revenues'' does not include—

(i) revenues from the forfeiture of a bond or other surety securing obligations other than royalties, civil penalties, or royalties taken by the Secretary in-kind and not sold; or

(ii) revenues generated from leases subject to section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)).

(6) RENEWABLE ENERGY.—The term ''renewable energy'' means energy generated from—

(A) a renewable energy source; or

(B) hydrogen, other than hydrogen produced from a fossil fuel, that is produced from a renewable energy source.

(7) RENEWABLE ENERGY SOURCE.—The term ''renewable energy source'' includes—

(A) biomass;

(B) geothermal energy;

(C) hydropower;

(D) landfill gas;

(E) municipal solid waste;

(F) ocean (including tidal, wave, current, and thermal) energy;

(G) organic waste;

(H) photosynthetic processes;

(I) photovoltaic energy;

(J) solar energy; and

(K) wind.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) CONDITIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), this section shall apply only if and during the period the President certifies to Congress that—

(A) the national average retail price of gasoline in the United States exceeds $3.75 per gallon;

(B) the quantity of oil imported into the United States exceeds 65 percent of the total quantity of oil consumed in the United States;

(C) the supply of renewable fuel is insufficient to meet the demand for fuel in the United States; and

(D) continued and growing reliance on foreign oil imports is a threat to national security.

(2) OFFSHORE AREAS.—In the case of an offshore area, the President may make energy areas off the coastline of a State or region available for leasing of minerals or renewable energy under this section during a period described in paragraph (1) only if the President—

(A) takes into Federal management an area of land that is equal to at least 110 percent of the acreage of energy areas off the coastline of the State or region that are made available for leasing of minerals or renewable energy under this section; and

(B) uses the land taken into Federal management under subparagraph (A) to establish and maintain a national marine sanctuary off the coastline of the State or region.

(3) ONSHORE AREAS.—In the case of an onshore area, the President may make energy areas in a State or region available for leasing of minerals or renewable energy under this section during a period described in paragraph (1) only if the President takes into Federal management for the Bureau of Land Management or the Forest Service an area of land that is equal to at least 110 percent of the acreage of energy areas in the State or region that are made available for leasing of minerals or renewable energy under this section.

(c) PETITION FOR LEASING ENERGY AREAS.—

(1) IN GENERAL.—During the period described in subsection (b), the Governor of a State with an energy area may submit to the Secretary a petition requesting that the Secretary make the energy area available for energy production through the leasing of minerals or renewable energy.

(2) ACTION BY SECRETARY.—Notwithstanding any other provision of law, as soon as practicable after the date of receipt of a petition under paragraph (1), the Secretary shall approve the petition if—

(A) the Secretary determines that leasing the energy area would not create an unreasonable risk to public health or the environment, taking into account the economic, social, and environmental costs and benefits of the leasing; and

(B) the legislature of the State enacts a law approving the petition.

(d) DISPOSITION OF QUALIFIED REVENUES FROM OFFSHORE ENERGY AREAS.—

(1) IN GENERAL.—In the case of qualified revenues from offshore energy areas, notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit or provide—

(A) 37.5 percent of qualified revenues to contributing energy States in accordance with paragraph (2);

(B) 20 percent of qualified revenues in a special account in the Treasury that shall be available to the Secretary of Energy to promote renewable energy production, the reduction and sequestering of emissions, and energy efficient technologies;

(C) 12.5 percent of qualified revenues to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l* –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5);

(D) 10 percent of qualified revenues in a special account in the Treasury that shall be available to the Secretary to allocate funds to States to carry out State wildlife programs; and

(E) 10 percent of qualified revenues in the general fund of the Treasury.

(2) ALLOCATION TO CONTRIBUTING ENERGY STATES AND COASTAL POLITICAL SUBDIVISIONS.—

(A) ALLOCATION TO CONTRIBUTING ENERGY STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(A) shall be allocated to each contributing energy State in proportion to the amount of qualified revenues generated in any energy area within the offshore administrative boundaries beyond the submerged land of the State.

(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each contributing energy State, as determined under subparagraph (A), to the coastal political subdivisions of the contributing energy State.

(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in a manner consistent with subparagraphs (B) and (C) of section 31(b)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(b)(4)), as determined by the Secretary.

(3) TIMING.—The amounts required to be deposited under subparagraphs (A) through (D) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

(4) AUTHORIZED USES.—

(A) IN GENERAL.—Subject to subparagraph (B), each contributing energy State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

(ii) Mitigation of damage to fish, wildlife, or natural resources.

(iii) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

(iv) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

(v) Planning assistance and the administrative costs of complying with this section.

(B) LIMITATION.—Not more than 3 percent of amounts received by a contributing energy State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

(5) ADMINISTRATION.—Amounts made available under subparagraphs (A) through (D) of paragraph (1) shall—

(A) be made available, without further appropriation, in accordance with this subsection;

(B) remain available until expended; and

(C) be in addition to any amounts appropriated under—

(i) other provisions of this Act;

(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

(iii) any other provision of law.

(e) DISPOSITION OF QUALIFIED REVENUES FROM ONSHORE ENERGY AREAS.—

(1) IN GENERAL.—In the case of qualified revenues from onshore energy areas, subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(A) 40 percent of qualified revenues in a special account in the Treasury that shall be available to the Secretary of the Interior to allocate to contributing energy States in accordance with paragraph (2);

(B) 30 percent of qualified revenues in the reclamation fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093);

(C) 20 percent of qualified revenues in a special account in the Treasury that shall be available to the Secretary of Energy to promote renewable energy production, the reduction and sequestering of emissions, and energy efficient technologies; and

(D) 10 percent of qualified revenues in the general fund of the Treasury.

(2) ALLOCATION TO CONTRIBUTING ENERGY STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(A) shall be allocated to each contributing energy State in a manner that is consistent with the allocation of assistance to States under the Mineral Leasing Act (30 U.S.C. 181 et seq.), as determined by the Secretary.

(3) TIMING.—The amounts required to be deposited under subparagraphs (A) through (C) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

(4) AUTHORIZED USES.—

(A) IN GENERAL.—Subject to subparagraph (B), each contributing energy State shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

(i) Programs and activities that are allowed under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(ii) Planning assistance and the administrative costs of complying with this section.

(B) LIMITATION.—Not more than 3 percent of amounts received by a contributing energy State under paragraph (2) may be used for the purposes described in subparagraph (A)(ii).

(5) ADMINISTRATION.—Amounts made available under subparagraphs (A) through (C) of paragraph (1) shall—

(A) be made available, without further appropriation, in accordance with this subsection;

(B) remain available until expended; and

(C) be in addition to any amounts appropriated under—

(i) other provisions of this Act;

(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

(iii) any other provision of law.

(f) ADMINISTRATION.—Nothing in this section affects—

(1) the amount of funds otherwise dedicated to—

(A) the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5); or

(B) the Historic Preservation Fund established under section 108 of the National Historic Preservation Act (16 U.S.C. 470h); or

(2) any authority that permits energy production under any other provision of law.

SA 1777. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 97, line 10, strike all through page 99, line 19, and insert the following:

''(i) PLUG-IN CONVERSION CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the plug-in conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified plug-in electric drive motor vehicle is an amount equal to 50 percent of the cost of the plug-in traction battery module installed in such vehicle as part of such conversion.

''(2) LIMITATIONS.—The amount of the credit allowed under this subsection shall not exceed $4,000 with respect to the conversion of any motor vehicle.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—The term 'qualified plug-in electric drive motor vehicle' means any new qualified plug-in electric drive motor vehicle (as defined in section 30D(c), determined without regard to paragraphs (4) and (6) thereof).

''(B) PLUG-IN TRACTION BATTERY MODULE.—The term 'plug-in traction battery module' means an electro-chemical energy storage device which—

''(i) has a traction battery capacity of not less than 2.5 kilowatt hours,

''(ii) is equipped with an electrical plug by means of which it can be energized and recharged when plugged into an external source of electric power,

''(iii) consists of a standardized configuration and is mass produced,

''(iv) has been tested and approved by the National Highway Transportation Safety Administration as compliant with applicable motor vehicle and motor vehicle equipment safety standards when installed by a mechanic with standardized training in protocols established by the battery manufacturer as part of a nationwide distribution program, and

''(v) is certified by a battery manufacturer as meeting the requirements of clauses (i) through (iv).

''(C) CREDIT ALLOWED TO LESSOR OF BATTERY MODULE.—In the case of a plug-in traction battery module which is leased to the taxpayer, the credit allowed under this subsection shall be allowed to the lessor of the plug-in traction battery module.

''(D) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection) in any preceding taxable year.

''(4) TERMINATION.—This subsection shall not apply to conversions made after December 31, 2010.''.

SA 1778. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, strike lines 6 through 12 and insert the following:

(c) FISCHER-TROPSCH PROCESS EXCLUDED FROM ELIGIBLE PROJECTS.—Paragraph (7) of section 48B(c) is amended by adding at the end the following new flush sentence:

''Such term shall not include any person whose application for certification is principally intended for use in a project which employs gasification for applications related to transportation grade liquid fuels.''.

Beginning on page 71, line 9, strike all through page 72, line 2, and insert the following:

(c) FISCHER-TROPSCH PROCESS EXCLUDED FROM DEFINITION OF ALTERNATIVE FUEL.—Paragraph (2) of section 6426(d), as amended by subsection (b), is amended by striking subparagraph (E) and by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively.

On page 77, line 20, strike ''(G)'' and insert ''(F)''.

SA 1779. Mr. HARKIN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 278, after line 23, add the following:

(6) PURCHASE, SALE, REPORT.—The terms ''purchase'', ''sale'', and ''report'', with respect to the wholesale price of crude oil, gasoline, and petroleum distillates, do not include any transaction or other activity that is subject to the Commodity Exchange Act (7 U.S.C. 1 et seq.).

SA 1780. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS ON RETAIL FUEL FAIRNESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Consumer protection is a priority for the United States Government. Consumers are entitled to the full benefit of every purchase.

(2) As atmospheric temperature rises, so does the temperature of motor fuel (gasoline and diesel fuel) in filling station tanks. Motor fuel expands as it gets warmer so it takes more fluid to contain the same content of energy (or BTUs) it had when it was at a cooler temperature, resulting in a decrease in energy content of 1 gallon of motor fuel.

(3) The expansion of liquid motor fuel due to increases in temperature is commonly referred to as ''hot fuel''.

(4) During the purchase and sale of motor fuel between wholesalers and retailers, the motor fuel volume is temperature compensated to a 60 degree Fahrenheit reference volume.

(5) During the purchase and sale of motor fuel between retailers and consumers the temperature of the fuel is not considered.

(6) The lack of temperature compensation at the retail pump costs consumers $2,740,000,000 annually.

(7) An excise tax on the sale of motor fuel is imposed on entities at points in the chain of distribution above the retail level. Taxes are remitted based on temperature-compensated gallons of motor fuel.

(8) Taxes are recouped from retail consumers on a non-temperature-compensated basis. As a result, when retailers sell to consumers motor fuel that is at a temperature greater than 60 degrees Fahrenheit, the retailers recoup more from consumers as ''taxes'' than the actual amount of Federal and State excise taxes paid by the retailers.

(9) At the time of purchase, a consumer is entitled to the same BTU content contained in a gallon of motor fuel at the retail pump as the retailer receives when the retailer purchases a gallon of motor fuel from the wholesaler.

(10) The most equitable method to address the disparity of the BTU content at the retail pump is by installing temperature compensating retrofit kits to retail fuel pump. This equipment is currently being used in Canada to compensate for the colder motor fuel temperatures they experience.

(11) The National Conference on Weights and Measures, Inc. creates the uniform commercial transaction standards to ensure consumers receive the full benefit of their purchases.

(12) The National Conference on Weights and Measures, Inc. has the authority to adopt standards that would address the concerns behind hot fuel.

(13) The National Institute of Standards and Technology (NIST) provides technical guidance to the National Conference on Weights and Measures, Inc. (NCWM). NIST officials serve as technical advisors to NCWM committees, including the Law and Regulations Committee.

(14) In January 2007, the Law and Regulations Committee of the National Conference on Weights and Measures, Inc. voted to adopt a standard that will facilitate the implementation of a permissive approach to the use of temperature compensation in the marketplace.

(15) In June, 2007, in testimony before a subcommittee of the House of Representatives, a NIST weights and measure official supported the adoption of temperature compensation for the sale of motor fuel at retail pumps.

(16) Despite over 30 years of debate, the National Conference on Weights and Measures, Inc. has not yet addressed consumer concerns over hot fuel and its hidden costs to consumers.

(17) The National Conference on Weights and Measures, Inc. will hold its annual meeting on July 8-12, 2007 in Salt Lake City, Utah.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should adopt sound policies that protect consumers from fraud or unfairness in connection with the purchase or sale of motor fuel;

(2) consumers should receive the full benefit of their purchase;

(3) in order for consumers to receive the full benefit of a gallon of motor fuel, the temperature disparity created by hot fuel must be resolved;

(4) the National Conference on Weights and Measures, Inc. has the authority to adopt standards that would resolve the United States Governments concerns surrounding hot fuel;

(5) during the annual meeting of the National Conference on Weights and Measures, Inc. in July 2007, standards for the hot fuel issue should be promulgated;

(6) in promulgating standards to address the hot fuel issue, the National Conference on Weights and Measures, Inc. should consider the $2,740,000,000 loss to consumers;

(7) in promulgating standards to address the hot fuel issue, the National Conference on Weights and Measures, Inc. should consider the fact that consumers are paying more in Federal and State excise motor fuel taxes than motor fuel retailers are remitting; and

(8) in promulgating standards to address the hot fuel issue, the National Conference on Weights and Measures, Inc. should consider the methods, standards and procedures Canada is currently using to regulate motor fuel temperature.

SA 1781. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3_____. COAL INNOVATION DIRECT LOAN PROGRAM.

(a) IN GENERAL.—Title XXXI of the Energy Policy Act of 1992 (42 U.S.C. 13571 et seq.) is amended by adding at the end the following:

"SEC. 3105. COAL INNOVATION DIRECT LOAN PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CARBON CAPTURE.—The term 'carbon capture' means the capture, separation, and compression of carbon dioxide that would otherwise be released to the atmosphere at a facility in the production of end products of a project prior to transportation of the carbon dioxide to a long-term storage site.

''(2) COAL-TO-LIQUID PRODUCT.—The term 'coal-to-liquid product' means a liquid fuel resulting from the conversion of a feedstock, as described in this section.

''(3) COMBUSTIBLE END PRODUCT.—The term 'combustible end product' means any product of a facility intended to be used as a combustible fuel.

''(4) CONVENTIONAL BASELINE EMISSIONS.—The term 'conventional baseline emissions' means—

''(A) the lifecycle greenhouse gas emissions of a facility that produces combustible end products, using petroleum as a feedstock, that are equivalent to combustible end products produced by a facility of comparable size through an eligible project;

''(B) in the case of noncombustible products produced through an eligible project, the average lifecycle greenhouse gas emissions emitted by projects that—

''(i) are of comparable size; and

''(ii) produce equivalent products using conventional feedstocks; and

''(C) in the case of synthesized gas intended for use as a combustible fuel in lieu of natural gas produced by an eligible project, the lifecycle greenhouse gas emissions that would result from equivalent use of natural gas.

''(5) ELIGIBLE PROJECT.—The term 'eligible project' means a project—

''(A) that employs gasification technology or another conversion process for feedstocks described in this section; and

''(B) for which—

''(i) the annual lifecycle greenhouse gas emissions of the project are at least—

''(I) at the end of the first calendar year after the date of commencement of the project, 5 percent lower than conventional baseline emissions;

''(II) at the end of the second calendar year after the date of commencement of the project, 10 percent lower than conventional baseline emissions;

''(III) at the end of the third calendar year after the date of commencement of the project, 15 percent lower than conventional baseline emissions; and

''(IV) at the end of the fourth calendar year after the date of commencement of the project, 20 percent lower than conventional baseline emissions;

''(ii) of the carbon dioxide that would otherwise be released to the atmosphere at the facility in the production of end products of the project, at least—

''(I) at the end of the first calendar year after the date of commencement of the project, 20 percent is captured for long-term storage;

''(II) at the end of the second calendar year after the date of commencement of the project, 40 percent is captured for long-term storage;

''(III) at the end of the third calendar year after the date of commencement of the project, 60 percent is captured for long-term storage; and

''(IV) at the end of the fourth calendar year after the date of commencement of the project, 80 percent is captured for long-term storage;

''(iii) the individual or entity carrying out the eligible project has entered into an enforceable agreement with the Secretary to implement carbon capture at the percentage that, by the end of the 5-year period after commencement of commercial operation of the eligible project—

''(I) represents the best available technology; and

''(II) achieves a reduction in carbon emissions that is not less than 80 percent; and

''(iv) in the opinion of the Secretary, sufficient commitments have been secured to achieve long-term storage of captured carbon dioxide beginning as of the date of commencement of commercial operation of the project.

''(6) FACILITY.—The term 'facility' means a facility at which the conversion of feedstocks to end products takes place.

''(7) GASIFICATION TECHNOLOGY.—The term 'gasification technology' means any process that converts coal, petroleum residue, renewable biomass, or other material that is recovered for energy or feedstock value into a synthesis gas composed primarily of carbon monoxide and hydrogen for direct use or subsequent chemical or physical conversion.

''(8) GREENHOUSE GAS.—The term 'greenhouse gas' means any of—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons; and

''(F) sulfur hexafluoride.

''(9) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'lifecycle greenhouse gas emissions' means the aggregate quantity of greenhouse gases attributable to the production and transportation of end products at a facility, including the production, extraction, cultivation, distribution, marketing, and transportation of feedstocks, and the subsequent distribution and use of any combustible end products, as modified by deducting, as determined by the Administrator of the Environmental Protection Agency—

''(A) any greenhouse gases captured at the facility and sequestered;

''(B) the carbon content, expressed in units of carbon dioxide equivalent, of any feedstock that is renewable biomass; and

''(C) the carbon content, expressed in units of carbon dioxide equivalent, of any end products that do not result in the release of carbon dioxide to the atmosphere.

''(10) LONG-TERM STORAGE.—The term 'long-term storage' means sequestration with an expected maximum rate of carbon dioxide leakage over a specified period of time that is consistent with the objective of reducing atmospheric concentrations of carbon dioxide, subject to a permit issued pursuant to law in effect as of the date of the sequestration.

''(11) RENEWABLE BIOMASS.—The term 'renewable biomass' has the definition given the term in section 102 of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007.

''(12) SEQUESTRATION.—The term 'sequestration' means the placement of carbon dioxide in a geological formation, including—

''(A) an operating oil and gas field;

''(B) coal bed methane recovery;

''(C) a depleted oil and gas field;

''(D) an unmineable coal seam;

''(E) a deep saline formation; and

''(F) a deep geological systems containing basalt formations.

''(b) FEED ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—Subject to paragraph (3), and in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352), not later than 1 year after the date of the enactment of this section, the Secretary shall carry out a program to provide grants for use in obtaining or carrying out any services necessary for the planning, permitting, and construction of an eligible project.

''(2) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive grants under this section—

''(A) through the conduct of a reverse auction, in which eligible projects proposed to be carried out that have the greatest rate of carbon capture and long-term storage, and the lowest lifecycle greenhouse gas emissions, are given priority;

''(B) that, taken together, would—

''(i) represent a variety of geographical regions;

''(ii) use a variety of feedstocks and types of coal; and

''(iii) to the extent consistent with achieving long-term storage, represent a variety of geological formations; and

''(C) for which eligible projects, in the opinion of the Secretary—

''(i) each award recipient is financially viable without the receipt of additional Federal funding associated with the proposed project;

''(ii) each recipient will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively;

''(iii) a market exists for the products of the proposed project, as evidenced by contracts or written statements of intent from potential customers;

''(iv) the project team of each recipient is competent in the construction and operation of the gasification technology proposed; and

''(v) each recipient has met such other criteria as may be established and published by the Secretary.

''(3) MAXIMUM AMOUNT OF GRANTS.—In carrying out this subsection, the Secretary shall provide not more than—

''(A) $20,000,000 in grant funds for any eligible project; and

''(B) $200,000,000 in grant funds, in the aggregate, for all eligible projects.

''(c) DIRECT LOAN PROGRAM.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and subject to funds being made available in advance through appropriations Acts, the Secretary shall carry out a program to provide a total of not more than $10,000,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for use in carrying out eligible projects.

''(2) APPLICATION.—An applicant for a loan under this section shall comply with the terms and conditions in section 215(b)(3) of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 in the same manner in which applicants for Renewable Energy Construction grants are required to comply with that section.

''(3) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this section—

''(A) through the conduct of a reverse auction, in which eligible projects proposed to be carried out that have the greatest rate of carbon capture and long-term storage, and the lowest lifecycle greenhouse gas emissions, are given priority;

''(B) that, taken together, would—

''(i) represent a variety of geographic regions;

''(ii) use a variety of types of feedstocks and coal; and

''(iii) to the extent consistent with achieving long-term storage, represent a variety of geological formations; and

''(C) for which eligible projects, in the opinion of the Secretary—

''(i) each award recipient is financially viable without the receipt of additional Federal funding associated with the proposed project;

''(ii) each recipient will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively;

''(iii) a market exists for the products of the proposed project, as evidenced by contracts or written statements of intent from potential customers;

''(iv) the project team of each recipient is competent in the construction and operation of the gasification technology proposed; and

''(v) each recipient has met such other criteria as may be established and published by the Secretary.

''(4) USE OF LOAN FUNDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), funds from a loan provided under this section may be used to pay up to 100 percent of the costs of capital associated with reducing lifecycle greenhouse gas emissions at the facility (including carbon dioxide capture, compression, and long-term storage, cogeneration, and gasification of biomass) carried out as part of an eligible project.

''(B) TOTAL PROJECT COST.—Funds from a loan provided under this section may not be used to pay more than 50 percent of the total cost of an eligible project.

''(5) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this section—

''(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

''(B) shall have a term equal to the lesser of—

''(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

''(ii) 25 years;

''(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary; and

''(D) shall be made on the condition that the Secretary shall be subrogated to the rights of the recipient of the payment as specified in the loan or related agreements, including, as appropriate, the authority (notwithstanding any other provision of law)—

''(i) to complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to the guarantee or a related agreement; or

''(ii) to permit the borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the project, if the Secretary determines the pursuit to be in the public interest.

''(6) METHODOLOGY.—Not later than 18 months after the date of enactment of this section, the Administrator of the Environmental Protection Agency shall, by regulation, establish a methodology for use in determining the lifecycle greenhouse gas emissions of products produced using gasification technology.

''(d) STUDY OF MAINTAINING COAL-TO-LIQUID PRODUCTS IN STRATEGIC PETROLEUM RESERVE.—Not later than 1 year after the date of enactment of this section, the Secretary and the Secretary of Defense shall—

''(1) conduct a study of the feasibility and suitability of maintaining coal-to-liquid products in the Strategic Petroleum Reserve; and

''(2) submit to the Committee on Energy and Natural Resources and the Committee on Armed Services of the Senate and the Committee on Energy and Commerce and the Committee on Armed Services of the House of Representatives a report describing the results of the study.

''(e) REPORT ON EMISSIONS OF COAL-TO-LIQUID PRODUCTS USED AS TRANSPORTATION FUELS.—

''(1) IN GENERAL.—In cooperation with the Secretary, the Secretary of Defense, the Administrator of the Federal Aviation Administration, and the Secretary of Health and Human Services, the Administrator of the Environmental Protection Agency shall—

''(A) carry out a research and demonstration program to evaluate the emissions of the use of coal-to-liquid fuel for transportation, including diesel and jet fuel;

''(B) evaluate the effect of using coal-to-liquid transportation fuel on emissions of vehicles, including motor vehicles and nonroad vehicles, and aircraft (as those terms are defined in sections 216 and 234, respectively, of the Clean Air Act (42 U.S.C. 7550, 7574)); and

''(C) in accordance with paragraph (4), submit to Congress a report on the effect on air and water quality, water scarcity, land use, and public health of using coal-to-liquid fuel in the transportation sector.

''(2) GUIDANCE AND TECHNICAL SUPPORT.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall issue any guidance or technical support documents necessary to facilitate the effective use of coal-to-liquid fuel and blends under this subsection.

''(3) REQUIREMENTS.—The program described in paragraph (1)(A) shall take into consideration—

''(A) the use of neat (100 percent) coal-to-liquid fuel and blends of coal-to-liquid fuels with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector;

''(B) the production costs associated with domestic production of those fuels and prices for consumers; and

''(C) the overall greenhouse gas effects of substituting coal-derived fuels for crude oil-derived fuels.

''(4) REPORTS.—The Administrator of the Environmental Protection Agency shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives—

''(A) not later than 180 days after the date of enactment of this section, an interim report on actions taken to carry out this subsection; and

''(B) not later than 1 year after the date of enactment of this section, a final report on actions taken to carry out this subsection.

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

''SEC. 3106. CLEAN COAL-DERIVED FUEL FEASIBILITY STUDY.

''(a) IN GENERAL.—The Secretary, acting through the Director of the National Energy Technology Laboratory and the Administrator of the Energy Information Administration, shall conduct a study to assess the technology, trends, benefits, and costs associated with the production and consumption of coal-derived fuels in the United States.

''(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

''(1) conduct an assessment of—

''(A) the inputs required per unit of coal-derived fuel;

''(B) the feasibility of attaining an annual production of coal-derived fuels of a rate of not less than 6,000,000,000 gallons of coal-derived fuels per year; and

''(C) the estimated quantity of commercially recoverable coal reserves in the United States; and

''(2) make a determination relating to the extent to which, and the timetable required within which, coal-derived fuels could feasibly and cost-effectively be expected to offset consumption of petroleum-based fuels in the United States.

''(c) REPORT.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to Congress a report that describes the results of the study.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended by adding at the end of the items relating to title XXXI the following:

''Sec. 3105. Coal innovation direct loan program.

''Sec. 3106. Clean coal-derived fuel feasibility study.''.

SA 1782. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting

new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ___. ELECTRICITY PRODUCTION DIRECT LOAN PROGRAM.

(a) IN GENERAL.—Title XXXI of the Energy Policy Act of 1992 (42 U.S.C. 13571 et seq.) is amended by adding at the end the following:

"SEC. 3105. ELECTRICITY PRODUCTION DIRECT LOAN PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) CARBON CAPTURE.—The term 'carbon capture' means the capture, separation, and compression of carbon dioxide from a unit prior to transportation of the carbon dioxide to a long-term storage site.

''(2) ELIGIBLE PROJECT.—The term 'eligible project' means a project carried out to produce electricity through the use of at least 75 percent coal as a feedstock—

''(A) for which technology is employed, on a unit of at least 400 megawatts, for carbon capture of at least 85 percent of the carbon dioxide produced by the unit;

''(B) that is subject to an enforceable agreement between the individual or entity and the Secretary for full deployment of best available carbon capture technology at the facility, which will capture not less than 85 percent of carbon dioxide emitted at the facility, within 10 years of the placed-in-service date;

''(C) for which, in the opinion of the Secretary, sufficient commitments have been secured to achieve long-term storage of all captured carbon dioxide beginning on the placed-in-service date;

''(D) that—

''(i) consists of 1 or more electric generation units at 1 site; and

''(ii) will have a total name plate generating capacity of at least 400 megawatts;

''(E) for which the applicant provides evidence that a majority of the output of the project is reasonably expected to be acquired or used;

''(F) for which the applicant provides evidence of ownership or control of a site of sufficient size to allow the proposed project to be constructed and to operate on a long-term basis; and

''(G) that will be located in the United States.

''(3) LONG-TERM STORAGE.—The term 'long-term storage' means sequestration with an expected maximum rate of carbon dioxide leakage over a specified period of time that is—

''(A) consistent with the objective of reducing atmospheric concentrations of carbon dioxide; and

''(B) subject to a permit issued pursuant to applicable Federal law.

''(4) SEQUESTRATION.—The term 'sequestration' means the placement of carbon dioxide in a geological formation, which may include, to the extent consistent with the achievement of long-term storage of the carbon dioxide—

''(A) an operating oil and gas field;

''(B) coal bed methane recovery;

''(C) a depleted oil and gas field;

''(D) an unmineable coal seam;

''(E) a deep saline formation; and

''(F) a deep geological systems containing basalt formations.

''(b) PROGRAM.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and subject to the availability of appropriations, the Secretary shall carry out a program to provide a total of not more than $5,000,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for use in carrying out eligible projects.

''(2) APPLICATION.—An applicant for a loan under this section shall comply with the terms and conditions in section 215(b)(3) of the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 in the same manner in which applicants for renewable energy construction grants under that section are required to comply with those terms and conditions.

''(3) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this section—

''(A) through the conduct of a reverse auction, in which eligible projects proposed to be carried out are selected because the eligible projects have—

''(i) the lowest ratio of emitted carbon dioxide (excluding carbon dioxide captured and sequestered) to produced electricity, as calculated based on units of carbon dioxide emitted per megawatt-hour of electricity produced prior to sequestration;

''(ii) the highest net efficiency, as calculated by dividing the net generation of electricity of the project, in megawatt-hours, by all fuel input, in British thermal units—

''(I) as adjusted to take into account the proposed site elevation and temperature of the project; and

''(II) not including any reduction in electricity generation resulting from carbon dioxide capture or sequestration; and

''(iii) carbon dioxide production, prior to sequestration, of at least 4,000,000 tons per year in a first step in the construction of a scalable project;

''(B) that, taken together, would—

''(i) represent a variety of geographical regions; and

''(ii) use a variety of types of coal; and

''(C) by giving additional appropriate consideration to—

''(i) the extent to which a project would advance the goals of demonstrating sequestration technology through the availability of multiple viable carbon dioxide sink options;

''(ii) the potential of a project to reduce overall emissions of air pollutants through minimized coal transportation impacts;

''(iii) the potential of a project to apply the demonstrated technology to other geographical areas and the existing coal generating fleet; and

''(iv) the extent to which impacts on surface land and water from the extraction of coal resources would be minimized in carrying out the project.

''(4) USE OF LOAN FUNDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), funds from a loan provided under this section may be used to pay up to 100 percent of the costs of capital associated with carbon capture and sequestration (including air separation, boiler, or gasifier technology to facilitate capture, carbon dioxide capture, conditioning, and compression) carried out as part of an eligible project.

''(B) TOTAL PROJECT COST.—Funds from a loan provided under this section may not be used to pay more than 50 percent of the total cost of an eligible project.

''(5) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this section—

''(A) shall have a fixed interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

''(B) shall have a term equal to the lesser of—

''(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

''(ii) 25 years from the placed in service date of the facility;

''(C) shall not enter repayment before the project placed in service date; and

''(D) shall be made on the condition that the Secretary shall be subrogated to the rights of the recipient of the payment as specified in the loan or related agreements, including, as appropriate, the authority (notwithstanding any other provision of law)—

''(i) to complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to the guarantee or a related agreement; or

''(ii) to permit the borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the project, if the Secretary determines the pursuit to be in the public interest.

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

(b) CONFORMING AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. prec. 13201) is amended by adding at the end of the items relating to title XXXI the following:

''Sec. 3105. Electricity production direct loan program.''.

SA 1783. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 206. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

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

''(1) in the case of a qualified investment of an eligible taxpayer for such taxable year relating to plug-in hybrid electric vehicles or pure electric vehicles, 50 percent of so much of such qualified investment as does not exceed $150,000,000, and

''(2) in the case of any other qualified investment of an eligible taxpayer for such taxable year, 35 percent of so much of such qualified investment as does not exceed $50,000,000.

''(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 of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

''(B) for engineering integration of such vehicles and components as described in subsection (d), and

''(C) for research and development related to advanced technology motor vehicles and eligible components.

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

''(B) any new qualified hybrid motor vehicle (as defined in section 30B(d)(3)(A) and determined without regard to any gross vehicle weight rating), or

''(C) any new plug-in hybrid electric vehicle.

''(2) PLUG-IN HYBRID ELECTRIC VEHICLE.—For purposes of this section, the term 'plug-in hybrid electric vehicle' means a light-duty, medium-duty, or heavy-duty on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine and/or an electric motor and energy storage system using (or capable of using)—

''(A) any combustible fuel,

''(B) an on-board, rechargeable storage device, and

''(C) a means of using an off-board source of electricity to operate the vehicle in intermittent or continuous all-electric mode.

''(3) 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.

''(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 component 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 paragraphs (4) and (5) of section 179A(e) 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, 2015.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a), as amended by this Act, 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), as amended by this Act, is amended by inserting ''30E(k),'' after ''30D(e)(9),''.

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

''Sec. 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.

SA 1784. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, between lines 9 and 10, insert the following:

(c) SPECIAL RULE FOR MODEL YEAR 2009 MOTOR VEHICLES.—Section 30B(c) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR 2009 MODEL YEAR VEHICLES.—In the case of any motor vehicle which is manufactured in model year 2009—

''(A) paragraph (3)(A)(iv)(I) shall be applied by substituting 'the Bin 8 Tier II emission standard' for 'the Bin 5 Tier II emission standard', and

''(B) in applying this subsection to any motor vehicle which is a new advanced lean burn technology motor vehicle by reason of subparagraph (A), the amount of the credit allowed under this subsection shall be an amount equal to 75 percent of the amount which would be otherwise so allowed, determined without regard to this subparagraph.''.

SA 1785. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which

was ordered to lie on the table; as follows:

On page 87, between lines 9 and 10, insert the following:

(c) SPECIAL RULE FOR MODEL YEAR 2009 MOTOR VEHICLES.—Section 30B(c) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR 2009 MODEL YEAR VEHICLES.—In the case of any motor vehicle which is manufactured in model year 2009—

''(A) paragraph (3)(A)(iv)(I) shall be applied by substituting 'the Bin 8 Tier II emission standard' for 'the Bin 5 Tier II emission standard', and

''(B) in applying this subsection to any motor vehicle which is a new advanced lean burn technology motor vehicle by reason of subparagraph (A), the amount of the credit allowed under this subsection shall be an amount equal to 50 percent of the amount which would be otherwise so allowed, determined without regard to this subparagraph.''.

SA 1786. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. SENSE OF THE SENATE ON ADDRESSING THE RISKS POSED BY GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate finds the following:

(1) There is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate.

(2) There are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations.

(3) The potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and, therefore, have implications for the national security interests of the United States.

(4) The United States has the largest economy in the world and is also the largest emitter of greenhouse gases.

(5) The greenhouse gas emissions of the United States are projected to continue to rise.

(6) The greenhouse gas emissions of developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries.

(7) Reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases.

(8) The development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States.

(9) Climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure.

(10) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provide the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(11) Efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change.

(12) The United States Climate Change Science Program launched by President George W. Bush concluded in April 2006 that there is no longer a discrepancy between the rates of global average temperature increase observed at the Earth's surface and in the atmosphere, strengthening the scientific evidence that human activity contributes significantly to global temperature increases.

(13) President Bush, in the State of the Union Address given in January 2006, called on the United States to reduce its ''addiction'' to oil and focus its attention on developing cleaner, renewable, and sustainable energy sources.

(14) President Bush has launched the Asia-Pacific Partnership on Clean Development and Climate to cooperatively develop new and cleaner energy technologies and promote their use in fast-developing nations like India and China.

(15) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources toward solving the problem of the overreliance of the United States and the world on high-carbon energy.

(16) As documented in recent studies, a failure to recognize, plan for, and mitigate the strategic, social, political, and economic effects of a changing climate will have an adverse impact on the national security interests of the United States.

(17) The United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994 (hereinafter referred to as the ''Convention'').

(18) At the December 2005 United Nations Climate Change Conference in Montreal, Canada, parties to the Convention, with the concurrence of the United States, initiated a new dialogue on long-term cooperative action to address climate change.

(19) The Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

(20) The Convention establishes that parties bear common but differentiated responsibilities for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(21) An effective global effort to address climate change must provide for commitments and action by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among the developed and developing countries may require that such commitments and action vary.

(22) The United States has the capability to lead the effort to counter global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and foster sustained economic growth through a new generation of technologies, by—

(1) participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) establishing a bipartisan Senate observer group, the members of which shall be designated by the Majority Leader and the Minority Leader of the Senate and shall represent the appropriate congressional committees of oversight, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SA 1787. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. SENSE OF THE SENATE ON ADDRESSING THE RISKS POSED BY GLOBAL CLIMATE CHANGE.

(a) FINDINGS.—The Senate finds the following:

(1) There is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate.

(2) There are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations.

(3) The potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and, therefore, have implications for the national security interests of the United States.

(4) The United States has the largest economy in the world and is also the largest emitter of greenhouse gases.

(5) The greenhouse gas emissions of the United States are projected to continue to rise.

(6) The greenhouse gas emissions of developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries.

(7) Reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate-friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases.

(8) The development and sale of climate-friendly technologies in the United States and internationally present economic opportunities for workers and businesses in the United States.

(9) Climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure.

(10) Other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provide the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies.

(11) Efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change.

(12) The United States Climate Change Science Program launched by President George W. Bush concluded in April 2006 that there is no longer a discrepancy between the rates of global average temperature increase observed at the Earth's surface and in the atmosphere, strengthening the scientific evidence that human activity contributes significantly to global temperature increases.

(13) President Bush, in the State of the Union Address given in January 2006, called on the United States to reduce its ''addiction'' to oil and focus its attention on developing cleaner, renewable, and sustainable energy sources.

(14) President Bush has launched the Asia-Pacific Partnership on Clean Development and Climate to cooperatively develop new and cleaner energy technologies and promote their use in fast-developing nations like India and China.

(15) The national security of the United States will increasingly depend on the deployment of diplomatic, military, scientific, and economic resources toward solving the problem of the overreliance of the United States and the world on high-carbon energy.

(16) The United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994 (hereinafter referred to as the ''Convention'').

(17) At the December 2005 United Nations Climate Change Conference in Montreal, Canada, parties to the Convention, with the concurrence of the United States, initiated a new dialogue on long-term cooperative action to address climate change.

(18) The Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

(19) The Convention establishes that parties bear common but differentiated responsibilities for efforts to achieve the objective of stabilizing greenhouse gas concentrations.

(20) An effective global effort to address climate change must provide for commitments and action by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among the developed and developing countries may require that such commitments and action vary.

(21) The United States has the capability to lead the effort to counter global climate change.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and foster sustained economic growth through a new generation of technologies, by—

(1) participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994, and leading efforts in other international fora, with the objective of securing United States participation in binding agreements that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) establishing a bipartisan Senate observer group, the members of which shall be designated by the Majority Leader and the Minority Leader of the Senate and shall represent the appropriate congressional committees of oversight, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SA 1788. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, beginning in line 15, strike ''a manufacturer'' and insert ''manufacturers''.

On page 241, beginning in line 16, strike ''at least 4 percent greater than the'' and insert ''the maximum feasible''.

On page 241, beginning in line 17, strike ''required to be attained for the fleet in the previous model year (rounded to the nearest 1/10 mile per gallon).'' and insert ''for the fleet.''.

On page 243, beginning in line 18, strike ''and based on the results of that study,'' and insert ''by regulation,''.

On page 243, line 22, strike ''and, as appropriate, shall adopt'' and insert ''designed to achieve the maximum feasible improvement, and shall adopt appropriate''.

On page 243, line 23, strike ''efficiency'' and insert ''economy''.

On page 244, line 12, strike ''a commercial'' and insert ''an''.

On page 244, line 14, strike ''10,000 pounds.'' and insert ''8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.''.

On page 244, beginning with line 20, strike through line 5 on page 245, and insert the following:

''(1) VEHICLE ATTRIBUTES; MODEL YEARS COVERED.—The Secretary shall—

''(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

''(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

On page 245, beginning with line 17, strike through line 8 on page 247 and insert the following:

''(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(1) may prescribe a standard higher than that required under subsection (b); or

''(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.''.

On page 251, between lines 13 and 14, insert the following:

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

''(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

''(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

''(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

''(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

''(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

''(A) the manufacturer that applied for the alternative average fuel economy standard;

''(B) all automobiles to which this subsection applies; or

''(C) classes of automobiles manufactured by eligible manufacturers.

''(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

''(A) imports; or

''(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

''(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

''(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

''(A) is not owned in whole or in part by another manufacturer that sold greater than 0.5 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

''(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

''(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

''(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.''.

On page 251, line 14, strike ''(e)'' and insert ''(f)''.

On page 253, beginning in line 15, strike ''**and aggressivity reduction**''.

On page 253, line 19, strike ''incompatibility and aggressivity.'' and insert ''incompatibility.''.

On page 254, in the matter appearing between lines 20 and 21, strike ''and aggressivity reduction''.

On page 259, line 9, after ''automobile'' insert ''and medium-duty and heavy-duty truck''.

On page 259, line 11, after ''automotive'' insert ''and medium-duty and heavy-duty truck''.

On page 261, beginning with line 5, strike through line 8 on page 263.

On page 263, line 9, strike ''**SEC. 512.**'' and insert ''**SEC. 511.**''.

On page 264, line 18, strike ''**SEC. 513.**'' and insert ''**SEC. 512.**''.

On page 265, line 11, strike ''**SEC. 514.**'' and insert ''**SEC. 513.**''.

On page 268, line 14, strike ''**SEC. 515.**'' and insert ''**SEC. 514.**''.

On page 269, line 17, insert ''and'' after the semicolon.

On page 269, strike lines 18 through 20.

On page 269, line 21, strike ''(iii)'' and insert ''(ii)''.

On page 270, line 17, strike ''**SEC. 516.**'' and insert ''**SEC. 515.**''.

On page 272, line 10, strike ''**SEC. 517.**'' and insert ''**SEC. 516.**''.

On page 273, line 6, strike ''518(a)'' and insert ''517(a)''.

On page 273, line 7, strike ''**SEC. 518.**'' and insert ''**SEC. 517.**''.

On page 276, line 20, strike ''**SEC. 519.**'' and insert ''**SEC. 518.**''.

On page 277, line 1, strike ''**SEC. 520.**'' and insert ''**SEC. 519.**''.

SA 1789. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 37, strike line 24 and all that follows through page 38, line 3, and insert the following:

''(2) REQUIREMENTS.—

(A) IN GENERAL.—A project under this subsection shall employ new or significantly improved technologies for the production of renewable fuels as compared to commercial technologies in service in the United States on the date on which the guarantee is issued.

(B) NEW OR SIGNIFICANTLY IMPROVED TECHNOLOGIES.—To be considered a new or significantly improved technology under subparagraph (A), the technology shall have the potential, not later than 15 years after the date on which the guarantee is issued—

(i) to achieve scalability with an annual rate of production equal to a rate of not less than 15,000,000,000 gallons of conventional biofuels per year; and

(ii) to be competitive with respect to the cost of conventional biofuels.

SA 1790. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 13, strike ''and'' at the end.

On page 7, line 16, strike the period at the end and insert ''; and''.

On page 7, between lines 16 and 17, insert the following:

(vii) cellulosic biofuel, including any liquid transportation fuel that is derived from any lignocellulosic or hemicellulosic matter (other than food starch) that is available on a renewable or recurring basis.

SA 1791. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 20, insert the following:

(2) CLARIFICATION OF DEFINITION.—Paragraph (3) of section 40A(f) is amended—

(A) by striking ''thermal depolymerization process'' and inserting ''thermal chemical process'',

(B) by inserting '', if applicable'' after ''(42 U.S.C. 7545)'' in subparagraph (A), and

(C) by inserting ''or such other applicable standards as may be issued by the American Society of Testing and Materials that apply to a final mixture or product'' after ''D975 or D396'' in subparagraph (B).

SA 1792. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 239, beginning with line 16, strike through line 5 on page 277 and insert the following:

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Ten-in-Ten Fuel Economy Act''.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking ''**NON-PASSENGER AUTOMOBILES**.—'' in subsection (a) and inserting ''**PRESCRIPTION OF STANDARDS BY REGULATION**.—'';

(2) by striking ''(except passenger automobiles)'' in subsection (a); and

(3) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

''(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

''(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

''(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

''(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

''(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

''(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the

Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.''.

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

''(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

''(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

''(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

''(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

''(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

''(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

''(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

''(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

''(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.''.

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

''(l) AUTHORITY OF THE SECRETARY.—

''(1) VEHICLE ATTRIBUTES; MODEL YEARS COVERED.—The Secretary shall—

''(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

''(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

''(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.''.

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

''(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(1) may prescribe a standard higher than that required under subsection (b); or

''(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.''.

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

''(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

''(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

''(A) economic practicability;

''(B) the effect of other motor vehicle standards of the Government on fuel economy;

''(C) environmental impacts; and

''(D) the need of the United States to conserve energy.

''(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest 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;

''(C) is not less than the standard for that class of vehicles from any prior year; and

''(D) is cost-effective.

''(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

''(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

''(A) Economic security.

''(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

''(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

''(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

''(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

''(F) Such additional factors as the Secretary deems relevant.

''(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

''(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

''(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.''.

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting ''and the Administrator of the Environmental Protection Agency'' after ''Energy''.

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting ''(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.''; and

(2) by inserting ''and the Administrator'' after ''Energy'' each place it appears in paragraph (2).

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

''(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

''(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

''(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

''(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

''(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

''(A) the manufacturer that applied for the alternative average fuel economy standard;

''(B) all automobiles to which this subsection applies; or

''(C) classes of automobiles manufactured by eligible manufacturers.

''(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

''(A) imports; or

''(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

''(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

''(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

''(A) is not owned in whole or in part by another manufacturer that sold greater than 0.5 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

''(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

''(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

''(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking ''passenger'' each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking ''subsection (a) or (d)'' each place it appears in paragraph (1) and inserting ''subsection (b), (c), or (d)''; and

(B) striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

''(A) a vehicle operated only on a rail line;

''(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

''(C) a work truck.''; and

(2) by adding at the end the following:

''(17) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsection (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.''.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

"§ 32917. Standards for Executive agency automobiles

''(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

''(b) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.''.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

''(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.—(1) The Secretary of Energy, in consultation with the Secretary of Transportation, shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

''(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

''(B) to include information in the owner's manual of each such automobile information that describes—

''(i) the capability of the automobile to operate using alternative fuel;

''(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

''(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

''(2) The Secretary of Transportation shall collaborate with automobile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

''(A) the renewable nature of alternative fuel; and

''(B) the environmental benefits of using alternative fuel.''.

SEC. 512. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 513. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

"§ 30123A. Tire fuel efficiency consumer information

''(a) RULEMAKING.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

''(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

''(A) a national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions;

''(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

''(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

''(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

''(3) APPLICABILITY.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

''(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

''(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

''(e) PREEMPTION.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.''.

(b) ENFORCEMENT.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

''(4) SECTION 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.''.

(c) Conforming Amendment.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the following:

''30123A. Tire fuel efficiency consumer information''.

SEC. 514. ADVANCED BATTERY INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(c) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology and battery systems needs relevant to—

(i) electric drive technology; and

(ii) other applications the Secretary deems appropriate;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology and battery systems roadmaps.

(d) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this section shall be available to the public.

(e) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 515. BIODIESEL STANDARDS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the

Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation and the Secretary of Energy, shall promulgate regulations to ensure that all diesel-equivalent fuels derived from renewable biomass that are introduced into interstate commerce are tested and certified to comply with appropriate American Society for Testing and Materials standards.

(b) DEFINITIONS.—In this section:

(1) BIODIESEL.—

(A) IN GENERAL.—The term ''biodiesel'' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) INCLUSIONS.—The term ''biodiesel'' includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) BIODIESEL BLEND.—The term ''biodiesel blend'' means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as ''B5''); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as ''B20'').

SEC. 516. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

''(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

''(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

''(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 517(a) of the Ten-in-Ten Fuel Economy Act.''.

SEC. 517. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the ''Energy Security Fund'' (referred to in this section as the ''Fund''), consisting of—

(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

(B) amounts credited to the Fund under paragraph (2)(C).

(2) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(3) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(b) ALTERNATIVE FUELS GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(2) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) EXCEPTIONS.—

(i) CERTAIN OIL COMPANIES.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) PROHIBITION OF DUAL BENEFITS.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) ENSURING COMPLIANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(3) MAXIMUM AMOUNT.—

(A) GRANTS.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) AMOUNT PER STATION.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(4) USE OF FUNDS.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 519. APPLICATION WITH CLEAN AIR ACT.

Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively).

''(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

''(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

''(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

''(A) the manufacturer that applied for the alternative average fuel economy standard;

''(B) all automobiles to which this subsection applies; or

''(C) classes of automobiles manufactured by eligible manufacturers.

''(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

''(A) imports; or

''(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

''(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

''(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

''(A) is not owned in whole or in part by another manufacturer that sold greater than 0.4 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

''(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

''(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

''(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking ''passenger'' each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking ''subsection (a) or (d)'' each place it appears in paragraph (1) and inserting ''subsection (b), (c), or (d)''; and

(B) striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

''(A) a vehicle operated only on a rail line;

''(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

''(C) a work truck.''; and

(2) by adding at the end the following:

''(17) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsection (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.''.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

''§ 32917. Standards for Executive agency automobiles

''(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

''(b) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.''.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

''(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.—(1) The Secretary of Energy, in consultation with the Secretary of Transportation, shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

''(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

''(B) to include information in the owner's manual of each such automobile information that describes—

''(i) the capability of the automobile to operate using alternative fuel;

''(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

''(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

''(2) The Secretary of Transportation shall collaborate with automobile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

''(A) the renewable nature of alternative fuel; and

''(B) the environmental benefits of using alternative fuel.''.

SEC. 512. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 513. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

''§ 30123A. Tire fuel efficiency consumer information

''(a) RULEMAKING.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

''(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

''(A) a national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions;

''(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

''(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

''(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

''(3) APPLICABILITY.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

''(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

''(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

''(e) PREEMPTION.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.''.

(b) ENFORCEMENT.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

''(4) SECTION 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.''.

(c) Conforming Amendment.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the following:

''30123A. Tire fuel efficiency consumer information''.

SEC. 514. ADVANCED BATTERY INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(c) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology and battery systems needs relevant to—

(i) electric drive technology; and

(ii) other applications the Secretary deems appropriate;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology and battery systems roadmaps.

(d) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this section shall be available to the public.

(e) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 515. BIODIESEL STANDARDS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation and the Secretary of Energy, shall promulgate regulations to ensure that all diesel-equivalent fuels derived from renewable biomass that are introduced into interstate commerce are tested and certified to comply with appropriate American Society for Testing and Materials standards.

(b) DEFINITIONS.—In this section:

(1) BIODIESEL.—

(A) IN GENERAL.—The term ''biodiesel'' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) INCLUSIONS.—The term ''biodiesel'' includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) BIODIESEL BLEND.—The term ''biodiesel blend'' means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as ''B5''); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as ''B20'').

SEC. 516. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

''(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

''(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

''(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 517(a) of the Ten-in-Ten Fuel Economy Act.''.

SEC. 517. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the ''Energy

Security Fund'' (referred to in this section as the ''Fund''), consisting of—

(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

(B) amounts credited to the Fund under paragraph (2)(C).

(2) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(3) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(b) ALTERNATIVE FUELS GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(2) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) EXCEPTIONS.—

(i) CERTAIN OIL COMPANIES.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) PROHIBITION OF DUAL BENEFITS.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) ENSURING COMPLIANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(3) MAXIMUM AMOUNT.—

(A) GRANTS.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) AMOUNT PER STATION.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(4) USE OF FUNDS.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 519. APPLICATION WITH CLEAN AIR ACT.

Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively).

SA 1793. Mr. STEVENS (for himself, Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1711 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

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

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Ten-in-Ten Fuel Economy Act''.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking ''**NON-PASSENGER AUTOMOBILES**.—'' in subsection (a) and inserting ''**PRESCRIPTION OF STANDARDS BY REGULATION**.—'';

(2) by striking ''(except passenger automobiles)'' in subsection (a); and

(3) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

''(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

''(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

''(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

''(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

''(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

''(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.''.

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

''(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

''(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

''(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

''(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

''(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

''(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

''(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

''(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

''(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.''.

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as

amended by subsection (b), is further amended by adding at the end thereof the following:

''(l) AUTHORITY OF THE SECRETARY.—

''(1) VEHICLE ATTRIBUTES; MODEL YEARS COVERED.—The Secretary shall—

''(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

''(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

''(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.''.

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

''(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(1) may prescribe a standard higher than that required under subsection (b); or

''(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.''.

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

''(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

''(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

''(A) economic practicability;

''(B) the effect of other motor vehicle standards of the Government on fuel economy;

''(C) environmental impacts; and

''(D) the need of the United States to conserve energy.

''(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest 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;

''(C) is not less than the standard for that class of vehicles from any prior year; and

''(D) is cost-effective.

''(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

''(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

''(A) Economic security.

''(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

''(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

''(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

''(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

''(F) Such additional factors as the Secretary deems relevant.

''(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

''(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

''(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.''.

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting ''and the Administrator of the Environmental Protection Agency'' after ''Energy''.

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting ''(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.''; and

(2) by inserting ''and the Administrator'' after ''Energy'' each place it appears in paragraph (2).

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

''(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

''(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

''(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

''(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

''(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

''(A) the manufacturer that applied for the alternative average fuel economy standard;

''(B) all automobiles to which this subsection applies; or

''(C) classes of automobiles manufactured by eligible manufacturers.

''(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

''(A) imports; or

''(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

''(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

''(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

''(A) is not owned in whole or in part by another manufacturer that sold greater than 0.4 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

''(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

''(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

''(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking ''passenger'' each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking ''subsection (a) or (d)'' each place it appears in paragraph (1) and inserting ''subsection (b), (c), or (d)''; and

(B) striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

''(A) a vehicle operated only on a rail line;

''(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

''(C) a work truck.''; and

(2) by adding at the end the following:

''(17) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsection (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.''.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

''§ 32917. Standards for Executive agency automobiles

''(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

''(b) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.''.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SEC. 511. INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

''(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL AUTOMOBILES.—(1) The Secretary of Energy, in consultation with the Secretary of Transportation, shall prescribe regulations that require the manufacturer of automobiles distributed in interstate commerce for sale in the United States—

''(A) to prominently display a permanent badge or emblem on the quarter panel or tailgate of each such automobile that indicates such vehicle is capable of operating on alternative fuel; and

''(B) to include information in the owner's manual of each such automobile information that describes—

''(i) the capability of the automobile to operate using alternative fuel;

''(ii) the benefits of using alternative fuel, including the renewable nature, and the environmental benefits of using alternative fuel; and

''(C) to contain a fuel tank cap that is clearly labeled to inform consumers that the automobile is capable of operating on alternative fuel.

''(2) The Secretary of Transportation shall collaborate with automobile retailers to develop voluntary methods for providing prospective purchasers of automobiles with information regarding the benefits of using alternative fuel in automobiles, including—

''(A) the renewable nature of alternative fuel; and

''(B) the environmental benefits of using alternative fuel.''.

SEC. 512. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 513. TIRE FUEL EFFICIENCY CONSUMER INFORMATION.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30123 the following new section:

''§ 30123A. Tire fuel efficiency consumer information

''(a) RULEMAKING.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency.

''(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

''(A) a national tire fuel efficiency rating system for motor vehicle tires to assist consumers in making more educated tire purchasing decisions;

''(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

''(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

''(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency.

''(3) APPLICABILITY.—This section shall not apply to tires excluded from coverage under section 575.104(c)(2) of title 49, Code of Federal Regulations, as in effect on date of enactment of the Ten-in-Ten Fuel Economy Act.

''(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

''(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

''(e) PREEMPTION.—When a requirement under this section is in effect, a State or political subdivision of a State may adopt or enforce a law or regulation on tire fuel efficiency consumer information only if the law or regulation is identical to that requirement. Nothing in this section shall be construed to preempt a State or political subdivision of a State from regulating the fuel efficiency of tires not otherwise preempted under this chapter.''.

(b) ENFORCEMENT.—Section 30165(a) of title 49, United States Code, is amended by adding at the end the following:

''(4) SECTION 30123a.—Any person who fails to comply with the national tire fuel efficiency consumer information program under section 30123A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.''.

(c) Conforming Amendment.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30123 the following:

''30123A. Tire fuel efficiency consumer information''.

SEC. 514. ADVANCED BATTERY INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Transportation, shall establish and carry out an Advanced Battery Initiative in accordance with this section to support research, development, demonstration, and commercial application of battery technologies.

(b) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(c) RESEARCH.—

(1) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(A) researchers, including Industry Alliance participants;

(B) small businesses;

(C) National Laboratories; and

(D) institutions of higher education.

(2) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(A) comments to identify advanced battery technology and battery systems needs relevant to—

(i) electric drive technology; and

(ii) other applications the Secretary deems appropriate;

(B) an assessment of the progress of research activities of the Initiative; and

(C) assistance in annually updating advanced battery technology and battery systems roadmaps.

(d) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this section shall be available to the public.

(e) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(f) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 120(b) of title 23, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 515. BIODIESEL STANDARDS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation and the Secretary of Energy, shall promulgate regulations to ensure that all diesel-equivalent fuels derived from renewable biomass that are introduced into interstate commerce are tested and certified to comply with appropriate American Society for Testing and Materials standards.

(b) DEFINITIONS.—In this section:

(1) BIODIESEL.—

(A) IN GENERAL.—The term ''biodiesel'' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(i) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

(ii) the requirements of the American Society of Testing and Materials D6751.

(B) INCLUSIONS.—The term ''biodiesel'' includes esters described in subparagraph (A) derived from—

(i) animal waste, including poultry fat, poultry waste, and other waste material; and

(ii) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

(2) BIODIESEL BLEND.—The term ''biodiesel blend'' means a mixture of biodiesel and diesel fuel, including—

(A) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as ''B5''); and

(B) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as ''B20'').

SEC. 516. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

''(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

''(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program of research and development into fuel saving automotive technologies and to support rulemaking under this chapter; and

''(2) transfer 50 percent of such total amount to the Energy Security Fund established by section 517(a) of the Ten-in-Ten Fuel Economy Act.''.

SEC. 517. ENERGY SECURITY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the ''Energy

Security Fund'' (referred to in this section as the ''Fund''), consisting of—

(A) amounts transferred to the Fund under section 32912(e)(2) of title 49, United States Code; and

(B) amounts credited to the Fund under paragraph (2)(C).

(2) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(3) USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be made available to the Secretary of Energy, subject to the availability of appropriations, to carry out the grant program under subsection (b).

(b) ALTERNATIVE FUELS GRANT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy, acting through the Clean Cities Program of the Department of Energy, shall establish and carry out a program under which the Secretary shall provide grants to expand the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(2) ELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any entity that is eligible to receive assistance under the Clean Cities Program shall be eligible to receive a grant under this subsection.

(B) EXCEPTIONS.—

(i) CERTAIN OIL COMPANIES.—A large, vertically-integrated oil company shall not be eligible to receive a grant under this subsection.

(ii) PROHIBITION OF DUAL BENEFITS.—An entity that receives any other Federal funds for the construction or expansion of alternative refueling infrastructure shall not be eligible to receive a grant under this subsection for the construction or expansion of the same alternative refueling infrastructure.

(C) ENSURING COMPLIANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall promulgate regulations to ensure that, before receiving a grant under this subsection, an eligible entity meets applicable standards relating to the installation, construction, and expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a) of title 49, United States Code).

(3) MAXIMUM AMOUNT.—

(A) GRANTS.—The amount of a grant provided under this subsection shall not exceed $30,000.

(B) AMOUNT PER STATION.—An eligible entity shall receive not more than $90,000 under this subsection for any station of the eligible entity during a fiscal year.

(4) USE OF FUNDS.—

(A) IN GENERAL.—A grant provided under this subsection shall be used for the construction or expansion of alternative fueling infrastructure.

(B) ADMINISTRATIVE EXPENSES.—Not more than 3 percent of the amount of a grant provided under this subsection shall be used for administrative expenses.

SEC. 518. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 519. APPLICATION WITH CLEAN AIR ACT.

Nothing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively).

SA 1794. Mr. STEVENS (Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1712 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

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

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Ten-in-Ten Fuel Economy Act''.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking ''**NON-PASSENGER AUTOMOBILES**.—'' in subsection (a) and inserting ''**PRESCRIPTION OF STANDARDS BY REGULATION**.—'';

(2) by striking ''(except passenger automobiles)'' in subsection (a); and

(3) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

''(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

''(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

''(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

''(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

''(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

''(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.''.

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

''(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

''(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

''(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

''(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

''(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

''(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

''(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

''(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

''(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.''.

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

''(1) AUTHORITY OF THE SECRETARY.—

''(1) VEHICLE ATTRIBUTES.—The Secretary shall—

''(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

''(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

''(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.''.

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

''(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(1) may prescribe a standard higher than that required under subsection (b); or

''(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.''.

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

''(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

''(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

''(A) economic practicability;

''(B) the effect of other motor vehicle standards of the Government on fuel economy;

''(C) environmental impacts; and

''(D) the need of the United States to conserve energy.

''(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest 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;

''(C) is not less than the standard for that class of vehicles from any prior year; and

''(D) is cost-effective.

''(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

''(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

''(A) Economic security.

''(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

''(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

''(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

''(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

''(F) Such additional factors as the Secretary deems relevant.

''(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

''(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

''(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.''.

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting ''and the Administrator of the Environmental Protection Agency'' after ''Energy''.

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting ''(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.''; and

(2) by inserting ''and the Administrator'' after ''Energy'' each place it appears in paragraph (2).

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

''(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

''(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

''(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

''(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

''(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

''(A) the manufacturer that applied for the alternative average fuel economy standard;

''(B) all automobiles to which this subsection applies; or

''(C) classes of automobiles manufactured by eligible manufacturers.

''(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

''(A) imports; or

''(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

''(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

''(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

''(A) is not owned in whole or in part by another manufacturer that sold greater than 0.4 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

''(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

''(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

''(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking ''passenger'' each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking ''subsection (a) or (d)'' each place it appears in paragraph (1) and inserting ''subsection (b), (c), or (d)''; and

(B) striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

''(A) a vehicle operated only on a rail line;

''(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

''(C) a work truck.''; and

(2) by adding at the end the following:

''(17) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsection (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.''.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

''§ 32917. Standards for Executive agency automobiles

''(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

''(b) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.''.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.q

---

SA 1795. Mr. STEVENS (for himself Ms. SNOWE, Mr. ALEXANDER, Mr. CARPER, Mr. LOTT, Mr. KERRY, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1713 submitted by Mr. PRYOR (for himself, Mr. BOND, Mr. LEVIN, Mr. VOINOVICH, Ms. STABENOW, and Mrs. MCCASKILL) and intended to be proposed to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

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

TITLE V—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Ten-in-Ten Fuel Economy Act''.

SEC. 502. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking ''**NON-PASSENGER AUTOMOBILES**.—'' in subsection (a) and inserting ''**PRESCRIPTION OF STANDARDS BY REGULATION**.—'';

(2) by striking ''(except passenger automobiles)'' in subsection (a); and

(3) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for—

''(A) automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with subsection (c); and

''(B) commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

''(2) FUEL ECONOMY TARGET FOR AUTOMOBILES.—

''(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe average fuel economy standards for automobiles in each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the fleet of automobiles manufactured or sold in the United States. The average fuel economy standards prescribed by the Secretary shall be the maximum feasible average fuel economy standards for model years 2011 through 2019.

''(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by the fleet of automobiles manufactured or sold in the United States shall be the maximum feasible average fuel economy standard for the fleet.

''(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.''.

(b) FUEL ECONOMY TARGET FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—Section 32902 of title 49, United States Code, is amended by adding at the end thereof the following:

''(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES.—

''(1) STUDY.—No later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and determine—

''(A) the appropriate test procedures and methodologies for measuring commercial medium- and heavy-duty on-highway vehicle fuel efficiency;

''(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and types of operations in which they are used;

''(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that effect commercial medium- and heavy-duty on-highway vehicle fuel efficiency; and

''(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle fuel efficiency.

''(2) RULEMAKING.—No later than 24 months after completion of the study required by paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking procedure how to implement a commercial medium- and heavy-duty on-highway vehicle fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles.

''(3) LEAD-TIME; REGULATORY STABILITY.—Any commercial medium- and heavy-duty on-highway vehicle fuel efficiency regulatory program adopted pursuant to this subsection shall provide no less than 4 full model years of regulatory lead-time and 3 full model years of regulatory stability.

''(4) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLE DEFINED.—In this subsection, the term 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of more than 8,500 pounds, and that, in the case of a vehicle with a gross vehicle weight rating of less than 10,000 pounds, is not an automobile.''.

(c) AUTHORITY OF SECRETARY.—Section 32902 of title 49, United States Code, as amended by subsection (b), is further amended by adding at the end thereof the following:

''(l) AUTHORITY OF THE SECRETARY.—

''(1) VEHICLE ATTRIBUTES.—The Secretary shall—

''(A) prescribe by regulation average fuel economy standards for automobiles based on vehicle attributes related to fuel economy and to express the standards in the form of a mathematical function; and

''(B) issue regulations under this title prescribing average fuel economy standards for 1 or more model years.

''(2) PROHIBITION OF UNIFORM PERCENTAGE INCREASE.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of attribute classes or categories already achieved in a model year by a manufacturer.''.

SEC. 503. AMENDING FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902(c) of title 49, United States Code, is amended to read as follows:

''(c) AMENDING FUEL ECONOMY STANDARDS.—Notwithstanding subsections (a) and (b), the Secretary of Transportation—

''(1) may prescribe a standard higher than that required under subsection (b); or

''(2) may prescribe an average fuel economy standard for automobiles that is the maximum feasible level for the model year, despite being lower than the standard required under subsection (b), if the Secretary determines, based on clear and convincing evidence, that the average fuel economy standard prescribed in accordance with subsections (a) and (b) for automobiles in that model year is shown not to be cost-effective.''.

(b) FEASIBILITY CRITERIA.—Section 32902(f) of title 49, United States Code, is amended to read as follows:

''(f) DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—

''(1) IN GENERAL.—When deciding maximum feasible average fuel economy under this section, the Secretary shall consider—

''(A) economic practicability;

''(B) the effect of other motor vehicle standards of the Government on fuel economy;

''(C) environmental impacts; and

''(D) the need of the United States to conserve energy.

''(2) LIMITATIONS.—In setting any standard under subsection (b), (c), or (d), the Secretary shall ensure that each standard is the highest 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;

''(C) is not less than the standard for that class of vehicles from any prior year; and

''(D) is cost-effective.

''(3) COST-EFFECTIVE DEFINED.—In this subsection, the term 'cost-effective' means that the value to the United States of reduced fuel use from a proposed fuel economy standard is greater than or equal to the cost to the United States of such standard. In determining cost-effectiveness, the Secretary shall give priority to those technologies and packages of technologies that offer the largest reduction in fuel use relative to their costs.

''(4) FACTORS FOR CONSIDERATION BY SECRETARY IN DETERMINING COST-EFFECTIVENESS.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, and may consult with such other departments and agencies as the Secretary deems appropriate, and shall consider in the analysis the following factors:

''(A) Economic security.

''(B) The impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil and other fuel price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases.

''(C) National security, including the impact of United States payments for oil and other fuel imports on political, economic, and military developments in unstable or unfriendly oil-exporting countries.

''(D) The uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage.

''(E) The emissions of pollutants including greenhouse gases over the lifecycle of the fuel and the resulting costs to human health, the economy, and the environment.

''(F) Such additional factors as the Secretary deems relevant.

''(5) MINIMUM VALUATION.—When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation shall use as a minimum value the greater of—

''(A) the average value of gasoline prices projected by the Energy Information Administration over the period covered by the standard; or

''(B) the average value of gasoline prices for the 5-year period immediately preceding the year in which the standard is established.''.

(c) CONSULTATION REQUIREMENT.—Section 32902(i) of title 49, United States Code, is amended by inserting ''and the Administrator of the Environmental Protection Agency'' after ''Energy''.

(d) COMMENTS.—Section 32902(j) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting ''(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (b), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy and Administrator of the Environmental Protection Agency at least 30 days after the receipt of the notice during which the Secretary of Energy and Administrator may, if the Secretary of Energy or Administrator concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy or environmental protection goals of the Administrator, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy or Administrator on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.''; and

(2) by inserting ''and the Administrator'' after ''Energy'' each place it appears in paragraph (2).

(e) ALTERNATIVE FUEL ECONOMY STANDARDS FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.—Section 32902(d) of title 49, United States Code, is amended to read as follows:

''(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

''(1) IN GENERAL.—Upon the application of an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for automobiles manufactured by that manufacturer if the Secretary determines that—

''(A) the applicable standard prescribed under subsection (a), (b), or (c) is more stringent than the maximum feasible average fuel economy level that manufacturer can achieve; and

''(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

''(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

''(A) the manufacturer that applied for the alternative average fuel economy standard;

''(B) all automobiles to which this subsection applies; or

''(C) classes of automobiles manufactured by eligible manufacturers.

''(3) IMPORTERS.—Notwithstanding paragraph (1), an importer registered under section 30141(c) may not be exempted as a manufacturer under paragraph (1) for an automobile that the importer—

''(A) imports; or

''(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 for an individual described in section 30142.

''(4) APPLICATION.—The Secretary of Transportation may prescribe the contents of an application for an alternative average fuel economy standard.

''(5) ELIGIBLE MANUFACTURER DEFINED.—In this section, the term 'eligible manufacturer' means a manufacturer that—

''(A) is not owned in whole or in part by another manufacturer that sold greater than 0.4 percent of the number of automobiles sold in the United States in the model year prior to the model year to which the application relates;

''(B) sold in the United States fewer than 0.4 percent of the number of automobiles sold in the United States in the model year that is 2 years before the model year to which the application relates; and

''(C) will sell in the United States fewer than 0.4 percent of the automobiles sold in the United States for the model year for which the alternative average fuel economy standard will apply.

''(6) LIMITATION.—For purposes of this subsection, notwithstanding section 32901(a)(4), the term 'automobile manufactured by a manufacturer' includes every automobile manufactuered by a person that controls, is controlled by, or is under common control with the manufacturer.''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 32902(d) of title 49, United States Code, is amended by striking ''passenger'' each place it appears.

(2) Section 32902(g) of title 49, United States Code, is amended—

(A) by striking ''subsection (a) or (d)'' each place it appears in paragraph (1) and inserting ''subsection (b), (c), or (d)''; and

(B) striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)'' in paragraph (2).

SEC. 504. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at not more than 10,000 pounds gross vehicle weight, except—

''(A) a vehicle operated only on a rail line;

''(B) a vehicle manufactured by 2 or more manufacturers in different stages and less than 10,000 of which are manufactured per year; or

''(C) a work truck.''; and

(2) by adding at the end the following:

''(17) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendments made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendments not later than 18 months after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Regulations prescribed under subsection (b) shall apply beginning with model year 2010.

SEC. 505. ENSURING SAFETY OF AUTOMOBILES.

(a) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce automobile incompatibility. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of automobiles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(b) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2012; and

(B) a final rule under such section not later than December 31, 2014.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2018.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility standard''.

SEC. 506. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''3 consecutive model years'' in subsection (a)(2) and inserting ''5 consecutive model years'';

(4) in subsection (a)(2), by striking ''clause (1) of this subsection,'' and inserting ''paragraph (1)''; and

(5) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when transferring credits to manufacturers that fail to achieve the prescribed standards.''.

SEC. 507. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H) and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all automobiles; and

''(iii) is designed to encourage the manufacture and sale of automobiles that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(2) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall implement a consumer education program and execute marketing strategies to improve consumer understanding of automobile performance described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that an automobile is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle attribute class to which it belongs in that model year.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if the automobile attains a fuel economy of at least 50 miles per gallon.''.

SEC. 508. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this title, or the amendments made by this title, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 509. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this title.

(b) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

(c) REPORT.—The Academy shall submit the report to the Secretary, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, with its findings and recommendations no later than 18 months after the date on which the Secretary executes the agreement with the Academy.

SEC. 510. STANDARDS FOR EXECUTIVE AGENCY AUTOMOBILES.

(a) IN GENERAL.—Section 32917 of title 49, United States Code, is amended to read as follows:

''§ 32917. Standards for Executive agency automobiles

''(a) FUEL EFFICIENCY.—The head of an Executive agency shall ensure that each new automobile procured by the Executive agency is as fuel efficient as practicable.

''(b) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(2) NEW AUTOMOBILE.—The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the Executive agency, after September 30, 2008. The term does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.''.

(b) REPORT.—The Administrator of the General Services Administration shall develop a report describing and evaluating the efforts of the heads of the Executive agencies to comply with section 32917 of title 49, United States Code, for fiscal year 2009. The Administrator shall submit the report to Congress no later than December 31, 2009.

SA 1796. Mr. HARKIN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 610, insert the following:

(c) COMMODITY EXCHANGE ACT.—Nothing in this Act affects the jurisdiction of the Commodity Futures Trading Commission with respect to transactions or conduct subject to the Commodity Exchange Act (7 U.S.C. 1 et seq.).

SA 1797. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, after line 23, add the following:

SEC. 255. SMART GRID SYSTEM REPORT.

(a) IN GENERAL.—The Secretary, acting through the Director of the Office of Electricity Delivery and Energy Reliability (referred to in this section as the ''Secretary''), shall, after consulting with any interested individual or entity as appropriate, no later than one year after enactment, report to Congress concerning the status of smart grid deployments nationwide and any regulatory or government barriers to continued deployment.

SEC. 256. SMART GRID TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) POWER GRID DIGITAL INFORMATION TECHNOLOGY.—The Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate agencies, electric utilities, the States, and other stakeholders, shall carry out a program—

(1) to develop advanced techniques for measuring peak load reductions and energy-efficiency savings from smart metering, demand response, distributed generation, and electricity storage systems;

(2) to investigate means for demand response, distributed generation, and storage to provide ancillary services;

(3) to conduct research to advance the use of wide-area measurement and control networks, including data mining, visualization, advanced computing, and secure and dependable communications in a highly-distributed environment;

(4) to test new reliability technologies in a grid control room environment against a representative set of local outage and wide area blackout scenarios;

(5) to investigate the feasibility of a transition to time-of-use and real-time electricity pricing that directly reflects marginal generation costs;

(6) to develop algorithms for use in electric transmission system software applications;

(7) to promote the use of underutilized electricity generation capacity in any substitution of electricity for liquid fuels in the transportation system of the United States; and

(8) in consultation with the Federal Energy Regulatory Commission, to propose interconnection protocols to enable electric utilities to access electricity stored in vehicles to help meet peak demand loads.

(b) SMART GRID REGIONAL DEMONSTRATION INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish a smart grid regional demonstration initiative (referred to in this subsection as the ''Initiative'') composed of demonstration projects specifically focused on advanced technologies for use in power grid sensing, communications, analysis, and power flow control. The Secretary shall seek to leverage existing smart grid deployments.

(2) GOALS.—The goals of the Initiative shall be—

(A) to demonstrate the potential benefits of concentrated investments in advanced grid technologies on a regional grid;

(B) to facilitate the commercial transition from the current power transmission and distribution system technologies to advanced technologies;

(C) to facilitate the integration of advanced technologies in existing electric networks to improve system performance, power flow control, and reliability;

(D) to demonstrate protocols and standards that allow for the measurement and validation of the energy savings and greenhouse gas emission reductions associated with the installation and use of energy efficiency and demand response technologies and practices; and

(E) to investigate differences in each region and regulatory environment regarding best practices in implementing smart grid technologies.

(3) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—In carrying out the Initiative, the Secretary shall carry out smart grid demonstration projects in up to 5 electricity control areas, including rural areas and at least 1 area in which the majority of generation and transmission assets are controlled by a tax-exempt entity.

(B) COOPERATION.—A demonstration project under subparagraph (A) shall be carried out in cooperation with the electric utility that owns the grid facilities in the electricity control area in which the demonstration project is carried out.

(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide

to an electric utility described in subparagraph (B) financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility to carry out a demonstration project.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(A) to carry out subsection (a), such sums as are necessary for each of fiscal years 2008 through 2012; and

(B) to carry out subsection (b), $100,000,000 for each of fiscal years 2008 through 2012.

SEC. 257. SMART GRID INTEROPERABILITY FRAMEWORK.

(a) INTEROPERABILITY FRAMEWORK.—The Federal Energy Regulatory Commission (referred to in this section as the ''Commission''), in cooperation with other relevant federal agencies, shall coordinate with smart grid stakeholders to develop protocols for the establishment of a flexible framework for the connection of smart grid devices and systems that would align policy, business, and technology approaches in a manner that would enable all electric resources, including demand-side resources, to contribute to an efficient, reliable electricity network.

(c) SCOPE OF FRAMEWORK.—The framework developed under subsection (b) shall be designed—

(1) to accommodate traditional, centralized generation and transmission resources and consumer distributed resources, including distributed generation, renewable generation, energy storage, energy efficiency, and demand response and enabling devices and systems;

(2) to be flexible to incorporate—

(A) regional and organizational differences; and

(B) technological innovations; and

(3) to include voluntary uniform standards for certain classes of mass-produced electric appliances and equipment for homes and businesses that enable customers, at their election and consistent with applicable state and federal laws, are manufactured with the ability to respond to electric grid emergencies and demand response signals by curtailing all, or a portion of, the electrical power consumed by the appliances or equipment in response to an emergency or demand response signal, including through—

(A) load reduction. to reduce total electrical demand;

(B) adjustment of load to provide grid ancillary services; and

(C) in the event of a reliability crisis that threatens an outage, short-term load shedding to help preserve the stability of the grid.

(4) Such voluntary standards should incorporate appropriate manufacturer lead time.

SEC. 258. STATE CONSIDERATION OF SMART GRID.

Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(16) CONSIDERATION OF SMART GRID INVESTMENTS.—Each State shall consider requiring that, prior to undertaking investments in nonadvanced grid technologies, an electric utility of the State demonstrate to the State that the electric utility considered an investment in a qualified smart grid system based on appropriate factors, including—

''(i) cost-effectiveness;

''(ii) improved reliability;

''(iii) security; and

''(iv) system performance.

''(v) societal benefit

''(B) RATE RECOVERY.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any capital, operating expenditure, or other costs of the electric utility relating to the deployment of a qualified smart grid system, including a reasonable rate of return on the capital expenditures of the electric utility for the deployment of the qualified smart grid system.

''(C) OBSOLETE EQUIPMENT.—Each State shall consider authorizing any electric utility or other party of the State to deploy a qualified smart grid system to recover in a timely manner the remaining book-value costs of any equipment rendered obsolete by the deployment of the qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.

''(17) SMART GRID CONSUMER INFORMATION.—

''(A) IN GENERAL.—Each State may provide to each electricity consumer located in the State direct access, in written and electronic machine-readable form, information describing—

''(i) the time-based use, price, and source of the electricity delivered to the consumer; and

''(ii) any available optional electricity supplies (including the price and quantity of the optional electricity supplies).

SA 1798. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 79, strike line 8 and all that follows through page 80, line 4, and insert the following:

''(6) ENERGY CONSERVATION STANDARD.—

''(A) IN GENERAL.—The term 'energy conservation standard' means 1 or more performance standards that—

''(i) for covered products (excluding clothes washers, dishwashers, showerheads, faucets, water closets, and urinals), prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323;

''(ii) for showerheads, faucets, water closets, and urinals, prescribe a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with test procedures prescribed under section 323; and

''(iii) for clothes washers and dishwashers—

''(I) prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323; and

''(II) may include a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with those test procedures.

''(B) INCLUSIONS.—The term 'energy conservation standard' includes—

''(i) 1 or more design requirements, if the requirements were established—

''(I) on or before the date of enactment of this subclause; or

''(II) as part of a consensus agreement under section 325(hh); and

''(ii) any other requirements that the Secretary may prescribe under section 325(r).

''(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product, unless regulation of the component is authorized or established pursuant to this title.''.

Beginning on page 87, strike line 16 and all that follows through page 90, line 25, and insert the following:

SEC. 224. EXPEDITED RULEMAKINGS.

(a) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) is amended by adding at the end the following:

''(5) DIRECT FINAL RULES.—

''(A) IN GENERAL.—On receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, and contains recommendations with respect to an energy or water conservation standard—

''(i) if the Secretary determines that the recommended standard contained in the statement is in accordance with subsection (o) or section 342(a)(6)(B), as applicable, the Secretary may issue a final rule that establishes an energy or water conservation standard and is published simultaneously with a notice of proposed rulemaking that proposes a new or amended energy or water conservation standard that is identical to the standard established in the final rule to establish the recommended standard (referred to in this paragraph as a 'direct final rule'); or

''(ii) if the Secretary determines that a direct final rule cannot be issued based on the statement, the Secretary shall publish a notice of the determination, together with an explanation of the reasons for the determination.

''(B) PUBLIC COMMENT.—The Secretary shall—

''(i) solicit public comment with respect to each direct final rule issued by the Secretary under subparagraph (A)(i); and

''(ii) publish a response to each comment so received.

''(C) WITHDRAWAL OF DIRECT FINAL RULES.—

''(i) IN GENERAL.—Not later than 120 days after the date on which a direct final rule issued under subparagraph (A)(i) is published in the Federal Register, the Secretary shall withdraw the direct final rule if—

''(I) the Secretary receives 1 or more adverse public comments relating to the direct final rule under subparagraph (B)(i); and

''(II) based on the complete rulemaking record relating to the direct final rule, the Secretary tentatively determines that the adverse public comments are relevant under subsection (o), section 342(a)(6)(B), or any other applicable law.

''(ii) ACTION ON WITHDRAWAL.—On withdrawal of a direct final rule under clause (i), the Secretary shall—

''(I) proceed with the notice of proposed rulemaking published simultaneously with the direct final rule as described in subparagraph (A)(i); and

''(II) publish in the Federal Register the reasons why the direct final rule was withdrawn.

''(iii) TREATMENT OF WITHDRAWN DIRECT FINAL RULES.—A direct final rule that is withdrawn under clause (i) shall not be considered to be a final rule for purposes of subsection (o).

''(D) EFFECT OF PARAGRAPH.—Nothing in this paragraph authorizes the Secretary to issue a direct final rule based solely on receipt of more than 1 statement containing recommended standards relating to the direct final rule.''.

(b) CONFORMING AMENDMENT.—Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended in

the first sentence by inserting ''section 325(p)(5),'' after ''The provisions of''.

Beginning on page 91, strike line 20 and all that follows through page 95, line 25, and insert the following:

(b) ENERGY CONSERVATION STANDARDS.—Section 325(m) of the Energy Policy and Conservation Act (42 U.S.C. 6295(m)) is amended—

(1) by designating the first and second sentences as paragraphs (1) and (4), respectively;

(2) by striking paragraph (1) (as so designated) and inserting the following:

''(1) IN GENERAL.—After issuance of the last final rules required for a product under this part, the Secretary shall, not later than 5 years after the date of issuance of a final rule establishing or amending a standard or determining not to amend a standard, publish a final rule to determine whether standards for the product should or should not be amended based on the criteria in subsection (n)(2).

''(2) ANALYSIS.—Prior to publication of the determination, the Secretary shall publish a notice of availability describing the analysis of the Department and provide opportunity for written comment.

''(3) FINAL RULE.—Not later than 3 years after a positive determination under paragraph (1), the Secretary shall publish a final rule amending the standard for the product.''; and

(3) in paragraph (4) (as so designated), by striking ''(4) An'' and inserting the following:

''(4) APPLICATION OF AMENDMENT.—An''.

(c) STANDARDS.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended by striking ''(6)(A)(i)'' and all that follows through the end of subparagraph (A) and inserting the following:

''(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

''(A) IN GENERAL.—

''(i) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, very large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards.

''(ii) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

''(I) IN GENERAL.—Except as provided in subclause (II), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in clause (i), the Secretary shall establish an amended uniform national standard for the product at the minimum level specified in the amended ASHRAE/IES Standard 90.1.

''(II) MORE STRINGENT STANDARD.—Subclause (I) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

''(iii) RULE.—If the Secretary makes a determination described in clause (ii)(II) for a product described in clause (i), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.''.

Beginning on page 96, strike line 22 and all that follows through page 98, line 13, and insert the following:

SEC. 226. ENERGY EFFICIENCY LABELING FOR CONSUMER ELECTRONIC PRODUCTS.

(a) IN GENERAL.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is amended—

(1) in paragraph (2), by adding at the end the following:

''(H) LABELING REQUIREMENTS.—

''(i) IN GENERAL.—Subject to clauses (ii) through (iv), not later than 18 months after the date of issuance of applicable Department of Energy testing procedures, the Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency (acting through the Energy Star program), shall, by regulation, promulgate labeling or other disclosure requirements for the energy use of—

''(I) televisions;

''(II) personal computers;

''(III) cable or satellite set-top boxes;

''(IV) stand-alone digital video recorder boxes; and

''(V) personal computer monitors.

''(ii) ALTERNATE TESTING PROCEDURES.—In the absence of applicable testing procedures described in clause (i) for products described in subclauses (I) through (V) of that clause, the Commission may by regulation promulgate labeling requirements for a consumer product category described in clause (i) if the Commission—

''(I) identifies adequate non-Department of Energy testing procedures for those products; and

''(II) determines that labeling of those products is likely to assist consumers in making purchasing decisions.

''(iii) DEADLINE AND REQUIREMENTS FOR LABELING.—

''(I) DEADLINE.—Not later than 18 months after the date of promulgation of any requirements under clause (i) or (ii), the Commission shall require labeling of electronic products described in clause (i).

''(II) REQUIREMENTS.—The requirements promulgated under clause (i) or (ii) may include specific requirements for each electronic product to be labeled with respect to the placement, size, and content of Energy Guide labels.

''(iv) DETERMINATION OF FEASIBILITY.—Clause (i) or (ii) shall not apply in any case in which the Commission determines that labeling in accordance with this subsection—

''(I) is not technologically or economically feasible; or

''(II) is not likely to assist consumers in making purchasing decisions.''; and

(2) by adding at the end the following:

''(6) AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.—The Commission may require labeling in accordance with this subsection for any consumer product not specified in this subsection or section 322 if the Commission determines that labeling for the product is likely to assist consumers in making purchasing decisions.''.

(b) CONTENT OF LABEL.—Section 324(c) of the Energy Policy and Conservation Act (42 U.S.C. 6924(c)) is amended by adding at the end the following:

''(9) DISCRETIONARY APPLICATION.—The Commission may apply paragraphs (1), (2), (3), (5), and (6) of this subsection to the labeling of any product covered by paragraph (2)(H) or (6) of subsection (a).''.

On page 157, line 5, strike ''and if'' and insert the following: ''the Secretary of Housing and Urban Development or the Secretary of Agriculture make a determination that the revised codes do not negatively affect the availability or affordability of new construction of assisted housing and single family and multifamily residential housing (other than manufactured homes) subject to mortgages insured under the National Housing Act (12 U.S.C. 1701 et seq.) or insured, guaranteed, or made by the Secretary of Agriculture under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), respectively, and''.

On page 106, line 23, strike ''2012'' and insert ''2015''.

On page 106, line 24, strike ''2012'' and insert ''2015''.

On page 107, line 3, strike ''2012'' and insert ''2015''.

On page 147, line 20, strike ''from a public utility service''.

On page 166, line 15, insert '', Indian tribal,'' after ''State''.

On page 166, line 18, insert ''of Indian tribes or'' after ''activities''.

On page 166, line 21, insert '', Indian tribes,'' after ''States''.

On page 167, line 12, insert '', INDIAN TRIBES,'' after ''STATES''.

On page 167, line 17, strike ''70'' and insert ''68''.

On page 167, line 18, strike ''and''.

On page 167, line 19, strike ''30'' and insert ''28''.

On page 167, line 19, strike the period and insert ''; and''.

On page 167, between lines 19 and 20, insert the following:

''(iii) 4 percent to Indian tribes.

On page 169, between lines 11 and 12, insert the following:

''(D) DISTRIBUTION TO INDIAN TRIBES.—

''(i) IN GENERAL.—The Secretary shall establish a formula for the distribution of amounts under subparagraph (A)(iii) to eligible Indian tribes, taking into account any factors that the Secretary determines to be appropriate, including the residential and daytime population of the eligible Indian tribes.

''(ii) CRITERIA.—Amounts shall be distributed to eligible Indian tribes under clause (i) only if the eligible Indian tribes meet the criteria for distribution established by the Secretary for Indian tribes.

On page 170, line 1, strike ''(B)(ii) or (C)(ii)'' and insert ''(B)(ii), (C)(ii), or (D)(ii)''.

On page 170, lines 10 and 11, strike ''(B)(ii) or (C)(ii)'' and insert ''(B)(ii), (C)(ii), or (D)(ii)''.

On page 171, line 7, insert ''tribal,'' after ''State,''.

On page 171, line 20, insert '', Indian tribes,'' after ''States''.

On page 171, line 24, insert ''Indian tribe,'' after ''State,''.

SA 1799. Mrs. BOXER (for herself, Mr. ALEXANDER, Mr. WARNER, Mr. LIEBERMAN, Mrs. FEINSTEIN, and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, add the following:

SEC. 305. CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS DEMONSTRATION PROGRAM.

The first section of the Act of March 4, 1911 (2 U.S.C. 2162; 36 Stat. 1414, chapter 285), is amended in the seventh undesignated paragraph (relating to the Capitol power plant), under the heading ''PUBLIC BUILDINGS'', under the heading ''UNDER THE DEPARTMENT OF THE INTERIOR''—

(1) by striking ''ninety thousand dollars:'' and inserting ''$90,000.''; and

(2) by striking ''*Provided*, That hereafter the'' and all that follows through the end of the proviso and inserting the following:

''(a) DESIGNATION.—The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904 (33 Stat. 479, chapter 1762), shall be known as the 'Capitol power plant', and all vacancies occurring in the force operating that plant and the substations in connection with the plant shall be filled by the Architect of the Capitol, with the approval of the commission in control of the House Office Building appointed under the first section of the Act of March 4, 1907 (2 U.S.C. 2001).

''(b) CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS DEMONSTRATION PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(B) CARBON DIOXIDE ENERGY EFFICIENCY.—The term 'carbon dioxide energy efficiency', with respect to a project, means the quantity of electricity used to power equipment for carbon dioxide capture and storage or use.

''(C) PROGRAM.—The term 'program' means the competitive grant demonstration program established under paragraph (2)(B).

''(2) ESTABLISHMENT OF PROGRAM.—

''(A) FEASIBILITY STUDY.—Not later than 180 days after the date of enactment of this section, the Architect of the Capitol, in cooperation with the Administrator, shall complete a feasibility study evaluating the available methods to proceed with the project and program established under this section, taking into consideration—

''(i) the availability of carbon capture technologies;

''(ii) energy conservation and carbon reduction strategies; and

''(iii) security of operations at the Capitol power plant.

''(B) COMPETITIVE GRANT PROGRAM.—The Architect of the Capitol, in cooperation with the Administrator, shall establish a competitive grant demonstration program under which the Architect of the Capitol shall, subject to the availability of appropriations, provide to eligible entities, as determined by the Architect of the Capitol, in cooperation with the Administrator, grants to carry out projects to demonstrate, during the 2-year period beginning on the date of enactment of this subsection, the capture and storage or use of carbon dioxide emitted from the Capitol power plant as a result of burning coal.

''(3) REQUIREMENTS.—

''(A) PROVISION OF GRANTS.—

''(i) IN GENERAL.—The Architect of the Capitol, in cooperation with the Administrator, shall provide the grants under the program on a competitive basis.

''(ii) FACTORS FOR CONSIDERATION.—In providing grants under the program, the Architect of the Capitol, in cooperation with the Administrator, shall take into consideration—

''(I) the practicability of conversion by the proposed project of carbon dioxide into useful products, such as transportation fuel;

''(II) the carbon dioxide energy efficiency of the proposed project; and

''(III) whether the proposed project is able to reduce more than 1 air pollutant regulated under this Act.

''(B) REQUIREMENTS FOR ENTITIES.—An entity that receives a grant under the program shall—

''(i) use to carry out the project of the entity a technology designed to reduce or eliminate emission of carbon dioxide that is in existence on the date of enactment of this subsection that has been used—

''(I) by not less than 3 other facilities (including a coal-fired power plant); and

''(II) on a scale of not less than 5 times the size of the proposed project of the entity at the Capitol power plant; and

''(ii) carry out the project of the entity in consultation with, and with the concurrence of, the Architect of the Capitol and the Administrator.

''(C) CONSISTENCY WITH CAPITOL POWER PLANT MODIFICATIONS.—The Architect of the Capitol may require changes to a project under the program that are necessary to carry out any modifications to be made to the Capitol power plant.

''(4) INCENTIVE.—In addition to the grant under this subsection, the Architect of the Capitol may provide to an entity that receives such a grant an incentive award in an amount equal to not more than $50,000, of which—

''(A) $15,000 shall be provided after the project of the entity has sustained operation for a period of 100 days, as determined by the Architect of the Capitol;

''(B) $15,000 shall be provided after the project of the entity has sustained operation for a period of 200 days, as determined by the Architect of the Capitol; and

''(C) $20,000 shall be provided after the project of the entity has sustained operation for a period of 300 days, as determined by the Architect of the Capitol.

''(5) TERMINATION.—The program shall terminate on the date that is 2 years after the date of enactment of this subsection.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $3,000,000.''.

SA 1800. Mr. KYL proposed an amendment to amendment SA 1704 proposed by Mr. BAUCUS (himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE), to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, lines 17 to 20, strike ''to so much of the renewable diesel produced at such facility and sold or used during the taxable year in a qualified biodiesel mixture as exceeds 60,000,000 gallons''.

SA 1801. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle B of title VIII.

SA 1802. Mr. DORGAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. HYDROGEN INSTALLATION, INFRASTRUCTURE, AND FUEL COSTS.

(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.) is amended by adding at the end the following new section:

''SEC. 30D. HYDROGEN INSTALLATION, INFRASTRUCTURE, AND FUEL COSTS.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) the hydrogen installation and infrastructure costs credit determined under subsection (b), and

''(2) the hydrogen fuel costs credit determined under subsection (c).

''(b) HYDROGEN INSTALLATION AND INFRASTRUCTURE COSTS CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the hydrogen installation and infrastructure costs credit determined under this subsection with respect to each eligible hydrogen production and distribution facility of the taxpayer is an amount equal to—

''(A) 50 percent of so much of the installation costs which when added to such costs taken into account with respect to such facility for all preceding taxable years under this subparagraph does not exceed $200,000, plus

''(B) 30 percent of so much of the infrastructure costs for the taxable year as does not exceed $200,000 with respect to such facility, and which when added to such costs taken into account with respect to such facility for all preceding taxable years under this subparagraph does not exceed $600,000.

Nothing in this section shall permit the same cost to be taken into account more than once.

''(2) ELIGIBLE HYDROGEN PRODUCTION AND DISTRIBUTION FACILITY.—For purposes of this subsection, the term 'eligible hydrogen production and distribution facility' means a hydrogen production and distribution facility which has received from the Secretary an allocation from the national hydrogen installation, infrastructure, and fuel credit limitation.

''(c) HYDROGEN FUEL COSTS CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the hydrogen fuel costs credit determined under this subsection with respect to each eligible hydrogen device of the taxpayer is an amount equal to the qualified hydrogen expenditure amounts with respect to such device.

''(2) QUALIFIED HYDROGEN EXPENDITURE AMOUNT.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified hydrogen expenditure amount' means, with respect to each eligible hydrogen energy conversion device of the taxpayer with a production capacity of not more than 25 kilowatts of electricity per year, the lesser of—

''(i) 30 percent of the amount paid or incurred by the taxpayer during the taxable year for hydrogen which is consumed by such device, and

''(ii) $2,000.

In the case of any device which is not owned by the taxpayer at all times during the taxable year, the $2,000 amount in subparagraph (B) shall be reduced by an amount which bears the same ratio to $2,000 as the portion of the year which such device is not owned by the taxpayer bears to the entire year.

''(B) HIGHER LIMITATION FOR DEVICES WITH MORE PRODUCTION CAPACITY.—In the case of any eligible hydrogen energy conversion device with a production capacity of—

''(i) more than 25 but less than 100 kilowatts of electricity per year, subparagraph (A) shall be applied by substituting '$4,000' for '$2,000' each place it appears, and

''(ii) not less than 100 kilowatts of electricity per year, subparagraph (A) shall be applied by substituting '$6,000' for '$2,000' each place it appears.

''(3) ELIGIBLE HYDROGEN ENERGY CONVERSION DEVICES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'eligible hydrogen energy conversion device' means, with respect to any taxpayer, any hydrogen energy conversion device which—

''(i) is placed in service after December 31, 2004,

''(ii) is wholly owned by the taxpayer during the taxable year, and

''(iii) has received from the Secretary an allocation from the national hydrogen installation, infrastructure, and fuel credit limitation.

If an owner of a device (determined without regard to this subparagraph) provides to the primary user of such device a written statement that such user shall be treated as the owner of such device for purposes of this section, then such user (and not such owner) shall be so treated.

''(B) HYDROGEN ENERGY CONVERSION DEVICE.—The term 'hydrogen energy conversion device' means—

''(i) any electrochemical device which converts hydrogen into electricity, and

''(ii) any combustion engine which burns hydrogen as a fuel.

''(d) NATIONAL HYDROGEN INSTALLATION, INFRASTRUCTURE, AND FUEL CREDIT LIMITATION.—

''(1) IN GENERAL.—There is a national hydrogen installation, infrastructure, and fuel credit limitation for each fiscal year. Such limitation is $15,000,000 for fiscal year 2008, $30,000,000 for fiscal year 2009, and $40,000,000 for fiscal year 2010.

''(2) ALLOCATION.—Not later than 90 days after the date of the enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a hydrogen installation, infrastructure, and fuel credit allocation program.

''(e) 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.

''(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 amounts which (but for subsection (g) would be allowed as a deduction under section 162 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, 30, 30B, and 30C, over

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

''(g) DENIAL OF DOUBLE BENEFIT.—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.

''(h) RECAPTURE.—The Secretary shall, by regulations, provided for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

''(i) 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.

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

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) of such Code is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ''plus'', and by adding at the end the following new paragraph:

''(32) the portion of the hydrogen installation, infrastructure, and fuel credit to which section 30D(f)(1) applies.''.

(2) Section 55(c)(3) of such Code is amended by inserting ''30D(f)(2),'' after ''30C(d)(2),''.

(3) Section 1016(a) of such Code 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).''.

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

(5) 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 30C the following new item:

''Sec. 30D. Hydrogen installation, infrastructure, and fuel costs.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007, in taxable years ending after such date.

SA 1803. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ADVANCED TECHNOLOGY MOTOR VEHICLE COMPONENT MANUFACTURING CREDIT.

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

"SEC. 30E. ADVANCED TECHNOLOGY MOTOR VEHICLE COMPONENT 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 the qualified investment of an eligible taxpayer for such taxable year.

''(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 eligible advanced technology motor vehicle components,

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

''(C) for research and development performed in the United States related to such components, and

''(D) for employee retraining with respect to the manufacturing of such 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 eligible advanced technology motor vehicle components and non-eligible advanced technology motor vehicle components, only the qualified investment attributable to production of eligible advanced technology motor vehicle components shall be taken into account.

''(c) DEFINITIONS.—In this section:

''(1) ELIGIBLE ADVANCED TECHNOLOGY MOTOR VEHICLE COMPONENT.—

''(A) IN GENERAL.—The term 'eligible advanced technology motor vehicle component' means any component inherent to any advanced technology motor vehicle, including—

''(i) 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;

''(ii) with respect to any hydraulic new qualified hybrid motor vehicle—

''(I) accumulator or other energy storage device;

''(II) hydraulic pump;

''(III) hydraulic pump-motor assembly;

''(IV) power control unit; and

''(V) power controls;

''(iii) with respect to any new advanced lean burn technology motor vehicle—

''(I) diesel engine;

''(II) turbo charger;

''(III) fuel injection system; or

''(IV) after-treatment system, such as a particle filter or NOx absorber; and

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

''(B) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

''(i) any qualified electric vehicle (as defined in section 30(c)(1)),

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

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

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

''(v) 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)), and

''(vi) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3)).

''(C) 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.

''(2) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer if more than 20 percent of the taxpayer's gross receipts for the taxable year is derived from the manufacture of automotive components.

''(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 component 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) 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 the regular tax liability (as defined in section 26(b)) for such taxable year plus the tax imposed by section 55 for such taxable year, over

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

''(f) 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.

''(g) 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.

''(h) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (e) 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—

''(1) as a credit carryback to the taxable year preceding the unused credit year, and

''(2) as a carryforward to each of the 20 taxable years immediately following the unused credit year.

For purposes of this subsection, rules similar to the rules of section 39 shall apply.

''(i) 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

''(j) 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.

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

''(l) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2012.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of such Code, as amended by this Act, 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(f).''.

(2) Section 6501(m) of such Code is amended by inserting ''30E(j),'' after ''30D(e)(9),''.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 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 the date of the enactment of this Act.

SA 1804. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MODIFICATION TO CREDIT FOR NEW ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLES.

(a) SPECIAL RULE FOR MODEL YEAR 2009 ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLES.—Section 30B(c) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR 2009 MODEL YEAR VEHICLES.—In the case of any motor vehicle which is manufactured in model year 2009—

''(A) paragraph (3)(A)(iv)(I) shall be applied by substituting 'the Bin 8 Tier II emission standard' for 'the Bin 5 Tier II emission standard', and

''(B) in applying this subsection to any motor vehicle which is a new advanced lean burn technology motor vehicle by reason of subparagraph (A), the amount of the credit allowed under this subsection shall be an amount equal to 75 percent of the amount which would be otherwise so allowed, determined without regard to this subparagraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. _____. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Section 6721(a)(1) is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$250,000'' and inserting ''$3,000,000''.

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—

(i) by striking ''$15'' and inserting ''$50'',

(ii) by striking ''$50'' and inserting ''$250'', and

(iii) by striking ''$75,000'' and inserting ''$500,000''.

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—

(i) by striking ''$30'' and inserting ''$100'',

(ii) by striking ''$50'' and inserting ''$250'', and

(iii) by striking ''$150,000'' and inserting ''$1,500,000''.

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking ''$100,000'' and inserting ''$1,000,000'', and

(ii) by striking ''$250,000'' and inserting ''$3,000,000'',

(B) in subparagraph (B)—

(i) by striking ''$25,000'' and inserting ''$175,000'', and

(ii) by striking ''$75,000'' and inserting ''$500,000'', and

(C) in subparagraph (C)—

(i) by striking ''$50,000'' and inserting ''$500,000'', and

(ii) by striking ''$150,000'' and inserting ''$1,500,000''.

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking ''$100'' in paragraph (2) and inserting ''$500'',

(B) by striking ''$250,000'' in paragraph (3)(A) and inserting ''$3,000,000''.

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$100,000'' and inserting ''$1,000,000''.

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking ''$100'' in paragraph (1) and inserting ''$500'', and

(B) by striking ''$100,000'' in paragraph (2)(A) and inserting ''$1,000,000''.

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking ''$50'' and inserting ''$250'', and

(2) by striking ''$100,000'' and inserting ''$1,000,000''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SA 1805. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between line 27 and 28, insert the following:

''(D) knowingly violates for a period of 90 days or more the terms or conditions of the alien's admission or parole into the United States.''

SA 1806. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike Section 606 and replace with,

SEC. 606. ENUMERATION OF SOCIAL SECURITY NUMBER

The Secretary of Homeland Security, in coordination with the Comissioner of the Social Security Administration, shall implement a system to allow for the prompt enumeration of a Social Security number after the Secretary of Homeland Security has granted an alien Z nonimmigrant status.

SA 1807. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 303, lines 24–28, strike the following sentence:

''The requirement that the alien have a residence in a foreign country which the alien has no intention of abandoning shall not apply to an alien described in section 214(s) who is seeking to enter as a temporary visitor for pleasure;''

SA 1808. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act, a Y–1 Nonimmigrant:

(1) may be extended for an indefinite number of subsequent two-year periods, as long as each two-year period is separated by physical presence outside the United States for the immediate prior 12 months,

(2) may not be accompanied by their spouse and dependents for any of their 2 year periods of work in the United States, and

(3) may not sponsor a family member to visit them in the United States under the ''parent visa'' created by Section 506 of this Act.

SA 1809. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 15, strike line 38 and all that follows through page 16, line 18, and insert the following:

SEC. 113. DETENTION OF ALIENS FROM NONCONTIGUOUS COUNTRIES.

Section 236(a) of the Immigration and Nationality Act (8 U.S.C. 1226(a)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2)(B), by striking ''but'' at the end;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(4) may not provide the alien with release on bond or with conditional parole if the alien—

''(A) is a national of a noncontiguous country;

''(B) has not been admitted or paroled into the United States; and

''(C) was apprehended within 100 miles of the international border of the United States or presents a flight risk, as determined by the Secretary of Homeland Security.''.

SA 1810. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 602 and insert the following:

SEC. 602. ADJUSTMENT SHALL BE UNAVAILABLE FOR Z STATUS ALIENS.

Notwithstanding any other provision of this Act (or an amendment made by this Act)—

(1) a Z nonimmigrant shall not be adjusted to the status of a lawful permanent resident; and

(2) nothing in this section shall be construed to limit the number of times that a Z nonimmigrant can renew the nonimmigrant's status.

SA 1811. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1, insert the following:

(e) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—Except as provided under paragraph (2), not later than 54 months after the date of the enactment of this Act, the Secretary shall submit a written certification to the President and Congress that—

(A) the border security and other measures described in subsection (a) are funded, in place, and in operation; and

(B) there are fewer than 1,000,000 individuals who are unlawfully present in the United States.

(2) EFFECT OF LACK OF CERTIFICATION.—If the border security and other measures described in subsection (a) are not funded, are not in place, are not in operation, or if more than 1,000,000 individuals are unlawfully present in the United States on the date that is 54 months after the date of the enactment of this Act, title VI shall be immediately repealed and the legal status and probationary benefits granted to aliens under such title shall be terminated.

SA 1812. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 103, line 16, strike ''(b)'' and insert the following:

(b) FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.—

(1) AUTHORITY.—Law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by Federal law.

(2) CONSTRUCTION.—Nothing in this subsection may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

(c) LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—

(1) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(A) IN GENERAL.—Except as provided under subparagraph (C), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(i) against whom a final order of removal has been issued;

(ii) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(iii) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(iv) whose visa has been revoked.

(B) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under subparagraph (A) related to an alien who is lawfully admitted to enter or remain in the United States.

(C) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(i) IN GENERAL.—The Secretary, in consultation with the head of the National Crime Information Center, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under subparagraph (A) related to such alien.

(ii) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under

clause (i), failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under subparagraph (A) related to such alien, unless such information is erroneous.

(iii) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in subparagraph (A), the Secretary may not provide the information required under subparagraph (A) until the procedures required under this paragraph have been developed and implemented.

(2) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

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

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and''.

(d)

SA 1813. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 309, strike line 15 and all that follows through ''January 1, 2007'' on page 310, line 13, and insert the following:

''(Z) subject to title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien who—

''(i) is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, is employed, and seeks to continue performing labor, services or education;

''(ii) is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, and such alien—

''(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i); or

''(II) was, within 2 years of the date on which the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

''(aa) the termination of the relationship with such spouse was connected to domestic violence; and

''(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent, who is a Z nonimmigrant; or

''(iii) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph, is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, and was born to or legally adopted by at least 1 parent who is at the time of application described in clause (i) or (ii).''.

(c) PRESENCE IN THE UNITED STATES.—

(1) IN GENERAL.—The alien shall establish that the alien was not lawfully present in the United States on January 7, 2004.

SA 1814. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 312, lines 15 through 17, strike ''(6)(B), (6)(C)(i), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I),'' and insert ''(6)(C)(i), (6)(C)(ii), (6)(D), (6)(G), (7),''.

SA 1815. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 323, strike lines 4 through 34, and insert the following:

(ii) ENGLISH LANGUAGE AND CIVICS.—

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older must demonstrate an attempt to gain an understanding of the English language and knowledge of United States civics by taking the naturalization test described in paragraphs (1) and (2) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) and by demonstrating enrollment in or placement on a waiting list for English classes.

(II) REQUIREMENT AT SECOND RENEWAL.—At or before the time of application for the second extension of Z nonimmigrant status, an alien who is 18 years of age or older must pass the naturalization test described in such paragraphs (1) and (2) of such section 312(a).

(III) REQUIREMENT AT THIRD RENEWAL.—At or before the time of application for the third extension of Z nonimmigrant status, an alien who is 18 years of age or older must take the Test of English as a Foreign Language (TOEFL) administered by the Educational Testing Service.

(IV) REQUIREMENT AT FOURTH RENEWAL.—At or before the time of application for the fourth extension of Z nonimmigrant status, an alien who is 18 years of age or older must retake the TOEFL and receive the lower of—

(aa) a score of not less than 70; or

(bb) a score of not less than 20 points higher than the score the alien received when the alien took the TOEFL pursuant to subclause (III).

(V) EXCEPTION.—The requirements of subclauses (I), (II), (III), and (IV) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

SA 1816. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 315, between lines 29 and 30, insert the following:

(9) GOOD MORAL CHARACTER.—The alien shall establish that the alien has been a person of good moral character, as described in section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)), for the entire period of the alien's unlawful presence in the United States.

SA 1817. Ms. STABENOW (for herself, Mr. KERRY, Mr. SCHUMER, Mr. LEVIN, Mr. BROWN, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TAX-EXEMPT FINANCING OF ALTERNATIVE MOTOR VEHICLE FACILITIES.

(a) IN GENERAL.—Subsection (a) of section 142 is amended—

(1) by striking ''or'' at the end of paragraph (14),

(2) by striking the period at the end of paragraph (15) and inserting '', or'', and

(3) by inserting at the end the following new paragraph:

''(16) alternative motor vehicle facility.''.

(b) DEFINITION.—Section 142 is amended by inserting at the end the following new subsection:

''(n) ALTERNATIVE MOTOR VEHICLE FACILITY.—

''(1) IN GENERAL.—For purposes of subsection (a)(16), the term 'alternative motor vehicle facility' means an automobile development and production facility which was built before 1981 and which through financing by the net proceeds of the issue is retrofitted or reconstructed to make such facility compatible for the development and production of qualified alternative motor vehicles or of qualified alternative motor vehicles and component parts for such vehicles.

''(2) QUALIFIED ALTERNATIVE MOTOR VEHICLES.—For purposes of paragraph (1), the term 'qualified alternative motor vehicle' means any vehicle described in section 30B or 30D.

''(3) NATIONAL LIMITATION ON AMOUNT OF BONDS.—

''(A) NATIONAL LIMITATION.—The aggregate amount allocated by the Secretary under subparagraph (C) shall not exceed $1,500,000,000, of which not more than $500,000,000 may be allocated to any single taxpayer (determined under rules similar to the rules in paragraphs (6), (7), and (8) of section 179(d)).

''(B) ENFORCEMENT OF NATIONAL LIMITATION.—An issue shall not be treated as an issue described in subsection (a)(16) if the aggregate face amount of bonds issued pursuant to such issue for any alternative motor vehicle facility (when added to the aggregate face amount of bonds previously so issued for such facility) exceeds the amount allocated to such facility under subparagraph (C).

''(C) ALLOCATION BY SECRETARY.—The Secretary shall allocate the amount described in subparagraph (A) among State or local governments to finance alternative motor vehicle facilities located within the jurisdictions of such governments in such manner as the Secretary determines appropriate.

''(4) SPECIAL RULES RELATING TO EXPENDITURES.—

''(A) IN GENERAL.—An issue shall not be treated as an issue described in subsection (a)(16) unless at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more facilities within the 5-year period beginning on the date of issuance.

''(B) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in subparagraph (A)(i), the Secretary may extend such period if the issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related facilities will continue to proceed with due diligence.

''(C) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under subparagraph (B), by the close of the extended period), the issuer shall use all unspent proceeds of such issue to redeem bonds of the issue within 90 days after the end of such period.

''(5) EXCEPTION FOR CURRENT REFUNDING BONDS.—Paragraph (3) shall not apply to any bond (or series of bonds) issued to refund a bond issued under subsection (a)(16) if—

''(A) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

''(B) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

''(C) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond.

For purposes of subparagraph (A), average maturity shall be determined in accordance with section 147(b)(2)(A).''.

(c) CONFORMING AMENDMENT.—Section 146(g)(3) is amended by striking ''or (15)'' and inserting ''(15), or (16)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to bonds issued after December 31, 2007, and before January 1, 2013.

SEC. _____. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Section 6721(a)(1) is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$250,000'' and inserting ''$3,000,000''.

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—

(i) by striking ''$15'' and inserting ''$50'',

(ii) by striking ''$50'' and inserting ''$250'', and

(iii) by striking ''$75,000'' and inserting ''$500,000''.

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—

(i) by striking ''$30'' and inserting ''$100'',

(ii) by striking ''$50'' and inserting ''$250'', and

(iii) by striking ''$150,000'' and inserting ''$1,500,000''.

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking ''$100,000'' and inserting ''$1,000,000'', and

(ii) by striking ''$250,000'' and inserting ''$3,000,000'',

(B) in subparagraph (B)—

(i) by striking ''$25,000'' and inserting ''$175,000'', and

(ii) by striking ''$75,000'' and inserting ''$500,000'', and

(C) in subparagraph (C)—

(i) by striking ''$50,000'' and inserting ''$500,000'', and

(ii) by striking ''$150,000'' and inserting ''$1,500,000''.

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking ''$100'' in paragraph (2) and inserting ''$500'',

(B) by striking ''$250,000'' in paragraph (3)(A) and inserting ''$3,000,000''.

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$100,000'' and inserting ''$1,000,000''.

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking ''$100'' in paragraph (1) and inserting ''$500'', and

(B) by striking ''$100,000'' in paragraph (2)(A) and inserting ''$1,000,000''.

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking ''$50'' and inserting ''$250'', and

(2) by striking ''$100,000'' and inserting ''$1,000,000''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SA 1818. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1704 proposed by Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Ms. CANTWELL, Mr. WYDEN, Mr. SCHUMER, Mr. SALAZAR, and Ms. SNOWE) to the amendment SA 1502 proposed by Mr. REID to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, line 24, insert ''or eligible for a credit under section 40(b)(2) or 40A(b)(2)'' after ''6426''.

SA 1819. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 885. ADDITIONAL TARIFFS ON OIL AND GAS PRODUCTS OF VENEZUELA.

(a) FINDING.—The Government of Venezuela has announced its intention to withdraw as a member of the World Trade Organization.

(b) ADDITIONAL TARIFF.—Notwithstanding any other provision of law, there shall be imposed on any oil or gas product imported from Venezuela, in addition to any other duty that would otherwise apply to such product, a rate of duty of 3 percent ad valorem.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall apply to any oil or gas product imported from Venezuela on or after the date that is 15 days after the date of the enactment of this Act.

(2) TERMINATION.—The duties imposed under subsection (b) shall cease to apply if—

(A) the Government of Venezuela files a complaint against the United States claiming that the duties imposed by subsection (b) do not comply with the obligations of the United States under the WTO Agreement (as defined in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9))), or any of the agreements annexed to that Agreement; and

(B) a dispute settlement panel of the World Trade Organization issues an adverse finding against the United States with respect to such complaint.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, June 20, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The hearing will examine the growing aviation industry practice of outsourcing maintenance, repair, and overhaul MRO work.

THE PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 20, 2007, at 10:00 a.m. to hold a nomination hearing.

THE PRESIDING OFFICER. Without objection[it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask, unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 20, 2007, at 2:30 p.m. to hold a nomination hearing.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, June 20, 2007 at 9:30 a.m. in SD–628. We will be considering the following:

Agenda

1. The Higher Education Access Reconciliation Act (not yet introduced)

2. Amendments to the Higher Education Access Reconciliation Act

3. The following nominations: Jerome F. Kever, of Illinois, to be a Member of the Railroad Retirement Board; Michael Schwartz, of Illinois, to be a Member of the Railroad Retirement Board; Virgil M. Speakman Jr., of Ohio, to be a Member of the Railroad Retirement Board; Marylyn Andrea Howe, of Massachusetts, to be a Member of the National Council on Disability; Lonnie C. Moore, of Kansas, to be a Member of the National Council on Disability; and Kerri Layne Briggs, of Virginia, to be Assistant Secretary

for Elementary and Secondary Education.

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

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing entitled ''Rising Violent Crime in the Aftermath of Hurricane Katrina'' on Wednesday, June 20, 2007 at 10:30 a.m. in Dirksen Senate Office Building room 226.

Witness list

Panel I: The Honorable Mary L. Landrieu, United States Senator [D–LA] and The Honorable David Vitter, United States Senator [R–LA].

Panel II: The Honorable James B. Letten, United States Attorney for the Eastern District of Louisiana, New Orleans, LA; The Honorable David L. Bell, Chief Judge, Orleans Parish Juvenile Court, New Orleans, LA; Anthony Cannatella, Deputy Chief, Operations Bureau, New Orleans Police Department, New Orleans, LA; and Robert A. Stellingworth, President & CEO, New Orleans Police and Justice Foundation, New Orleans, LA.

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

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 20, 2007, at 2:30 p.m. in room 226 of the Dirksen Senate Office Building. The hearing will be on ''Judicial Nominations.''

Witness list

Panel I: The Honorable James M. Inhofe, United States Senator [R–OK]; The Honorable Elizabeth Dole, United States Senator [R–NC]; and The Honorable Richard Burr, United States Senator [R–NC].

Panel II: William Lindsay Osteen, Jr. to be United States District Judge for the Middle District of North Carolina; Martin Karl Reidinger to be United States District Judge for the Western District of North Carolina; Timothy D. DeGiusti to be United States District Judge for the Western District of Oklahoma; and Janis Lynn Sammartino to be United States District Judge for the Southern District of California.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, June 20, 2007, at 10 a.m., to conduct a hearing in relation to S. 1285, the ''Fair Elections Now Act.'' Topics covered will be: reforming the finance of Senate elections and the high cost of broadcasting campaign advertisements.

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

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on June 20, 2007, at 2 p.m. to conduct a hearing on ''Reauthorization of the Hope VI Program.''

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

SUBCOMMITTEE ON SUPERFUND AND ENVIRONMENTAL HEALTH

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Superfund and Environmental Health be authorized to meet during the session of the Senate on Wednesday, June 20, 2007 at 10 a.m. in room 406 of the Dirksen Senate Office Building for a hearing entitled, ''EPA's Response to 9–11 and Lessons Learned for Future Emergency Preparedness.''

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

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the following fellows, interns, and detailees of the staff of the Finance Committee be allowed on the Senate floor for the duration of debate on the Energy bill: Mary Baker, Tom Louthan, Sara Shepherd, Amy Branger, Jennifer Donohue, Lindsay Erickson, David Lee, Alex Mazuro, Jennifer Smith, and Erik Willborg.

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

Mr. BINGAMAN. Mr. President, I also ask unanimous consent that the following individuals who are interns in my office be given floor privileges during the pendency of H.R. 6: Samantha Currier, Allison Freedman, Gregory Gonzales, Kori Higgins, Blake Peterson, Sarah Pike, Heather Roach, Shannon Saltclah, Joshua Sanchez, and Claire Smith.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Paul Keppy, Anne Freeman, and Lynda Simmons of my Senate Committee Finance staff be given the privilege of the floor during the debate on the Energy bill.

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

Mr. GRASSLEY. Additionally, Mr. President, I ask unanimous consent that John Kalitka, who is on detail to my staff from the Commerce Department, be granted the privilege of the floor during the debate on the Energy bill.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows, interns, and detailees of the staff of the Finance Committee be allowed on the Senate floor for the duration of the debate on the Energy bill: George Serletis, Brandon Perkins, Brett Youngerman, Suzanne Payne, Tom Kornfield, Avi Salzman, Grace Stephens, Alex Hart, and Elise Stein.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, pursuant to Executive Order 12131, as amended, appoints the following Member to the President's Export Council: The Senator from Texas, Mr. CORNYN.

CELEBRATING ACCOMPLISHMENTS OF TITLE IX OF EDUCATION AMENDMENTS OF 1972

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 242, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 242) celebrating the accomplishments of title IX of the Education Amendments of 1972.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, without intervening action or debate.

The resolution (S. Res. 242) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 242

Whereas 35 years ago, on June 23, 1972, the Education Amendments of 1972 containing title IX was signed into law by the President;

Whereas Representatives Patsy T. Mink and Edith Green led the successful fight in Congress to pass this legislation;

Whereas title IX prohibits discrimination on the basis of sex in the administration of any education program receiving Federal financial assistance;

Whereas remarkable gains have been made to ensure equal opportunity for women and girls under the inspiration and mandate of title IX;

Whereas title IX serves as the nondiscrimination principle in education;

Whereas title IX has increased access and opportunities for women and girls;

Whereas title IX has increased educational opportunities for women and girls, increased access to professional schools and nontraditional fields of study, and improved employment opportunities;

Whereas title IX has increased opportunities for women and girls in sports, leading to greater access to competitive sports, and building strong values such as teamwork, leadership, discipline, work ethic, self-sacrifice, pride in accomplishment, and strength of character;

Whereas on October 29, 2002, title IX was named the ''Patsy Takemoto Mink Equal Opportunity in Education Act'' in recognition

of Representative Mink's heroic, visionary, and tireless leadership in developing and winning passage of title IX; and

Whereas while title IX has been instrumental in fostering 35 years of progress toward equality between men and women in educational institutions and the workplace, there remains progress to be made, Now, therefore, be it

Resolved, That the Senate celebrates—

(1) the accomplishments of title IX of the Education Amendments of 1972, also known as the Patsy Takemoto Mink Equal Opportunity in Education Act, in increasing opportunities for women and girls in all facets of education; and

(2) the magnificent accomplishments of women and girls in sports.

SUPPORTING GOALS AND IDEALS OF NATIONAL CLEAN BEACHES WEEK

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 243, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 243) supporting the goals and ideals of National Clean Beaches Week.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The resolution (S. Res. 243) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 243

Whereas coastal areas produce 85 percent of all United States tourism dollars and are the leading tourism destination in America;

Whereas over 50 percent of the population of the United States lives in coastal counties;

Whereas the beaches in these coastal counties provide recreational opportunities for numerous Americans and their families who, together with international tourists, make almost 2,000,000,000 trips to the beach each year to fish, sunbathe, boat, swim, surf, and bird-watch;

Whereas beaches are a critical driver of the American economy and its competitiveness in the global economy;

Whereas beaches represent a critical part of our natural heritage and a beautiful part of the American landscape;

Whereas beaches are sensitive ecosystems, susceptible to degradation and alteration from natural forces, sea level rise, pollution, untreated sewage, and improper use;

Whereas members of the Government, the private sector, and nongovernmental organizations, along with citizen volunteers, have worked diligently to clean up and protect our beaches over the years;

Whereas great strides have been made in understanding the science of watersheds and the connections between inland areas and coastal waters;

Whereas the Federal Government should develop science-based policies that are commensurate with that knowledge; and

Whereas a 7-day week, commencing in June and including July 5, will be observed as National Clean Beaches Week: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Clean Beaches Week;

(2) recognizes the value of beaches to the American way of life and the important contributions of beaches to the economy, recreation, and natural environment of the United States; and

(3) encourages Americans to work to keep beaches safe and clean for the continued enjoyment of the public and to engage in activities during National Clean Beaches Week that foster stewardship, healthy living, and volunteerism along our coastlines.

NATIONAL SAFETY MONTH

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 244, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 244) designating June 2007 as ''National Safety Month.''

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

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

The resolution (S. Res. 244) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 244

Whereas the National Safety Council, founded in 1913, is celebrating its 94th anniversary as the premier source of safety and health information, education, and training in the United States in 2007;

Whereas the mission of the National Safety Council is to educate and influence people to prevent accidental injury and death;

Whereas the National Safety Council was congressionally chartered in 1953 and is celebrating its 54th anniversary as a congressionally chartered organization in 2007;

Whereas the National Safety Council works to promote policies, practices, and procedures leading to increased safety, protection, and health in business and industry, in schools and colleges, on roads and highways, and in homes and communities;

Whereas, even with advancements in safety that create a safer environment for the people of the United States such as new legislation and improvements in technology, the number of unintentional injuries remains unacceptable;

Whereas the people of the United States deserve to live in communities that promote safe and healthy living;

Whereas such a solution requires the cooperation of all levels of government, as well as the Nation's employers and the general public;

Whereas the summer season, traditionally a time of increased accidental injuries and fatalities, is an appropriate time to focus attention on injury risks and preventions; and

Whereas the theme of ''National Safety Month'' for 2007 is ''Celebrating Safe Communities'': Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2007 as ''National Safety Month''; and

(2) recognizes the accomplishments of the National Safety Council and calls upon the people of the United States to observe the month with appropriate ceremonies and respect.

CONGRATULATING THE ARIZONA WILDCATS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 245, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 245) congratulating the University of Arizona Wildcats for winning the 2007 NCAA Division I Softball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KYL. Mr. President, today I am pleased to join with Senator MCCAIN in support of this resolution to acknowledge the athletic achievement of a tremendous group of young women. On June 6, the University of Arizona women's softball team won the 2007 National Collegiate Athletic Association Division I Softball Championship. By defeating the University of Tennessee Lady Volunteers 5 to 0, the Wildcats claimed their 8th title since 1991.

The victory was a team effort that was marked by a number of special accomplishments. Taryne Mowatt, pitcher for the Wildcats, set a Women's College World Series record by pitching 60 innings and was named the tournament's Most Outstanding Player. Centerfielder Caitlin Lowe had a record-tying 4 hits in the national title game. Shortstop Kristie Fox tied the record with 12 hits in the series. On 4 occasions Fox faced the best pitcher in the country, Tennessee's Monica Abbott. Second baseman Chelsie Mesa can take credit for hitting a 3-run home run off Abbott to break open the game and send the Wildcats to victory. Taryne Mowatt, Kristie Fox, Jenae Leles, and Caitlin Lowe were selected to be on the all-tournament team because of the skill they demonstrated during the tournament. Other Wildcats making important contributions include Adrienne Acton, Sarah Akamine, K'Lee Arredondo, Callista Balko, Sam Banister, Cyndi Duran, Lauren Erb, Samantha Hoffman, Jill Malina, Lisa Odom, Danielle Rodriguez, and Laine Roth.

The team's success was guided by their coach, Mike Candrea, who just completed his 22nd season as coach of the University of Arizona softball program. A highly decorated coach, Candrea has won 18 coach-of-the-year honors. He boasts a 1,131 to 228 overall win-loss record. In 2004, Candrea took a

year off to coach the USA Olympic softball team, which went on to take the gold medal.

Senator MCCAIN and I introduce this resolution today so that this body can send a well-deserved congratulations to the University of Arizona Wildcats and their coach for the hard work and skill they demonstrated in winning the championship.

Ms. KLOBUCHAR. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 245) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 245

Whereas on June 6, 2007, the University of Arizona (UA) Wildcats of Tucson, Arizona, won the 2007 National Collegiate Athletic Association Women's College World Series Softball Championship by defeating the University of Tennessee Lady Volunteers by a score of 5 to 0, winning their 8th title since 1991;

Whereas, in the championship game, UA pitcher Taryne Mowatt set a Women's College World Series record by pitching 60 innings and was named the tournament's Most Outstanding Player;

Whereas Kristie Fox, Jenae Leles, and Caitlin Lowe were selected to be on the all-tournament team;

Whereas the UA Wildcats completed the season with a 50–14–1 record, climbing from the loser's bracket to emerge victorious; and

Whereas Coach Mike Candrea has taken the UA Wildcats to the Women's College World Series 19 times over the last 20 years, and won 8 national championship titles: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Arizona Wildcats for winning the 2007 NCAA Division I Women's Softball Championship; and

(2) recognizes all the players, coaches, and support staff who were instrumental in this achievement.

CONGRATULATING THE SAN ANTONIO SPURS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 246, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 246) congratulating the San Antonio Spurs for winning the National Basketball Association Championship.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 246) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 246

Whereas on June 14, 2007, the San Antonio Spurs (Spurs) won their fourth National Basketball Association (NBA) Championship since 1999 by defeating the Cleveland Cavaliers 4 to 0;

Whereas Tony Parker won his first NBA Finals Most Valuable Player award after shooting 57 percent for the series and averaging 24.5 points per game;

Whereas Spurs Head Coach Gregg Popovich added to his growing legacy by winning his fourth NBA championship;

Whereas Spurs owner and Chief Executive Officer Peter Holt and General Manager R.C. Buford have built the San Antonio Spurs into 1 of the best organizations in NBA history;

Whereas the Spurs hold an all-time record of 16 wins and 6 losses in the NBA Finals;

Whereas the Spurs have the best winning percentage in NBA Finals history;

Whereas the Spurs are committed to serving the San Antonio community by promoting education, achievement, and civic responsibility; and

Whereas the Spurs are the pride and joy of the City of San Antonio: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the San Antonio Spurs for winning the 2007 National Basketball Association Championship; and

(2) respectfully requests the Secretary of the Senate to transmit 1 enrolled copy of this resolution to Senator Hutchison for presentation to the San Antonio Spurs.

SUPPORTING THE IDEALS AND VALUES OF THE OLYMPIC MOVEMENT

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Res. 185 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 185) supporting the ideals and values of the Olympic movement.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 185) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 185

Whereas, for over 100 years, the Olympic Movement has built a more peaceful and better world by educating young people through athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, sportsmanship, and fair play;

Whereas the United States Olympic Committee is dedicated to coordinating and developing athletic activity in the United States to foster productive working relationships among sports-related organizations;

Whereas the United States Olympic Committee promotes and supports athletic activities involving the United States and foreign countries;

Whereas the United States Olympic Committee promotes and encourages physical fitness and public participation in athletic activities;

Whereas the United States Olympic Committee assists organizations and persons concerned with sports in the development of athletic programs for able-bodied and disabled athletes regardless of age, race, or gender;

Whereas the United States Olympic Committee protects the opportunity of each athlete, coach, trainer, manager, administrator, and official to participate in athletic competition;

Whereas athletes representing the United States at the Olympic Games have achieved great success personally and for the Nation;

Whereas thousands of men and women of the United States are focusing their energy and skill on becoming part of the United States Olympic Team and aspire to compete in the 2008 Olympic Games in Beijing, China;

Whereas the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by the athletes of the United States Olympic Team; and

Whereas June 23, 2007, is the anniversary of the founding of the Modern Olympic Movement, representing the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the Modern Olympic Games: Now, therefore, be it

Resolved, That the Senate—

(1) supports the ideals and values of the Olympic Movement; and

(2) calls upon the people of the United States to observe the anniversary of the founding of the Modern Olympic Movement with appropriate ceremonies and activities.

COMMENDING THE UNIVERSITY OF WASHINGTON MEN'S CREW TEAM

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 247, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 247) commending the University of Washington Men's Crew, the 2007 Intercollegiate Rowing Association Champions.

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. Mr. President, today I congratulate the members of the University of Washington Men's Crew Team, which won the Intercollegiate Rowing Association Championships on June 2, 2007 at Copper River in New Jersey.

The Washington Huskies came to the Intercollegiate Rowing Association Championship Regatta with great expectations. All season, the team was ranked No. 1 in the Nation and was ranked as the top seed at the regatta.

And the University of Washington delivered.

The men's varsity eight raced down the 2,000 meter course to a first place finish with a time of 5:33.16, holding off advances from Stanford and Harvard. This is the first time since 1997 that the Huskies have won the varsity eight race and marks the 12th varsity eight national championship for the University.

In addition, the second varsity eight and open four boats also earned gold medals, finishing their races in 5:43.02 and 6:26.44 respectfully. The Huskies freshman eight also found themselves on the podium stand, finishing third in their race.

In addition to these individual boat success stories, the Husky men exhibited teamwork by winning the overall points championship and capturing the Ten Eyck Trophy for the first time since 1970. The University of Washington amassed 216 points, followed by Harvard with 191, and California with 190.

The Huskies have been competing in the Intercollegiate Rowing Association Championship Regatta since 1913. I am proud that this group of young men has continued this tradition of competition and success at this year's championship and they should be commended for their determination, work ethic, and heart.

Once again, I would like to congratulate the members of the University of Washington Men's Crew Team for their impressive achievement.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

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

The resolution (S. Res. 247) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 247

Whereas crew is the oldest intercollegiate sport in the United States, dating back to 1852;

Whereas the Intercollegiate Rowing Association Championship, which began in 1895, is the oldest college rowing championship in the United States and is 1 of the most prestigious championships in collegiate rowing;

Whereas the University of Washington first attended the Intercollegiate Rowing Association Championship in the 1913;

Whereas the Washington Huskies Men's Crew Team was the number 1 ranked team in the United States all season and entered the Intercollegiate Rowing Association Championships as the top seeded team;

Whereas the University of Washington's varsity eight, second varsity eight, and open four each won gold medals in their respective races, and the freshman eight took home the bronze medal;

Whereas this is the 12th varsity eight title won by University of Washington at the Intercollegiate Rowing Association Championships, and the first such win by the Huskies since 1997;

Whereas the Huskies also won the Ten Eyck Trophy for the first time since 1970 by winning the overall points championship;

Whereas the entire University of Washington Men's Crew Team should be commended for demonstrating determination, work ethic, attitude, and heart; and

Whereas the members of the Men's Crew Team have brought great honor to themselves, their families, the University of Washington, and the State of Washington: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Washington Men's Crew Team for winning the 2007 Intercollegiate Rowing Association Championship and acquiring the Ten Eyck Trophy; and

(2) recognizes the achievements of the rowers, coaches, and staff whose skill, discipline, and dedication allowed them to reach such heights.

THE CALENDAR

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that it be in order for the Senate to proceed, en bloc, to the consideration of the following calendar items: Calendar No. 154, S. Res. 132; Calendar No. 174, H. Con. Res. 76; Calendar No. 192, S. Res. 82; Calendar No. 194, S. Res. 173; Calendar No. 200, S. Res. 105; and Calendar No. 201, S. Res. 215.

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

Ms. KLOBUCHAR. I ask unanimous consent that the resolutions be agreed to, en bloc, the preambles be agreed to, en bloc, the motions to reconsider be laid upon the table, that consideration of these items appear separately in the RECORD and any statements related thereto be printed in the RECORD, without intervening action or debate.

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

RECOGNIZING THE CIVIL AIR PATROL FOR 65 YEARS OF SERVICE TO THE UNITED STATES

The resolution (S. Res. 132) recognizing the Civil Air Patrol for 65 years of service to the United States was considered and agreed to. The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 132

Whereas the Civil Air Patrol was established on December 1, 1941, in the Office of Civilian Defense;

Whereas during World War II the volunteer units of the Civil Air Patrol conducted search and rescue missions, provided air transportation for military personnel and cargo, towed targets for the training of Army Air Corps gunners, and patrolled the coasts of the United States searching for enemy submarines;

Whereas by the end of World War II the Civil Air Patrol had flown more than 500,000 hours, sunk 2 German U-boats, and saved hundreds of crash victims;

Whereas on July 1, 1946, the Civil Air Patrol was chartered by the United States as a nonprofit, benevolent corporation;

Whereas on May 26, 1948, the Civil Air Patrol was permanently established as a volunteer auxiliary of the United States Air Force;

Whereas since 1942 the cadet programs of the Civil Air Patrol have trained more than 750,000 youth, providing them with leadership and life skills;

Whereas since 1942 the Civil Air Patrol has flown more than 1,000,000 hours of search and rescue missions, saving several thousand lives; and

Whereas since 1951 the aerospace education programs of the Civil Air Patrol have provided training and educational materials to more than 300,000 teachers, who have educated more than 8,000,000 students about aerospace: Now, therefore, be it

Resolved, That the Senate recognizes the Civil Air Patrol for 65 years of service to the United States.

HONORING THE 50TH ANNIVERSARY OF THE INTERNATIONAL GEOPHYSICAL YEAR

The concurrent resolution (H. Con. Res. 76) honoring the 50th Anniversary of the International Geophysical Year (IGY) and its past contributions to space research, and looking forward to future accomplishments, was considered and agreed to. The preamble was agreed to.

H. CON. RES. 76

Whereas the year 2007–2008 is the 50th anniversary of the International Geophysical Year (IGY) of 1957–1958;

Whereas the IGY initiated the Space Age with the successful launch of the first artificial satellites, Sputnik by the former Soviet Union, and Explorer I by the United States;

Whereas the interdisciplinary approach of IGY and the use of new space-based platforms enabled fundamental changes in the conduct of research concerning the Earth and its surrounding space environment;

Whereas the interdisciplinary approach of IGY enabled coordinated, synchronous, global observations and measurements of the Earth, oceans, atmosphere, ice, and near-Earth space environment;

Whereas the IGY increased our understanding of the causes of magnetic storms, ionospheric disturbances, and the origins of cosmic rays;

Whereas the use of new space-based platforms enabled the discovery of the Van Allen radiation belts, which are trapped, charged particles in the Earth's upper atmosphere, showed that those particles form belts of energy around the Earth, and contributed to the understanding of the Northern Lights;

Whereas the IGY, involved thousands of scientists from 67 nations;

Whereas the IGY, which occurred during the height of Cold War tensions, facilitated international cooperation in science and helped lead to the Antarctic Treaty, which established the use of Antarctica for peaceful purposes and promoted continued, cooperative scientific investigations on the continent;

Whereas the IGY led to the creation of institutional structures that continue to promote and enable the international exchange of scientific research related to the Earth and space, including the International Council on Science's Committee on Space Research (COSPAR), Scientific Committee on Antarctic Research (SCAR), and Scientific Committee on Oceanic Research (SCOR); and

Whereas this 50th anniversary celebration offers as an opportunity to inspire our public and youth to build on the legacy of success of the IGY, recognizing that a coordinated, international approach to interdisciplinary scientific challenges such as climate change, high energy physics, and space exploration contributes to the advancement of knowledge and sustains the cooperative spirit and

goodwill among nations set forth in the IGY: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors the 50th anniversary of the International Geophysical Year (IGY) and its contributions to the scientific investigations of the Earth and outer space; and

(2) encourages the public, and especially American youth, to attend IGY celebrations and seminars, such as those being planned at locations around the United States by the National Academy of Sciences and other organizations, and participate in discussions about the future of space science and Earth science.

NATIONAL AIRBORNE DAY

The resolution (S. Res. 82) designating August 16, 2007 as ''National Airborne Day,'' was considered and agreed to. The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 82

Whereas the airborne forces of the Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16, 2007 marks the anniversary of the first official Army parachute jump on August 16, 1940, an event that validated the innovative concept of inserting United States ground combat forces behind the battle line by means of a parachute;

Whereas the United States experiment of airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and was launched when 48 volunteers began training in July 1940;

Whereas the success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that have served with distinction and have had repeated success in armed hostilities;

Whereas among those airborne units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II prompted the evolution of those forces into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment;

Whereas those units, together with additional units, comprise the quick reaction force of the Army's XVIII Airborne Corps when not operating separately under a regional combatant commander;

Whereas that modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, and Air Force combat control teams, all or most of which comprise the forces of the United States Special Operations Command;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the President's announcement of Operation Iraqi Freedom in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 173rd Airborne Brigade, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affair missions, and assisting in establishing democracy in Iraq;

Whereas the airborne forces are and will continue to be at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas of the members and former members of the United States combat airborne forces, all have achieved distinction by earning the right to wear the airborne's ''Silver Wings of Courage'', thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States combat airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operation forces, and (in former days) glider troops; and

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the American people as the airborne community celebrates August 16, 2007 as the 67th anniversary of the first official jump by the Army Parachute Test Platoon: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2007 as ''National Airborne Day''; and

(2) calls on the people of the United States to observe ''National Airborne Day'' with appropriate programs, ceremonies, and activities.

NATIONAL MARINA DAY

The resolution (S. Res. 173) designating August 11, 2007, as ''National Marina Day,'' was considered and agreed to. The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 173

Whereas the citizens of the United States highly value recreation time and their ability to access 1 of the greatest natural resources of the United States, its waterways;

Whereas, in 1928, the word ''marina'' was used for the first time by the National Association of Engine and Boat Manufacturers to define a recreational boating facility;

Whereas the United States is home to over 12,000 recreational boating facilities that contribute substantially to their local communities by providing safe, reliable gateways to boating for members of their communities and welcomed guests;

Whereas marinas of the United States also serve as stewards of the environment, actively seeking to protect their surrounding waterways not only for the enjoyment of the current generation, but for generations to come; and

Whereas marinas of the United States also provide their communities and visitors a place where friends and families, united by a passion for the water, can come together for recreation, rest, and relaxation: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the marinas of the United States for providing environmentally friendly gateways to boating for the citizens of, and the visitors to the United States; and

(2) designates August 11, 2007, as the sixth annual ''National Marina Day'' in order—

(A) to honor the marinas of the United States for their many contributions to their local communities; and

(B) to make citizens, policy makers, elected officials, and employees more aware of the overall contributions marinas make to their well-being.

CAMPUS FIRE SAFETY MONTH

The resolution (S. Res. 105) designating September 2007 as ''Campus Fire Safety Month,'' was considered and agreed to. The preamble was agreed to.

The resolution, with its preamble, reads as follows:

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.

NATIONAL FIRST RESPONDER APPRECIATION DAY

The resolution (S. Res. 215) designating September 25, 2007, as ''National First Responder Appreciation Day,'' was considered and agreed to. The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 215

Whereas millions of Americans have benefited from the courageous service of first responders across the Nation;

Whereas the police, fire, emergency medical service, and public health personnel (commonly known as ''first responders'') work devotedly and selflessly on behalf of the people of this Nation, regardless of the peril or hazard to themselves;

Whereas in emergency situations, first responders carry out the critical role of protecting and ensuring public safety;

Whereas the men and women who bravely serve as first responders have found themselves on the front lines of homeland defense in the war against terrorism;

Whereas first responders are called upon in the event of a natural disaster, such as the tornadoes in Florida and the blizzard in Colorado in December 2006, the wildfires in the West in 2007, and the flooding in the Northeast in April 2007;

Whereas the critical role of first responders was witnessed in the aftermath of the mass shooting at the Virginia Polytechnic Institute and State University, when the collaborative effort of police officers, firefighters, and emergency medical technicians to secure the campus, rescue students from danger, treat the injured, and transport victims to local hospitals undoubtedly saved the lives of many students and faculty;

Whereas 670,000 police officers, 1,100,000 firefighters, and 891,000 emergency medical technicians risk their lives every day to make our communities safe;

Whereas these 670,000 sworn police officers from Federal, State, tribal, city, and county law enforcement agencies protect lives and property, detect and prevent crimes, uphold the law, and ensure justice;

Whereas these 1,100,000 firefighters, both volunteer and career, provide fire suppression, emergency medical services, search and rescue, hazardous materials response, response to terrorism, and critical fire prevention and safety education;

Whereas the 891,000 emergency medical professionals in the United States respond to and treat a variety of life-threatening emergencies, from cardiac and respiratory arrest to traumatic injuries;

Whereas these 2,661,000 ''first responders'' make personal sacrifices to protect our communities, as was witnessed on September 11, 2001, and in the aftermath of Hurricane Katrina, and as is witnessed every day in cities and towns across America;

Whereas according to the National Law Enforcement Officers Memorial Fund, a total of 1,649 law enforcement officers died in the line of duty during the past 10 years, an average of 1 death every 53 hours or 165 per year, and 145 law enforcement officers were killed in 2006;

Whereas, according to the United States Fire Administration, from 1996 through 2005 over 1500 firefighters were killed in the line of duty, and tens of thousands were injured;

Whereas 4 in 5 medics are injured on the job, more than 1 in 2 (52 percent) have been assaulted by a patient and 1 in 2 (50 percent) have been exposed to an infectious disease, and emergency medical service personnel in the United States have an estimated fatality rate of 12.7 per 100,000 workers, more than twice the national average;

Whereas most emergency medical service personnel deaths in the line of duty occur in ambulance accidents;

Whereas thousands of first responders have made the ultimate sacrifice;

Whereas, in the aftermath of the terrorist attacks of September 11, 2001, America's firefighters, law enforcement officers, and emergency medical workers were universally recognized for the sacrifices they made on that tragic day, and should be honored each year as these tragic events are remembered;

Whereas there currently exists no national day to honor the brave men and women of the first responder community, who give so much of themselves for the sake of others; and

Whereas these men and women by their patriotic service and their dedicated efforts have earned the gratitude of Congress: Now, therefore, be it

Resolved, That the Senate designates September 25, 2007, as ''National First Responder Appreciation Day'' to honor and celebrate the contributions and sacrifices made by all first responders in the United States.

MEASURE READ THE FIRST TIME—H.R. 2366

Ms. KLOBUCHAR. Mr. President, I understand that H.R. 2366 has been received from the House and is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2366) to reauthorize the veterans entrepreneurial development program of the Small Business Administration, and for other purposes.

Ms. KLOBUCHAR. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 107; that the nomination be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF TRANSPORTATION

David James Gribbin IV, of Virginia, to be General Counsel of the Department of Transportation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Senator from Nevada.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

CLOTURE MOTION

Mr. REID. Mr. President, if I could do a little bit of business, and I will yield to the distinguished Senator from Delaware.

I was going to ask unanimous consent that the Senate proceed to the consideration of S. 1639, the immigration legislation, at a time to be determined by the majority leader following consultation with the Republican leader. However, I am advised there would be an objection from the Republican side, so I am not going to ask for that unanimous consent.

Therefore, I move to proceed to Calendar No. 208, S. 1639, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 208, S. 1639, Immigration.

Ted Kennedy, Russell D. Feingold, Daniel K. Inouye, Tom Carper, Sheldon Whitehouse, Pat Leahy, Richard J. Durbin, Benjamin L. Cardin, Ken Salazar, Frank R. Lautenberg, Joe Lieberman, Dianne Feinstein, John Kerry, Charles Schumer, Ben Nelson, B.A. Mikulski.

Mr. REID. I now ask unanimous consent that the mandatory quorum required under rule XXII be waived, and I therefore withdraw the motion.

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

CAFE STANDARDS

Mr. CARPER. Mr. President, today we have been discussing in the halls and corridors and rooms not far from where I many speaking what changes we should make with respect to fuel efficiency standards for cars, trucks, and vans. There are a lot of aspects of this bill that are important. Few are as important as what we are going to do with respect to fuel efficiency standards for cars, trucks, and vans, not just for the next couple of years but probably for the next 15 years or so.

I want to begin my remarks by saying how important I believe manufacturing is. We are neighbors. Both Delaware and Pennsylvania have a rich tradition of manufacturing. It is an important part of our economy and continues to be. If we are going to be successful as a nation in the 21st century, it will be because we have retained a vibrant manufacturing base, and we are in danger of seeing that slip away. Part of the manufacturing base in my State has been, for 60 years or so, a vibrant automobile manufacturing base. We have two auto assembly plants in northern Delaware. Outside of Wilmington is a GM plant where we manufacture the Pontiac Solstices and Saturn Sky. We actually export some of those Saturn Skys to Europe, and we are about to start exporting Saturn Skys to South Korea, something we are excited about.

In Newcastle County south of Newark along the Maryland line is a Chrysler assembly plant where they used to make tanks during World War II. Today they make all the Dodge Durangos and all the Chrysler Aspens in the world.

On a per capita basis, we build probably as many cars trucks, and vans per capita in Delaware as any other State. We are not a big State, but auto manufacturing remains an important part of our economic base.

With that as a background, I want to mention the approaching debate on CAFE, fuel efficiency standards for our vehicular fleet. There are three goals I see. The first goal for me—and I hope for us—is to reduce the growth of our dependence on foreign oil, then stop the growth of our dependence on foreign oil, and then reduce our dependence on foreign oil. Over 60 percent of the oil we use comes from sources beyond our borders. We have a trade deficit of about $650 billion. Fully one-third of that is attributable to our dependence on foreign oil. We need to reduce that dependence.

I was in Iraq the last weekend. We have over 150,000 troops there exposed and in danger as I speak. Every time I fill up the tank of my car with gas, I am convinced some of the money I spend in buying that gas goes to other parts around the world where people take our money, and I fear they use it to hurt us. We ought to be smarter than that. One of the things we clearly need to do is to reduce our growing reliance on foreign oil and eventually, sooner than later, reduce that reliance.

The second goal for me is to reduce harmful emissions, the stuff we put up in the air. Whether it is nitrogen oxide, carbon monoxide, carbon dioxide, which is the greenhouse gas that leads to global warming, those emissions come out of cars, trucks, and vans. For me, goal No. 2 is to reduce the incidence of those emissions. It will improve our health and reduce the threat we face from climate change from greenhouse gases.

The third goal for me and in the context of this legislation is to accomplish goal No. 1, reduce our reliance on foreign oil; accomplish goal No. 2, reduce the emission of bad stuff into the air; and to do that by not further disadvantaging the domestic auto industry in our State. So those are the three goals I have for us.

I want to take a moment and look back to 1975. In 1975, the average mileage for cars, trucks, and vans was about 14 miles per gallon. For several years leading up to 1975, there was a prolonged debate on whether we should require more fuel-efficient vehicles. I have asked my staff to see if we can find a little bit of what was being said back in the mid-1970s as we debated whether to raise over a 10-year period fuel efficiency standards from 14 miles per gallon to 27.5 miles per gallon for cars and roughly 20 miles per gallon for light trucks and SUVs.

This is a comment from one of the senior officials at General Motors:

> If this proposal becomes law—

The increase over 10 years of CAFE standards to 27.5 miles per gallon—

> the largest car the industry will be selling in any volume at all will probably be smaller, lighter, and less powerful than today's compact Chevy Nova.

The Presiding Officer and I are old enough to remember what a Chevy Nova looked like. I want to tell you, when we were driving around the streets of Washington, DC, or Delaware or Colorado, most of the vehicles out there were a lot bigger than a compact Chevy Nova, and they were in 1975 as well.

Here is another comment from the debate of the mid-1970s on raising CAFE standards. This is from a senior official at Chrysler in 1974.

> In effect this bill would outlaw a number of engine lines and car models, including most full size sedans and station wagons. It would restrict the industry to producing subcompact-size cars, or even smaller ones, within 5 years.

Five years from this was 1979. In 1979, we were still making full size sedans and station wagons. We were still making them in 1985. We are still making them today. The idea that we would be producing subcompact-size cars within 5 years or even 25 years, it never happened. Those are a couple of comments that were made in 1974 and 1975, as we took up the debate.

The Congress decided in 1975 to go ahead and pass more stringent fuel efficiency standards for cars, trucks, and vans. Over a 10-year period we ramped up so that by 1985, the car fleet was expected to achieve on balance 27.5 miles per gallon, and for light trucks and SUVs about 20 miles per gallon.

I put up these quotes because a good deal of what we have heard from the auto industry in recent years, as we have debated whether to return to raising fuel efficiency standards, actually sounds a lot like what we heard in 1974 and 1975. You could almost take away the years that are at the bottom of each of these quotes, and it would be deja vu all over again.

For the past 22 years since we raised CAFE standards, what we have heard mostly from the domestic auto industry is, if you raise fuel efficiency standards further, four things will happen: One, the big three—GM, Chrysler, Ford—will lose market share, will lose money. They will close plants. They will cut or eliminate jobs. We have heard that for pretty much the last 22 years, and for the last 22 years we have not raised fuel efficiency standards.

This is a chart where we can see the market share for each company. The orange share is Chrysler. The green is Ford. The blue is GM. This is 1985. Here we have 20 years later, 2005. Let me just read it. From Chrysler to DiamlerChrysler, when you put that together, you get about 13.5 percent market share. In effect, Chrysler's market share has actually dropped without any change in fuel efficiency standards since 1985. Their market share has dropped from 1985, if we actually backed out Diamler.

From 1985 to 2005, Ford's market share dropped from 22 percent of sales to almost 17 percent. That is without any change in CAFE. Over at GM, we see market share dropped most precipitously from about 41.5 percent of the market in 1958 to 26 percent in 2005.

I would say these numbers are actually lower now. Ford is no longer at 17 percent of market share. Regrettably, GM is not at 26 percent market share. The market share didn't drop because of increases in CAFE.

The plants were not closed because of increases in CAFE. Hundreds of thousands of people did not lose their jobs

because of increases in CAFE. These companies, last year, collectively, lost in the North American automotive operations—Chrysler, GM, Ford—lost probably, collectively, about $15 billion. That was not because of increases in CAFE, because we have not increased fuel-efficient standards for 22 years.

We have had a lot of visits in my office in the last several weeks. I am sure the Presiding Officer has had folks come to see him from the auto manufacturers, probably domestic and foreign. One CEO said to me, in a visit last week, his company would have to—if we adopted the measure that has been reported out of the Commerce Committee, which is the underlying language on CAFE in the bill before us this week—but if we adopted that, his company would have to produce cars that got 50, 52 miles per gallon.

I said: Well, let's think about that. Let's talk about that. You will recall the measure before us today says that by 2020, overall, NHTSA—an arm of the Department of Transportation—would have to have overseen an increase in the fuel efficiency standards of cars, trucks, and vans; that, overall, cars, trucks, and vans put together would, beginning by the year 2020, have 35 miles per gallon.

What most people do not understand is that trucks, light trucks, and SUVs do not have to get 35 miles per gallon under the language in the bill by 2020. But overall, when you combine cars, trucks, vans, and SUVs from the different companies that sell cars in this country, they have to get 35 miles per gallon.

Now, let's take a look at a chart that lists a bunch of auto companies. It is a little hard to follow, but I ask you all to bear with me. The effect of the legislation that is before us, the underlying bill, would mean—DaimlerChrysler builds more light trucks, SUVs. They are a truck-heavy company, as opposed to, we will say, Volkswagen. Volkswagen builds mostly cars. They do not build much in the way of light trucks or SUVs and sell that in this country.

But the car companies, the truck companies that tend to build the trucks, light trucks, and SUVs, they would end up with a requirement—between now and 2020—a requirement by NHTSA to have a fuel economy of something less than 35 miles per gallon. For the vehicle makers that are more heavily on the car side, as opposed to the light trucks and SUVs, they are going to expect to have a fuel efficiency standard north of, higher than 35 miles per gallon.

In this case, Volkswagen, if they continue to have the mix they have of vehicles in 2005, they would have to have in their mix of product about 38, 39 miles per gallon. So this is not a monolithic number. It is not 35 miles per gallon for trucks, 35 miles per gallon for cars. It is not 35 miles per gallon for each of these auto manufacturers.

But the idea is, when you put them all together, at the end of the day, we want, in 2020, for NHTSA to have presided over a process that gets our fleet of vehicles sold in this country, in 2020, to 35 miles per gallon.

Now, for years we have heard our friends from Detroit say: Protect us in this way. Protect us so we don't have foreign competitors—who build a lot of energy-efficient cars—don't let them use the high miles per gallon they get from their fuel-efficient cars to allow them to come in and sell a whole bunch of trucks, light trucks, SUVs, and minivans that are not energy efficient.

Meanwhile, companies such as DaimlerChrysler and GM and Ford, which are selling a lot of trucks, if we are not careful, will end up with a situation where other companies that are listed on this chart would be able to sell a whole lot of trucks, a whole lot of minivans, a whole lot of SUVs that are energy inefficient. Our automakers could not sell anymore. They would be constrained because of the requirements in legislation.

So here is what we have tried to come up with in response to the concerns by our automakers. We have come up with a plan that says to NHTSA: We do not care who is making real small cars, but we want you to set the same fuel efficiency standards for real small cars, regardless of who is making them. For midsized cars, we want you to set the same fuel efficiency standard targets for midsized cars, regardless of what companies make them. For larger cars, heavier cars, bigger cars, the same fuel efficiency standard would apply for that category of vehicles.

For pickup trucks, regardless of who is making them, light trucks, the same standard would have to apply, whether it is Nissan that is making them, Honda, or DaimlerChrysler. For a small truck, they all have to be producing vehicles that get the same fuel economy standards. For larger SUVs, the largest SUVs, whoever is making them—I don't care if it is Toyota, Nissan, Chrysler, GM—NHTSA would be promulgating a fuel efficiency standard that would be the same for all manufacturers.

Now, not everybody likes that. I suspect some of the folks who have been making energy-efficient cars for some time believe they are not getting the kind of credit they should get for their early work. But this is a proposal that is in the underlying bill, and it is in response to the domestic auto manufacturers who have said: Do not put us in a situation where the only folks who can sell light trucks and SUVs of any size are folks who happen to be building vehicles in other countries. So we tried to be responsive to their proposal.

Let's go back to this chart I have in the Chamber, if we could. I wish to return to the conversation I had with the CEO of one of the companies who came to see us. We will call it company X. Company X plans, in about 5 years, to be selling in this country a mix of products that would be 60 percent truck, that would be 40 percent cars. By trucks, I mean light trucks, SUVs, minivans. But that is their goal in 5 years: 40 percent cars, 60 percent trucks.

If we assume for a moment that the fuel average requirement, the minimum average requirement for light trucks and SUVs is going to be 30 miles per gallon—that is probably pretty close to what it is going to be; it may be about what is doable—at the 60-percent market concentration for the trucks: 60 percent times 30 miles per gallon adds up to 18 miles per gallon.

If another 40 percent of what they build and sell is cars, the question is: What miles per gallon would they have to achieve for their car fleet, collectively—small, mid, large—what would they have to achieve to roughly get to 35 miles per gallon overall for their fleet average? The answer is: 42—not 52, not 62 miles per gallon. But this is what they would have to be able to deliver in mileage per gallon in 2020 from their car fleet in order to come up with an overall fleet average for this company of about 35 miles per gallon.

Now the question is, is it realistic in 13 years for a company to be making cars that get 42 miles per gallon?

Well, I was at the Detroit Auto Show back in January. One of the coolest cars I saw was a Chevrolet. It was a Chevrolet Volt, a flex-fuel, plug-in hybrid vehicle that, hopefully, Chevrolet is going to be making by the early part of the next decade. You plug it in, charge the battery, and you are off.

Let me say, the leader is on the floor. I say to the leader, I do not wish to get in your way, but if you want to jump in here, jump in.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Nevada.

Mr. REID. Mr. President, I have been listening to the Senator speak. I wish to say one thing. I participated in an event today where we had a car there that was a hybrid. Gee, it was fun. There were two vehicles there, a Prius and a Ford. One of those—they would both get basically the same mileage—but the man there who was promoting these batteries, this past week, drove 177 miles on 1 gallon of gasoline. That is the future. That is the future of our country, that we will be able to have these hybrids driving across the country, pulling into a motel and plugging it in. There will just be a cord, like an extension cord.

I wanted to say one thing. I want to comment on the Senator's advocacy. The people of Delaware—I say this without any hype at all—are so fortunate to have someone who is so into legislation. I don't know of another Senator, in looking at an issue, who understands it so thoroughly. I say that sometimes I wish you didn't know it so thoroughly, because it doesn't allow me to have any wiggle room at all. But I say that without any reservation. I am so admiring of the Senator's talents to legislate. I am very partial to you because you and I came here together in 1982 as freshmen Members of the House of Representatives. But the

people of Delaware got a well-trained legislator when you came to the Senate. Your experience in the State, as a Statewide officeholder, a Member of the House of Representatives, a Governor, a Senator—you have not only had the experience, but you still have the tenacity and the will to be a good legislator, and the people of Delaware are very fortunate, but so are we as a country.

I would ask my distinguished friend, there are a few closing matters. Could you do those when you complete your statement?

Mr. CARPER. I will.

Mr. President, I was talking about the visit of last week with the CEO of one of our major three automakers. The point I was trying to make is the automakers don't have to come up with cars that get 52 miles per gallon or 50 miles per gallon, but if they have a fleet of 60 percent trucks and 40 percent cars in 2020, they are going to have to do better, and better is 42 miles per gallon.

Our leader, Senator REID, was talking about an event here today where some vehicles were on display. I think they were jerry rigged—maybe it was Ford Escape and some other vehicles, maybe Priuses—in order to get very high mileage, I think he said 170 miles per gallon. We don't need cars that get 170 miles per gallon by 2020 to make this standard of roughly 35 miles per gallon for the fleet. We don't need cars that get 50 miles per gallon.

But in this case, Company X—which is a real company, it turns out—is working toward 42 miles per gallon and they would meet the expected requirements that would be set for them.

I said to my visitor last week, the CEO who was visiting me, You have an obligation to your shareholders and you have an obligation to your employees to try to get the best deal out of this that you guys can be proud of and maximize your profits.

I said: As a Senator who cares about the economic development and job creation in my State, I want you to be profitable. I want you to be successful.

So I feel some obligation too. But I went on to add that we have an obligation here, as does the Presiding Officer, my friend from Pennsylvania, who is going to speak in a minute, we have an obligation that goes beyond that which our CEO feels, or other CEOs feel. We have an obligation to make sure we do reduce our reliance on foreign oil. The car companies, in all honesty, don't have that obligation. We have an obligation to make sure the air we breathe is cleaner. We have an obligation to make sure the threat of global warming is diminished, not increased. They don't have that requirement, as we do. That is our job.

It is not enough for us, though, to say to the car companies: You have to eat your spinach. You have to go out there and make the tough decisions all by yourself to raise fuel efficiency standards. I think we have an obligation in the Federal Government and in other levels of Government as well to help them. It shouldn't be them doing this all by themselves; we have an obligation to help them. I mention maybe four ways where we are trying to help them in the legislation that is before us today and that we will be voting on tomorrow and during the next couple of days.

With respect to making more energy efficient cars, here are some ways we can help the industry. One is through basic research and development investments. If we go back a few years, we have invested a lot of money in fuel cell technologies, as my colleagues know. In the legislation before us, the underlying bill on CAFE standards, we authorized the expenditure of $50 million a year over the next 5 years for new battery technology, for a new generation of lithium batteries, so the kind of cars the majority leader was talking about a few minutes ago, so we can actually build them, actually build the Chevrolet Volt. The Chevrolet Volt, the car I was talking about earlier, the coolest car at the auto show, a flex-fuel, plug-in hybrid, you plug it in, charge the battery at night from your house, go out the next day, drive maybe 30, 40 miles before you have to recharge again. If you get to work before that time, plug it in at work. In the meantime, when you put on your brakes, it is a traditional hybrid. You put on your brakes and recharge the battery.

But in the Chevrolet Volt, it actually carries with it an auxiliary power unit. The auxiliary power unit doesn't run the car, it charges the battery. It can be fuel cell powered, it could be biofuels diesel, it could be an ethanol internal combustion engine recharging the battery, and the battery running the wheels.

I saw a headline in the local paper in my State a month ago. It was a picture of one of the top folks at GM standing alongside the Chevrolet Volt and talking about this vehicle, which they hope to have on the road by the early part of the next decade, to get over 100 miles per gallon. That is not the entire fleet, it is one vehicle, but that is 100 miles per gallon. If we can do that, 100 miles per gallon or even 80 or 90 or 70 for the Chevrolet Volt and the kind of things our majority leader saw today, the fuel efficiencies there, if it is even a half or a third of what he saw, the idea of getting 35 miles per gallon for a total fleet in 2020 is not a pipedream, it is realistic. I am convinced that to the extent our auto manufacturers are positioned to build more energy efficient cars, to at least have some of them, they make themselves more competitive in the world environment.

But I was talking about the ways we can help, the Federal Government can help our industry to meet these higher standards. One, Federal investments in basic R&D. Whether it is for fuel cells several years ago or whether it is new battery technology, we are putting in about $40 million this year. I hope next year it will be 50 and the next 5 years after that at $50 million a year.

Second, another way we can help is to use the Federal Government's purchasing power to help commercialize these new technologies. We are going to be building and putting out on the road a new generation, next-generation hybrid Durango and a next-generation hybrid Chrysler Aspen. Currently they are internal combustion engines. They don't get 20 miles per gallon. They are high teens for fuel economy. But starting sometime by the middle of next year we will have on the road hybrid Durangos and hybrid Chrysler Aspens, the fuel economy of which will be increased by 40 percent over current levels—a 40-percent increase. I want to see—and I know others of my colleagues want to see—when the Federal Government goes out and buys—and we buy a lot of vehicles every year on the civilian side and on the defense side—I want to have included in the legislation we pass something that says some small percentage, some modest percentage of the vehicles we are going to be buying, anyway, should be invested in highly energy efficient new technology cars or trucks or vans, and their reaction to have the opportunity to do that in the context of the underlying legislation.

We are going to take up the Defense authorization bill in a couple of weeks and we will have an opportunity to do the same thing in terms of using the Government's purchasing power on the military side to commercialize these more energy efficient technologies in the cars, trucks, and vans that the military buys.

A third way the Federal Government can help the auto companies meet these more stringent standards, in addition to investments in R&D, in addition to the vehicular purchases of the Government to commercialize technologies, is with respect to tax credits. In the Energy bill adopted in 2005, we have energy tax credits that say if you buy a highly energy-efficient hybrid vehicle, you get a tax credit of $300 to almost $3,500 for your purchase. There is a similar provision in the same bill that says to folks who buy highly energy-efficient, diesel-powered vehicles with very low emissions that they can get the same kind of tax breaks, $300 to roughly $3,500.

As it turns out, almost all of the hybrids, incentivized by those tax credits, are made in other countries. So we have tax incentives to encourage people to buy hybrids from other countries. Shame on us. Hopefully, in the next couple years we will put American hybrids on the road and incentivize people to buy American-made hybrids, such as the Durango and the Chrysler Aspen that will be produced less than a year from now. No American manufacturer is making today, nor will they next year, diesel-powered vehicles with emission levels low enough to qualify under the 2005 legislation.

One of the changes that has been agreed to and is in the Finance Committee's package, Mr. President—and you are a member of the Finance Committee—one of the provisions the committee adopted in the finance language that accompanies the Energy bill allows the low-emission, highly energy-efficient Chrysler products that are being manufactured and sold in this country this year, for 1 year—that will be next year—their products will qualify not for the full tax credit but for about three-quarters of the tax credit just for 1 year. After that, they have to be very low emissions starting in 2009, which is as it should be.

That is something we can do to incentivize folks to buy vehicles made in this country that have low emissions and are highly efficient. The more energy efficient, the bigger the tax credit.

The fourth and last point we can do in the way of helping the industry is, there is a flex-fuel mandate that says some of the vehicles we build in this country have to be capable of running on ethanol or some kind of fuel other than traditional petroleum. However, as my colleagues know, today, if you drive around this country and have one of these vehicles that can run on ethanol, it is hard to find a pump. It is hard to find a pump in Colorado, Pennsylvania, Delaware, or any other State, except Minnesota where I think they have 400 gas stations that actually have ethanol. But it is hard to find a fueling station where we can actually fill up with something other than gasoline.

There needs to be included in this legislation something that mandates the oil companies, just as we did 20, 25, 30 years ago on unleaded gas, so the people who have vehicles that are capable of running on renewable fuel can actually find a place to fill up.

Similarly with hydrogen, as we move to the point of building more hydrogen-powered vehicles. It doesn't do us any good if we don't have hydrogen fueling stations in this country. The Federal Government has an obligation to make sure that fuel is available too.

Those are four actions the Government can do, and I hope will do, in the context of this legislation before us: One, investments in R&D, in this case new battery technology; two, use Federal Government purchasing power to help companies to commercialize this new technology; three, use tax credits to incentivize people to buy the vehicles once they are produced, more energy-efficient vehicles produced; and, finally, hydrogen infrastructure so people who buy flex-fuel vehicles can find the product, the stations where they can fill up.

The last point I want to make, and it goes back to my conversation with my friend who is a CEO of one of these domestic auto companies. I mentioned he has an obligation to his shareholders and employees. I am sure he cares about the quality of air. I am sure he cares about our dependence on foreign oil. That is not his day job. That is our day job, so we should focus on it as we debate these issues.

My colleague from Colorado who is presiding, and my colleague from Pennsylvania who is waiting patiently for me to wrap up—and I have been to funerals for people from our State who have died in Iraq or Afghanistan. We have tried to console family members. I was in Iraq over the weekend. We have 160,000 men and women there today. They are in harm's way as I speak. We are so dependent on troubled parts of the world for oil, unstable parts of the world for oil, where we have men and women at risk, where we lost lives yesterday and probably lost lives today and probably will tomorrow.

I think of a member of my staff, Sean Barney, who worked with me since 2000 when I ran for the Senate. Sean decided he wanted to go into the Marines. He joined the Marines and went through basic training. This is a guy with an undergraduate degree from Swarthmore and a graduate degree from Columbia who decided he wanted to be a marine.

A couple years ago, he went to basic training and became a PFC and ended up in Anbar Province, in the streets of Falluja, shot by a sniper in the neck which severed his carotid artery. He, by all rights, should be dead. He lived, miraculously. He has some degree of disability in his right arm, right shoulder, right hand, but he is alive.

When I have visited in Iraq, I had a chance to visit with a bunch of National Guard troops. We have them over there from Colorado and Pennsylvania too—folks from the 198th Signal Battalion. I was their commander in chief when I was Governor for 8 years. I have a special affection and devotion to them. I wanted to make sure they come home safely.

When I got home early Monday morning, I went to a sendoff for 150 members of one of our military police units. They were heading on to Fort Dix. They are at Fort Dix today and then on to Iraq.

I guess the point I am making is, while we want to make sure our domestic auto industry is successful and is profitable, and we have a good, strong auto manufacturing base, I want to make sure we stop sending men and women around the world to these troubled spots that have large amounts of oil deposits. And we are concerned about that situation. That is something of which we need to be mindful. For me, it figures into this equation and this debate.

I close by saying, we will have a chance to debate these issues tomorrow morning, and we will have a chance to vote on the language in the underlying bill, maybe with a change from an amendment Senator STEVENS and I have offered and maybe will be adopted, or maybe with the more far-reaching change negotiated and developed by our colleagues, Senators PRYOR, LEVIN, STABENOW, and BOND. At the end of the day, though, when we pass this legislation and send it on to the House, it is so important that it moves in a meaningful way toward reducing our dependence on foreign oil; that in a meaningful way it reduces the emissions of harmful matter into our air; and in a real way it also enhances and doesn't undermine the competitiveness of our domestic auto industry.

It is not easy to do all three of those goals, but those are the three things we need to do. If we can send from the Senate to the House at the end of this week or early next week legislation that is actually faithful to those three goals, we will have done our work and done good work.

Tomorrow and the next day will be the test to see if we can measure up to those standards. I hope we can.

I apologize to my colleague from Pennsylvania for going on as long as I have. I thank him for his patience.

Mr. President, I yield the floor.

ENERGY EFFICIENT APPLIANCES

Mr. CASEY. Mr. President, first of all, I thank Senator CARPER for his presentation and his wisdom. I appreciate that.

I rise tonight very briefly to express hope that is contained in an amendment I have. I know we have an agreement in place, and this is for the purpose of talking about this amendment as opposed to formally speaking on it.

This is a very simple amendment I have. It is an idea I had based on some of my work in State government. It is simply to do this, to offer a proposal that allows low-income families to purchase home appliances which are energy efficient and that will allow them to not only heat their homes or wash their clothes or use other appliances but to do it in an energy-efficient way.

It is based upon my experience in State government, as a State treasurer, where we started a program in Pennsylvania called Keystone Help, back in the last couple of years. Right now, that program has helped people in 60 out of our 67 counties. It is simple.

What the Federal version of this would do is to dedicate $4 million over 5 years. It is not a lot of money, and it is paid for by the current $750-million-per-year authorization for weatherization programs in the Federal Government. So it is just $4 million out of the $750 million that is already in the bill and already paid for.

These funds would be used to help low-income families purchase Energy Star certified appliances. This means they have been certified by the Department of Energy for their energy-efficient qualities.

Here is what the appliances are that would be allowed to be paid for out of the money applied in this program: refrigerators, water heaters, washers and dryers, home heating systems and air-conditioning—basic necessities of life in America today.

The amendment would also require that the families who receive these grants out of the $4 million of grant money over 5 years provide a 5-percent match that they would have to come up with. I recognize for a lot of families even a 5-percent match is a lot of money. An extra $50 or so, depending on the amount of money, would be significant. But I think it is important that families have that requirement.

There are some families who will not be able to meet that, so we allow charitable assistance or State and local initiatives to come up with the 5 percent.

But I wish to make one point among several. First of all, this is not a new program in the sense that it requires a big expenditure of money or requires administrative work that cannot already be done within the existing weatherization program. The grants in this amendment are intended to work as a complement to and work within the current weatherization program. The amendment will not increase administrative costs and it will not require new expenditures of dollars. It is within the $750 million already allocated for weatherization.

I believe this amendment, and the features of this program called for by this amendment, helps families. It helps our low-income families pay for Energy Star certified appliances for their homes. It helps the environment. It is good all around.

We already have a program that helps these same families properly insulate and weatherize their homes. What this does is take the next step. We should take that next step to help low-income families use less energy for the basic necessities of heating and cooling their homes as well as laundry and some other basic necessities.

I hope the managers on both sides of the aisle, I hope both parties, can agree to adopt this. It may not happen, but I am hopeful that will happen tomorrow.

ORDERS FOR THURSDAY, JUNE 21, 2007

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10:30 a.m. Thursday, June 21; that on Thursday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of H.R. 6, as under the previous order; that Members have until 11 a.m. to file any germane second-degree amendments to the Baucus amendment No. 1704.

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

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. CASEY. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:44 p.m., adjourned until Thursday, June 21, 2007, at 10:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 20, 2007:

DEPARTMENT OF TRANSPORTATION

DAVID JAMES GRIBBIN IV, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.